

RESOLUTION NO. 2767-2004

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004, FOR THE ELECTION OF CITY COUNCILMEMBERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO CONTINUING THE LEVY OF A SPECIAL TAX FOR THE ACQUISITION OF FIRE EQUIPMENT

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 2, 2004, for the election of City Councilmembers; and

WHEREAS, the City Council also desires to submit to the voters a question relating to continuing the levy of a special tax for the acquisition of fire equipment; and

WHEREAS, the City, by separate resolution, will be requesting the Mendocino County Board of Supervisors to consolidate the City's election with the Statewide General Municipal Election.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby resolve, declare, determine and order as follows:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities there is called and ordered to be held in the City of Fort Bragg, California, on Tuesday, November 2, 2004, a General Municipal Election for the purpose of electing two (2) members of the City Council for the full term of four (4) years.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall a tax measure be approved to continue the levy of a special tax in the amount of \$18 per parcel for the acquisition of fire equipment?	Yes	
	No	

SECTION 3. That the full text of the proposed ordinance to be submitted to the voters is attached as Exhibit A (the "Ordinance"). If two-thirds of the qualified voters voting on the Ordinance shall vote in favor therefore, the Ordinance shall be deemed adopted and shall be effective July 1, 2005.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to:

- A. Furnish, distribute and receive all nomination papers;
- B. Receive Candidate's Statements pursuant to Election Code Section 10012;
- C. Receive Code of Fair Campaign Practice Statements;
- D. Receive Disclosure Statements as required.

SECTION 6. That the County Clerk is directed to and shall conduct the election pursuant to the appropriate provisions of State law.

SECTION 7. That the polls for the election shall be open at seven o'clock a.m. of the date of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except provided in Section 14401 of the Elections Code of the State of California.

SECTION 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 10. Ballot Arguments

- A. The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on ~~July 27, 2004~~ July 16, 2004.
- B. The last day for submission of rebuttal arguments for or against the measure shall be 5:00 p.m. on ~~August 6, 2004~~ July 26, 2004.
- C. Direct arguments shall not exceed three hundred words.
- D. Rebuttal arguments shall not exceed two hundred fifty words.
- E. The City Attorney shall prepare an impartial analysis of the Ordinance showing the effect of the Ordinance on the existing law and the operation of the Ordinance. The impartial analysis shall be filed by the date set by the City Clerk for the filing of direct arguments.
- F. Mayor Melo and Councilmember Peters are hereby authorized to prepare a written argument in favor of the proposed ordinance, not to exceed 300 words, on behalf of the City Council. The argument may be signed by the Council as a whole and may also be signed by bona fide associates or by individual voters who are eligible to vote. However, the total number of signatures in support of the ordinance shall not exceed five.
- G. Mayor Melo and Councilmember Peters are hereby authorized to prepare a written rebuttal argument in response to any written argument that is submitted opposing the proposed ordinance, not to exceed 250 words, on behalf of the City Council. The rebuttal may be signed by the Council as a whole and may also be signed by bona fide associates or by individual voters who are eligible to vote. However, the total number of signatures in support of the ordinance shall not exceed five.
- H. Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against the Ordinance, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of the Ordinance to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each

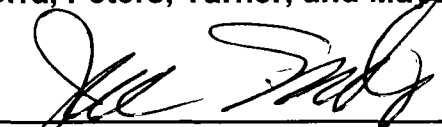
rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

- I. The provisions of Section 9220 of the Elections Code relating to arguments by the legislative body against a proposed Ordinance are hereby deemed inapplicable.

SECTION 11. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

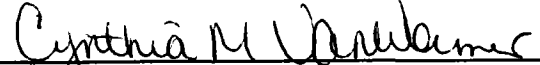
The above and foregoing Resolution was introduced by Councilmember Peters, seconded by Councilmember Baltierra, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 14th day of June, 2004, by the following vote:

AYES:	Councilmembers Gjerde, Baltierra, Peters, Turner, and Mayor Melo.
NOES:	None.
ABSENT:	None.



JERE MELO,
Mayor

ATTEST:



Cynthia M. VanWormer
City Clerk

EXHIBIT "A"

BEFORE THE CITY COUNCIL OF THE CITY OF FORT BRAGG

**AN ORDINANCE CONTINUING
CHAPTER 3.30 OF THE FORT
BRAGG MUNICIPAL CODE
AUTHORIZING THE LEVY OF A
SPECIAL TAX FOR THE
ACQUISITION OF FIRE EQUIPMENT
AND ALLOWING FOR THE
EXPENDITURE OF FUNDS DERIVED
FROM SUCH TAX**

ORDINANCE NO. 844-2004

WHEREAS, Chapter 3.30 ("Fire Equipment Tax Levy and Expenditure") of the Fort Bragg Municipal Code, a measure which was originally passed by two-thirds of the voters voting on the proposition at an election held on Tuesday, November 8, 1983, shall expire with the fiscal year 2004-05 ending June 30, 2005; and

WHEREAS, it is the intent of the Fort Bragg City Council in passing this Ordinance to continue for ten (10) years the measure for Fire Equipment Tax Levy and Expenditure as this tax has raised sufficient funds to undertake a fire equipment acquisition program that has been beneficial in strengthening the fire suppression capabilities of the Fort Bragg Fire Department; and

WHEREAS, if a measure approving the continuation and increase of this tax is passed by two-thirds of the voters voting on the proposition at an election held on Tuesday, November 2, 2004, this Ordinance shall take effect on July 1, 2005.

THE CITY COUNCIL OF THE CITY OF FORT BRAGG DOES ORDAIN AS FOLLOWS:

Section 1. The Fort Bragg Municipal Code Chapter 3.30 is hereby continued and is set forth in its entirety as follows:

"Chapter 3.30

FIRE EQUIPMENT TAX LEVY AND EXPENDITURE

Sections:

- 3.30.010 Authority to adopt measure.
- 3.30.020 Authorization to levy special fire equipment acquisition tax.
- 3.30.030 Tax rate/method of assessment.
- 3.30.040 Collection.
- 3.30.050 Funding and expending proceeds.
- 3.30.060 Increase appropriations limit.
- 3.30.070 Unexpended residue.
- 3.30.080 Severability.
- 3.30.090 Duration, amendment or repeal.

3.30.010 Authority to adopt measure.

This chapter and the tax authorized in this chapter is adopted pursuant to the provisions of Article 3.5 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code (Sections 50075 through 50077.5), and the California Constitution Article XIII(B), Section 4.

3.30.020 Authorization to levy special fire equipment acquisition tax.

In any fiscal year commencing on or after July 1, 2005, the city council shall levy a special tax for such fiscal year on each parcel of real property within the city in the manner provided in this chapter. This special tax shall be in addition to the annual tax rate allowed by law. Revenues derived from such special tax shall be used exclusively for the acquisition of fire equipment for use by the fire department.

3.30.025 Use of tax proceeds and accountability measures.

All proceeds of the tax levied and imposed hereunder shall be accounted for and paid into a special fund or account designated only for the acquisition of fire equipment for use by the fire department. Pursuant to Government Code Section 50075.3, the city treasurer shall file a report with the city council at least once a year stating the amount of funds collected and expended, and the status of the acquisition of fire equipment as authorized by this chapter. This section is intended to satisfy the accountability requirements of Sections 50075.1 and 50075.3 of the Government Code.

3.30.030 Tax rate/method of assessment.

In any fiscal year commencing on or after July 1, 2005, the city council shall, by resolution, fix a special tax upon all parcels within the city in an amount of eighteen dollars per parcel of real property within the city not exempted by law for the purposes of acquisition of fire equipment.

3.30.040 Collection.

The city council may elect to have any special tax authorized under this chapter collected either by the city, or in the alternative, by the tax collector of the county.

3.30.050 Funding and expending proceeds.

Proceeds of any tax levied under this chapter shall be set apart in a special fund and expended only for the purpose of acquisition of fire equipment for use by the fire department, after deducting the costs of the November 2, 2004 Special Election.

3.30.060 Increase appropriations limit.

Pursuant to California Constitution Article XIII(B), the appropriations' limit for the city will be increased by the aggregate sum collected by levy of this special tax in each of the years covered by this chapter.

3.30.070 Unexpended residue.

Unexpended residue of any money raised by the city under this chapter in any fiscal year may only be used in a succeeding year for the purposes stated in this chapter.

3.30.080 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or applications, and to this end the provisions of this chapter are declared to be severable.

3.30.090 Duration, amendment or repeal.

- A. The authorization to levy a tax under this chapter shall expire with the fiscal year 2014-15 ending June 30, 2015. This chapter, or any provision thereof, may only be extended, amended or repealed by approval of two-thirds of the voters voting on the proposition at any initiative or referendum election.
- B. This chapter shall be adopted and go into effect on July 1, 2005 if it is approved by two-thirds of the voters voting on the proposition at an election to be held on Tuesday, November 2, 2004, and if the city council has declared that such measure was approved by two-thirds of the voters voting thereon.

Section 2. It is the intent of the Fort Bragg City Council in passing this Ordinance to continue for ten (10) years the original Fire Equipment Tax Levy and Expenditure Ordinance as approved by a two-third vote of the voters voting on the proposition at an election that was held on Tuesday, November 8, 1983. This tax has raised sufficient funds to undertake a fire equipment acquisition program that has been beneficial and strengthened the fire suppression capabilities of the Fort Bragg Fire Department.

Section 3. This Ordinance shall become effective on July 1, 2005 as a tax measure, subject to its approval by the voters provided herein, and shall be retained on file in the Office of the City Clerk.

Section 4. Within fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause it to be published at least once in a newspaper of general circulation published and circulated in the City of Fort Bragg.

The foregoing Ordinance was introduced by Councilmember Peters at a regular meeting of the City Council of the City of Fort Bragg held on June 14, 2004, and adopted at a regular meeting of the City of Fort Bragg held on June 28, 2004, by the following vote:

**AYES:
NOES:
ABSENT:**

**JERE MELO
Mayor**

ATTEST:

**Cynthia M. VanWormer
City Clerk**

PUBLISH: July 8, 2004.