

RESOLUTION NO. 3709-2014

RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING AND GIVING NOTICE OF A GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014 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 SUBMITTAL OF A QUESTION TO THE VOTERS RELATING TO CONTINUING AND INCREASING THE LEVY OF A SPECIAL TAX FOR THE ACQUISITION OF FIRE EQUIPMENT; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; AND REQUESTING THE SERVICES OF THE REGISTRAR OF VOTERS IN CONDUCTING SAID ELECTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Election shall be held on Tuesday, November 4, 2014 for the election of City Councilmembers; and

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

WHEREAS, on November 6, 1996, the voters of California approved Proposition 218, which added Articles XIIC to the California Constitution, Section 2(c) of which requires that any special tax must be approved by a two-thirds vote of the voters voting on the issue of the imposition of the tax; and

WHEREAS, the City requests the Mendocino County Board of Supervisors to consolidate the City's election with the Gubernatorial General Election.

WHEREAS, based on all of the information presented to the City Council, both written and oral, including the staff reports, minutes, and other relevant materials (hereafter the "Record"), the City Council finds that under CEQA Guidelines 15060(c)(3) and 15378(b)(3), the proposed parcel tax does not constitute a project under CEQA and therefor review under CEQA is not required.

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 – Order Calling for a General Election

A. 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 4, 2014, a General Election for the purpose of electing three (3) members of the City Council for the full term of four (4) years.

B. That the City Council, pursuant to its right and authority, does order submitted to the

voters at the General Election the following question:

To maintain the City's fire suppression capabilities and its program to replace fire trucks and equipment on a schedule that keeps response times low, with positive effects on property owner insurance rates, shall the expiring Fire Equipment Tax Levy be extended for 10 years and the rate increased to \$22 per parcel with all revenue restricted to those local purposes?	Yes	
	No	

C. 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, 2015.

D. The election shall be held and conducted and the votes thereof canvassed and returns thereof made and the results thereof ascertained and determined as provided by law for the holding of municipal elections in the City.

Section 2 – Request for Election Services

A. Pursuant to the requirements of Section 10403 of the California Elections Code, the Mendocino County Board of Supervisors is hereby requested to consent and agree to the consolidation of the City's General Election with the Gubernatorial General Election on Tuesday, November 4, 2014.

B. That the county elections department is authorized to canvass the returns of the General Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

C. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

D. That the City of Fort Bragg recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

E. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Mendocino.

F. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 3 – Designation of Duties

A. The County Clerk, in conducting the City's election is requested to provide the following services:

1. Establish precinct boundaries to coincide with the Gubernatorial General Election;
2. Designate polling places and appoint election officers;
3. Notify election officers of their appointment and instruct inspectors concerning their duties;
4. Hire and pay election officers;

5. Arrange for the availability of polling places and all supplies necessary for casting ballots, and setting up voting booths;
6. Publish lists of precincts, election officers, polling places, and the hours that polls will be open;
7. Verify signatures appearing on candidate's nomination papers;
8. Provide sample ballots to each voter;
9. Receive absentee voter applications; supply absentee voter ballots to applicants; accept absentee voter ballot returns; retain custody of absentee voter ballots; count absentee voter ballots;
10. Provide Certificate of County Clerk as to Result of the Canvass, for approval by the Fort Bragg City Council.

B. The City Clerk in conducting the City's election shall provide the following services:

1. Publish the Notice of Election;
2. Publish Notice of Nominees as required by law;
3. Distribute and receive nomination papers;
4. Receive Candidate's Statement;
5. Receive campaign statements and disclosure statements as required by law;
6. Receive ballot arguments, impartial analysis, and rebuttal arguments.

Section 4 – Ballot Arguments

A. The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on Friday, July 18, 2014.

B. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Monday, July 28, 2014.

C. Direct arguments shall not exceed three hundred (300) words.

D. Rebuttal arguments shall not exceed two hundred fifty (250) 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 5:00 p.m. on July 18, 2014.

F. Pursuant to Elections Code Section 9282(b), Mayor Turner and Councilmember Deitz are hereby authorized to prepare and file 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 representatives of 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. Pursuant to Elections Code Section 9285(a), Mayor Turner and Councilmember Deitz are hereby authorized to prepare and file 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 representatives of 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 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable.

Section 5 – Direction to City Clerk

The City Clerk is directed to forward without delay a certified copy of this resolution to the Board of Supervisors and to the County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Ordinance on the ballot and to cause the Ordinance to be printed. A copy of the Ordinance shall be made available to any voter upon request.


The above and foregoing Resolution was introduced by Councilmember Deitz, seconded by Councilmember Hammerstrom, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9th day of June, 2014, by the following vote:

AYES:	Councilmembers Courtney, Deitz, Hammerstrom, Kraut, and Mayor Turner.
NOES:	None.
ABSENT:	None.
ABSTAIN:	None.



DAVE TURNER,
Mayor

ATTEST:


Cynthia M. VanWormer, MMC
City Clerk

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. 910-2014

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 2014-15 ending June 30, 2015; and

WHEREAS, the City Council wishes to increase the Fire Equipment Tax levy from \$18 to \$22 per parcel; and

WHEREAS, it is the intent of the Fort Bragg City Council in passing this Ordinance to continue for ten (10) years the parcel tax for Fire Equipment Tax Levy and Expenditure. The 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, but additional funds are necessary for the City to able to maintain the fire equipment acquisition program; 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 4, 2014, this Ordinance shall take effect on July 1, 2015.

NOW, THEREFORE, the City Council ordains as follows:

Section 1. The Fort Bragg Municipal Code Chapter 3.30 is hereby amended and restated 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 Cal. Government Code Article 3.5 of Chapter 1 of Part 1 of Division 1 of Title 5 (§§ 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 7-1-2015, the City Council shall levy a special tax for the 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 the 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 Cal. Government Code § 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 Cal. Government Code §§ 50075.1 and 50075.3.

3.30.030 TAX RATE/METHOD OF ASSESSMENT.

In any fiscal year commencing on or after 7-1-2015, the City Council shall, by resolution, fix a special tax upon all parcels within the City in an amount of \$22 per parcel of real property within the City not exempted by law for 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 11-4-2014 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 section, subsection, sentence, clause or phrase of this chapter is for any reason held by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of the chapter.

3.30.090 DURATION, AMENDMENT OR REPEAL.

- A. The authorization to levy a tax under this chapter shall expire with the fiscal year ending 6-30-2025. This chapter, or any provision thereof, may only be amended or repealed by approval of 2/3 of the voters voting on the proposition at any initiative or referendum election.
- B. This chapter shall be adopted and go into effect on 07-01-2015 if it is approved by two-thirds of the voters voting on the proposition at an election to be held on Tuesday, 11-4-2014, and if the City Council has declared that the measure was approved by 2/3 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 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. It is also the intent of the Fort Bragg City Council to increase the levy from \$18 to \$22. 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, 2015 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 Courtney at a regular meeting of the City Council of the City of Fort Bragg held on June 9, 2014, and adopted at a regular meeting of the City of Fort Bragg held on June 23, 2014, by the following vote:

- AYES:**
- NOES:**
- ABSENT:**
- ABSTAIN:**

**Dave Turner,
Mayor**

ATTEST:

**Cynthia M. VanWormer, MMC
City Clerk**

PUBLISH: July 3, 2014.