

RESOLUTION NO. _____ -2018

A RESOLUTION OF THE FORT BRAGG CITY COUNCIL CALLING FOR AND PROVIDING NOTICE OF A MUNICIPAL ELECTION TO SUBMIT TO THE VOTERS A LOCAL BALLOT MEASURE ADOPTING A THREE-EIGHTHS OF A CENT TRANSACTIONS AND USE TAX TO PROVIDE FUNDING FOR LOCAL CITY SERVICES AND EXPENDITURES TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE ADMINISTRATION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AND SETTING DATES FOR ARGUMENTS ON THE MEASURE

WHEREAS, the Revenue and Taxation Code of California section 7285.9 authorizes the City Council of the City of Fort Bragg to levy a transactions and use tax for general purposes, if the ordinance proposing the tax is approved by a two-thirds vote of all members of the City Council and the tax is approved by a majority vote of the qualified voters of the city voting in an election on the issue; and

WHEREAS, the City Council by separate resolution has called and noticed the holding of a general municipal election to be held on Tuesday, November 6, 2018 for the election of three (3) City Councilmembers; and

WHEREAS, a statewide general election is scheduled for November 6, 2018; and

WHEREAS, the City Council deems it financially prudent to reduce the amortization period on the unfunded California Public Employees' Retirement System (CalPERS) liability from thirty (30) years to fifteen (15) years in order to reduce the overall expenditures to the City by an estimated \$4.1 million based on the Annual Valuation Reports as of June 30, 2016, for all City pension plans; and

WHEREAS, a fifteen-year, temporary revenue measure will assist the City in reducing the amortization period on the CalPERS unfunded liability by fifteen years, maintaining current levels of service for public safety and provide for repair and maintenance of the City's infrastructure; and

WHEREAS, the City Council desires to submit to the voters at a General Election to be held on November 6, 2018 a question relating to establishing a three-eighths of a cent transactions and use tax, subject to voter approval, for general purposes; and

WHEREAS, the City by separate resolution has requested that the General Election be consolidated with the Statewide General Election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same, and that the County Election Department of the County of Mendocino canvass the returns of the General Election and that the election be held in all respects as if there were only one election; and

WHEREAS, the Elections Code of the State of California authorizes the City Council by majority vote to adopt provisions to provide for the filing of arguments for city measures submitted at municipal elections;

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

Section 1 – Ballot Measure.

A. That pursuant to 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, a General Election, on Tuesday, November 6, 2018, for the purpose of placing on the ballot a measure to levy a three-eighths of a cent (.375%) transactions and use tax, effective April 1, 2019. The complete text of the proposed ordinance is attached to this Resolution as **Exhibit A** (“General Tax Measure”) and is not to be printed in the voter pamphlet. The full text of the ordinance shall be made available to any voter on request. (Elections Code §§ 9223, 9280) The vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

B. That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Mendocino is hereby requested to consent and agree to the consolidation of a General Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of electing City Councilmembers and the submission of the General Tax Measure to the voters.

C. That the City Council hereby orders the measure to be placed on the ballot in the following form ***[appears on the following page]***:

Measure “ ____ ” APPROVAL OF TRANSACTIONS AND USE TAX

Shall the measure to enact a three-eighths (3/8 th) of a cent general purpose transactions and use tax to maintain essential public safety services, repair and maintain critical infrastructure and reduce the \$9.4 million unfunded pension liability, and providing approximately \$625,000 annually for a limited period of fifteen years be adopted?	YES	
	NO	

D. The City Council hereby directs the City Attorney to prepare an Impartial Analysis of the General Tax Measure in accordance with section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure.

E. That the full text of the General Tax Measure shall not be printed in the Voter Information Pamphlet, but a statement shall appear under the Impartial Analysis informing voters that the information may be obtained from the City Clerk’s office and the City’s website.

F. 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 and the consolidation of municipal elections with other elections.

G. The proposed Ordinance is not subject to CEQA because it is not a “project” pursuant to Public Resource Code section 21065 and section 15378(b)(4) of the CEQA Guidelines; further if the proposed Ordinance were to be found a “project,” it is statutorily exempt from CEQA pursuant to section 15273(a)(1) of the CEQA Guidelines, as the purpose of the transaction and use tax is to meet operating expenses.

Section 2 – Designation of Duties

A. The City Clerk in conducting the City’s election shall provide the following services:

1. Publish the Notice of Election;
2. Receive ballot arguments, impartial analysis, and rebuttal arguments.

Section 3 – Ballot Arguments

A. The last day for submission of direct arguments for or against the ballot measures shall be by 5:00 p.m. on July 16, 2018.

B. The last day for submission of rebuttal arguments for or against the ballot measures shall be by 5:00 p.m. on July 26, 2018.

C. The City Attorney shall prepare an impartial analysis of the ballot measures. The impartial analysis shall be filed by 5:00 p.m. on July 26, 2018.

D. Pursuant to Section 9285 of the Elections Code, when the City Clerk has selected the arguments for and against each measure, which arguments will be printed and distributed to the voters, the City Clerk shall send copies of the arguments in favor of each measure 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.

E. The provisions of Section 9285(a) of the Elections Code relating to arguments are hereby adopted and made applicable.

F. If there is any inconsistency between this Resolution and the schedule of the County Clerk for filing the impartial analysis and the arguments, the schedule of the County Clerk for the County of Mendocino controls.

Section 4 – 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 _____, seconded by Councilmember _____, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 11th day of June, 2018, by the following vote:

**AYES:
NOES:**

**ABSENT:
ABSTAIN:
RECUSED:**

**LINDY PETERS
Mayor**

ATTEST:

**June Lemos, CMC
City Clerk**