



AGENCY:	City Council
MEETING DATE:	June 9, 2014
DEPARTMENT:	City Clerk
PREPARED BY:	C. VanWormer
PRESENTED BY:	C. VanWormer

AGENDA ITEM SUMMARY

TITLE:

RECEIVE REPORT AND CONSIDER (1) ADOPTION OF CITY COUNCIL RESOLUTION 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 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; AND (2) WAIVING THE FIRST READING AND INTRODUCING, BY TITLE ONLY, ORDINANCE 910-2014, AN ORDINANCE AMENDING 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

ISSUE:

Registered voters in the City of Fort Bragg elect five members to the City Council to provide oversight and set policy for the operation of the City, its agencies, programs and services. Councilmembers serve a four-year term with elections being conducted on the first Tuesday of November in each even numbered year. City Councilmember terms are staggered and overlap such that in one election year two City Councilmembers are elected and in the next election year, three members are elected. In November 2014, three seats will be available.

In November 2014, the City Council would also need to place a measure on the ballot regarding extension of the Fire Equipment Tax Levy as provided for in Fort Bragg Municipal Code Chapter 3.30. The measure was last approved by the voters in 2004 and will sunset on June 30, 2015. The Finance and Administration Committee discussed the Fire Equipment Tax at their meeting of April 28, 2014 and recommended increasing the tax to \$22, maintaining the 10-year sunset clause, and keeping the tax restricted to purchase of fire equipment. Fire Chief Orsi attended that meeting and provided input regarding the Fire Engine Replacement Plan.

RECOMMENDED ACTION:

1. Adopt City Council Resolution 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 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; and
2. Waive the first reading and introduce by title only, Ordinance 910-2014, an ordinance amending 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.

ALTERNATIVE ACTION(S):

1. Receive the report and make changes to the resolution prior to adoption and/or changes to the ordinance prior to waiving the first reading and introducing the ordinance.
2. Receive the report and refer the item back to staff for further editing of the resolution and/or ordinance. If the resolution calling the election is not adopted at the June 9 Council meeting, it will need to come back to the Council on June 23 for action in order to meet the election timelines established in the State Elections Code.
3. The Council may choose to only adopt the resolution calling for election of Councilmembers and not take the fire equipment tax to the voters for approval. In that case the parcel tax will sunset on June 30, 2015.

ANALYSIS:

In order to provide an efficient and coordinated election process Countywide, the City of Fort Bragg and each of the other Mendocino County cities “consolidates” its bi-annual elections with the County. The County will be responsible for establishing precinct boundaries, designating polling places, appointing and paying election officers, verifying signatures appearing on candidate nomination papers, providing sample ballots to voters, receiving absentee ballots, canvassing (counting) the ballots and providing certification of the results of the canvass. The City Clerk will be responsible for furnishing and receiving nomination papers, Candidate’s Statements, Code of Fair Campaign Practice Statements and Disclosure Statement. The City Clerk will also be responsible for receiving ballot arguments, impartial analysis and rebuttal arguments.

In addition to adoption of the resolution, if the Council chooses to place the Fire Equipment Tax on the ballot, it will need to waive the reading and introduce the Ordinance amending 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. This Ordinance will then come back for Council adoption on June 23. The procedure is slightly different than that taken for special sales tax measures in that this Ordinance is adopted prior to the election, whereas those Ordinances are not adopted until after the vote of the people. The City Attorney’s office has assured staff that this process can be done either way and since we have previously adopted the Ordinance pertaining to Chapter 3.30 before the election, we felt it would be best to continue that process.

Chapter 3.30 was first added to the Fort Bragg Municipal Code following a successful ballot measure on November 8, 1983. The parcel tax has been extended two times – once at an election held on November 8, 1994 and again by an election held on November 2, 2004. The original parcel tax rate was \$15 which was increased in 2004 to \$18.

The current balance in the Fire Equipment Fund as of April 28 was \$125,739 and it is projected that the City will receive \$44,500 in FY 2014/14 from the parcel tax. The Fire Department has a detailed Engine Replacement Plan that allows them to maintain equipment that meets current standards, which then allows for reduced insurance rates for citizens.

The Finance and Administration Committee discussed this item and recommended increasing the tax from \$18 to \$22 per parcel, keeping its uses restricted to fire equipment, and establishing another ten-year sunset date. Additional information provided to the Finance and Administration Committee is included as Attachment 1; the minutes from the April 28 meeting are included as Attachment 2.

Should the Council decide not to proceed with the Fire Equipment Tax on the November ballot, the Ordinance will not need to be introduced.

FISCAL IMPACT:

The estimated cost to the City to contract with the County to conduct the election is \$8,000. This cost is for both the City Council and the Fire Equipment Tax issues. The Fire Equipment Fund can be used to pay for a portion of the election costs. The cost of the election is shown as a proposed expenditure in the FY 2014-15 Budget.

IMPLEMENTATION/TIMEFRAMES:

If introduced at the June 9 meeting, the Ordinance will come back on June 23, 2014 for adoption. The Ordinance will not become effective until after the November 4, 2014 election and then only if 2/3 of the voters approve the parcel tax extension/increase.

ATTACHMENTS:

1. April 28, 2014 Finance/Administration Committee Report
2. April 28, 2014 Finance/Administration Committee Minutes regarding this item
3. Proposed Resolution
4. Proposed Ordinance

NOTIFICATION:

1. Steve Orsi

City Clerk's Office Use Only

Agency Action	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> Approved as Amended
Resolution No.:	_____	Ordinance No.:	_____
Moved by:	_____	Seconded by:	_____
Vote:	_____		
<input type="checkbox"/> Deferred/Continued to meeting of:	_____		
<input type="checkbox"/> Referred to:	_____		