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HUMBOLDT COUNTY
ELECTIONS



RESOLUTION NO. 1392-2018

A RESOLUTION OF THE CITY OF RIO DELL ESTABLISHING NOVEMBER 6, 2018 AS THE DATE FOR AN ELECTION ON A PROPOSED BALLOT MEASURE AMENDING CHAPTER 3.11 OF THE RIO DELL MUNICIPAL CODE TO EXTEND THE ONE PERCENT (1%) TRANSACTION AND USE TAX FOR GENERAL PURPOSES; REQUESTING THE BOARD OF SUPERVISORS OF HUMBOLDT COUNTY TO CONSOLIDATE SAID ELECTION WITH THE STATEWIDE GENERAL ELECTION; AND DIRECTING THE CITY CLERK TO TAKE ANY AND ALL ACTIONS NECESSARY UNDER LAW TO PREPARE FOR AND CONDUCT THE ELECTION.

WHEREAS, a locally-enacted revenue measure would protect and maintain Rio Dell's services because the money is legally required to stay in the City's community and cannot be taken by the State, thereby providing locally controlled funds for local services; and

WHEREAS, on November 4, 2014, the voters of the City of Rio Dell adopted Ordinance No. 326-2014 (Measure U), approving the imposition of a one-percent transaction and use general tax for general;

WHEREAS, the transaction and use tax approved by the voters on November 4, 2014 is scheduled to expire on December 31, 2019 in accordance with Section 3.11.160 of Chapter 3.11 of the Rio Dell Municipal Code, unless an extension is approved by the voters at an election called for that purpose;

WHEREAS, the City Council desires to extend the transaction and use tax until December 31, 2024;

WHEREAS, the Rio Dell City Council is authorized by California Elections Code Section 9222 to place measures before the voters, and the voters of the City of Rio Dell have the authority under Article XIIC Section 2 of the California Constitution to approve general tax proposals, including extensions of a previously approved tax, by majority vote;

WHEREAS, the City Council of the City of Rio Dell desires and intends to have the qualified voters of the City vote upon the question of whether to adopt the proposed ordinance, a copy of which is attached hereto as Attachment "1" and is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL:

1. Recitals, The foregoing recitals are true and correct and are hereby incorporated by reference.

2. Call Election; Placement of Measure on the Ballot. Pursuant to California Constitution Article XIII C, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Rio Dell hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would extend the currently imposed general transactions and use tax, as authorized by Revenue and Taxation Code Section 7285.9. This measure shall be designated by letter by the Humboldt County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on November 6, 2018, and be held and conducted in the manner prescribed by Elections Code Section 10418.

3. Ballot Language. The question to be presented to the voters is as follows:

Shall the City of Rio Dell continue to impose a one percent (1.0%) transaction and use tax with all proceeds placed in the City's General Fund to be used for any governmental purpose? The tax authorized by this Ordinance is expected to generate \$245,000 in annual revenue and will continue in effect until December 31, 2024.	YES	
	NO	

4. Proposed Ordinance. The ordinance authorizing the general tax to be approved by the voters pursuant to Sections 2 and 3 of the Resolution is as set forth in Attachment 1. The City Council hereby approves the ordinance, and form thereof, and its submission to the voters of the City at the November 6, 2018 election, as required by Revenue and Taxation Code Section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called by the adoption of this resolution. The entire text of the ordinance, attached hereto as Attachment "1", shall be included in the voters' pamphlet. The ordinance specifies that the rate of the transaction and use tax shall continue to be one percent (1.0%) and be administered by the State Board of Equalization.

5. Publication of Measure. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the city of Rio Dell, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

6. Request to Consolidate and Conduct Election and Canvass Returns.

- (a) Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Humboldt is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018, for the purpose of placing the measure set forth in Sections 3 and 4 on the ballot.
- (b) The County of Humboldt Registrar of Voters is authorized to canvass the returns of the municipal 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) The Board of Supervisors is requested to issue instructions to the Humboldt County registrar of voters take any and all steps necessary for the holding of the consolidated election.
- (d) The City of Rio Dell recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County for any costs.

7. Submission of Ballot Argument and Impartial Analysis.

- (a) The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
- (b) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m., August 15, 2018.
- (c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- (d) The City Attorney shall prepare an impartial analysis of the measure by 5:00pm, August 11, 2018.

8. Effective Date. This Resolution shall become effective immediately upon its adoption and the City Clerk is directed to send certified copies of the Resolution to the Humboldt County Board of Supervisors and the Humboldt County Registrar of Voters.

9. CEQA. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines"). The transactions and use (sales) tax to be submitted to the voters is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of

CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, under CEQA Guidelines section 15060, review under CEQA is not required.

PASSED AND ADOPTED by the City Council of the City of Rio Dell,

State of California, on June 5, 2018, by the following vote:

AYES:	Wilson, Johnson, Garnes, Marks and Strahan
NOES:	None
ABSENT:	None
ABSTAIN:	None



Frank Wilson, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above to be a full, true and correct copy of Resolution No. 1392-2018 adopted by the City Council of the City of Rio Dell on June 5, 2018.



Karen Dunham, City Clerk