

## RESOLUTION NO. 4057

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ESTABLISHING NOVEMBER 8, 2016, AS THE DATE FOR A MUNICIPAL ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO EXTEND THE SUNSET DATE ON AN EXISTING ONE QUARTER CENT (0.25%) TRANSACTION AND USE ("SALES") TAX TO MAINTAIN FISCAL STABILITY AND PROTECT ESSENTIAL CITY FACILITIES AND SERVICES, REQUESTING THAT SANTA CRUZ COUNTY ELECTIONS DEPARTMENT PROVIDE CERTAIN SERVICES INCLUDING CONDUCTING THE ELECTION, AND REQUESTING CONSOLIDATION WITH THE GENERAL ELECTION IN THE CITY OF CAPITOLA ON TUESDAY, NOVEMBER 8, 2016**

**WHEREAS**, the City Council has determined that it is in the best interests of the people of the City of Capitola to extend the sunset date of the existing one quarter cent (0.25%) transaction and use ("sales") tax, currently scheduled to expire on December 31, 2017, an additional ten years, to December 31, 2027; and

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the City shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the City shall reimburse the county in full for the services performed upon presentation of a bill to the City; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities may be either completely or partially consolidated; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a city for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition or office to be filled is to appear upon the same ballot as that provided for that statewide election, the city shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, pursuant to Elections Code Section 10418, if consolidated, the consolidated election shall be held and conducted, election boards appointed, voting precincts designated, candidates nominated, ballots printed, polls opened and closed, voter challenges determined, ballots counted and returned, returns canvassed, results declared, certificates of election issued, recounts conducted, election contests presented, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with

the provisions of law regulating the statewide or special election, or the election held pursuant to Election Code Section 1302 or 1303, as applicable.

**WHEREAS**, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

**WHEREAS**, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2016; and

**WHEREAS**, the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Elections Department each a certified copy of this Resolution; and

**WHEREAS**, the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That the City Council of the City of Capitola hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2016, insofar as said elections are to be held in the same territory or in a territory that is in part the same as the territory of the City of Capitola, and hereby requests the Board of Supervisors of the County of Santa Cruz to order such consolidation under Elections Code Sections 10401 and 10403.

**SECTION 2.** That the City Council of the City of Capitola hereby requests the Board of Supervisors to permit the Santa Cruz County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

**SECTION 3.** That the Santa Cruz County Elections Department shall conduct the election for the following Measure to be voted on at the November 8, 2016, election:

Without increasing taxes, shall the City of Capitola extend the 2017 sunset date of its current one-quarter percent sales tax for an additional ten years to protect essential city services and facilities, such as police and emergency safety programs, protect the wharf and beach from storms and rising sea levels and maintain and improve parks, sidewalks and bike lanes with all funds staying local?	Yes	
	No	

**SECTION 4.** That the Santa Cruz County Elections Department is requested to print the measure text exactly as filed or indicated on the filed document in the Voter's Information Pamphlet section of the Sample Ballot for the November 8, 2016, election, attached hereto as Exhibit "A." The cost of the printing and distribution of the measure text will be paid for by the city.

**SECTION 5.** That it is the intent and goal of the City Council, and the City Council hereby encourages future members of the Capitola City Council to support this intent and goal which it cannot bind by adoption of this Resolution, to exercise its discretion to use the revenue from the proposed one quarter cent (0.25%) tax measure to protect essential city services, such as police and emergency safety programs, and to protect and maintain the wharf and

beach from storms and rising sea levels, and maintain and improve parks, sidewalks and bike lanes.

**SECTION 6.** That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and the Finance Director. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments. The Finance Director shall prepare a fiscal analysis of the measure showing the effect of the measure. The fiscal analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

**SECTION 7.** That the City Clerk of the City of Capitola is hereby ordered and directed to cause said proposed ordinance and notice of election to be published and posted in accordance with the provisions of the California State Elections Code.

**SECTION 8.** That the City Clerk is hereby authorized to execute any other documents and to perform all acts necessary to place the Measure on the ballot, including making alterations to the abbreviated text of the Measure in order to comply with the requirements of law and the Santa Cruz County Registrar of Voters.

**I HEREBY CERTIFY** that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 28<sup>th</sup> day of July, 2016, by the following vote:

- AYES:** Council Members Bertrand, Harlan, Norton, Termini, Bottorff, and Mayor Bottorff
- NOES:** None
- ABSENT:** None
- ABSTAIN:** None

Ed Bottorff, Mayor

ATTEST:   
Susan Sneddon, City Clerk

EXHIBIT "A"

Measure to be voted on: Extension of City of Capitola Transactions and Use Tax

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE PEOPLE OF THE CITY OF CAPITOLA  
AMENDING SECTION 16 OF ORDINANCE 880, AS AMENDED BY ORDINANCE NO.  
935, PERTAINING TO THE CITY OF CAPITOLA TRANSACTIONS AND USE TAX  
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

THE PEOPLE OF THE CITY OF CAPITOLA, CALIFORNIA, DO ORDAIN AS  
FOLLOWS:

Section 1. Section 16 of Ordinance 880, as amended by Ordinance No. 935, is hereby  
amended to read as follows.

"Section 16. TERMINATION DATE. The authority to levy the tax imposed by this  
ordinance shall expire December 31, 2027."