



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C16

For the meeting of: July 31, 2018

Date: July 24, 2018

To: Board of Supervisors

From: Kelly Sanders, Clerk/Recorder/Registrar of Voters

KS

Subject: Resolution from the City of Blue Lake Requesting Consolidation of the General Municipal Election with the Statewide General Election to be hold on November 6, 2018.

RECOMMENDATION(S):

That the Board of Supervisors approve the request for consolidation with the condition that the City of Blue Lake reimburse the County for costs incurred pursuant to this request, and notify the Office of Elections of the County to take any and all steps necessary for the holding of the consolidated election.

SOURCE OF FUNDING: City of Blue Lake

DISCUSSION: On May 8, 2018, the Blue Lake City Council passed Resolution No. 1120 for the purpose of putting before the voters a measure relating to the creation of a transient occupancy tax, and for electing certain officers and calling for consolidation of that election with the Statewide General Election to be held on November 6, 2018. The City of Blue Lake is requesting consolidation pursuant to Election Code Section 10403 and agrees to reimburse the County for all costs associated with the consolidated election.

FINANCIAL IMPACT: This item will not impact the General Fund. All funds advanced by the General Fund will be fully reimbursed by the City of Blue Lake. This item meets the Board of Supervisor's Strategic Framework by providing appropriate levels of community service and building interjurisdictional and regional cooperation.

Prepared by Hedgcock

CAO Approval [Signature]

REVIEW: Auditor _____ County Counsel _____ Human Resources _____ Other _____

TYPE OF ITEM:
 Consent
 Departmental
 Public Hearing
 Other

PREVIOUS ACTION/REFERRAL:
Board Order No. _____
Meeting of: _____

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT
Upon motion of Supervisor Fennell Seconded by Supervisor Wilson
Ayes Fennell, Wilson, Bass, Sundberg
Nays
Abstain
Absent Bohn

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: 7/31/18
By: [Signature]
Kathy Hayes, Clerk of the Board

OTHER AGENCY INVOLVEMENT: City of Blue Lake

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion

ATTACHMENTS: Resolution No. 1120

MAY 17 2018

RESOLUTION NO. 1120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BLUE LAKE SUBMITTING TO THE VOTERS AT THE GENERAL ELECTION ON NOVEMBER 6, 2018, A PROPOSED ORDINANCE ADDING SECTION 3.05 TO THE BLUE LAKE MUNICIPAL CODE AND CREATING A TRANSIENT OCCUPANCY TAX OF TEN PERCENT (10%) OF THE RENT PAID BY THE TRANSIENT; 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, the City of Blue Lake does not currently impose a Transient Occupancy Tax within City limits; and

WHEREAS, the Blue Lake City Council desires to propose a Transient Occupancy Tax to be imposed upon the guests of hotels and other transient accommodations located throughout the City, as set forth in the proposed Ordinance; and

WHEREAS, the People of the City of Blue Lake have the authority under Article XIIC Section 2 of the California Constitution to approve general tax proposals such as a Transient Occupancy Tax within the City; and

WHEREAS, pursuant to Article XIIC of the California Constitution and California Government Code section 53721, the proposed Transient Occupancy Tax is a general tax such that an election to approve any increase in such tax must be consolidated with a regularly scheduled general election for members of the governing body of the local government except in cases of emergency declared by a unanimous vote of the governing body; and

WHEREAS, the City Council of the City of Blue Lake intends for the proposed Transient Occupancy Tax to be deposited in the City's General Fund as a general tax; and

WHEREAS, the City Council of the City of Blue Lake 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 Exhibit "A" and is incorporated herein by reference.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Blue Lake as follows:

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 XIIC, Section 2; Government Code Section 53724; and Elections Code Section 9222, the City Council of the City of Blue Lake hereby calls an election at which it shall submit to the qualified voters of the City, a measure that, if approved, would adopt a transient occupancy tax as defined in the proposed ordinance and at the rates imposed therein. 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 Blue Lake adopt an ordinance amending Chapter 3 of the Municipal Code by imposing a ten percent (10%) general tax charged to hotel guests for the privilege of occupancy within the City? The tax imposed by this Ordinance is expected to generate \$19,000 in annual revenue and will continue in effect until later repealed.	YES	
	NO	

4. Proposed Ordinance. The ordinance authorizing the transient occupancy 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, 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 tax shall be ten percent (10%) of rent paid by transients for the privilege of occupancy within a hotel; it specifies that the tax shall be in effect until later repealed. The City shall collect the tax from persons and entities subject to the tax.

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 Blue Lake, 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 Blue Lake 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 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 August 15, 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

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 Blue Lake, State of California, on 8th of May, 2018, by the following vote:

AYES: Daugherty, Ricca, Mackay

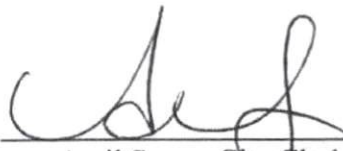
NOES: none

ABSENT: Jones

ABSTAIN: none



Mayor, City of Blue Lake
RV-Tem

Attest: 

April Sousa, City Clerk