

RECEIVED

JUN 23 2022

HUMBOLDT COUNTY
ELECTIONS



*675 Wildwood Avenue
Rio Dell, CA 95562*

June 22, 2022

Kelly Sanders
County Clerk/Registrar of Voters
County of Humboldt
2426 6th Street
Eureka, CA 95501

This letter is to request the Humboldt County Board of Supervisors authorize the County of Humboldt Elections Department to include Rio Dell in the November 8, 2022 General Election for the City Council election and extension of a Local Transactions and Use Tax Measure.

At recent regular City Council meetings, the City Council approved Ordinance No. 394-2022 and Resolution No. 1546-2022 related to the extension/reduction of the City's one percent (1%) Transactions and Use Tax and Resolution No. 1541-2022 requesting the County of Humboldt Elections Department to include Rio Dell in the November 8, 2022 General Election to fill three (3) City Council seats. I have enclosed certified copies of the ordinance and resolutions as required.

If any further information is needed, I may be contacted at (707) 764-3532 or via email at dunhamk@cityofriodell.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Karen Dunham". The signature is written in a cursive style and is positioned above a horizontal line.

Karen Dunham, CMC
City Clerk, City of Rio Dell

cc: **Juan Cervantes, Elections Manager**



RESOLUTION NO. 1541-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION TO FILL THREE CITY COUNCIL SEATS; REQUESTING AND CONSENTING TO CONSOLIDATION OF THE MUNICIPAL ELECTION WITH THE GENERAL ELECTION TO BE HELD ON NOVEMBER 8, 2022; REQUESTING THE SERVICES OF THE HUMBOLDT COUNTY REGISTRAR OF VOTERS; PROVIDING FOR NOTICE OF ELECTION; AND ADOPTING UNIFORM POLICIES PERTAINING TO CANDIDATE STATEMENTS AND FEES

WHEREAS, the term of three (3) members of the City of Rio Dell City Council are due to expire and the positions must be filled; and

WHEREAS, the City Council has ordered a Municipal Election to be held on Tuesday, November 8, 2022 to fill those offices; and

WHEREAS, the California Elections Code Section 10002 and 10400 provides that the local governing body may request the Humboldt County Board of Supervisors to consolidate a general municipal election with the statewide general election; and

WHEREAS, the California Election Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

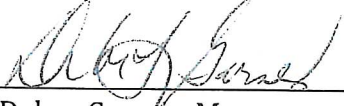
WHEREAS, the California Election Code Section 13307 requires that before the nominating period opens the City Council must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and may determine whether the estimate must be paid in advance; and

WHEREAS, California Elections Code Section 12101 requires the publication of a notice of election; and

WHEREAS, the City Council of the City of Rio Dell is desirous of having the County of Humboldt Elections Department/Registrar of Voters provide certain

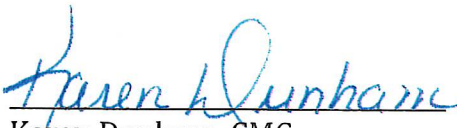
PASSED AND ADOPTED this 7th day of June 2022 by the following vote:

AYES: Garnes, Johnson, Carter, Wilson
NOES: None
ABSTAIN: None
ABSENT: Woodall


Debra Garnes, Mayor

ATTEST:

I, Karen Dunham, City Clerk for the City of Rio Dell, State of California, hereby certify the above and foregoing to be a full, true and correct copy of Resolution No. 1541-2022 adopted by the City Council of the City of Rio Dell on June 7, 2022.


Karen Dunham, CMC
City Clerk, City of Rio Dell



RESOLUTION NO. 1546-2022

A RESOLUTION OF THE CITY COUNCIL OF THE RIO DELL ESTABLISHING NOVEMBER 8, 2022 AS THE DATE FOR AN ELECTION ON A PROPOSED BALLOT MEASURE AMENDING CHAPTER 3.11 OF THE RIO DELL MUNICIPAL CODE TO EXTEND AND REDUCE THE ONE PERCENT (1.0%) TRANSACTION AND USE TAX TO (0.75%) FOR GENERAL PURPOSES, ELIMINATING THE EXPIRATION DATE; 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 AND REPEALING RESOLUTION NO. 1543-2022

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 6, 2018, the voters of the City of Rio Dell adopted Ordinance No. 368-2018 (Measure J), approving the imposition of a one-percent transaction and use general tax for general purposes;

WHEREAS, the transaction and use tax approved by the voters on November 6, 2018 is scheduled to expire on December 31, 2024 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 reduce and extend the transaction and use tax without a termination date;

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 XIIC, 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 8, 2022, 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 transaction and use tax at the reduced rate of (0.75%) after expiration of the currently enacted transaction and use tax (which is at 1.00% and set to expire on December 31, 2024), 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 \$345,000 in annual revenue and, if approved by the voters, will take effect on January 1, 2025, and continue until repealed by the voters.	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 8, 2022 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 be reduced from one percent (1.00%) to (0.75%), effective January 1, 2025, and continue thereafter until repealed by the voters 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 8, 2022, 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.

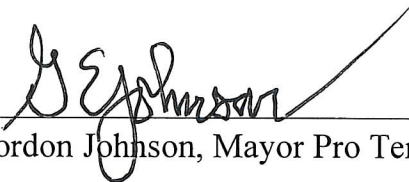
- (a) The submission of ballot arguments for or against the measure shall be conducted pursuant to Election Code sections 9281 through 9287.
- (b) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m., August 19, 2022.
- (c) Direct arguments shall not exceed 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 5:00 pm, August 15, 2022.

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 21, 2022, by the following vote:

AYES: Johnson, Carter Wilson and Woodall
NOES: None
ABSENT: Garnes
ABSTAIN: None


Gordon Johnson, Mayor Pro Tem

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. 1546-2022 adopted by the City Council of the City of Rio Dell on June 21, 2022.


Karen Dunham, City Clerk



ORDINANCE NO. 394-2022

**AN ORDINANCE OF THE CITY COUNCIL OF THE OF RIO DELL
AMENDING CHAPTER 3.11 OF THE RIO DELL MUNICIPAL CODE TO
EXTEND AND REDUCE THE ONE PERCENT (1.00%) TRANSACTION
AND USE TAX TO THREE QUARTERS OF ONE PERCENT (0.75%) FOR
GENERAL PURPOSES WHICH
WILL CONTINUE TO BE ADMINISTERED BY THE STATE
BOARD OF EQUALIZATION**

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

WHEREAS, on November 8, 2018, the voters of the City of Rio Dell adopted Ordinance No. 368-2018 (Measure J), approving the imposition of a one-percent (1.00%) transaction and use tax for general purposes;

WHEREAS, the transaction and use tax approved by the voters on November 8, 2018 is scheduled to expire on December 31, 2024, 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, an extension of the City of Rio Dell's transaction and use tax will be submitted to the voters to eliminate the "Termination Date" of Section 3.11.160 of Chapter 3.11 of the Rio Dell Municipal Code; and

WHEREAS, approval of this Ordinance by the voters of the City of Rio Dell would not raise taxes but would lower the tax from 1.00% to 0.75% effective January 1, 2025, and continue thereafter until repealed by the voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RIO DELL ORDAINS AS FOLLOWS:

Section 1. Authority. The City Council enacts this ordinance in accordance with the authority granted to cities by Article XI, Section 7 of the California Constitution.

Section 2. Amendment. The definition of "termination date" in Chapter 3.11 of the Rio Dell Municipal Code is hereby amended to read as follows:

3.11.160. Termination date.

The authority to levy the tax imposed by this chapter shall have no termination date, unless the Ordinance is extended or repealed by the voters at a subsequent election.

Section 3. Approval by Voters. This Ordinance shall be submitted to the voters at an election to be held on November 8, 2022, and shall take effect only if approved by a majority of the qualified voters voting on the measure. If approved by a majority of the qualified voters of the City of Rio Dell, the Transaction and Use Tax set forth in Chapter 3.11 of the Rio Dell Municipal Code shall be reduced from 1.00% to 0.75% effective January 1, 2025, and shall thereafter continue until subsequently amended or repealed by the voters. The City Clerk is hereby directed to publish this ordinance at least once, within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Rio Dell.

Section 4. Severability. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

PASSED AND ADOPTED by the City Council of the City of Rio Dell, State of California, on June 21, 2022, by the following vote:

AYES: Johnson, Carter, Wilson and Woodall
NOES: None
ABSENT: Garnes
ABSTAIN: None


Gordon Johnson, Mayor Pro Tem

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 Ordinance No. 394-2022 adopted by the City Council of the City of Rio Dell on June 21, 2022.


Karen Dunham, City Clerk