



COUNTY OF HUMBOLDT

AGENDA ITEM NO.
C20

For the meeting of: July 31, 2018

Date: July 11, 2018
To: Board of Supervisors
From: Kelly Sanders, Clerk/Recorder/Registrar of Voters *WS*
Subject: Resolution from the City of Rio Dell Requesting Consolidation of the General Municipal Election with the Statewide General Election to be held on November 6, 2018.

RECOMMENDATION(S):

That the Board of Supervisors approve the request for consolidation with the condition that the City of Rio Dell 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 Rio Dell

DISCUSSION: On June 19, 2018, the Rio Dell City Council passed Resolution 1392-2018 for the purpose of submitting to the voters a measure to extend the transaction and use tax. On July 3, 2018, the Rio Dell City Council passed Resolutions No. 1395-2018 for the purpose of electing certain officers. The City of Rio Dell is requesting consolidation with the Statewide General Election to be held on November 6, 2018, pursuant to Election Code Section 10403 and agrees to reimburse the County for all costs associated with the consolidated election.

Prepared by Judi Hedgpeth

CAO Approval [Signature]

REVIEW: Auditor _____ County Counsel JWE 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

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 Rio Dell. This item meets the Board of Supervisor's Strategic Framework by providing appropriate levels of community service and building interjurisdictional and regional cooperation.

OTHER AGENCY INVOLVEMENT: City of Rio Dell

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion

ATTACHMENTS: Cover letter, Resolution 1392-2018 and Resolution 1395-2018.

JUL 05 2018



675 Wildwood Avenue
Rio Dell, Ca 95562

July 5, 2018


Kathy Hayes
Clerk of the Board
County of Humboldt
825 5th St.
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 6, 2018 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. 368-2018 and Resolution No. 1392-2018 related to the extension of the City's one percent (1%) Transactions and Use Tax and Resolution No. 1395-2018 requesting the County of Humboldt Elections Department to include Rio Dell in the November 6, 2018 General Election. 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,



Karen Dunham, EMC
City Clerk, City of Rio Dell

cc: Kelly Sanders, County Clerk/Registrar of Voters



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.

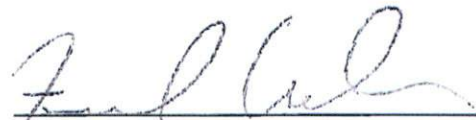
9. CEQA. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 *et seq.*, "CEQA," and 14 Cal. Code Reg. §§ 15000 *et seq.*, "CEQA Guidelines"). The transactions and use (sales) tax to be submitted to the voters is a general tax that can 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



ORDINANCE NO. 368-2018

AN ORDINANCE OF THE CITY OF RIO DELL AMENDING CHAPTER 3.11 OF THE RIO DELL MUNICIPAL CODE TO EXTEND THE ONE PERCENT (1%) TRANSACTION AND USE TAX 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 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 tax for general purposes;

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, an extension of the City of Rio Dell's transaction and use tax will be submitted to the voters to amend the "Termination Date" of Section 3.11.160 of Chapter 3.11 of the Rio Dell Municipal Code to December 31, 2024; and

WHEREAS, approval of this Ordinance by the voters of the City of Rio Dell would not raise taxes but would extend an existing tax.

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 expire on December 31, 2024, 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 6, 2018, and shall take effect only if approved by a majority of the qualified voters voting on the measure. Upon approval 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 re-authorized and extended until December 31, 2024. 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 19, 2018, by the following vote:

AYES: Wilson, Johnson, Marks and Strahan
NOES: None
ABSENT: Garnes
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 Ordinance No. 368-2018 introduced by the City Council of the City of Rio Dell on June 5, 2018, and approved and adopted on June 19, 2018.


Karen Dunham, City Clerk



RESOLUTION NO. 1395-2018

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 6, 2018; 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 6, 2018 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

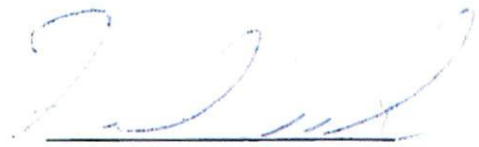
WHEREAS, the City Council of the City of Rio Dell is desirous of having the County of Humboldt Elections Department/Registrar of Voters provide certain services for the conduct of the general election to include the Rio Dell City Council election to be held on November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIO DELL, CALIFORNIA that an election be held in accordance with the following specifications:

1. The City Council hereby calls for a general municipal election in and for the City of Rio Dell. The Election shall be held on Tuesday, November 6, 2018. The purpose of the election is to choose successors for the three (3) expired 4-year terms on the Rio Dell City Council.
2. The Rio Dell City Council hereby requests and consents to the consolidation of this election with the statewide general election to be held on November 6, 2018.
3. The City Council hereby requests the Humboldt County Board of Supervisors to authorize the County of Humboldt Elections Department to conduct the general election to include the City Council election for the City of Rio Dell on November 6, 2018, including the publishing of all election materials, the mailing of sample ballots, the hiring of election officers, and the counting of ballots with the tally turned into the City Clerk of the City of Rio Dell for announcement of the results of the election.
4. The City hereby designates the hours of the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.
5. The City agrees to reimburse the County for the actual costs incurred in conducting the election upon receipt of a bill stating the amount due as determined by the election official.
6. The City Council has determined that upon submittal of a Candidate's Statement to be printed in the sample ballot, that the candidate is responsible for the total cost for that printing as determined by the Humboldt County Election's Department; and that all costs are due and payable upon receipt of an invoice from the Election's Department to the City of Rio Dell. The Candidate's Statement is a voluntary statement and is limited to 200 words.
7. The City Clerk is hereby authorized and directed to publish a Notice of Election at the appropriate time, no earlier than July 2, 2018 and no later than July 16, 2018.
8. Upon passage of this resolution, the City Clerk is hereby directed to send a certified copy to the County Board of Supervisors and Humboldt County Elections/Registrar of Voters.

PASSED AND ADOPTED this 3rd day of July 2018 by the following vote:


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



Frank Wilson, 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. 1395-2018 adopted by the City Council of the City of Rio Dell on July 3, 2018.



Karen Dunham, CMC
City Clerk, City of Rio Dell