



COUNTY OF HUMBOLDT

AGENDA ITEM NO.

C-3

For the meeting of: August 18, 2015

Date: July 29, 2015
To: Board of Supervisors
From: Supervisor Rex Bohn
Subject: Resolutions from the City of Ferndale Requesting Consolidation with the General Municipal Election to be Held on November 3, 2015, and Calling for Submission to the Electorate a Ballot Measure Question Relating to the Transient Occupancy Tax (TOT).

RECOMMENDATION(S): That the Board of Supervisors approve the request for election consolidation with the condition that the City of Ferndale reimburse the County for costs incurred pursuant to this request, and request the Clerk of the Board forward the signed Board Order and copies of the City of Ferndale Resolutions # 2015-24, #2015-25, # 2015-26, and #2015-27 to the Humboldt County Elections Department.

SOURCE OF FUNDING: City of Ferndale.

DISCUSSION: On August 10, 2015 the Ferndale City Council unanimously passed Resolutions # 2015-24, #2015-25, # 2015-26, and #2015-27 requesting the Board of Supervisors approve the consolidation of their General Municipal Election with Humboldt County's General Election to be held on November 3, 2015, and calling for submission to the electorate for consideration a ballot measure question relating to the Transient Occupancy Tax (TOT).

FINANCIAL IMPACT: N/A

OTHER AGENCY INVOLVEMENT: City of Ferndale.

ALTERNATIVES TO STAFF RECOMMENDATIONS: Board discretion.

ATTACHMENTS: Resolutions # 2015-24, #2015-25, # 2015-26, and #2015-27.

Prepared by	Kathy Hayes	Signature	
REVIEW:			
Auditor	County Counsel	Personnel	Risk Manager
			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 Lovelace Seconded by Supervisor Sundberg

Ayes Sundberg, Lovelace, Fennell, Bohn, Bass

Nays
Abstain
Absent

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

Dated: Aug. 18, 2015

By: Kathy Hayes
Kathy Hayes, Clerk of the Board

RESOLUTION NO. 2015-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE REQUESTING
A CONSOLIDATED ELECTION

WHEREAS, the City of Ferndale would like to put a question out to the voters regarding the Transient Occupancy Tax; and

WHEREAS, state law permits consolidation of a municipal election with County elections; and

WHEREAS, the City of Ferndale wants to be fiscally prudent and save money by consolidating the election with the County of Humboldt.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Ferndale that the County of Humboldt is requested to hold a consolidated election to present voters with a question regarding Transient Occupancy Tax.

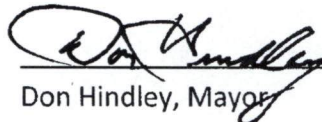
PASSED AND ADOPTED by the City Council of the City of Ferndale on August 10, 2015, on a motion by SWEENEY and seconded by BROWER by the following vote:

Ayes: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN

Noes: X

Abstain: X

Absent: X


Don Hindley, Mayor

Attest:


Jennifer Church, City Clerk

RESOLUTION NO. 2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, FOR THE SUBMISSION TO THE VOTERS A BALLOT MEASURE QUESTION RELATING TO THE TRANSIENT OCCUPANCY TAX.

WHEREAS, under the provisions of the General Law of the City of Ferndale and of the Elections Code of the State of California, a General Municipal Election shall be held on Tuesday, November 3, 2015; and

WHEREAS, the Ferndale City Council desires to submit to the voters a question relating to amendment of pertinent sections of the Ferndale Municipal Code pertaining to the Transient Occupancy Tax; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the General Law of the City of Ferndale and the Election Code of the State of California, there is called and ordered to be held in the City of Ferndale, California, on Tuesday, November 3, 2015 a General Municipal Election for the purpose of submitting to the voters a ballot measure relating to the Transient Occupancy Tax.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

SECTION 3. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the polls for the election shall be open at seven o'clock A.M. of the day of the election and shall remain open continuously from that time until eight o'clock P.M. if the same day when the polls shall be closed, pursuant to Elections Code 10242, except as provided in 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

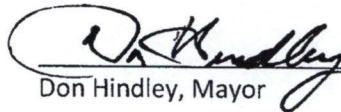
Passed, approved and adopted by the City Council of the City of Ferndale, County of Humboldt, State of California, on the 10 day of August, 2015, by the following vote:

Ayes: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN


Noes: ☒

Abstain: ☒

Absent: ☒


Don Hindley, Mayor

Attest:


Jennifer Church, City Clerk

RESOLUTION NO. 2015-26

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A
CITY BALLOT MEASURE AND DIRECTING THE CITY ATTORNEY TO
PREPARE AN IMPARTIAL ANALYSIS.**

WHEREAS, a General Municipal Election is to be held in the City of Ferndale, California, on November 3, 2015, at which there will be submitted to the voters the following ballot measure question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

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

SECTION 1. That the City Council authorizes all members of the City Council to file a written argument in favor of the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

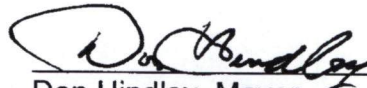
Arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the *Form of Statement To Be Filed By Author(s) of Argument (Attachment A)*.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected. 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. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.


SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN
NOES: 0
ABSENT: 0


Don Hindley, Mayor

ATTEST:


Jennifer Church, City Clerk

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with Section 9200) of the California Elections Code shall be accompanied by the following form statement to be signed by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure/proposition _____ at the General Election for the City of Ferndale to be held on November 3, 2015 hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Sign Name	Print Name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

Attachment A

RESOLUTION NO. 2015-27

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE,
CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.**

WHEREAS, Sections 9220 and 9285 of the Elections Code of the State of California authorize the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

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

SECTION 1. That pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of the argument in favor of the measure to the authors of any argument against the measure, and a copy of the argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five persons.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments.

The rebuttal arguments shall be accompanied by the *Form of Statement To Be Filed By Authors(s) of Argument (Attachment A)*.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1, shall apply at the next ensuing municipal election and at each municipal election after that time.

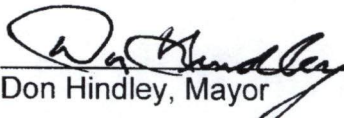
SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN

NOES: 0

ABSENT: 0


Don Hindley, Mayor

ATTEST:


Jennifer Church, City Clerk

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with Section 9200) of the California Elections Code shall be accompanied by the following form statement to be signed by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure/proposition ____ at the General Election for the City of Ferndale to be held on November 3, 2015 hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Sign Name	Print Name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

Attachment A

RESOLUTION NO. 2015-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE REQUESTING
A CONSOLIDATED ELECTION**

WHEREAS, the City of Ferndale would like to put a question out to the voters regarding the Transient Occupancy Tax; and

WHEREAS, state law permits consolidation of a municipal election with County elections; and

WHEREAS, the City of Ferndale wants to be fiscally prudent and save money by consolidating the election with the County of Humboldt.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Ferndale that the County of Humboldt is requested to hold a consolidated election to present voters with a question regarding Transient Occupancy Tax.

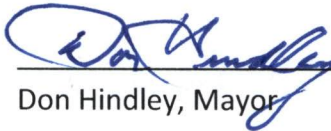
PASSED AND ADOPTED by the City Council of the City of Ferndale on August 10, 2015, on a motion by SWEENEY and seconded by BROWER by the following vote:

Ayes: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN


Noes: X

Abstain: X

Absent: X


Don Hindley, Mayor

Attest:


Jennifer Church, City Clerk

RESOLUTION NO. 2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, FOR THE SUBMISSION TO THE VOTERS A BALLOT MEASURE QUESTION RELATING TO THE TRANSIENT OCCUPANCY TAX.

WHEREAS, under the provisions of the General Law of the City of Ferndale and of the Elections Code of the State of California, a General Municipal Election shall be held on Tuesday, November 3, 2015; and

WHEREAS, the Ferndale City Council desires to submit to the voters a question relating to amendment of pertinent sections of the Ferndale Municipal Code pertaining to the Transient Occupancy Tax; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the General Law of the City of Ferndale and the Election Code of the State of California, there is called and ordered to be held in the City of Ferndale, California, on Tuesday, November 3, 2015 a General Municipal Election for the purpose of submitting to the voters a ballot measure relating to the Transient Occupancy Tax.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

SECTION 3. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the polls for the election shall be open at seven o'clock A.M. of the day of the election and shall remain open continuously from that time until eight o'clock P.M. if the same day when the polls shall be closed, pursuant to Elections Code 10242, except as provided in 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


Passed, approved and adopted by the City Council of the City of Ferndale, County of Humboldt, State of California, on the 10 day of August, 2015, by the following vote:

Ayes: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN


Noes: 0

Abstain: 0

Absent: 0


Don Hindley, Mayor

Attest:


Jennifer Church, City Clerk

RESOLUTION NO. 2015-26

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY BALLOT MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a General Municipal Election is to be held in the City of Ferndale, California, on November 3, 2015, at which there will be submitted to the voters the following ballot measure question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

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

SECTION 1. That the City Council authorizes all members of the City Council to file a written argument in favor of the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

Arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the *Form of Statement To Be Filed By Author(s) of Argument (Attachment A)*.

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SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN
NOES: ☒
ABSENT: ☒

ATTEST:


Don Hindley, Mayor


Jennifer Church, City Clerk

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with Section 9200) of the California Elections Code shall be accompanied by the following form statement to be signed by each proponent, and by each author, if different, of the argument:

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Sign Name

Print Name

Date

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

Attachment A

RESOLUTION NO. 2015-27

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE,
CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.**

WHEREAS, Sections 9220 and 9285 of the Elections Code of the State of California authorize the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS
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The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments.

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SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1, shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES: SWEENEY, BROWER, HINDLEY, MIERZWA, BROWN
NOES: ☒
ABSENT: ☒

ATTEST:


Don Hindley, Mayor


Jennifer Church, City Clerk

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENTS

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Sign Name

Print Name

Date

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

Attachment A