

RESOLUTION NUMBER: XXXX-2024

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL, CALIFORNIA CALLING FOR THE PLACEMENT OF A GENERAL TAX MEASURE ON THE BALLOT FOR THE NOVEMBER 5, 2024 GENERAL MUNICIPAL ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF AN ORDINANCE TO ENACT A GENERAL TRANSACTIONS AND USE TAX (SALES TAX) AT THE RATE OF XXXXX; AND REQUESTING THAT THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, the City of Sebastopol (“City”) faces major long-term budget challenges within the General Fund, which supports most City functions including police, fire, road repair, maintenance of parks and facilities, support for non-profits, and administrative functions; and

WHEREAS, balancing the City’s annual operating and capital budget has become increasingly challenging given the slow growth of tax revenues and substantial increases in staff, services, contracts, insurance, and many other expenses due to high inflation in recent years; and

WHEREAS, addressing the budget challenges will require a mix of strategies, including reducing expenses and increasing revenue; and

WHEREAS, the City has taken several cost-cutting measures to address the long-term structural deficit, and the City’s adopted FY 24-25 budget includes substantial reductions; and

WHEREAS, failure of the City to increase revenue will result in additional cuts and impact the City’s ability to provide essential services; and

WHEREAS, additional local revenue is needed to maintain public safety response, fire protection, emergency preparedness, safe roads and streets maintenance, City parks/trails, the library, youth and senior services, as well as other services; and

WHEREAS, the City authorized to levy a Transactions and Use Tax (“Sales Tax”) for general purposes pursuant to California Revenue and Taxation Code section 7285.9 and 7292.8, subject to approval by a majority vote of the electorate pursuant to Article XIIC, section 2 of the California Constitution; and

WHEREAS, pursuant to California Elections Code section 9222, the City Council has authority to place local measures on the ballot to be considered at a Municipal Election; and

WHEREAS, the City Council would like to submit to the voters at the November 5, 2024 General Municipal Election a measure to adopt an additional local Sales Tax at the xxx cent rate until ended by the voters; and

WHEREAS, of the ½ cent proposed Sales Tax, the City is authorized to enact a ¼ cent Sales Tax pursuant to Revenue and Taxation Code sections 7285.9 and 7251.1, and enact an additional ¼ cent Sales Tax pursuant to Revenue and Taxation Code section 7292.8; and

WHEREAS, the proposed sales tax is a general tax, the revenue of which will be placed in the City's General Fund and will be used to pay for general City services; and

WHEREAS, California Constitution, Article XIII C, section 2(b) requires that all general taxes which are imposed, extended or increased must be submitted to the electorate, consolidated with a regularly scheduled general election for members of the governing body of the local government, and approved by a majority vote of the qualified electors voting in the election; and

WHEREAS, the next regularly scheduled general election at which City Council members will be elected is November 5, 2024; and

WHEREAS, pursuant to Revenue and Taxation Code section 7285.9, a two-thirds (2/3) vote of all members of the City Council is required to place the Measure on the November 5, 2024 ballot; and

WHEREAS, the ordinance to be considered by the qualified voters and the terms of approval, collection and use of the general sales tax are described and provided for in the ordinance attached hereto as Exhibit "A" and by this reference made an operative part hereof, in accordance with all applicable laws.

WHEREAS, the City Council desires that the proposed Measure be consolidated with the November 5, 2024 general election, to be held on the same date, and that within the City, the polling places and election officers of the two elections be the same, and that the Sonoma County Election Department canvass the returns of the general election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SEBASTOPOL:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2. The City Council is authorized to present a measure to the voters for their consideration pursuant to Elections Code Section 9222 and Government Code Section 53724.

Section 3. 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 Sebastopol hereby calls an election at which it shall submit to the qualified voters of the City, the City of Sebastopol Public Safety, Roads, City Services Measure Transactions and Use Tax Ordinance ("Ordinance"), which if approved, such tax measure would adopt a XXXX cent general transactions and use (sales) tax, as authorized by Revenue and Taxation Code sections 7285.9 and 7292.8. This measure shall be designated by letter by the Sonoma County Registrar of Voters. Pursuant to

Election Code Section 10400 *et.seq.*, the election for this measure shall be consolidated with the general election to be conducted on November 5, 2024.

Section 4. The City Council does hereby submit for adoption by the qualified voters of the City of Sebastopol at the General Municipal Election of November 5, 2024, the following question:

<p>Sebastopol Public Safety, Roads, City Services Measure: To maintain Sebastopol's City services such as 911 emergency medical/police/fire response, fire protection, wildfire/emergency preparedness, maintenance of streets/roads, parks/trails, library, youth and senior services, retaining/attracting local businesses; and for general government use, shall the measure establishing a xxx cent sales tax generating approximately \$XXXX annually until ended by voters, requiring audits, public spending disclosure, and-all funds used locally, be adopted?</p>	YES	
	NO	

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the "Measure") hereto. If a simple majority of the qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted and shall be in full force and effect ten (10) days after the date the vote is declared by the City Council of the City of Sebastopol. The City Council hereby approves the Measure, attached as Exhibit A, the form thereof, and its submission to the voters of Sebastopol at the November 5, 2024 election.

Section 6. The Board of Supervisors of Sonoma County is hereby requested to order the Sonoma County Registrar of Voters to provide such services as may be necessary to properly and lawfully hold and conduct a Consolidated General Municipal Election in the City on November 5, 2024, pursuant to this Resolution, including but not restricted to the providing and printing of ballots and polling place cards, election supplies, voting booths, flags, registration lists and any other materials and services required to lawfully conduct the election. The City recognizes that additional costs will be incurred by the County by reason of this Consolidated General Municipal Election, and the City agrees to reimburse the County based on the County's established rates. This request is made pursuant to California Elections Code Sections 10002 and 10403.

Section 7. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Sonoma County and the Registrar of Voters of Sonoma County.

Section 8. Unless otherwise specified in this Resolution, the General Municipal Election shall be held and conducted as provided by law for holding municipal elections.

Section 9.

(a) The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on August 6, 2024.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 16, 2024.

(c) Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.

(d) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.

(e) Pursuant to California Elections Code Section 9282, the City Council is hereby authorized to designate, by motion, up to two Council Members to submit a written argument in favor of the proposed measure, not to exceed three hundred (300) words, on behalf of the City Council. At the designated Council Members' discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the designated Council Members are also authorized to submit a rebuttal argument on behalf of the City Council, which may also be signed by bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

(f) Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by August 16, 2024.

(g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.

Section 10. (a) The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Sonoma County and the Sonoma County Elections Department. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause a synopsis of the Measure attached as Exhibit A to be published once in a newspaper of general circulation in accordance with California Elections Code Section 12111 and California Government Code Section 6061. A copy of the Measure shall be made available to any voter upon request. The City Clerk is authorized and directed to give further additional notice of the Measure in the time, form, and manner required by law.

(b) In all particulars not recited in this Resolution, and except as provided for in Elections Code Sections 10403 and 10418, the election shall be held and conducted as provided by law for holding municipal elections.

Section 11. The City Manager, City Attorney and City Clerk are authorized to make all approvals, expend funds, enter into any agreements, and take any and all actions necessary or appropriate to carry out and implement the terms of this Resolution and to administer the City’s obligations, responsibilities and duties to be performed herein.

Section 12. The jurisdictional boundaries of the City of Sebastopol have not changed since the last general municipal election.

Section 13. 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 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. Accordingly, 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 either such effect, the City would undertake the required CEQA review for that particular project.

Section 14. This Resolution shall become effective upon its adoption.

Section 15. The City Clerk shall certify to the adoption of this Resolution.

IN COUNCIL DULY APPROVED AND ADOPTED this 16th day of July, 2024.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by City of Sebastopol City Council following a roll call vote.

City of Sebastopol Council:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

MAYOR:

Diana Gardner Rich, Mayor, City of Sebastopol

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO CONTENT:

Don Schwartz, City Manager

APPROVED AS TO FORM:

City Attorney