

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO CALLING AND GIVING NOTICE OF THE HOLDING OF AN ELECTION TO BE HELD ON NOVEMBER 4, 2014 AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN CONSOLIDATE SAID ELECTION; AND AUTHORIZE THE CITY CLERK OR DULY AUTHORIZED OFFICERS AND AGENTS TO CARRY OUT ALL NECESSARY PROCEDURES FOR SAID ELECTION SUBMITTING TO THE VOTERS A ONE-HALF CENT (½¢) TRANSACTIONS AND USE (SALES) TAX MEASURE FOR GENERAL PURPOSES TO THE QUALIFIED VOTERS OF THE CITY AND SETTING THE BALLOT LANGUAGE**

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**WHEREAS**, Article XIII C, Section 2 of the California Constitution authorizes a city to impose a general tax if approved by a majority vote of the qualified electors; and

**WHEREAS**, Part 1.6 (commencing with Section 7251) of Division 2 of the California Revenue and Taxation Code, and Section 7285.9 of the California Revenue and Taxation Code, authorizes a city to adopt a transactions and use (sales) tax ordinance, which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose; and

**WHEREAS**, with tens of thousands of tourists coming to Sausalito each year to shop, this measure ensures that out-of-towners pay their fair share for the strain they place on local services including road and sidewalk maintenance, parks, police and other services they use when they visit our city; and

**WHEREAS**, this measure will not be applied to food purchased as groceries or prescription medication, including prescription medications delivered through the mail, limiting its impact on Sausalito residents; and

**WHEREAS**, no reliable sources of revenue exist to address Sausalito's critical infrastructure and service needs and maintain the City's long-term financial viability; and

**WHEREAS**, Sausalito's storm drains are 80 years old and many are completely deteriorated and rusted through, which allows pollutants, garbage and plastics to spill over into the Bay, and the City needs additional funds to make vital storm drain upgrades to protect water quality and avoid expensive fines and harming the environment; and

**WHEREAS**, many of Sausalito's neighborhood streets and roads are not only deteriorating and riddled with cracks, but are also on steep hillsides, and while the city has made major improvements to a number of streets, we need additional funds to address the concrete streets that are in the worst condition and cost up to five times as much to fix so that we eliminate these hazardous road conditions; and

**WHEREAS**, Sacramento money grabs continually threaten funding for local services, impacting our quality of life, and this measure ensures that our City has a

guaranteed source of local funding that cannot be taken by Sacramento and requires that our tax dollars are spent locally for Sausalito residents; and

**WHEREAS**, funds from this measure are subject to strict fiscal accountability and transparency provisions, including annual independent audits and publishing of expenditure reports to ensure funds are spent efficiently and effectively; and

**WHEREAS**, the City Council of the City of Sausalito desires to submit the ordinance attached hereto as Exhibit A containing a ballot measure to adopt a one-half cent (½¢) transactions and use (sales) tax to be used exclusively for general purposes to the qualified voters of the City of Sausalito at the election to be held in the City on November 4, 2014; and

**WHEREAS**, it is desirable that the election be consolidated with the statewide election to be held on the same date and that within the City, the precincts, polling places, and election officers of the two elections to be the same; and

**WHEREAS**, it is desirable that the County Election Department of County of Marin canvass the returns and that the election be handled in all respects as if there were only one election.

**NOW, THEREFORE**, the City Council of the City of Sausalito does hereby resolve as follows:

**Section 1.** That the foregoing recitals are true and correct and are hereby incorporated by reference.

**Section 2.** That pursuant to California Constitution Article XIIC, Section 2; Government Code section 53724; and Elections Code section 9222, the City Council of the City of Sausalito hereby calls and orders an election at which it shall submit to the qualified voters of the City a ballot measure which if approved would adopt a temporary general transactions and use tax, as authorized by Revenue and Taxation Code section 7285.9.

**Section 3.** That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Marin is hereby requested to consent and agree to the consolidation of said election.

**Section 4.** That the City Council, pursuant to its rights and authority, does order submitted to the voters at the November 4, 2014 election the following question:

<p><b>City of Sausalito Essential Services Measure.</b> To maintain the City's long-term financial viability and improve local quality of life and essential services including storm drain repairs to protect the Bay, street/sidewalk maintenance, pothole repair, parks, landscape maintenance, youth/senior programs, library hours/services, disabled access, public safety, and other general services shall the City of Sausalito enact a half cent sales tax for 10 years, requiring independent financial audits/public review, with all funds remaining in Sausalito?</p>	Yes	
	No	

**Section 5.** This question requires the approval of a majority of those casting votes. The text of the proposed ordinance to be submitted to the voters is attached hereto as Exhibit A. The City Council hereby approves the ordinance, the form thereof, and its submission to the voters of the City.

**Section 6.** Pursuant to California Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney who shall prepare an impartial analysis of the measure in accordance with said Section 9280.

**Section 7.** Arguments for and against said measure may be filed in accordance with applicable provisions of the law. Pursuant to Section 9285 of the California Elections Code, (the provisions of which are hereby adopted), 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. The rebuttal arguments shall be filed with the City Clerk not more than ten (10) days after the final date for filing direct arguments. 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. The text of the measure shall be printed on the ballot in the voter information portion of the sample ballot.

**Section 8.** That the County Election Department is authorized to canvass the returns of said 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.

**Section 9.** That the Marin County Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

**Section 10.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**Section 11.** That the polls for the election shall be open at 7:00 a.m. of the election and shall remain open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided Elections Code section 14401.

**Section 12.** 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 13.** That notice of the time and place of holding the election is hereby 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 14.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Marin County Board of Supervisors and the Election Department of the County of Marin.

**Section 15.** The approval of this resolution is exempt from the California Environmental Quality Act ("CEQA") as it is not a qualifying project pursuant to CEQA Guidelines section 15378(b)(4).

**Section 16.** This resolution shall take effect immediately.

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Sausalito on this 22<sup>nd</sup> day of July, 2014 by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSTAIN: Councilmembers:

ABSENT: Councilmembers:

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MAYOR OF THE CITY OF SAUSALITO

ATTEST:

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Debbie Pagliaro, City Clerk