

**RESOLUTION NO. 5536**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAUSALITO CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2015 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 MEASURE TO APPROVE THE LEASE OF THE MLK SCHOOL SITE TO THE SAUSALITO FINANCING AUTHORITY FOR THE PURPOSE OF GENERATING REVENUE (WITH NO TAX RATE INCREASE TO VOTERS) FOR LOCAL PARK UPGRADES AND IMPROVEMENTS AND SETTING THE BALLOT LANGUAGE**

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**WHEREAS**, on December 16, 1997, the City Council adopted an initiative Ordinance No. 1128 regulating the sale, lease, or disposition of Plaza Vina del Mar, Gabrielson Park, the Martin Luther King site and Parking Lots 1, 2, 3 and 4; and

**WHEREAS**, the intention of Ordinance No. 1128 is that the City seek voter approval for certain activities related to the Martin Luther King property"; and

**WHEREAS**, City of Sausalito constituents have long expressed community interest in safe, up-to-date and properly maintained parks and open space; and

**WHEREAS**, the City and park users have identified significant improvements needed on the Martin Luther King (MLK) campus and Robin Sweeny, Southview and Dunphy Parks to bring these well-used assets to today's safety codes and standards, improve pathways, restrooms, wetlands, play courts and natural areas among other needs; and

**WHEREAS**, the City seeks to address these significant infrastructure needs now—without imposing any tax increase on local voters -- while interest rates are low and before projects become more expensive in the future; and

**WHEREAS**, the use of certificates of participation are a commonly used public funding mechanism used by scores of California cities and other public agencies to fund projects such as but not limited to, site improvements, roofing, exterior enclosure, plumbing, electrical systems and equipment upgrades; and

**WHEREAS**, the City's independent fiscal experts have recommended use of this funding mechanism, secured by revenue from the MLK site as the most prudent manner of funding these park and recreation improvements; and

**WHEREAS**, to keep costs of a Special Election down, it is desirable that any ballot measure seeking voter approval for such use 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 on November 3, 2015.

**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 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 approve the Lease of the MLK School Site to the Sausalito Financing Authority and the use of revenues from the MLK School Site to pay off the Certificates of Participation

**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 3, 2015 election the following question:

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| <p><b>City of Sausalito No-Tax-Increase Park Improvement/Safety Measure.</b> To bring Robin Sweeny Park, Southview Park, Dunphy Park and the MLK site to current health/safety standards; repair unsafe children’s playground equipment, upgrade safety lighting, pathways and play courts; add needed restrooms; restore wetlands/natural areas, shall the City of Sausalito enter into an agreement with the Sausalito Financing Authority and permit revenue from the MLK site to be used as revenue financing, with no increase in taxes?</p> | Yes |  |
|   | No  |  |

**Section 5.** That the vote requirement for the measure to pass is a majority (50% +1) of the votes cast.

**Section 6.** That 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.** That arguments for and against said measure may be filed in accordance with applicable provisions of the law. That the Council does not authorize the Council as a body or any individual member of the Council to file a written argument or any rebuttal argument for or against the measure. The City Clerk shall consider other arguments and rebuttal arguments filed by bona fide associations or individual residents who are eligible to vote in accordance with Elections Code Sections 9282, 9285 and 9287. 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 special meeting of the City Council of the City of Sausalito on this 4th day of August, 2015 by the following vote:

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| AYES:    | Councilmembers: | Weiner, Pfeifer, Withy, Hoffman, Mayor Theodores |
| NOES:    | Councilmembers: | None   |
| ABSTAIN: | Councilmembers: | None   |
| ABSENT:  | Councilmembers: | None   |

  
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MAYOR OF THE CITY OF SAUSALITO

ATTEST:

  
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DEPUTY CITY CLERK