

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA ADOPTING THE ARGUMENT IN FAVOR OF THE CITY'S TRANSACTIONS AND USE TAX MEASURE PLACED ON THE BALLOT BY RESOLUTION 4385, RELEASING THE RIGHT TO DRAFT THE REBUTTAL ARGUMENT IN FAVOR OF THE CITY'S TRANSACTIONS AND USE TAX MEASURE TO IDENTIFIED INDIVIDUALS AND AMENDING SECTION 6 OF RESOLUTION 4385 REGARDING THE DEADLINE FOR SUBMISSION OF ARGUMENTS FOR AND AGAINST THE CITY'S TRANSACTIONS AND USE TAX MEASURE

WHEREAS, on June 27, 2024, the City Council of the City of Capitola adopted Resolution No. 4384 calling a municipal election in the City and requesting the County of Santa Cruz Department of Elections conduct the election and consolidate Capitola's municipal election with the general statewide election to be held on November 5, 2024; and

WHEREAS, on June 27, 2024, the City Council also adopted Resolution No. 4385, calling for an election and submitting to the qualified voters of the City of Capitola a ballot measure to increase and extend the City's existing Transactions and Use Tax ("Tax Measure") pursuant to its right to levy, increase, or extend a general Transactions and Use Tax under Revenue and Tax Code section 7285.9; and

WHEREAS, the Tax Measure would increase the City's existing Transactions and Use Tax to 0.50% and would further extend the City's authority to collect the Tax for another 10 years; and

WHEREAS, also by Resolution 4385, the City Council adopted provisions governing the preparation and filing of arguments in favor and against the Tax Measure, identifying a subcommittee of Vice Mayor Brooks and Councilmember Clarke to prepare and file the written argument in favor of the Tax Measure; and

WHEREAS, also on June 27, 2024 City Council meeting, the City Council decided that it wished, pursuant to Elections Code section 9282, to file the written argument in favor of the Tax Measure, and appointed an ad hoc subcommittee of Vice Mayor Brooks and Councilmember Clarke to draft the argument, requesting that the subcommittee return to the Council with a draft of the argument at a future meeting; and

WHEREAS, Resolution 4385 also established August 16, 2024 at 5:00 p.m. as the deadline for the authors to submit arguments for and against the Tax Measure and August 23, 2024 at 5:00 p.m. as the deadline for the author in favor to submit a rebuttal argument; and

WHEREAS, subsequent to the City's adoption of Resolution 4385, the County of Santa Cruz Department of Elections changed the deadline for cities to submit arguments for or against local measures from August 16, 2024 to August 13, 2024 at 5:00 p.m. and the deadline to submit the rebuttal argument from August 23, 2024 to August 20, 2024 at 5:00 p.m.; and

WHEREAS, pursuant to Elections Code section 9285, the City Council now wishes to authorize in writing other persons to prepare, submit, and sign the rebuttal argument in favor of the Tax Measure; and

WHEREAS, the City Council also wishes to amend the deadline for submitting arguments in favor and against the Tax Measure for consistency with the County's requirements.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola as follows:

Section 1. Compliance with CEQA. The City Council finds and determines that this activity is not a “Project” as defined under Section 15378(b)(4) of the California Environmental Quality Act (CEQA) Guidelines because it is a financing decision without commitment to a specific project that may result in a potentially significant physical impact on the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the actions proposed are not subject to CEQA.

Section 2. Adoption of Ballot Argument in Favor of Tax Measure. The City Council hereby adopts the argument in favor of the Tax Measure attached hereto as Exhibit A.

Section 3. Written Authorization to Release Preparation, Submittal and Signature of Rebuttal Argument. Pursuant to California Elections Code Section 9285, if an argument against the Tax Measure is received, the City Council hereby authorizes the following individuals to prepare, submit or sign any rebuttal argument in favor of the Tax Measure placed on the November 5, 2024 ballot by City Council Resolution No. 4385: _____.

Section 4. Authority of Individuals Identified in Section 3. When the City Clerk has selected the arguments for and against the Tax 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 it, and copies of the argument against it to the individuals identified in Section 3. Consistent with the provisions of Resolution No. 4385, as amended by Section 5 below, any rebuttal argument shall not exceed 250 words and shall be filed no later than August 20, 2024, accompanied by the printed names and signatures of the person(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.

Section 5. Services of the City Clerk. The City Council hereby authorizes the City Clerk to take all steps necessary to release the rebuttal argument to the individuals identified in Section 3.

Section 6. Amendment of Resolution 4385 Section 6. Section 6 of Resolution 4385 shall be amended as indicated below. Deletions are shown in ~~striketrough~~ and additions are shown in underline.

Section 6. Submission of Ballot Arguments.

(a) In accordance with California Elections Code §9282, the City Council orders that the City Council is authorized to file a written argument in favor of the Ordinance, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, and to make any revisions to the argument up to the deadline by which it must be filed with the City Clerk.

(b) Arguments in favor and against the measure shall be filed with the City Clerk no later than 5:00 p.m. on ~~August 16, 2024~~ August 13, 2024, 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.

(c) Arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(d) The City Council hereby appoints a subcommittee of the City Council, comprised of Vice Mayor Brooks and Councilmember Clarke, and authorizes said subcommittee to prepare and file the written argument in favor of the proposed measure, on behalf of the City Council, no later than ~~August 16, 2024~~ August 13, 2024, .

(e) Pursuant to California Elections Code Section 9285(b), the City Council is hereby adopting provisions for the filing of rebuttal arguments for this measure. Accordingly, 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 it, and copies of the argument against it to the authors of the argument in favor. Rebuttal arguments shall not exceed 250 words and shall be filed no later than 5:00 p.m. on ~~August 23, 2024~~ August 20, 2024, accompanied by the printed names and signatures of the persons 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. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Section 7. Severance. Should any section, subsection, clause or provision of this resolution for any reason be held to be invalid, then the remainder of the resolution shall be deemed valid, it being expressly declared that this resolution, and each and every section, subsection, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified even if any other section, subsection, sentence, clause or phrase of this resolution were declared invalid.

I HEREBY CERTIFY that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 25th day of July, 2024, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kristen Brown, Mayor

ATTEST:

Julia Gautho, City Clerk