

Capitola City Council

Agenda Report



Meeting: July 25, 2024

From: City Manager Department

Subject: Ballot Argument in Favor and Rebuttal for November 2024 Measure

Recommended Action: Adopt a resolution adopting the argument in favor of the City's Transactions and Use Tax Measure placed on the ballot by Resolution No. 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 No. 4385 regarding the deadline for submission of arguments for and against the City's Transactions and Use Tax Measure

Background: On June 27, 2024, the City Council approved the submission of a ballot measure to Capitola voters replacing a one-quarter (0.25%) cent Transactions and Use Tax ("Sales Tax") with a one-half (0.50%) cent Sales Tax for a ten year period to protect essential city services, including public safety and emergency services; repair potholes, maintain streets, sidewalks, bike lanes, beaches, the new wharf, and recreation programs for youth; improve traffic safety; and support local businesses (the "Measure").

During the meeting, the City Council appointed a subcommittee of Council Member Clarke and Vice Mayor Brooks to prepare the argument in favor of the Measure and directed the subcommittee to bring back a draft of the proposed argument at the July 25th City Council meeting. In adopting the Resolution placing the Measure on the ballot, the Council also set deadlines for the submission of arguments for and against the Measure, based on dates provided by the County Department of Elections. (Attachment 1)

Discussion: Only one argument in favor will be placed in the ballot and may not exceed 300 words in length. Pursuant to California Elections Code 9287, an argument drafted by the City Council or member(s) authorized by the Council will be given priority if more than one argument is submitted.

Pursuant to Elections Code 9285 (a)(2), if an argument against the Measure is received, the City Council, as the author of the argument in favor of the Measure, may either prepare the rebuttal argument itself, or authorize in writing another person or persons to prepare the rebuttal argument. The attached Resolution (Attachment 3) allows the Council to release the rebuttal argument to individual(s) specified by the Council.

After the City published its agenda for the June 27th meeting, the County revised its deadlines for accepting arguments in favor and against city measures. The attached Resolution also therefore amends the deadlines for submittal of the arguments for and against, including the rebuttal argument, adopted at the June 27 meeting to reflect the new deadlines set forth by the County. Arguments in favor and against are now due by 5:00 p.m. on August 13, rather than August 16, and the rebuttal is due by 5:00 p.m. on August 20, 2024.

Pursuant to Elections Code 9600, all arguments regarding ballot measures must be accompanied by the form provided by the County Elections Department (Attachment 2). The form is to be signed by each proponent and by each author.

Fiscal Impact: There is no fiscal impact associated with the recommended action.

Attachments:

1. Resolution No. 4385
2. Signature Statement
3. Resolution adopting the argument in favor of the City's Transactions and Use Tax Measure placed on the ballot by Resolution No. 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 No. 4385 regarding the deadline for submission of arguments for and against the City's Transactions and Use Tax Measure

4. Exhibit A to Resolution – Draft Ballot Argument

Report Prepared By: Julia Gautho, City Clerk

Reviewed By: Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager