Gautho, Julia

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Tuesday, September 8, 2026 4:27 PM
To: City Clerk; City Council; mtran@bwslaw.com; Goldstein, Jamie
Subject: 9/10/2026 Agenda Item 8A - Consent Items - Council Minutes / Request for Full Public Review on Proposition 43 Position

Dear Mayor Morgan, Councilmembers, City Manager Goldstein, and City Attorney,

I am writing regarding Councilmember Orbach's request that the City of Capitola formally oppose Proposition 43.

I respectfully ask that this matter not be handled as routine Consent business and that Capitola take no position unless and until the Council holds a dedicated public discussion, receives a balanced staff analysis, and identifies a specific City of Capitola interest requiring an official position.

An official City position on a statewide constitutional amendment is a significant policy decision. It deserves more than a proposed opposition letter prepared before the Council has publicly considered the alternatives.

Capitola has precedent for taking a more careful approach. In 2016, after questions arose concerning Propositions 65 and 67, the Council directed staff to return with a dedicated agenda item. Staff then prepared a report explaining both measures and presenting arguments made by supporters and opponents before asking the Council for direction.

Capitola also has its own history with the two-thirds requirement for special taxes.

In 2018, Capitola voters considered Measure J, a special transient-occupancy tax. Because it was a special tax, it required two-thirds voter approval. Capitola voters approved it with **75.34% voting Yes — 3,642 Yes to 1,192 No.**

That history is directly relevant to the policy question before the Council. Proposition 43 would not generally change the rules for ordinary citizen initiatives such as municipal-code amendments. According to the State's official analysis, it specifically concerns **new, increased, or extended local special taxes proposed by voters**. Those currently can qualify for majority approval; Proposition 43 would require two-thirds beginning January 1, 2027.

In other words, before Capitola officially opposes Proposition 43, I believe the Council should publicly address a basic question:

Why should Capitola oppose requiring the same two-thirds level of voter support for voter-proposed special taxes that Capitola's own 2018 special tax was required to obtain — and successfully obtained with 75.34% support?

There are arguments on both sides. The State's official voter guide describes the competing positions: supporters argue that special taxes should require broad voter agreement regardless of who places them on the ballot, while opponents argue that requiring two-thirds allows a minority of voters to prevent a tax supported by a majority.

Those competing policy arguments should be presented to the Council and public rather than having the City begin with a predetermined opposition position.

I am also concerned about process. Staff has indicated that a report and **draft opposition letter** are already being prepared even though the full Council has not yet considered whether Capitola should support Proposition 43, oppose it, or take no position.

I am not suggesting that staff necessarily lacked authority to perform preliminary work. I am asking that the process and expenditure of City resources be transparent.

Before any Council action, I respectfully request a dedicated regular-agenda item that:

- fairly explains Proposition 43 and current law;
- presents the principal arguments **for and against** the measure;
- presents **no City position** as a legitimate alternative;
- includes Capitola's own experience with Measure J and the two-thirds threshold;
- identifies the specific fiscal or governmental effect Proposition 43 would have on the **City of Capitola itself**;
- explains what staff and City Attorney resources have already been used;
- identifies the authority under which an opposition letter was prepared before Council action; and
- provides sufficient time for residents to review the report and proposed letter before the Council votes.
- Provide costs to General Funds or whatever Citys costs for these requests, or costs for staff, attorney, etc cost to the City for preparing and supporing a Yes or No on any proporsistions, and a template for future requests.

If the City cannot identify a compelling Capitola-specific reason to intervene in this statewide ballot campaign, **remaining neutral is a legitimate option and should be presented as such.**

Please place this matter on the regular agenda rather than Consent and allow the Council and public to consider **support, opposition, and neutrality** through the same kind of transparent process Capitola has used when evaluating statewide propositions in the past.

Thank you for your consideration,

Best,

Kevin Maguire

Capitola Citizen since 74'