

RESOLUTION NO. 234-52

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARCATA ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF ARCATA A MEASURE TO INCREASE THE GENERAL PURPOSE TRANSACTIONS AND USE (“SALES”) TAX BY THREE FOURTHS OF ONE CENT FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, AS CALLED AND PROPOSED TO THE QUALIFIED ELECTORS BY RESOLUTION; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; SETTING THE DATES FOR ARGUMENTS ON THE MEASURE AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION

WHEREAS, the City of Arcata (the “City”) is a full-service city, equipped with its own water and wastewater services, parks, trails, transit program, community forest, community farm and City-run police; and

WHEREAS, the health, safety, and welfare of all residents in the City is the City’s top priority; and

WHEREAS, the City proposes an increase in the amount of three-fourths (3/4) of one cent to the existing Transaction and Use Tax (Sales Tax) as directed by City Council (“Sales Tax Measure”); and

WHEREAS, service and program priorities identified by City registered voters through a recent survey include: 1) emergency, disaster and climate change preparedness and response; 2) services addressing homelessness and its impacts to the City; 3) providing clinical mental health response to people in crisis; 4) improved sidewalks, transit and roads, bike lanes and trails; and 5) preserving recreation and local parks; and

WHEREAS, to preserve and fund essential City services and continue to improve essential services, including those discussed herein, the City must identify a reliable source of locally controlled funding; and

WHEREAS, the proposed Sales Tax Measure, if locally enacted, is projected to generate general fund revenue of approximately \$2.6 million annually for three-fourths of one cent increase; and

WHEREAS, the Transaction and Use Tax (Sales Tax) does not apply to groceries, medicine, medical, dental, real estate, rent, education, utilities, personal services, labor, diapers or feminine hygiene products; and

WHEREAS, local, voter-approved funding for essential services will provide a guaranteed source of funding for the City that cannot be taken by the state or federal governments, as all funds will be legally required to be spent in the City; and

WHEREAS, the proposed measure will include strict accountability requirements such as public disclosure of all spending; annual independent financial audits that ensure funds are used effectively and as promised and only to benefit the Arcata community; and an Independent Citizen's Oversight Committee; and

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, pursuant to California Revenue and Taxation Code Section 7285.9, the City has the authority to levy a Transactions and Use ("Sales") Tax for general purposes, and subject to voter approval; and

WHEREAS, pursuant to California Revenue and Taxation Code Section 7285.9 and California Government Code Section 53724, to qualify for the ballot, two-thirds of the City Council (4 members) are required to vote affirmatively for the Transactions and Use Tax Ordinance. If a Council Member is absent from the meeting, four (4) City Council Members are still required to vote affirmatively for the item to qualify for the ballot; and

WHEREAS, if so approved by the Council, and then passed by the voters on Tuesday, November 5, 2024, with a majority of voters (50% plus 1) supporting the measure, it would go into effect on April 1, 2025; and

WHEREAS, a General Municipal Election will be held on Tuesday, November 5, 2024, and be called by Resolution of the City Council; and

WHEREAS, the City Council desires, on its own motion, to submit to the voters at the November 5, 2024, Statewide General Election a question relating to the imposition of a three-fourths (3/4th) of one cent Transactions and Use ("sales") Tax for general purposes; and

WHEREAS, the City Council desires that the County of Humboldt Elections Office conduct the municipal election, pursuant to Elections Code Section 10403, to be held on Tuesday, November 5, 2024.

NOW, THEREFORE, BE IT RESOLVED THAT The City Council of the City of Arcata does resolve, declare and determine and order as follows, that:

SECTION 1. The City Council pursuant to Elections Code §9222, does order submitted to the voters the question (set forth on the next page) on the ballot for the General Municipal Election to be held on Tuesday, November 5, 2024:

THE ARCATA SALES TAX MEASURE

Arcata Essential Services Measure

To maintain and improve Arcata’s essential city services and facilities, such as

- emergency, disaster and climate change preparedness and response,
- services addressing homelessness and its impacts to the city,
- clinical mental health response to people in crisis,
- youth diversion counselor programs,
- sidewalks, bike lanes, transit, roads and trails,
- recreation and local parks, and
- other vital city programs

shall the City of Arcata enact a measure, by adopting a 3/4 cent sales tax, for general government purposes, providing approximately \$2.6 million annually until ended by voters, requiring public spending disclosure, citizens' oversight, annual audits, and all funds used locally?

YES

NO

BE IT FURTHER RESOLVED, the City Council hereby approves the Ordinance in substantially the form attached hereto as Exhibit “A” and approves submission thereof to the voters at the General Municipal Election on November 5, 2024.

SECTION 2. That the City Clerk is hereby authorized and directed to make any changes to the text of the proposition or this Resolution, including its exhibits, as required to conform to any requirements of law.

SECTION 3. That the method of tax collection and all aspects of the application and operation of any tax levied pursuant to the adoption of the Ordinance attached hereto in Exhibit “A” shall be as provided in such Ordinance and/or as authorized in the Ordinance to be conducted and determined by the City Council.

SECTION 4. That the vote requirement for the ballot measure to pass is a majority (50% + 1) of the votes cast at the November 5, 2024, General Municipal Election.

SECTION 5. Pursuant to Section 10403 of the Elections Code, the City Council hereby requests the Board of Supervisors of the County of Humboldt to agree to the consolidation of the Municipal Election with the Statewide General Election on November 5, 2024.

SECTION 6. That the County of Humboldt Elections Office is hereby requested to perform and render all services associated with the conduct of the Arcata General Municipal Election to be held on November 5, 2024, in the manner prescribed in Elections Code Section 10418, including the publishing of all elections materials, the mailing of sample ballots, the hiring of elections officers, and conducting the election.

SECTION 7. 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 8. Arguments for or Against and Impartial Analysis of Measure.

- a.** The last day for submissions of primary arguments for or against the measure shall be by 5:00 p.m. on July 19, 2024.
- b.** The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on July 30, 2024.
- c.** Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d.** Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different the persons who signed the primary arguments.
- e.** Pursuant to California Elections Code Section 9282, that the City Council, or any member or members of the City Council authorized by the City Council, or any individual voter who is eligible to vote on the Arcata Sales Tax measure, or bona fide association of citizens, or any combination of voters and association, may file written arguments for or against said measures.
- f.** Pursuant to California Elections Code Section 9285, 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. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.
- g.** Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length.

SECTION 9. That the City of Arcata recognizes that additional costs will be incurred by the County of Humboldt by reason of this consolidation and agrees to reimburse the County of Humboldt for all costs associated with the conduct of the City of Arcata’s municipal election to be held on November 5, 2024.

SECTION 10. That notice of the time and place of holding the election is 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 11. That the City Clerk shall certify to the passage and adoption of this Resolution.

DATED:

ATTEST:

APPROVED:

City Clerk, City of Arcata

Mayor, City of Arcata

CLERK'S CERTIFICATE

I hereby certify that the foregoing is a true and correct copy of Resolution No.234-52, passed and adopted at a regular meeting of the City Council of the City of Arcata, Humboldt County, California, held on the 12th day of June, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

City Clerk, City of Arcata