

**CITY OF FERNDALE – HUMBOLDT COUNTY CALIFORNIA – U.S.A.
AGENDA - SPECIAL CITY COUNCIL MEETING**

Location:	City Hall	Date:	August 10, 2015
	834 Main Street	Time:	3:00 pm
	Ferndale CA 95536	Posted:	August 6, 2015

We welcome you to the meeting. Members of the Public may be heard on any business item on this Agenda before or during the City Council consideration of the item. The public may also directly address the City Council on any item of interest to the public that is not on the Agenda during the public comment time; however, the City Council generally cannot take action on an item not on the agenda.

A person addressing the City Council will be limited to five (5) minutes unless the Mayor of the City Council grants a longer period of time. While not required, we would appreciate it if you would identify yourself with your name and address when addressing the Council.

This City endeavors to be ADA compliant. Should you require assistance with written information or access to the facility, or a hearing amplification, please call 786-4224 24 hours prior to the meeting.

TO SPEAK ON ANY ISSUE, BE ACKNOWLEDGED BY THE MAYOR BEFORE PROCEEDING TO THE PODIUM, STATE YOUR NAME AND ADDRESS FOR THE RECORD (optional), AND DIRECT YOUR COMMENTS ONLY TO THE COUNCIL.

1. CALL MEETING TO ORDER – Mayor
2. PLEDGE ALLEGIANCE TO THE FLAG
3. ROLL CALL –City Clerk: Mayor Hindley; Councilman Mierzwa; Councilman Brown; Councilman Sweeney; Councilman Brower
4. MODIFICATIONS TO THE AGENDA
5. PUBLIC COMMENT. (This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda may be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgent nature requiring immediate action. This portion of the meeting will be approximately 30 minutes total for all speakers, with each speaker given no more than five minutes.)
6. BUSINESS
 - a. Resolutions Regarding a Consolidated Election with Humboldt County
 - i. Resolution 2015-24 Requesting a Consolidated Election with the County..... Page 3
 - ii. Resolution 2015-25 Giving Notice of a Municipal Election for Submission to the Voters a Ballot Measure Question Relating to Transient Occupancy Tax..... Page 4
 - iii. Resolution 2015-26 Setting Priorities for Filing Written Arguments and Directing the City Attorney to Prepare an Impartial Analysis..... Page 8
 - iv. Resolution 2015-27 Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections Page 11
7. ADJOURN

**This notice is posted in compliance with Government Code §54954.2.
The next Regular Meeting of the Ferndale City Council will be held on
August 20, 2015 at City Hall at 7:00pm.**

Meeting Date:	August 10, 2015	Agenda Item Number	6.a
Agenda Item Title:	Resolutions Regarding a Consolidated Election with Humboldt County		
Presented by:	City Manager		
Type of Item:	<input checked="" type="checkbox"/> Action	<input type="checkbox"/> Discussion	<input type="checkbox"/> Information
Action Required:	<input type="checkbox"/> No Action	<input checked="" type="checkbox"/> Voice Vote	<input type="checkbox"/> Roll Call Vote

RECOMMENDATION:

Adopt Resolutions No. 2015-24, 2015-25, 2015-26 and 2015-27 pertaining to a consolidated election with the County

BACKGROUND:

The City would like to submit a question to the voters regarding the City's Transient Occupancy Tax. There will be an election on November 3, 2015. The City would like to consolidate with the County for this election, as it has done in the past. One of the requirements for a consolidated election with the County of Humboldt is to have approval from the Humboldt County Board of Supervisors.

Attached are Resolution Numbers 2015-24, 2015-25, 2015-26 and 2015-27, asking the County of Humboldt to allow the City of Ferndale to have a consolidated election on November 3, 2015 as well as other required information pertaining to the election. If the resolutions are adopted, a copy will be sent to the Humboldt County Board of Supervisors with a cover letter and placed on the Board's agenda for approval.

FINANCIAL IMPLICATIONS:

Amount unknown at this time

RESOLUTION NO. 2015-24

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE REQUESTING
A CONSOLIDATED ELECTION**

WHEREAS, the City of Ferndale would like to put a question out to the voters regarding the Transient Occupancy Tax; and

WHEREAS, state law permits consolidation of a municipal election with County elections; and

WHEREAS, the City of Ferndale wants to be fiscally prudent and save money by consolidating the election with the County of Humboldt.

NOW, THEREFORE BE IT RESOLVED, by the City Council of the City of Ferndale that the County of Humboldt is requested to hold a consolidated election to present voters with a question regarding Transient Occupancy Tax.

PASSED AND ADOPTED by the City Council of the City of Ferndale on August 10, 2015, on a motion by _____ and seconded by _____ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Don Hindley, Mayor

Attest:

Jennifer Church, City Clerk

RESOLUTION NO. 2015-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2015, FOR THE SUBMISSION TO THE VOTERS A BALLOT MEASURE QUESTION RELATING TO THE TRANSIENT OCCUPANCY TAX.

WHEREAS, under the provisions of a General Law City and of the Elections Code of the State of California, a General Municipal Election shall be held on Tuesday, November 3, 2015; and

WHEREAS, the Ferndale City Council desires to submit to the voters a question relating to amendment of pertinent sections of the Ferndale Municipal Code pertaining to the Transient Occupancy Tax; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of a General Law City and the Election Code of the State of California, there is called and ordered to be held in the City of Ferndale, California, on Tuesday, November 3, 2015 a General Municipal Election for the purpose of submitting to the voters a ballot measure relating to the Transient Occupancy Tax.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

SECTION 3. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the polls for the election shall be open at seven o'clock A.M. of the day of the election and shall remain open continuously from that time until eight o'clock P.M. if the same day when the polls shall be closed, pursuant to Elections Code 10242, except as provided in 14401 of the Elections Code of the State of California.

SECTION 6. 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 7. 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 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Passed, approved and adopted by the City Council of the City of Ferndale, County of Humboldt, State of California, on the 10 day of August, 2015, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Don Hindley, Mayor

Attest:

Jennifer Church, City Clerk

Exhibit A

City of Ferndale Business Ordinance 06-01

ARTICLE 12: TRANSIENT OCCUPANCY TAX

§12.01 Tax Imposed:

12.01.1 For the privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of ~~eight-ten~~ percent (~~810~~%) of the rent charged by the operator.

12.01.2 Said tax constitutes a debt owed by the transient to the City which is extinguished only by payment to the operator or to the City.

12.01.3 The transient shall pay the tax to the operator of the hotel at the time the rent is paid.

- a. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment.
- b. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel.

§12.02 Exemptions:

12.02.1 No Tax shall be imposed upon:

- a. Any person or occupancy who is beyond the power or jurisdiction of the city to impose the occupancy tax.
- b. Any Federal or State of California officer or employee when on official business;
- c. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

12.02.2 No exemption shall be granted upon a claim made at the time rent is collected and under penalty of perjury upon a form prescribed by the Tax Administrator.

§12.03 Operator's Duties:

12.03.1 It is the duty of each operator to collect the tax from every transient.

12.03.2 The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator.

12.03.3 No operator shall advertise or state in any manner, whether directly or indirectly, that the tax or any part of it will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided.

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Exhibit A

City of Ferndale Business Ordinance 06-01

§12.04 Registration:

12.04.1 Within ten (10) days after commencing business, each operator of any hotel renting occupancy to transients shall register said hotel with the Tax Administrator and obtain from him/her a "Transient Occupancy Registration Certificate" to be at all times posted in a conspicuous place on the premises.

12.04.2 The certificate shall, among other things, state the following:

- a. The name of the operator
- b. The address of the hotel
- c. The date upon which the certificate was issued
- d. "This Transient Occupancy Registration Certificate signifies that the person named on the face of the certificate has fulfilled the requirements of the Business Ordinance, Chapter 3: Hotels, Motels and Inns by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This certificate does not constitute a permit."

§12.05 Reporting and Remitting:

12.05.1 Each operator shall on or before the 10th of the month following the close of the prior month, or at the close of any shorter reporting period which may be established by the Tax Administrator, make a return to the Tax Administrator on forms provided by him/her, of the total rents charged and received and the amount of tax collected for all transient occupancies.

12.05.2 At the time the return is filed, the full amount of the tax collected shall be remitted to the Tax Administrator.

12.05.3 The Tax Administrator may establish shorter reporting periods for any certificate holder if he/she deems necessary in order to insure collection of the tax and he/she may require further information in the return.

12.05.4 Returns and payments are due immediately upon cessation of business for any reason.

12.05.5 All taxes collected by operators pursuant to this Chapter of this Ordinance shall be held in trust for the account of the City until payment is made to the Tax Administrator.

RESOLUTION NO. 2015-26

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A
CITY BALLOT MEASURE AND DIRECTING THE CITY ATTORNEY TO
PREPARE AN IMPARTIAL ANALYSIS.**

WHEREAS, a General Municipal Election is to be held in the City of Ferndale, California, on November 3, 2015, at which there will be submitted to the voters the following ballot measure question:

Shall the Ferndale Municipal Code be amended to increase the currently assessed eight percent (8%) Transient Occupancy Tax to ten percent (10%) to fund essential services such as police, fire, street maintenance, environmental programs, and parks and recreation?	YES	
	NO	

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes all members of the City Council to file a written argument in favor of the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

Arguments shall be filed with the City Clerk, 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. The arguments shall be accompanied by the *Form of Statement To Be Filed By Author(s) of Argument (Attachment A)*.

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES:
NOES:
ABSENT:

Don Hindley, Mayor

ATTEST:

Jennifer Church, City Clerk

FORM OF STATEMENT TO BE FILED BY AUTHOR(S) OF ARGUMENTS

All arguments concerning measures filed pursuant to Division 9, Chapter 3 (beginning with Section 9200) of the California Elections Code shall be accompanied by the following form statement to be signed by each proponent, and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure/proposition _____ at the General Election for the City of Ferndale to be held on November 3, 2015 hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Sign Name	Print Name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

RESOLUTION NO. 2015-27**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FERNDALE,
CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.**

WHEREAS, Sections 9220 and 9285 of the Elections Code of the State of California authorize the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FERNDALE,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS
FOLLOWS:**

SECTION 1. That pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of the argument in favor of the measure to the authors of any argument against the measure, and a copy of the argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five persons.

The rebuttal arguments shall be filed with the City Clerk, 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, not more than 10 days after the final date for filing direct arguments.

The rebuttal arguments shall be accompanied by the *Form of Statement To Be Filed By Authors(s) of Argument (Attachment A)*.

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.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1, shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

Passed, approved and adopted by the Council of the City of Ferndale, County of Humboldt, State of California, on the 10th day of August, 2015, by the following vote:

AYES:

NOES:

ABSENT:

Don Hindley, Mayor

ATTEST:

Jennifer Church, City Clerk

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The undersigned proponent(s) or author(s) of the (primary/rebuttal) argument (in favor of/against) ballot measure/proposition ___ at the General Election for the City of Ferndale to be held on November 3, 2015 hereby state that the argument is true and correct to the best of (his/her/their) knowledge and belief.

Sign Name	Print Name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

All authors must print name and sign this form, the argument, and the rebuttal argument (EC 9600, 9283, and 9285).

Attachment A