

RESOLUTION NO. 09-033

**A RESOLUTION OF THE CITY OF PACIFIC GROVE
CALLING A SPECIAL MUNICIPAL ELECTION FOR THE PURPOSE OF
SUBMITTING THE PACIFIC GROVE LIBRARY FUNDING MEASURE THAT
ADOPTS A PARCEL TAX FOR SPECIAL PURPOSES AND REQUESTING THE
BOARD OF SUPERVISORS OF MONTEREY COUNTY TO PROVIDE FOR THE
CONSOLIDATION OF THIS ELECTION WITH THE ELECTION TO BE HELD ON
NOVEMBER 3, 2009**

WHEREAS, the Pacific Grove Public Library (Pacific Grove Library) is a department of the City of Pacific Grove; and

WHEREAS, the City lacks the necessary funds to adequately staff, provide, maintain and improve service and materials at the Pacific Grove Library and must consider further reductions in its support of Library services and/or elimination of support; and

WHEREAS, based on City Council priorities established in March 2009, Pacific Grove Library services are of secondary priority, to be pursued upon resource availability after public safety and infrastructure maintenance are secured; and

WHEREAS, the City desires to create a revenue source dedicated to the sole purpose to staff, provide, maintain and improve service and materials at the Pacific Grove Library in the City of Pacific Grove; and

WHEREAS, enactment of a special tax would provide continued, essential funding to maintain the Library. All funds collected must be deposited into a special fund and expended only to staff, provide, maintain and improve service and materials at the Pacific Grove Library; and

WHEREAS, the City does not now impose a parcel tax. The proposed Parcel Tax would impose such a special tax at the rate of eight dollars (\$8.00) per month (ninety six dollars (\$96.00) per year) for single-family residences, six dollars and twenty-five cents (\$6.25) per month (seventy five dollars (\$75.00) per year) for multi-family units, and eight dollars (\$8.00) per month (ninety six dollars (\$96.00) per year) for all other property, including commercial, industrial, and public utility property; and

WHEREAS, based upon the number of parcels in the City (approximately 6,000), a Parcel Tax at these rates could generate \$630,000 annually to fund the Library; and

WHEREAS, the Parcel Tax is not imposed as an ad valorem tax on real property, nor a transaction tax or sales tax on the sale of real property. The Parcel Tax allows a property owner to recover the tax from an occupant. Whether or not the occupant is to pay depends on the requirements set forth in any occupancy agreement. Non-payment of the tax does not allow a lien to be imposed on the property; and

WHEREAS, the Parcel Tax is a special tax that shall take effect if and only if it is approved by two-thirds of the electors casting ballots at the next election; and

WHEREAS, the City relies upon its authority to levy the Parcel Tax as a charter city under its home rule powers and in accord with Article XI of the California Constitution. The City alternatively relies upon the general authority to levy this tax set forth in California Government Code §37101; and

WHEREAS, there is an election scheduled for November 3, 2009, with this election being conducted in Monterey County by the Monterey County Registrar of Voters; and

WHEREAS, the City adopted a Resolution submitting to the electors, on the City Council's own motion, a proposed Ordinance creating the Pacific Grove Library Funding Measure, which would, take effect if and only if it is approved by two thirds of the electors casting ballots at that election, and if so, said Ordinance shall take immediate effect and be codified as chapter 6.70 of the Pacific Grove Municipal Code; and

WHEREAS, the provision of chapter 6.70 of the Pacific Grove Municipal Code provide that, if approved, it shall nonetheless sunset on June 30, 2021 and shall have no force or effect after that date; and

WHEREAS, the full text of the Resolution shall be available at the Monterey County Elections Office, and upon request, voters shall be provided a copy of the text by mail, at no cost. The full text may also be posted on the websites of the City and of the Monterey County Elections Office, and available for download.

WHEREAS, each Resolution is exempt from the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.; it can be seen with certainty that there is no possibility that the activity authorized may have a significant effect on the environment.

NOW, THEREFORE, THE CITY COUNCIL DOES RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. A special municipal election of the City shall be held in the City on November 3, 2009, at which time there shall be submitted a proposed measure to adopt a Parcel Tax; and

SECTION 3. The ballot format for the proposal to authorize a Parcel Tax shall be substantially as follows:

PACIFIC GROVE LIBRARY FUNDING MEASURE ()

Shall the City of Pacific Grove Library Funding Measure be approved to enact an ordinance to create a Special Parcel Tax and limit that revenue to the sole purpose of maintaining and improving services at the Pacific Grove Public Library?

YES/NO

SECTION 4. The Pacific Grove Library Funding Measure shall pass only if a two-thirds majority of the votes cast by voters voting on the measure are “yes” votes.

SECTION 5. The City Council requests the Board of Supervisors of the County of Monterey to provide for consolidation of the special municipal election called for herein with the general election scheduled for November 3, 2009, and to provide within the City of Pacific Grove the election precincts, polling places, voting booths, and election officers the same as used for the general election. The Board is further requested to provide for the preparation and mailing of sample ballots to qualified voters within the City as appropriate and in the manner provided by law.

SECTION 6. The City Council requests the Board make copies of the full text of the Resolution Of The City Council Of The City Of Pacific Grove Submitting, On The City Council’s Own Motion, To The Electors At The Election, A Proposed Ordinance Creating The Pacific Grove Library Funding Measure And Parcel Tax; And Directing The City Clerk To Fix The Date For Submission Of Arguments And Provide For Notice And Publication In Accord With Law available at the Monterey County Election Office, available at the Monterey County Elections Office, and provide copies by mail to voters upon request, at no charge to the voter. The full text of the Resolution may also be posted on the websites of the City and of the Monterey County Elections Office, and may be available for download.

SECTION 7. The Board of Supervisors of the County of Monterey is hereby authorized to canvass, or cause to be canvassed, as provided by law the returns of this municipal election, and to certify the results of such canvass of votes.

SECTION 8. The City Clerk is authorized to certify to the due adoption of this Resolution and to transmit a copy to the Board of Supervisors of the County of Monterey and to file a copy, so certified, with the County Clerk and County Registrar of Voters.

SECTION 9. The City Clerk and the County Registrar of Voters are authorized to print such forms, publish such notices and provide such information as may be necessary or convenient to assure the orderly holding of the election, and they shall do all other things necessary to facilitate the holding of the election in a manner harmonious and consistent with law.

SECTION 10. The County Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with the election called by this Resolution.

SECTION 11. The City Attorney is directed to submit an impartial analysis of the proposed measure pursuant to section 9203 of the Elections Code on or before August 24, 2009.

SECTION 12. The last day to submit arguments for or against the proposed measure shall be August 14, 2009. Submittals are to be delivered to the Monterey County Elections Office on or before 5:00 p.m. The last day to submit rebuttal arguments for each proposed measure shall be August 24, 2009. Submittals are to be delivered to the Monterey County Elections on or before 5:00 p.m.

SECTION 13. The City Council shall meet to declare the results of the election called for by this Resolution at their first regular meeting following certification of election results.

SECTION 14. The City Clerk shall publish a copy of this Resolution in a newspaper of general circulation once within fifteen (15) days after the adoption of this Resolution.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF PACIFIC GROVE THIS 5th day of August, 2009, by the following vote:

AYES: Council Members Bennett, Cohen, Cort, Garcia, Kampe, Lindsay, and Stilwell

NOES: None

ABSENT: None

APPROVED:

DANIEL E. CORT, Mayor

ATTEST:

JAMES L. BECKLENBERG, City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney