



## OROVILLE CITY COUNCIL

Council Chambers  
1735 Montgomery Street  
Oroville, CA. 95965

### **SPECIAL MEETING AUGUST 9, 2016 5:00 P.M. AGENDA**

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#### **ROLL CALL**

Council Members Berry, Del Rosario, Hatley, Pittman, Simpson, Vice Mayor Chan Wilcox, Mayor Dahlmeier

#### **PLEDGE OF ALLEGIANCE**

#### **RECOGNITION OF INDIVIDUALS WHO WISH TO SPEAK ON AGENDA ITEMS**

This is the time the Mayor will invite anyone in the audience wishing to address the Council on a matter that is on the agenda to state your name and the agenda item on which you wish to speak. When that item comes up on the agenda, you will be asked to step to the podium, repeat your name for the record, and make your presentation or ask questions regarding the agenda item. Following your remarks, Council and/or staff may respond to your comments or questions. **Presentations are limited to three minutes per person.** Under Government Code Section 54954.3 the time allotted for presentations may be limited.

#### **SPECIAL BUSINESS**

1. **CORRECTION TO TITLE OF PROPOSED ADDITION OF CHAPTER 3.18 TO THE OROVILLE MUNICIPAL CODE REGARDING A TRANSACTION AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION – staff report**

The Council may consider a correction to the proposed addition of Municipal Code section 3.18 Transaction and Use Tax, and ballot language relating to a 1% local sales tax for municipal services. **(Scott E. Huber, City Attorney)**

Council Action Requested: **Adopt Resolution No. 8538 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, ADDING INFORMATION TO THE QUESTION TO BE PRESENTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, RELATED TO THE APPROVAL OF ORDINANCE NO. 1816, AN ORDINANCE ADDING CHAPTER 3.18 TO THE OROVILLE MUNICIPAL CODE REGARDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION.**

## **ADJOURNMENT**

The meeting will be adjourned. A regular meeting of the Oroville City Council will be held on Tuesday, August 16, 2016, at 5:00 p.m.

*Accommodating Those Individuals with Special Needs* – In compliance with the Americans with Disabilities Act, the City of Oroville encourages those with disabilities to participate fully in the public meeting process. If you have a special need in order to allow you to attend or participate in our public meetings, please contact the City Clerk at (530) 538-2535, well in advance of the regular meeting you wish to attend, so that we may make every reasonable effort to accommodate you. Documents distributed for public session items, less than 72 hours prior to meeting, are available for public inspection at City Hall, 1735 Montgomery Street, Oroville, California.

**CITY OF OROVILLE  
STAFF REPORT**

**TO: MAYOR DAHLMEIER AND CITY COUNCIL MEMBERS**

**FROM: BILL LAGRONE, DIRECTOR OF PUBLIC SAFETY  
SCOTT E. HUBER, CITY ATTORNEY**

**RE: CORRECTION TO TITLE OF PROPOSED ADDITION OF  
CHAPTER 3.18 TO THE OROVILLE MUNICIPAL CODE  
REGARDING A TRANSACTION AND USE TAX TO BE  
ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**DATE: AUGUST 9, 2016**

**SUMMARY**

The Council may consider a correction to the proposed addition of Municipal Code section 3.18 Transaction and Use Tax, and ballot language relating to a 1% local sales tax for municipal services.

**DISCUSSION**

The proposed sales tax measure was passed by the Council for presentation to the voters at the November 8, 2016. Elections Code section 13119(b) provides that "the ballot shall include in the statement of the ordinance to be voted on the amount of money to be raised annually and the rate and duration of the tax to be levied."

This is an open question as to whether the information should be included in the ballot materials, in the ordinance, or in the question submitted to the voters. Currently, this information is included in the ballot information and has been discussed in great length at City Council meetings. Out of an abundance of caution, staff recommends that the information be included in the question to be presented to voters to avoid any challenge that the proposed ordinance does not comply with the Elections Code.

**FISCAL IMPACT**

No impact at this time.

**RECOMMENDATION**

Adopt amendments to Resolution No. 8538, which waives reading and adopts by

title only, Ordinance No. 1816 - A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, ADDING INFORMATION TO THE QUESTION TO BE PRESENTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, RELATED TO THE APPROVAL OF ORDINANCE NO. 1816, AN ORDINANCE ADDING CHAPTER 3.18 TO THE OROVILLE MUNICIPAL CODE REGARDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION.

## **ATTACHMENTS**

Resolution 8538

**CITY OF OROVILLE  
RESOLUTION NO. 8538**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OROVILLE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE OROVILLE CITY MUNICIPAL CHARTER AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO THE APPROVAL OF ORDINANCE NO. 1816, AN ORDINANCE ADDING CHAPTER 3.18 TO THE OROVILLE MUNICIPAL CODE REGARDING A TRANSACTIONS AND USE TAX TO BE ADMINISTERED BY THE STATE BOARD OF EQUALIZATION**

**WHEREAS**, under the provisions of the City of Oroville Municipal Charter, a General Municipal Election shall be held on Tuesday, November 8, 2016, for the election of Municipal Officers; and

**WHEREAS**, the City Council also desires to submit to the voters at the election a question relating to approval of Ordinance No. 1816, an Ordinance adding Chapter 3.18 to the Oroville Municipal Code Regarding a Transactions and Use Tax to be Administered by the State Board of Equalization; and

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

**Section 1.** That pursuant to the requirements of the City of Oroville Municipal Charter, there is called and ordered to be held in the City of Oroville, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing three (3) Members of the City Council for the full term of four (4) years, and that pursuant to the requirements of §10403 of the California Elections Code, the Board of Supervisors of the County of Butte is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 8, 2016.

**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 Ordinance No. 1816, a temporary sales tax increase of one percent (1%) generating approximately \$3.6 million annually, that automatically expires in six years, and that establishes a citizen oversight committee to ensure that the funds are used to preserve public services such as police protection, fire suppression, vehicle repair and maintenance, finance analyst and human resources services for the City of Oroville, be adopted?	<input type="radio"/> YES <input type="radio"/> NO
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**Section 3.** That the proposed complete text of the measure (Ordinance No. 1816) submitted to the voters is attached as Exhibit A and shall be printed in full text. The title of the measure shall be “Public Safety Solutions for Oroville - Sales Tax Measure”.

**Section 4.** That the vote requirement of the measure to pass is a simple majority of the votes cast.

**Section 5.** That the City Council authorizes [REDACTED] to prepare ballot arguments (in favor of the ballot measure set forth in section 2, and in rebuttal to any ballot argument filed against the ballot measure set forth in section 2), and the City Council hereby authorizes [REDACTED] to sign these ballot arguments and use their titles in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California.

Written argument(s) in favor of or against the City measure shall not exceed 300 words, must be accompanied by the printed name(s) and signature(s) of the author(s) submitting it, and shall be accompanied by the “Form of Statement To Be Filed By Author(s) of Argument” in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn 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.

**Section 6.** That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney is directed to prepare an impartial analysis of the measure not exceeding 500 words 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 7.** That the City Council adopts the provisions of Elections Code 9285(a) relating to rebuttal arguments on the measure.

**Section 8.** That the ballots to be used at the election shall be in form and content as required by law.

**Section 9.** That the City Clerk is authorized, instructed and directed to coordinate with the County of Butte Registrar-Recorder/County Clerk to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**Section 10.** 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. of 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 11.** 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 12.** 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

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the election, in time, form and manner as required by law.

**Section 13.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**Section 14.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**PASSED AND ADOPTED** by the Oroville City Council at a regular meeting on August 8, 2016, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Linda L. Dahlmeier, Mayor

APPROVED AS TO FORM:

ATTEST:

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Scott E. Huber, City Attorney

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Donald Rust, Acting City Clerk