

**RESOLUTION No. 2018-10**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GRASS VALLEY CALLING A SPECIAL ELECTION ON JUNE 5, 2018 TO CONSIDER A TRANSACTIONS AND USE TAX AND REQUESTING CONSOLIDATION OF THE SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION OF THAT SAME DATE**

**WHEREAS**, a petition has been filed with the City Clerk, signed by at least 5 percent of the number of registered voters of the City who voted for any gubernatorial candidate at the November 4, 2014 election proposing an ordinance to impose a general transactions and use tax (the "Ordinance"); and

**WHEREAS**, the Ordinance imposes a general tax ("Tax"), the revenues from which can fund police, fire, streets, sidewalk maintenance and repair, and park improvement and recreation services, or any lawful purpose of the City; and

**WHEREAS**, based on the certification of signatures by the Nevada County Registrar of voters, the City Clerk certified the measure to the City Council; and

**WHEREAS**, the City Council desires to hold a special municipal election on June 5, 2018 (the "Election"); and

**WHEREAS**, Article XI of the Grass Valley City Charter provides that all nominations and elections shall be governed by the provisions of the Elections Code for the holding of elections in general law cities except as otherwise provided by the City Charter; and

**WHEREAS**, consolidation of that election with the statewide direct primary election to be held that same date will avoid confusion of voters and lower the cost to administer the Election; and

**WHEREAS**, the City Council requests services from the Nevada County Clerk for the conduct of that election.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRASS VALLEY AS FOLLOWS:**

1. **CALL OF SPECIAL MUNICIPAL ELECTION.** Pursuant to Article XI of the City Charter and the laws of the State of California applicable to general law cities, the City Council of the City of Grass Valley hereby calls and notices a Special Municipal Election to be held on the same date and at the same time as the Statewide Primary Election to be held on Tuesday, June 5, 2018, to submit the following measure:

The foregoing instrument is a correct copy of the original Resolution 2018-10

on file in this office.

Date: 2/14/2018

ATTEST: Kristi K. Bashor  
Kristi Bashor, City Clerk  
City of Grass Valley/Grass Valley, CA

**Measure E**

Shall the measure to expand funding for such general fund purposes as increased police and fire services, enhancing parks and recreational services, and improving streets and sidewalks, with all funds staying local and all expenditures subject to an annual audit by an independent citizen oversight committee, repealing the existing ½ percent City transaction and use (sales) tax, and replacing it with an ongoing 1 percent sales tax, which will raise approximately \$5,400,000.00 annually, be adopted?	Yes <input type="checkbox"/>
	No <input type="checkbox"/>

This question requires the approval of a simple majority (50% plus 1) of those voting and the referenced Ordinance is attached hereto as Exhibit 1 and incorporated in this Resolution by this reference.

2. **REQUEST TO CONSOLIDATE, CONDUCT ELECTION AND CANVASS RETURNS.** The Nevada County Board of Supervisors is hereby requested to authorize the Nevada County Registrar of Voters to render services necessary for the conduct of the Special Municipal Election called by this Resolution. Pursuant to Elections Code section 10403, the City Council hereby requests that the Nevada County Board of Supervisors consolidate the Special Municipal Election with the Statewide Primary Election to be held on June 5, 2018 and order the Special Municipal Election to be conducted by the Nevada County Registrar of Voters. The City Council acknowledges and requests that the consolidated election be held and conducted in the manner prescribed in Elections Code section 10418. The ballots to be used in the election shall be in form and content as required by law.

The City Clerk is authorized and directed to work with the Nevada County Registrar of Voters and to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia as needed to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. Pursuant to Elections Code section 10002, the City will reimburse Nevada County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due.

The notice of the time and place of holding the election is hereby given, and the City Clerk and Nevada County Registrar of Voters are authorized to give further notice of the election, as required by law, and the City Clerk shall forward a certified copy of this resolution to the Clerk of the Nevada County Board of Supervisors not later than 88 days before June 5, 2018.

3. **IMPLEMENTATION.** The City Clerk is directed to file with the Nevada County Board of Supervisors certified copies of this Resolution, with a copy to the Nevada County Registrar of Voters, pursuant to Elections Code section 10403. The City

Clerk is further authorized and directed to perform all other acts necessary or required by law to implement this Resolution and related to the election.

4. **IMPARTIAL ANALYSIS.** That the City Council directs the City Clerk to transmit copies of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of each 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.

5. **BALLOT ARGUMENTS.** Any and all members of the City Council or any of their respective designees are hereby authorized to prepare a written argument, not to exceed 300 words, in favor of the measure on behalf of the City Council, as specified in section 9282 of the California Elections Code.

Arguments against the Measure may not exceed 300 words and must be submitted to the City Clerk in compliance with sections 9282 and 9283 of the California Elections Code by the deadline established by the City Clerk.

Rebuttal arguments are authorized and may not exceed 250 words and must be submitted to the City Clerk as specified in section 9285 of the California Elections Code.

6. **CEQA.** The adoption of this Resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq. (“CEQA”) and 14 Cal. Code Reg. §§ 15000 et seq. (“CEQA Guidelines”). The calling and noticing of a Special Municipal Election is not a project within the meaning of CEQA Guidelines section 15378, subsection (b)(3).

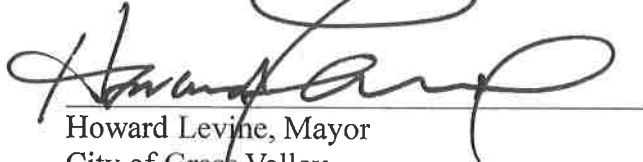
7. **CERTIFICATION.** The City Clerk of the City of Grass Valley shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

8. **SEVERABILITY.** If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Grass Valley hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

9. **EFFECTIVE DATE.** This Resolution shall take effect immediately upon its adoption as a measure affecting an election.

PASSED AND ADOPTED by a two-thirds vote of all members of the City Council of the City of Grass Valley as required by Revenue & Taxation Code section 7285.9, on this 22nd day of January, 2018, by the following vote:


AYES: Councilmembers: Aguilar, Arbuckle, Fouyer, Swarthout and Mayor Levine  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None  
ABSTAIN: Councilmembers: None



---

Howard Levine, Mayor  
City of Grass Valley

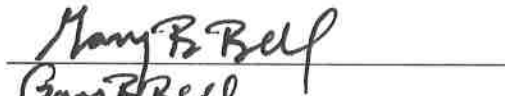
ATTEST:



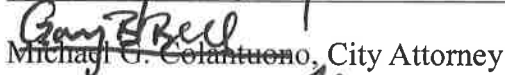
---

Kristi Bashor, City Clerk  
City of Grass Valley

APPROVED AS TO FORM:



---



Michael G. Colantuono, City Attorney  
City of Grass Valley *1ASSTB.*