

Resolution No. C-2015-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016, FOR THE PURPOSE OF SUBMITTING THE "TAXPAYER PROTECTION ACT" TO THE VOTERS; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO TO CONSOLIDATE SAID ELECTION; AND AUTHORIZING THE CITY MANAGER TO ENTER INTO A SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES.

WHEREAS, pursuant to authority provided by statute, a petition has been filed with the City Council of the City Of Half Moon Bay, California, signed by more than ten per cent (10%) of the number of registered voters of the city to submit a proposed ordinance entitled the "Taxpayer Protection Act"; and

WHEREAS, the San Mateo County Elections Department examined the petition and the records of registration and ascertained that the petition is signed by the requisite number of voters to qualify to be placed on the ballot, and has so certified; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters;

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

1. That pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Half Moon Bay, California, on Tuesday, June 7, 2016, a Municipal Election for the purpose of submitting the following proposed ordinance:

Shall the "Taxpayer Protection Act" be adopted as the official policy of the people of Half Moon Bay?

YES

NO

2. That the "full text" of the " Taxpayer Protection Act" shall appear in the Voter Information Pamphlet. The "full text" of the act is attached to this resolution as "Exhibit B."
3. That the City Clerk is directed to transmit a copy of the measure to the City Attorney and the City Attorney is directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure and to file that analysis no later than the deadline established by the San Mateo County elections official.

4. That the ballots to be used at the election shall be in form and content as required by law.
5. That the City Clerk is authorized, instructed and directed to contract for the procurement and furnishing of 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.
6. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.
7. That pursuant to the requirements of § 10403 of the Elections Code, the Board of Supervisors of the County of San Mateo is hereby requested to consent and agree to the consolidation of a Municipal Election to be held on Tuesday, June 7, 2016 for the purpose of submitting a ballot measure to the voters of Half Moon Bay.
8. The City of Half Moon Bay requests the services of the Board of Supervisors of San Mateo County and the San Mateo County Elections Department to conduct said General Election and to consolidate such election. The San Mateo County Elections Department is requested to provide all necessary election services and to canvass the returns of the General Municipal Election.
9. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.
10. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
11. 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.
12. That ballot arguments and rebuttals be filed in accordance with the following:
 - a. Primary Arguments shall be filed with the City Clerk during regular business hours by March 14, 2016 and shall not exceed 300 words in length.
 - b. The Mayor or his designee(s) are hereby authorized to prepare a written argument in opposition to the proposed ordinance, not to exceed 300 words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.
 - c. Rebuttal arguments shall be filed with the City Clerk during regular business hours by March 24, 2016 and shall not exceed 250 words in length.

d. The Mayor or his designee(s) are hereby authorized to prepare rebuttal responses to any arguments filed in favor of the ballot measure and the impartial analysis.

13. The Board of Supervisors of the County of San Mateo is hereby requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the election.

14. The City Manager is authorized to enter into a Service Agreement for the Provision of Election Services between the City of Half Moon Bay and San Mateo County Elections Chief.

15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the San Mateo Election Department of the County.

I, the undersigned, hereby certify that the forgoing Resolution was duly passed and adopted on the day of , 2015 by the City Council of Half Moon Bay by the following vote:

AYES, Councilmembers:

NOES, Councilmembers:

ABSENT, Councilmembers:

ABSTAIN, Councilmembers:

ATTEST:

APPROVED:

Siobhan Smith, City Clerk

Marina Fraser, Mayor

EXHIBIT B
TAXPAYER PROTECTION ACT

Beginning Full Text

ORDINANCE NO. C-2015-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HALF MOON BAY
AMENDING THE CITY OF HALF MOON BAY MUNICIPAL CODE TO MANDATE THAT ANY CITY
COUNCIL RESOLUTION AUTHORIZING THE ISSUANCE OF LEASE REVENUE BONDS BE
APPROVED BY SUPER-MAJORITY VOTE OF FULL CITY COUNCIL MEMBERSHIP.
TAXPAYER PROTECTION ACT**

THE CITY COUNCIL OF THE CITY OF HALF MOON BAY DOES ORDAIN AS FOLLOWS:

SECTION I. Title

This measure shall be known and may be cited as the "Taxpayer Protection Act."

SECTION 2. Findings and Declarations

The People of the City of Half Moon Bay declare their findings and purposes in enacting this Initiative to include the following:

Whereas, the City Council of Half Moon Bay voted on February 3rd, 2015 to proceed with the sale of Lease Revenue Bonds for the purposes of building a new library; and

Whereas, the people of Half Moon Bay recognize that the issuance of Lease Revenue Bonds carries increased risks for the community; and

Whereas, there is no proposed revenue source for the Lease Revenue Bonds; and

Whereas, there is no agency currently in place to lease back the proposed library; and

Whereas, it is in the interest of the City of Half Moon Bay to protect and insure the fiscal future of the City, and to protect it from immense debt issuance with only a simple majority of the Council;

Therefore, the people of Half Moon Bay declare that it is the policy of the City of Half Moon Bay that:

The passage of any Resolution by the City Council of Half Moon Bay for the express or secondary or implicit purpose of issuing Lease Revenue Bonds is required to pass with a supermajority of the Council voting in favor of the Resolution.

SECTION 3. Purpose and Intent

The people of the City of Half Moon Bay hereby find and declare the following:

- a. Lease Revenue Bonds are an inherently risky form of debt issuance.
- b. It is in the interest of Half Moon Bay to insure that large or excessive long-term commitments, including Lease Revenue Bonds, be required to obtain the approval of a super-majority of the City Council before being issued.

SECTION 4. Definitions

For the purposes of this Act, “Lease Revenue Bonds” means any bond debt issuance, including what are commonly known as “Lease Revenue Bonds,” which does not receive the approval of the voters prior to issuance.

SECTION 5. Municipal Code Amendment

(Amendments are indicated by ~~strikeout~~ and underlining.)

The City Municipal Code is amended as follows:

- a. City Municipal Code Title 3 Chapter 3.30.005 is amended as follows:

Prior to authorizing the issuance of Lease Revenue Bonds the full membership of the City Council must pass the proposed resolution authorizing the issuance with a super majority vote.

A. For purposes of this Section “Lease Revenue Bonds” are any bond issue which is not “backed by the full faith and credit of the government,” and/or any bond issuance which does not receive the approval of the voters prior to issuance.

B. For purposes of this section a super-majority vote is defined as any vote of greater than 66 percent of the full membership of the City Council at the time the roll call for the vote is taken.

SECTION 6. City Government Responsibilities

The City Council and other officials and employees of the City Government are mandated by the People of the City of Half Moon Bay to apply and enforce the provisions of this Initiative and the related Municipal Code generally, except to the extent that application of any provision is determined by a valid order of a court to violate the Constitution or law of California or the United States.

SECTION 7. Effective Date

In accordance with the provisions of California Elections Code § 9217, if a majority of the voters vote in favor of the Initiative, the Initiative shall go into effect 10 days after the vote is declared by the City Council.

SECTION 8. Severability

If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision shall not affect the validity of the remaining sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions of this Initiative. The voters hereby declare that this Initiative, and each section, subsection, paragraph, subparagraph, sentence, clause, phrase, part or portion thereof would have been adopted or passed even if one or more sections, paragraphs, subparagraphs, sentences, clauses, phrases, parts or portions are declared invalid or unconstitutional. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this Initiative that can be given effect without the invalid application.

SECTION 9. Construction of Initiative

This Initiative shall be liberally construed to accomplish its purposes. This Initiative is not intended to preempt or conflict with any state or federal law or regulation, and shall be so construed and applied. This Initiative is also intended to be and shall be construed as consistent with each and every element, provision and section of the Half Moon Bay Municipal Code.

SECTION 10. Consistency with Other Ballot Measures

If another ballot measure is placed on the same ballot as this measure and deals with the same subject matter, and if both measures pass, the voters intend that both measures shall be put into effect, except to the extent that specific provisions of the measures are in direct conflict. In the event of a direct conflict, the measure which obtained more votes will control as to the directly conflicting provisions only. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

SECTION 11. Amendments

Except as expressly provided herein, this Initiative may be amended or repealed only by the voters at a City of Half Moon Bay election.

End Full Text

INTRODUCED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the _____th day of _____, 2015.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Half Moon Bay, California, held on the ____ day of _____, 2015, by the following vote:

Ayes, Councilmembers: _____

Noes, Councilmembers: _____

Absent, Councilmembers: _____

Abstain, Councilmembers: _____

Attest:

Jessica Blair, Interim City Clerk

Rick Kowalczyk, Mayor