

RESOLUTION NO. 08-33

A RESOLUTION OF THE RIDGECREST CITY COUNCIL SUBMITTING TO THE CITY OF RIDGECREST'S QUALIFIED VOTERS AT THE ELECTION TO BE HELD NOVEMBER 4, 2008, A MEASURE SEEKING VOTER APPROVAL OF A SPECIAL TRANSACTIONS AND USE TAX OF THREE QUARTERS OF A PERCENT (3/4 %) FOR THE PROVISION OF SPECIFIC STREET IMPROVEMENTS; ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION; REQUESTING THE KERN COUNTY BOARD OF SUPERVISORS TO DIRECT THE COUNTY CLERK TO CONDUCT THE ELECTION, WHICH SHALL BE CONSOLIDATED WITH THE ESTABLISHED ELECTION ON NOVEMBER 4, 2008; DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE; AUTHORIZING ARGUMENTS AND THE FILING OF REBUTTAL ARGUMENTS FOR OR AGAINST THE MEASURE; AUTHORIZING THE CITY MANAGER TO APPROPRIATE THE FUNDS NECESSARY TO PAY THE CITY'S COST OF PLACING THE MEASURE ON THE ELECTION BALLOT; AND DIRECTING THE CITY CLERK TO TAKE STEPS NECESSARY TO PLACE THE MEASURE ON THE BALLOT AND TO CAUSE THE MEASURE OR ORDINANCE TO BE PRINTED

WHEREAS, Elections Code Sections 9219 and 9282 set forth the procedures for arguments in favor of or in opposition of any City measure; and

WHEREAS, Elections Code Sections 9220 and 9285 set forth the procedures for rebuttal arguments; and

WHEREAS, based on all of the information presented at the February 20, 2008 meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the City Council finds that under CEQA Guidelines 15060(c)(2) and 15378, subdivisions (2) and (4) of subdivision (b), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RIDGECREST, AS FOLLOWS:

Section 1. Pursuant to Elections Code Section 9222, the City Council of the City of Ridgecrest hereby calls an election at which it shall submit to the qualified voters of the City of Ridgecrest, a measure that, if approved, would adopt a special transactions and use tax to fund specific street purposes, as authorized by Revenue and Taxation Code section 7285.91. This measure shall be designated by letter by the Kern County Registrar of Voters. Pursuant to Election Code Section 10400 et seq., the election for this measure shall be consolidated with the established election to be conducted on November 4, 2008.

Section 2. The ballot language for the proposed measure shall be as follows:

MEASURE : APPROVAL OF AN ORDINANCE ADOPTING A SPECIAL TRANSACTIONS AND USE TAX FOR THE PROVISION OF SPECIFIC STREET IMPROVEMENTS, AT THE RATE OF THREE QUARTERS OF A PERCENT (3/4%) OF THE RETAIL SALES PRICE, WHICH SHALL BE ADMINISTERED BY THE CALIFORNIA STATE BOARD OF EQUALIZATION.		
Shall an ordinance be approved that adopts a special transactions and use tax to pay for specific street improvements at the rate of three quarters of a percent (3/4%) of the retail sales price, to be administered by the California State Board of Equalization, to terminate 10 years following activation, and to include an Ad Hoc Citizens Advisory Committee?	YES	
	NO	

Section 3. The ordinance to be approved by the voters that imposes the special tax pursuant to Section 2 is as set forth in Exhibit 1 hereto. The City Council approves the form of the ordinance and approves submitting the ordinance to the voters.

Section 4. The City Clerk is hereby directed to cause notice of the measure to be published once in the official newspaper of the City of Ridgecrest, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 5. (a) An election on the measure set forth in Section 2 shall be held in the City of Ridgecrest on Tuesday, November 4, 2008. The City Council requests that the Board of Supervisors of Kern County consolidate the election on the measure with the established election on the same day. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Kern County and the Registrar of Voters of Kern County on or before August 8, 2008.

(b) The election on the measure set forth in Section 2 shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State of California.

(c) The election for the measure set forth in Section 2 shall be held in Kern County in the City of Ridgecrest on November 4, 2008, as required by law, and the Board of Supervisors of the County of Kern is authorized to canvass the returns of that election with respect to the votes cast in the City of Ridgecrest and certify the results to the City Council of the City of Ridgecrest.

Resolution No. 08-33

Page 3

(d) At the next regular meeting of the City Council of the City of Ridgecrest occurring after the returns of the election for the measure set forth in Section 2 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

Section 6. (a) The last day for submission of direct arguments for or against the measure shall be by 5:00 p.m. on July 30, 2008.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on August 4, 2008.

(c) Direct arguments shall not exceed three hundred (300) words and shall be signed by not more than five (5) persons.

(d) Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five (5) persons; those persons may be different persons than the persons who signed the direct arguments.

(e) The City Attorney shall prepare by August 4, 2008, an impartial analysis of the measure, not to exceed five hundred (500) words, showing the effect of the measure.

(f) The Mayor is hereby authorized to prepare a written argument in favor of the proposed ordinance, not to exceed three hundred (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.

(g) Pursuant to Section 9285 of the California Elections Code, when the City Clerk has selected the arguments for and against the Measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. 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 7. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's cost of placing the Measure on the election ballot.

Section 8. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the Ordinance or Measure to

Resolution No. 08-33
Page 4

be printed. A copy of the Ordinance or Measure shall be made available to any voter upon request.

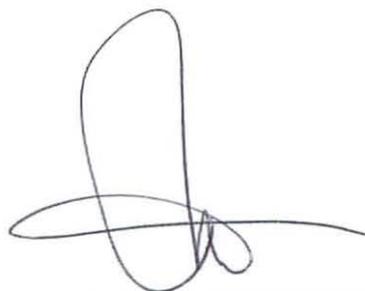
APPROVED AND ADOPTED this 7th day of May, 2008 by the following vote:

AYES: Mayor Holloway, Council Members Morgan, Wiknich, Carter, and Clark

NOES: None

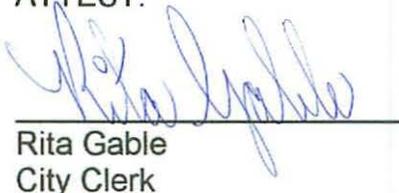
ABSENT: None

ABSTAIN: None



Marshall "Chip" Holloway, Mayor

ATTEST:



Rita Gable
City Clerk