

BEFORE THE TOWN COUNCIL OF THE TOWN OF MORAGA

In the Matter of:

Calling an Election to Ask the Voters of)
the Town of Moraga to Approve a 20)
Year General Transactions and Use Tax)
of One-Cent; Requesting that the Board)
of Supervisors of the County of Contra)
Costa Consolidate the Election with the)
Established Election to be Held on)
November 6, 2012; and Directing the)
County Elections Department to Conduct)
the Election of the Town's Behalf)

Resolution No. 62-2012

WHEREAS, Moraga was founded on November 13, 1974, to preserve and enhance the unique quality of life in our Town by providing a safe environment and traffic congestion relief while honoring our tradition of minimal service government; and

WHEREAS, the Town has seen flat revenues with consistently increasing operational costs due to the overall downturn in the economy, rising health care costs, and continued takeaways by the State amounting to nearly \$5 million over the past 20 years; and

WHEREAS, while the Town continues to be fiscally prudent and constantly seeks ways to keep costs low and reduce expenses in all departments, the Town still faces more cuts to essential Town services, street paving and pothole repair, and park maintenance; and

WHEREAS, the community has expressed a clear interest in supporting the Town in order to preserve the safety of Moraga, maintain and repair local streets and fix potholes and cracks, protect vital police services provided by the Town's Police Department and maintain the Town's recreation programs; and

WHEREAS, The Town of Moraga never spends more than the current revenue would allow, but as a consequence, the streets have fallen further into disrepair through deferred maintenance and repairs to Moraga's local streets and roads; and

WHEREAS, in the next five years the Town's average rating for streets will drop from "at risk" to "poor" or "failed" if roads are not maintained; and

WHEREAS, the Town must start making these essential repairs immediately, because waiting will make Town roads more dangerous and significantly more expensive to repair; and

WHEREAS, this temporary measure would create a guaranteed source of local funding revenue vital to maintaining Town services that cannot be taken by the State, ensuring our tax dollars are spent locally on services for Moraga residents; and

WHEREAS, when a Town seeks voter approval of a new tax, Article XIII C, section 2(b) of the California Constitution requires the election be consolidated with the general municipal election for Town Councilmembers, except in cases in which a Town Council has unanimously declared that there is an emergency; and

WHEREAS, the Town Council held a noticed meeting on July 25, 2012 to consider calling an election to seek voter approval of a proposed general transactions (sales) and use tax as authorized by Revenue and Taxation Code section 7285.9; and

WHEREAS, the tax to be submitted to the voters, if approved, would be imposed at a rate of one percent (1.0%). The tax revenue would be collected by the State Board of Equalization and remitted to the Town. The tax would be in effect for twenty (20) years, and would then expire automatically, unless extended by the voters. The tax shall be approved if the measure receives at least a majority of affirmative votes; and

WHEREAS, Elections Code sections 9280 et seq. set forth the procedures for arguments in favor of or, in opposition to, any Town measure and the procedures for rebuttal arguments; and

WHEREAS, based on all of the information presented at the July 25, 2012 meeting, both written and oral, including the staff reports, minutes, and other relevant materials, the Town Council finds that under CEQA Guidelines 15060(c)(2) and 15378(b)(2) and (4), this tax does not constitute a project under CEQA and therefore review under CEQA is not required.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Moraga that the foregoing Recitals are true and correct and are hereby adopted by the Town Council. Based on those Recitals, the Council finds and declares as follows:

SECTION 1. The Town Council of the Town of Moraga hereby calls an election at which it shall submit to the qualified voters of the Town, a measure relating to the adoption of a transactions and use tax. This measure shall be designated by letter by the Contra Costa County Elections Department. The election for this measure shall be consolidated with the established consolidated general election to be conducted on November 6, 2012.

SECTION 2. Pursuant to the requirements of the laws of the State of California relating to cities within said State, the following proposed measure shall be added to the ballot for the November 6, 2012, election and thereby submitted to the voters of the Town:

<p>To keep local streets from falling into disrepair and maintain Town services, including: fixing potholes and cracks; maintaining neighborhood police patrols and response times; repairing neighborhood streets; maintaining recreation programs for youth and seniors; other general Town services, shall the Town of Moraga enact a one-cent sales tax for 20 years with authority to incur debt to accelerate infrastructure projects, with annual audits, citizens' oversight, no funds for Sacramento and all funds spent only for Moraga?</p>	YES	
	NO	

SECTION 3. The ordinance authorizing the general transactions and use tax to be approved by the voters is as set forth in Exhibit A hereto. The Town Council hereby approves the ordinance, the form thereof, and its submission to the voters of the Town at the November 6, 2012, consolidated general election, as required by Revenue and Taxation Code section 7285.9, subject to the approval of a majority of the voters voting on the measure at the election called by the adoption of this resolution. The ordinance specifies that the rate of the transactions tax shall be one percent (1.0%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the Town; it specifies that the rate of the use tax shall be one percent (1.0%) of the sales price of tangible personal property stored, used or otherwise consumed in the Town. The State Board of Equalization shall collect the tax from retailers subject to the tax and remit the funds to the Town.

SECTION 4. The full text of the measure shall not be printed in the Voter Information Pamphlet, but a statement shall appear under the Impartial Analysis in the Voter Information Pamphlet informing voters that the information may be obtained from the Town Clerk's office and the Town's website.

SECTION 5. The Town Clerk is hereby authorized and directed to cause notice of the measure to be published once in a newspaper of general circulation, printed, published, and circulated in the Town of Moraga and hereby designated for that purpose by the Town Council of the Town of Moraga. The Town Clerk may request that the County of Contra Costa Elections Department prepare and publish the required notice.

SECTION 6. The official ballot to be used at the election shall conform to the laws of the State of California with relation thereto.

SECTION 7. The Town Council authorizes the Registrar of Voters to consolidate this election with the established election on November 6, 2012, for the ease and convenience of the registered voters and to take advantage of any cost savings generated by such consolidation.

SECTION 8. The Town Clerk may request the assistance of the County of Contra Costa Election Department in regard to the General Municipal Election, as the Town Clerk deems necessary.

SECTION 9. The Town shall reimburse the County for services performed when the work is completed and upon presentation to the Town of a properly approved bill.

SECTION 10. The election shall be held and conducted as provided by law for holding municipal elections.

SECTION 11. The notice of the time and place of holding the election is given and the Town Clerk is directed to give further or additional notice of the election in the time, form and manner as required by law.

SECTION 12. The Town Clerk is hereby directed to submit to the Town Attorney a certified copy of the measure. The Town Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure, which shall be filed with the Town Clerk's Office no later than August 10, 2012, at 5:00 p.m. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 13. In accordance with Elections Code Sections 9282 through 9287, primary arguments in favor or against the measure may be submitted to the Town Clerk by August 10, 2012, at 5:00 p.m. Rebuttal arguments may be submitted to the Town Clerk by August 17, 2012, at 5:00 p.m.

SECTION 14. Pursuant to California Elections Code section 9282, the Town Council hereby authorizes Councilmembers Metcalf and Trotter to prepare a written argument and rebuttal in favor of the proposed measure. At the discretion of such two Councilmembers, the argument may also be signed by other members of the Town Council, bona fide associations of citizens, or by individual voters who are eligible to vote.

SECTION 15. The jurisdictional boundaries of the Town of Moraga have not changed since the last general municipal election.

SECTION 16. The election on the measure 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 not prescribed in this resolution, the election shall be held as prescribed in the Elections Code of the State of California. The Contra Costa County Elections Department is authorized to canvass the returns of the election with respect to the votes cast in the Town of Moraga.

SECTION 17. This resolution shall be forthwith entered upon the minutes of this Council and kept and maintained by the Town Clerk of the Town of Moraga.

SECTION 18. The Town Manager is hereby authorized and directed to expend the necessary funds to pay for the Town's cost of placing the measure on the election ballot.

SECTION 19. The Town Clerk is hereby ordered to certify to the adoption of this resolution, notice and proclamation, and to file copies hereof, so certified, with the Clerk of the Board of Supervisors of the County of Contra Costa and with the Registrar of Voters of the County of Contra Costa, and to enter it into the book of original resolutions.

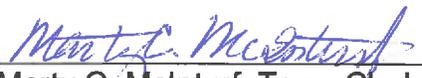
PASSED AND ADOPTED by the Town Council of the Town of Moraga at a regular meeting held on July 25, 2012 by the following vote:

AYES: Mayor Metcalf, Vice Mayor Harpham, Councilmembers Mendonca and Trotter
NOES: None
ABSTAIN: None
ABSENT: Councilmember Chew



Michael Metcalf, Mayor

Attest:



Marty C. McInturf, Town Clerk