Subject: Town of Paradise Requests Consolidation of General Municipal Election with November 6, 2018 General Election

Department: County Clerk-Recorder

Contact: Candace J. Grubbs

Meeting Date Requested: July 24, 2018

Department Summary: (Information provided in this section will be included on the agenda. Attach explanatory memorandum and other background as necessary).

The Paradise Town Council submits Resolution No. 18-09 (attachment 1), calling for a General Municipal Election, and requesting the Board of Supervisors to consolidate said election with the statewide November 6, 2018 General Election. The purpose of consolidating this municipal election is for the election of two (2) Members of the Town Council, each serving a term of four years and one (1) ballot measure seeking approval of Ordinance No. 569, that extends the Town’s existing Transactions and Use Tax for a period of ten years to March 31, 2031.

Fiscal Impact:

Costs incurred during the November 6, 2018 General Election are prorated on the basis of the level of services provided to each participating entity that is consolidated on the ballot. The expenditures and anticipated revenues are included in the 2018-19 fiscal year budget. The Town will reimburse the County for costs.

Personnel Impact:

No personnel impact.

Action Requested:

Approve Consolidation.

Administrative Office Review: Andy Pickett, Deputy Chief Administrative Officer
TOWN OF PARADISE
RESOLUTION NO. 18-09

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF PARADISE REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF BUTTE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE FOR THE ELECTION OF TWO (2) TOWN COUNCIL MEMBERS; AND, FOR SUBMISSION TO THE VOTERS A QUESTION RELATING TO APPROVAL OF ORDINANCE NO. 569, AN ORDINANCE AN ORDINANCE EXTENDING, SUBJECT TO VOTER APPROVAL, THE TOWN'S EXISTING GENERAL TRANSACTIONS AND USE TAX FOR AN ADDITIONAL TEN YEARS TO MARCH 31, 2031, PURSUANT TO REVENUE & TAXATION CODE SECTIONS 7251 ET SEQ.

WHEREAS, the Town Council of the Town of Paradise called a General Municipal Election to be held on November 6, 2018, for the purpose of the election of two (2) Members of the Town Council for four-year terms of office ending November, 2022; and;

WHEREAS, the Town Council has agreed to submit to the voters a question relating to approval of Ordinance No. 569, an ordinance extending, subject to voter approval, the Town's existing General Transactions and Use Tax for an additional ten years to March 31, 2031, Pursuant to Revenue & Taxation Code Sections 7251 Seq.; and,

WHEREAS, it is desirable that the General Municipal Election be consolidated with the statewide general election to be held on the same date; that within the Town, the precincts, polling places and election officials of the two elections be the same; that the Election Department of the County of Butte canvass the returns of the General Municipal Election; and, that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the Town Council of the Town of Paradise does resolve, declare, determine and order as follows:

SECTION 1. That, pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of Butte is hereby requested to consent and agree to the consolidation of a General Municipal Election with the statewide General Election on Tuesday, November 6, 2018 for the purpose of electing two (2) members of the Town Council for the full term of four (4) years, ending November, 2022.

SECTION 2. That, pursuant to the requirements of the laws of the State of California relating to general law cities, the Town Council does order submitted to the voters at the General Municipal Election the following measure.

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<th>To preserve Town of Paradise police protection, fire suppression, road improvements, animal control and other services, with required review by the citizen oversight committee; shall the Town's existing temporary half percent transactions and use tax be extended for ten years to March 31, 2031 pursuant to Ordinance No. 569? (Projected tax revenues are $1.4 million per year.)</th>
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<td>□ YES</td>
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SECTION 3. That the text of the ordinance submitted to the voters is attached as Exhibit A.
TOWN OF PARADISE
RESOLUTION NO. 18-09

SECTION 4. That the Butte County Board of Supervisors is requested to issue instructions to the Butte County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 5. That the Butte County Election Department is authorized to canvass the returns of the General Municipal Election and that the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 6. That the Town of Paradise recognizes that additional costs will be incurred by Butte County by reason of this consolidation and agrees to reimburse the County for such additional costs and to pay the costs associated with the current methodology used by the Butte County Election Department for cost recovery for Consolidated Elections.

SECTION 7. That the Town Clerk is hereby directed to file a certified copy of this resolution with the Butte County Board of Supervisors and the Butte County Election Department of the County of Butte.

SECTION 8. That the Town Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the Town Council of the Town of Paradise this 8th day of May, 2018, by the following vote:

AYES: Greg Bolin, Scott Lotter, Melissa Schuster, Mike Zuccolillo and Jody Jones, Mayor

NOES: None

ABSENT: None

NOT VOTING: None

Attest: May 9, 2018
Dina Volenski, CMC, Town Clerk

Approved as to Form:
Dwight L. Moore, Town Attorney
TOWN OF PARADISE
ORDINANCE NO. 569

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF PARADISE
EXTENDING, SUBJECT TO VOTER APPROVAL, THE TOWN'S
EXISTING GENERAL TRANSACTIONS AND USE TAX FOR AN
ADDITIONAL TEN YEARS TO MARCH 31, 2031, PURSUANT TO
REVENUE & TAXATION CODE SECTIONS 7251 ET SEQ.

The Town Council of the Town of Paradise, State of California, does ORDAIN AS FOLLOWS:

WHEREAS, on November 4, 2014, a majority of the Town's voters approved Ordinance
No. 545 (Measure C), codified as Paradise Municipal Code Chapter 3.22, which authorized a one-half of
one percent (0.50%) general transactions and use tax for six years; and

WHEREAS, the funds generated by Ordinance No. 545 have been used by the Town Council
to purchase new Police Vehicles and Fire Engines and other public safety equipment; to purchase
equipment, additional open hours and training for Animal Control, and as funding for road improvement
projects in the Town of Paradise; and

WHEREAS, it is proposed by the Town Council that the existing one half of one percent
(0.50%) transactions and use tax be extended by Town voters beyond its current March 31, 2021
termination date to March 31, 2031.

SECTION 1. Paradise Municipal Code section 3.22.050 is hereby amended to read:

3.22.050 Transactions Rate Tax
For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers
in the incorporated territory of the Town of Paradise at the rate of one-half of one percent (0.50%) of the
gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory
until March 31, 2031.

SECTION 2. Paradise Municipal Code section 3.22.070 is hereby amended to read as follows:

3.22.070 Use Tax Rate
An excise tax is hereby imposed on the storage, use or other consumption in the Town of tangible
personal property purchased from any retailer until March 31, 2031 for storage, use or other consumption
in said territory at the rate of one-half of one percent (0.50%) of the sales price of such property. The
sales price shall include delivery charges when such charges are subject to state sales or use tax
regardless of the place to which delivery is made.

SECTION 3. TERMINATION DATE. The tax levied by this ordinance shall continue at the rate of
one-half of one percent (0.50%) until March 31, 2031. The authority to levy the tax imposed by this
ordinance shall expire on March 31, 2031.
SECTION 4. SEVERABILITY. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

SECTION 5. EFFECTIVE DATE. This ordinance relates to an extension of the Town's existing transactions and use tax and shall take effect and become operative only if approved by a majority of voters at the Regular Municipal Election to be held on November 6, 2018. If approved by the voters, the transactions and use tax codified under Chapter 3.22 of the Paradise Municipal Code will be extended to 11:59 p.m. on March 31, 2021. If the measure fails, this ordinance shall be rendered inoperative and void, however, the defeat of the ordinance shall not operate to extinguish or amend the existing transactions and use tax as presently constituted and approved on November 4, 2014, which will expire on March 31, 2021.

SECTION 6. CEQA. This ordinance and the contemplated levy of the transactions and use tax referenced herein is not a "project" within the meaning of the California Environmental Quality Act ("CEQA") codified as 21000 et seq. of the California Public Resources Code because it will not result in a direct or reasonably foreseeable indirect physical change in the environment nor does it involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment.

PASSED AND ADOPTED by the Town Council of the Town of Paradise, County of Butte, State of California, on this 8th day of May, 2018 by the following vote:

AYES: Greg Bolin, Scott Lotter, Melissa Schuster and Jody Jones, Mayor

NOES: Mike Zucolillo

ABSENT: None

ABSTAIN: None

Jody Jones, Mayor

ATTEST: May 9, 2018

Dina Volenski, Town Clerk

APPROVED AS TO FORM:

Dwight L. Moore, Town Attorney