

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS  
ACTION AGENDA SUMMARY

DEPT: Board of Supervisors

BOARD AGENDA # \*A-4

Urgent  Routine

AGENDA DATE May 6, 2014

CEO Concurs with Recommendation YES  NO   
(Information Attached)

4/5 Vote Required YES  NO

SUBJECT:

Approval of Request from the City of Oakdale to Consolidate their Municipal Election with the November 4, 2014, Gubernatorial General Election

STAFF RECOMMENDATIONS:

Approve request from the City of Oakdale to consolidate their Municipal Election with the November 4, 2014, Gubernatorial General Election.

Contact person: Christine Ferraro Tallman, Clerk of the Board

Telephone: 525-4494

FISCAL IMPACT:

There is no fiscal impact associated with this item.

BOARD ACTION AS FOLLOWS:

No. 2014-207

On motion of Supervisor Monteith, Seconded by Supervisor Chiesa

and approved by the following vote,

Ayes: Supervisors: O'Brien, Chiesa, Withrow, Monteith, and Chairman De Martini

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) X Approved as recommended

2) \_\_\_\_\_ Denied

3) \_\_\_\_\_ Approved as amended

4) \_\_\_\_\_ Other:

MOTION:



ATTEST: CHRISTINE FERRARO TALLMAN, Clerk

File No.



## Office of the City Clerk

280 North Third Avenue • Oakdale, CA 95361 • Ph: (209) 845-3571 • Fax: (209) 847-6834

**FINANCE  
DEPARTMENT**  
280 N. Third Ave.  
Oakdale, CA 95361  
(209) 845-3571  
(209) 847-6834 Fax

**PUBLIC SERVICES  
DEPARTMENT**  
Building, Planning &  
Public Works  
455 S. Fifth Ave.  
Oakdale, CA 95361  
(209) 845-3625  
(209) 845-3600

**FIRE DEPARTMENT**  
Station No. 1:  
325 East "G" St.  
Station No. 2:  
450 S. Willowood Dr.  
Oakdale, CA 95361  
(209) 845-3660  
(209) 847-5907 Fax

**RECREATION  
DEPARTMENT**  
280 N. Third Ave.  
Oakdale, CA 95361  
(209) 845-3591

**POLICE DEPARTMENT**  
245 N. Second Ave.  
Oakdale, CA 95361  
(209) 847-2231  
(209) 847-3790 Fax

**CITY OF OAKDALE  
WEBSITE**  
[www.ci.oakdale.ca.us](http://www.ci.oakdale.ca.us)  
**E-MAIL**  
Information  
[@ci.oakdale.ca.us](mailto:@ci.oakdale.ca.us)

April 23, 2014

Christine Ferraro-Tallman  
Clerk of the Board of Supervisors  
Stanislaus County  
1010 Tenth Street  
Modesto, CA 95354

RE: City of Oakdale City Council Resolution 2014-45

Dear Ms. Ferraro-Tallman:

Enclosed is a certified copy of the City of Oakdale City Council adopted Resolution 2014-45, requesting consolidation of our municipal election with the November 4, 2014 regular election. Enclosed is a certified copy of the resolution.

Please let me know if you require anything further. Thank you for your assistance.

Sincerely,

Kathy Teixeira, CMC  
City Clerk

Enclosure: 1

cc: B. Whitemyer, City Manager

BOARD OF SUPERVISORS  
2014 APR 23 P 4:06



**IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA  
CITY COUNCIL RESOLUTION 2014-45**

**A RESOLUTION OF THE CITY OF OAKDALE CITY COUNCIL**

**(1) CALLING FOR AN ELECTION ON A BALLOT MEASURE PROPOSING AN AMENDMENT TO CHAPTER 11 OF THE CITY'S MUNICIPAL CODE TO EXTEND THE TERM OF THE TRANSACTIONS AND USE TAX IMPLEMENTED BY MEASURE O FOR AN ADDITIONAL FIVE YEARS; (2) REQUESTING THE BOARD OF SUPERVISORS OF STANISLAUS COUNTY TO CONSOLIDATE A MUNICIPAL ELECTION ON A LOCAL MEASURE WITH OTHER ELECTIONS TO BE HELD ON THE NOVEMBER 4, 2014 REGULAR ELECTION DATE; (3) REQUESTING THE STANISLAUS COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY ELECTIONS OFFICIAL TO RENDER ELECTION SERVICES TO THE CITY; AND (4) APPROVING THE PROPOSED ORDINANCE**

**THE CITY OF OAKDALE CITY COUNCIL DOES HEREBY RESOLVE THAT:**

**WHEREAS**, in 2011 the City Council for the City of Oakdale ("City"), relying on a recommendation from an ad hoc committee, determined that the city was experiencing a fiscal emergency; and

**WHEREAS**, in response to the fiscal emergency, the city council (the "Council") passed Resolution No. 2011-65, declaring a fiscal emergency and calling for a municipal election to submit a local ballot measure to the voters to consider adopting a one-half cent transactions and use tax to fund various city services; and

**WHEREAS**, on November 1, 2011, city voters considered and approved Measure O, to allow the city to collect the one-half cent transactions and use tax to fund various city services ("Measure O"); and

**WHEREAS**, the ordinance adopted pursuant to Measure O provided that the one-half cent transactions and use tax ("Sales Tax") would expire three (3) years from the date it was first collected; and

**WHEREAS**, on February 18, 2014, the Council appointed an ad hoc committee to consider the need to extend the existing one-half cent transactions and use tax, which is slated to expire in April 2015; and

**WHEREAS**, the appointed ad hoc committee found that, "the \$1.5 million dollars that Measure "O" provides the city, on an annual basis, represents about 17% of the total income the city receives. Despite all that has been accomplished to balance the budget, the city cannot survive, as we know it, without Measure "O" funding"; and



**CITY OF OAKDALE**  
**City Council Resolution 2014-45**

**WHEREAS**, the ad hoc committee recommended the Council propose a ballot measure for the November general election to continue the one-half cent sales transaction and use tax for an additional five (5) years; and

**WHEREAS**, Revenue and Taxation Code section 7285.9 authorizes the City to increase or extend a transactions and use tax for general purposes if (1) the ordinance proposing the tax is approved by a two-thirds vote of all of the members of Council; and (2) the tax is approved by the majority of the City's voters.

**NOW, THEREFORE**, the City Council of the City of Oakdale does hereby resolve:

1. Call for Election. A ballot measure ("Ballot Measure") shall be submitted to the qualified voters of the City at the November 4, 2014 general election, proposing an amendment to Chapter 11 of the City of Oakdale Municipal Code to extend the one-half cent transaction and use tax adopting Measure O for an additional five (5) years.

2. Form of Ballot Measure. The text of the proposed ordinance to be submitted to the voters is attached as **Exhibit A** to this resolution. The exact form of the Ballot Measure to be voted upon shall appear on the ballot as follows:

To help prevent additional budget cuts and maintain City services, including police and fire protection, senior programs, and other general services, shall the City of Oakdale extend the existing ½ cent sales tax set to expire April 2015, for an additional five (5) years, with resident oversight and annual independent audits?	YES	
	NO	

The Ballot Measure shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in California Elections Code Section 13116.

3. Proposed Ordinance. The ordinance authorizing the extension of the Sales Tax to be approved by the voters is attached to this Resolution as Exhibit A and incorporated herein by this reference. The Council hereby approves the ordinance, the form thereof, and its submission to the voters at the November 4, 2014 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 Ballot Measure at the election called by the adoption of this resolution.

4. City Attorney's Impartial Analysis. After reviewing the Ballot Measure, the City Attorney for the City of Oakdale has prepared the following impartial analysis of the Ballot Measure pursuant to California Elections Code section 9280:



**CITY OF OAKDALE**  
**City Council Resolution 2014-45**

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*California Revenue and Taxation Code requires voter approval to extend a transactions and use tax for general purposes. In 2011 voters in the City of Oakdale approved Measure "O" to institute a transactions and use tax within the City of one-half cent. This tax had a sunset date of April 2015. The proposed measure will extend the sunset date of the tax for an additional five (5) years. If passed, this measure, placed on the ballot by the City Council, will allow the City of Oakdale to collect approximately one million five hundred thousand dollars annually in sales tax revenue that can be used for general services within the City. The measure will result in individuals continuing to pay a one-half cent tax for transactions within the City. If the measure does not pass, the transaction and use tax implemented through Measure "O" will expire in April 2015, and the City will no longer be able to collect the revenue.*

5. Full Text of Ballot Measure. The full text of the "Ordinance of the City Council of the City of Oakdale Amending Article II of Chapter 11: Transactions and Use Tax to Delay the Original Termination Date for Five (5) Years" will be available at no cost, from the City Clerk's Office or on the City's website: [www.oakdalegov.com](http://www.oakdalegov.com). A statement about how to obtain the full text of the Ordinance will be included in the Voter Information Pamphlet below the City Attorney's Impartial Analysis.

6. Passage of Ballot Measure. Such Ballot Measure shall require a majority vote to become effective.

7. Consolidation of Election. The City Council hereby authorizes and requests that the Board of Supervisors of the County of Stanislaus, State of California ("BOS") order the consolidation of the election in the City of Oakdale to be held on November 4, 2014, with any other election(s) to be held on the same regular election date, pursuant to California Election Code section 10400 *et. seq.*

8. Deadline for Submittal of Arguments. Pursuant to California Elections Code Section 9282, the deadline for submitting arguments for or against the Ballot Measure is 5:00 p.m. on July 17, 2014. All arguments shall be three hundred (300) words or less and shall be submitted to the City Clerk who shall transmit such arguments to the County Registrar of Voters ("ROV"). The provisions of this Section shall only apply to the election to be held on November 4, 2014 and shall then be repealed.

9. Request for Election Services. The Council hereby requests the BOS to permit the ROV to render to the City such services as the City Clerk may request relating to the conduct of the above-described election including: ordinance of election precincts, polling places, voting booths, voting systems and election officers, printing and mailing of voter pamphlets, preparation and tabulation of the result of votes cast, canvassing of the returns of the election.

10. Costs. The City shall reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due.



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11. Filing with County. The Council directs the City Clerk to submit this resolution and accompanying documents to the County BOS and ROV no later than June 20, 2014.

12. Notice. In accordance with California Elections Code Section 9205, the City Clerk is directed to publish public notice of the election in an adjudicated newspaper of general circulation. Such notice shall include the election date, election location, ballot questions, passage requirement, and the deadlines for submitting arguments and rebuttals. Such notice and an affidavit attesting to its publication shall be filed pursuant to California Elections Code Section 9206.


**THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 21<sup>st</sup> DAY OF APRIL 2014,** by the following vote:

AYES:	COUNCIL MEMBERS:	Brennan, Dunlop, Petersen and Paul	(4)
NOES:	COUNCIL MEMBERS:	Jackson	(1)
ABSENT:	COUNCIL MEMBERS:	None	(0)
ABSTAINED:	COUNCIL MEMBERS:	None	(0)

APPROVED:

  
Pat Paul, Mayor

ATTEST:

  
Kathy Teixeira, CMC  
City Clerk

**CERTIFICATION**

THE FOREGOING IS A TRUE AND CORRECT COPY OF CITY COUNCIL RESOLUTION 2014-45 DULY AND REGULARLY ADOPTED BY THE CITY OF OAKDALE CITY COUNCIL IN REGULAR SESSION.

KATHY TEIXEIRA, CMC, CITY CLERK  
CITY OF OAKDALE, CALIFORNIA

Date: April 23, 2014

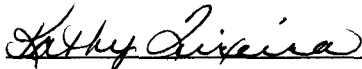


EXHIBIT A  
ORDINANCE NO. 1224

IN THE CITY COUNCIL  
OF THE CITY OF OAKDALE  
STATE OF CALIFORNIA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OAKDALE  
AMENDING ARTICLE II OF CHAPTER 11: TRANSACTIONS AND USE TAX  
TO DELAY THE ORIGINAL TERMINATION DATE FOR FIVE (5) YEARS

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**WHEREAS**, In 2011 the City Council for the City of Oakdale, relying on a recommendation from an Ad Hoc Committee, determined that the City was experiencing a fiscal emergency; and

**WHEREAS**, In response to the fiscal emergency, the City Council passed Resolution No. 2011-65, declaring a fiscal emergency and calling for a municipal election to submit a local ballot measure to the voters to consider adopting a one-half cent transactions and use tax to fund various City services; and

**WHEREAS**, on November 1, 2011, City voters considered and approved Measure O, to allow the City to collect the one-half cent transactions and use tax to fund various City services; and

**WHEREAS**, the ordinance adopted pursuant to Measure O provided that the one-half cent transactions and use tax would expire three (3) years from the date it was first collected; and

**WHEREAS**, on February 18, 2014 the City Council appointed an ad hoc committee to consider the need to extend the existing one-half cent transactions and use tax, which is slated to expire in April 2015; and

**WHEREAS**, the appointed ad hoc committee found that, "The \$1.5 million dollars that Measure "O" provides the City, on an annual basis, represents about 17% of the total income the City receives. Despite all that has been accomplished to balance the budget, the City cannot survive, as we know it, without Measure "O" funding"; and

**WHEREAS**, the ad hoc committee recommended the City Council propose a ballot measure for the November general election to continue the one-half cent transactions and use tax for an additional five (5) years; and

ORDINANCE NO. 1224

1           **WHEREAS**, on April 21, 2014 the City Council passed Resolution 2014-45 to  
2 place a ballot measure on the November 4, 2014 ballot, considering the extension of  
3 the one-half cent transaction and use tax for an additional five (5) years; and

4           **WHEREAS**, on November 4, 2014, City voters elected to adopt the proposed  
5 measure, extending the one-half cent transactions and use tax for five additional  
6 years

7           **THE PEOPLE OF THE CITY OF OAKDALE DO ORDAIN AS FOLLOWS:**

8           **SECTION 1.**

9           *Section 11-20 of Article II of Chapter 11 of the City of Oakdale Municipal Code is*  
10 *amended to read as follows:*

11           **Section. 11-20.     TERMINATION DATE.** The authority to levy the additional one-  
12 half of one cent tax imposed by this chapter shall expire eight (8) years from the date  
13 the city first commenced collecting the additional tax amount. At that time, the rate  
14 shall return to the one cent rate that was in place before the city first began  
15 collecting the additional tax amount.

16           **SECTION 2.**

17           **EFFECTIVE DATE.** Upon approval by the majority of voters in the City of  
18 Oakdale voting on this Ordinance, this Ordinance shall take effect ten (10) days after  
19 the results of the election are declared by the city council.

20           **SECTION 3.**

21           **VOTER CERTIFICATION.** Upon certification of voter approval, this Ordinance was  
22 duly approved by the following vote of the voters of the City of Oakdale on November  
23 4, 2014.

24           **SECTION 4.**

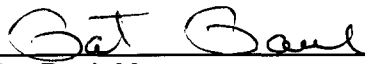
25           **CERTIFICATION OF CITY COUNCIL ADOPTION AND APPROVAL.** This Ordinance  
was introduced and approved by Resolution No. 45 at a regular meeting of the City  
Council of the City of Oakdale held on the 21<sup>ST</sup> Day of April, 2014 by the following vote:




ORDINANCE NO. 1224

1 AYES: COUNCIL MEMBERS: Brennan, Dunlop, Petersen and Paul (4)  
2 NOES: COUNCIL MEMBERS: Jackson (1)  
3 ABSTAINED: COUNCIL MEMBERS: None (0)  
4 ABSENT: COUNCIL MEMBERS: None (0)

5 SIGNED:

6   
7 Pat Paul, Mayor

8 ATTEST:

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11 Kathy Teixeira, CMC  
City Clerk

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