

RESOLUTION NO. 2009-82

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROCKLIN,  
CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF AN ALL  
MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON TUESDAY, AUGUST 25,  
2009, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF  
A CERTAIN MEASURE RELATING TO THE CONTINUANCE OF A SPECIAL TAX  
FOR PARK DEVELOPMENT AND MAINTENANCE

WHEREAS, the City Council desires to submit to the voters at a Special Municipal Election a question relating to a special tax for park development and maintenance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed measure to the voters.

NOW, THEREFORE, the City Council of the City of Rocklin does resolve as follows:

Section 1. Pursuant to the requirements of the laws of the State of California relating to municipal elections in general law cities, there is hereby called and ordered to be held in the City of Rocklin, County of Placer, State of California, on Tuesday, the 25<sup>th</sup> of August, 2009, a Special Municipal Election conducted by all mail ballot for the purpose of submitting the following proposed measure:

<b>CITY OF ROCKLIN</b> <b>PARK MAINTENANCE AND DEVELOPMENT</b>  To keep park and recreation facilities safe, clean and well maintained, shall Rocklin City Ordinance No. 949, reenacting the Park Maintenance and Development Act of 1998, be approved which would allow the City to continue to collect a \$10.00 to \$30.00 per year special tax to be used only for park maintenance and development?	<b>Yes</b>	
	<b>No</b>	

Section 2. The full text of the proposed Ordinance No. 949 is attached as Exhibit A and incorporated herein.

Section 3. The ballots to be used at the election shall be in form and content as required by law.

Section 4. The City Clerk, or her duly authorized official agent(s), is authorized, instructed and directed to take any and all steps necessary for the holding of the election, including to procure and furnish 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 by all mail ballot.

Section 5. In all particulars not recited in this resolution, said election shall be held and conducted as provided for by law for the holding of municipal elections in the City.

Section 6. Pursuant to the City of Rocklin Municipal Code, and other applicable Ordinances of the City of Rocklin, said Special Election shall be conducted by all mail ballot, and shall be conducted pursuant to Chapter 2 of Division 4 (Commencing with Section 4100) of the California Elections Code only insofar as required by law, and only where not inconsistent with the ordinances of the City of Rocklin. Consistent with Elections Code Section 4103, ballots cast in this Special Election shall be returned to the office of the City Clerk no later than 8 o'clock p.m. on election day. Only ballots received in the office of the City Clerk by 8 o'clock p.m. on election day shall be counted.

Section 7. Notice of the time and place of holding the election is given, and the City Clerk is authorized and directed to give further or additional notice of the election, in the time, form and manner as required by law.

PASSED AND ADOPTED this 12<sup>th</sup> day of May, 2009, by the following roll call vote:

AYES:	Councilmembers:	Lund, Magnuson, Storey, Yuill, Hill
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None
ABSTAIN:	Councilmembers:	None

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Peter Hill, Mayor

ATTEST:

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Barbara Ivanusich, City Clerk

**EXHIBIT A**

**ORDINANCE NO. 949**

**ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF ROCKLIN  
REENACTING CHAPTER 3.34 OF  
THE ROCKLIN MUNICIPAL CODE TO READOPT A SPECIAL TAX FOR  
PARK MAINTENANCE AND DEVELOPMENT**

WHEREAS, the City Council of the City of Rocklin adopted Ordinance No. 781 which was subsequently approved by the voters establishing a park maintenance and development special tax known as the Park Maintenance and Development Act of 1998, codified at Rocklin Municipal Code Chapter 3.34.; and

WHEREAS, the Park Maintenance and Development Act of 1998 included a sunset provision which terminated the tax on June 30, 2009; and

WHEREAS, the City Council of the City of Rocklin proposes to continue to provide a source of funding for park maintenance and development by reenacting Chapter 3.34 of the Rocklin Municipal Code known as the Park Maintenance and Development Act of 1998 to expire by its own terms on June 30, 2019; and

WHEREAS, Government Code Sections 53720 *et seq.* and California Constitution Article XIII A, Section 4 and Article XIII C, Section 2 provide that no special tax may be imposed unless and until such special tax is approved by a majority of the City Council and then submitted to the electorate of the City of Rocklin and approved by a two thirds majority of the voters voting in an election on the issue.

NOW, THEREFORE, the City Council of the City of Rocklin does ordain as follows:

Section 1. Chapter 3.34 of the Rocklin Municipal Code known as the Park Maintenance and Development Act of 1998 as previously adopted by Ordinance No. 781 is hereby reenacted to expire by its own terms on June 30, 2019.

Section 2. Section 3.34.060 titled “Annual Accountability Report” shall be added to the Rocklin Municipal Code to read as follows:

**3.34.60 Annual Accountability Report**

On or before January 1, 2011, and then at least once a year in each successive year that this ordinance is in effect, the City’s finance director shall file an annual report with the City Council reporting the amount of funds collected and expended under this ordinance, and explaining the status of any project required

or authorized to be funded by the special tax authorized by this ordinance. The annual report shall comply with all the requirements set forth in Government Code Section 50075.3.

Section 3. Section 3.34.070 titled “Expiration Date” shall be added to the Rocklin Municipal Code to read as follows:

**3.34.70 Expiration Date**

This chapter shall expire by its own terms on June 30, 2019.

Section 4. The City Council of the City of Rocklin shall order the submission to the qualified electors of the City a measure for the approval of this ordinance at the special election to be held on Tuesday, August 25, 2009. If two-thirds of the voters voting on such measure cast their votes in favor of the ordinance, it will be considered as adopted upon the date the vote is declared by the legislative body, and shall go into effect ten days after that date.

Section 5. Within fifteen days of passage of this ordinance, the City Clerk shall cause the full text of the ordinance, with the names of those City Councilmembers voting for and against the ordinance, to be published in the Placer Herald. In lieu of publishing the full text of the ordinance, the City Clerk, if so directed by the City Attorney and within fifteen days, shall cause a summary of the ordinance, prepared by the City Attorney and with the names of the City Councilmembers voting for and against the ordinance, to be published in the Placer Herald, and shall post in the office of the City Clerk a certified copy of the City Councilmembers voting for and against the ordinance. The publication of a summary of the ordinance in lieu of the full text of the ordinance is authorized only where the requirements of Government Code section 36933(c)(1) are met.

INTRODUCED at a regular meeting of the City Council of the City of Rocklin held on March 24, 2009, by the following vote:

AYES: Councilmembers: Magnuson, Storey, Lund, Yuill, Hill

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Rocklin held on April 14, 2009, by the following roll call vote:

AYES: Councilmembers: Lund, Yuill, Storey, Magnuson, Hill

NOES: Councilmembers: None

ABSENT: Councilmembers: None

ABSTAIN: Councilmembers: None

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Peter Hill, Mayor

ATTEST:

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Barbara Ivanusich, City Clerk

First Reading: 3/24/09

Second Reading: 4/14/09

Effective Date: 5/14/09

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