



Agenda Item

DATE: July 27, 2004
TO: Board of Supervisors
FROM: Bart Bohn, County Administrative Officer
Dennis A. Marshall, Interim County Counsel

Bart Bohn
Dennis A. Marshall

SUBJECT: Adoption of Resolution Placing Proposed Zoo Sales Tax on Ballot

RECOMMENDED ACTION

Sitting as the Board of the Fresno County Zoo Authority, adopt resolution:

1. Placing proposed zoo sales tax on ballot;
2. Delegating preparation of the ballot arguments to the proponents; and
3. Directing the County Auditor to prepare a fiscal impact statement for the ballot.

FISCAL IMPACT

The ordinance adopted by the Authority Board today requires voter approval. The cost of adding the item to the November 2, 2004 ballot, estimated by the County Clerk to be between \$60,000 and \$80,000, would be a General Fund expense.

ADMINISTRATIVE OFFICE REVIEW

BOARD ACTION: DATE July 13, 2004

APPROVED AS RECOMMENDED

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OTHER



Official Action of
Board of Supervisors

UNANIMOUS ANDERSON _____ ARAMBULA _____ CASE _____ LARSON _____ WATERSTON _____

If the voters approve the tax, the County will be reimbursed for this expense from the proceeds of the tax. Should the measure not be approved, the County will finance the expense from the County Clerk/Elections budget.

DISCUSSION

First, the ordinance proposing the zoo sales tax must be presented to the voters. Accordingly, sitting as the Authority Board, your Board must adopt a resolution placing the ordinance on the ballot. (Although the ordinance had to be adopted by a two-thirds vote of the Authority Board, the resolution placing it on the ballot may be adopted by a simple majority.)

Second, Elections Code section 9166 provides that the highest priorities for the elections official in selecting ballot arguments for a County ballot measure are any arguments written by the Board of Supervisors or individual members of the Board of Supervisors. If neither your Board nor individual members of your Board wish to write the argument, the next priority is the individual voter or bona fide association of citizens, or combination thereof, who sponsored the measure. The resolution provides that your Board delegates the writing of the ballot argument (and rebuttal argument, if needed) to the proponents. (It would be up to the proponents to submit the arguments by the County Clerk's deadlines of August 13 and 23.)

Finally, Elections Code section 9160 provides that a fiscal impact statement in the ballot by the County Auditor is not automatic, but must be directed by your Board. The resolution directs the County Auditor to prepare the fiscal impact statement.

OTHER REVIEWING AGENCIES

The Fresno Zoo Society has assisted in the preparation of the resolution.

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BEFORE THE BOARD
OF THE
FRESNO COUNTY ZOO AUTHORITY
FRESNO COUNTY, CALIFORNIA

In the Matter of) Resolution No. 04-442
CALLING AN ELECTION TO SUBMIT)
BALLOT MEASURE FOR)
TRANSACTIONS AND USE TAX)
_____)

WHEREAS, on July 13, 2004, the Fresno County Board of Supervisors established the Fresno County Zoo Authority (hereinafter the "Authority") pursuant to Revenue and Taxation Code 7286.43 for the support of zoos, zoological facilities, and related zoological purposes in Fresno County; and

WHEREAS, on July 13, 2004, the Authority conducted a first reading of an ordinance imposing a special transactions and use tax of one tenth of one percent (0.10%) for a period of ten (10) years, the net revenues of which will be expended for the support of the Chaffee Zoo; and

WHEREAS, on July 27, 2004, the Authority approved the ordinance after a second reading; and

WHEREAS, under Revenue and Taxation Code section 7286.43, the ordinance must be approved by two-thirds of the voters of Fresno County voting on the ordinance; and

WHEREAS, the Authority desires that the ordinance be placed on the ballot for the November 2, 2004 general election and consolidated with that election.

1 **NOW, THEREFORE BE IT RESOLVED:**

2 1. Pursuant to Elections Code sections 9140 and 10403, the Authority
3 hereby directs that the above-described special transactions and use tax ordinance be
4 placed on the ballot for the November 2, 2004 general election and be consolidated with
5 that election.

6 2. The County Clerk/Elections Department is instructed to take any and all
7 necessary steps for the holding of the consolidated election. The Authority recognizes
8 that additional costs will be incurred by the County by reason of this consolidation and
9 agrees to reimburse the County, out of the proceeds of any collected transactions and
10 use tax authorized hereunder, for the full costs of the election. Said costs shall be an
11 obligation of the Authority over and above any other costs or funding requirements of
12 this measure if approved by the people.

13 3. The Fresno County Clerk/Registrar of Voters is designated as the
14 Elections Official for the election, and the Fresno County Clerk/Registrar of Voters is
15 hereby authorized and directed to provide all notices and take all other actions
16 necessary to holding the election, including but not limited to providing notices of times
17 within which arguments for and against are submitted.

18 4. The ballot measure hereby approved for said election shall read as
19 follows:

20 "Save Our Zoo" Measure. To help ensure survival of the Chaffee Zoo by
21 providing necessary funding to repair and restore the zoo, bring back large
22 animal exhibits, further revitalize the zoo, and preserve the zoo's Species
23 Survival Plan and ongoing Education Program, shall Fresno County voters
24 approve a one-tenth of one percent sales tax for ten years with all net
25 proceeds dedicated exclusively to the Chaffee Zoo?
26

1 5. The Authority Board chooses not to file itself, nor to authorize any of its
2 members to file, arguments in support of the measure, in order that proponents of the
3 measure may do so as authorized by the Elections Code.

4 6. The County Auditor is hereby directed to prepare the fiscal impact
5 statement described in Elections Code section 9160.

6 Approved at a regular meeting of the Fresno County Zoo Authority Board, held
7 on the 27th day of July, 2004, by the following vote, to-wit:

8 AYES: Supervisors Larson, Waterston, Arambula, Case, Anderson

9 NOES: None

10 ABSENT: None

Susan B. Anderson

CHAIRPERSON, Fresno County Zoo
Authority Board

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ATTEST:

BERNICE E. SEIDEL, Clerk
Board of Supervisors

By *Bernice E. Seidel*
Deputy

23 Agenda #8
24 Resolution #04-442