

ORDINANCE NO. _____

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, CALLING A SPECIAL ELECTION AND
CONSOLIDATING IT WITH THE NOVEMBER 5, 2024 STATEWIDE
PRESIDENTIAL GENERAL ELECTION FOR THE PURPOSE OF ENABLING
THE PEOPLE OF NAPA COUNTY TO VOTE ON THE QUESTION OF
WHETHER ORDINANCE NO. 2024-01 OF THE NAPA VALLEY
TRANSPORTATION AUTHORITY- TAX AGENCY, AND THE RELATED
EXPENDITURE PLAN, SHOULD BE APPROVED, IMPOSING A RETAIL
TRANSACTIONS AND USE TAX AT THE RATE OF ONE-HALF OF ONE
PERCENT (0.5%) FOR THIRTY (30) YEARS TO BEGIN ON JULY 1, 2025, IN
ORDER TO PROVIDE FUNDING FOR STREETS AND ROADS MAINTENANCE
AS SET FORTH IN THE EXPENDITURE PLAN**

NOW, THEREFORE, The Board of Supervisors of Napa County, ordains as follows:

SECTION 1. Recitals. The Board finds that:

A. The Napa Valley Transportation Authority- Tax Agency (hereafter the “Authority”), is a local transportation authority established and operating pursuant to the provisions of Division 19 (commencing with section 180000) of the California Public Utilities Code.

B. California Public Utilities Code sections 180201 and 180203 provide that the Authority may impose a retail transactions and use tax not to exceed a maximum of one percent (1%) if said tax is adopted by a two-thirds vote of the Authority and subsequently approved by the electors voting on the measure at a special election called for that purpose by the board of supervisors at the request of the Authority.

C. California Public Utilities Code section 180206 requires approval of a transportation expenditure plan by the county and cities representing both a majority of the cities and a majority of the population in Napa County before a board of supervisors is authorized to call such an election.

D. Prior to July 8, 2024, the Authority Transportation Improvement Expenditure Plan (hereafter the “Expenditure Plan”) was adopted by the County Board of Supervisors and the city and town councils of each city and town in Napa County.

E. On May 22, 2024, the Authority introduced, and on June 26, 2024 adopted, Authority Ordinance No. 2024-01 and the Expenditure Plan by not less than a two-thirds vote of the Authority.

F. On June 26, 2024, the Authority, as authorized by Public Utilities Code section 180201, also adopted Resolution No. 2024-02 requesting that the Board of Supervisors call a special election and consolidate that special election with the November 5, 2024, presidential general election for the purpose of enabling the voters to approve or reject Authority Ordinance No. 2024-01.

G. Authority Ordinance No. 2024-01 imposes a retail transaction and use tax at the rate of one-half of one percent (0.5%) for thirty (30) years commencing July 1, 2025, to provide those local street and road maintenance services described in the Expenditure Plan.

H. Subsection (b) of California Public Utilities Code section 180203 requires a County to call and conduct any such special election in the same manner as provided by law for the conduct of special elections by a county.

I. Subsection (a) of California Public Utilities Code section 180203 requires an Authority to reimburse the County for its costs in conducting the special election if any such measure is approved by the voters.

J. The Registrar of Voters has advised the Board of Supervisors that, pursuant to subsection (a) of Elections Code section 13116, he has assigned the letter “U” to this Measure.

K. Adoption of the Ordinance calling such an election is a ministerial action which is exempt from CEQA (*San Bernardino Associated Governments v. Superior Court* (2006) 135 Cal.App.4th 1106).

SECTION 2. Approval or Rejection of Authority Ordinance No. 2024-01 by the Voters.

The Board is required to provide the voters of Napa County with the opportunity to approve or reject Authority Ordinance No. 2024-01, a copy of which is attached hereto as Exhibit “A” and incorporated by reference herein, which would impose a retail transactions and use tax at a rate of one-half of one

percent (0.5%) for thirty (30) years commencing July 1, 2025, to provide funding for streets and road maintenance throughout Napa County as described in the Expenditure Plan which is attached to, and incorporated by reference into, Authority Ordinance No. 2024-01.

SECTION 3. Calling the Special Election. The Board hereby calls a special election to be held on November 5, 2024 for the purpose of submitting to the voters the question of whether Authority Ordinance No. 2024-01 should be approved or rejected. The Board further orders and declares that:

A. The Board hereby orders and proclaims that the question of whether Authority Ordinance No. 2024-01 should be approved or rejected, which Ordinance will impose a retail transactions and use tax at a rate of one-half of one percent (0.5%) thirty (30) years commencing July 1, 2025 to provide supplemental funding for streets and road maintenance throughout Napa County and its municipalities as described in the Expenditure Plan, shall be submitted to the voters of the County of Napa at that special election as Measure “U” to be held and conducted on the 5th day of November, 2024.

B. The Measure shall be placed on the ballot at said statewide presidential general election, in a manner consistent with California Elections Code sections 13119 and the Registrar of Voters be, and hereby is, instructed to place same on the ballot at said election in the following form:

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| Shall Ordinance No. 2024-01 be adopted? Without raising taxes, shall the Napa Valley Transportation Authority – Tax Agency implement an updated Transportation Expenditure Plan to repair roads and improve highways, fix potholes; reduce traffic congestion; improve evacuation routes; make transit more affordable for veterans, seniors, students and people with disabilities; and make biking and walking safer; by continuing its ½ cent transportation sales tax with no increase, providing \$25,000,000 annually for 30 years, with citizen oversight, and all funds dedicated to serving transportation needs in Napa County? | <input type="checkbox"/> Yes <input type="checkbox"/> No |
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C. The precincts shall be established and elections officers appointed for said election in the manner required by law, and the elections officer shall conduct the election and provide the results thereof according to law.

D. This special election shall be, and it is, hereby consolidated with the statewide presidential general election to be held on November 5, 2024, and all precincts established and all election officers appointed for the statewide presidential general election shall be the precincts and election officers for this special election, and these election officers shall conduct the consolidated election and provide the results thereof according to law.

E. California Elections Code section 9160, *et seq.*, shall apply to this consolidated special election.

F. The polls shall be open from the hours of 7:00 a.m. to 8:00 p.m. on said election day, and the manner of holding the election and the procedure for voting for and against the question presented shall be as set forth in the Elections Code for a local county special election which is consolidated with a statewide presidential general election.

G. The impartial analysis by the County Counsel in the form required by subparagraph (b) of Elections Code section 9160 shall be prepared on or before August 9, 2024, and filed with the Registrar at the Office of the Registrar, 1127 1st St. Ste E., Napa, California, 94559, no later than 5:00 p.m. on said day and included in the voter information portion of the sample ballot as required by Elections Code section 9160.

H. Notice be, and it hereby is, given that the final date for submission to the Registrar of Voters of arguments not to exceed 300 words in length for or against the measure shall be August 16, 2024, and such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 1st St. Ste E, Napa, California, 94559, no later than 4:30 p.m. on said day and included in the voter information portion of the sample ballot as required by Elections Code section 9162.

I. The final date for submission to the Registrar of Voters of rebuttal arguments for or against the measure, to the extent rebuttal arguments are permitted by section 9167 of the Elections Code, shall be August 23, 2024, and such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 1st St. Ste E, Napa, California, 94559, no later than 5:00 p.m. on said day and included in the voter information portion of the sample ballot as required by Elections Code section 9167.

J. A fiscal impact statement by the County Auditor, which is authorized by Elections Code section 9160(c), is not required.

K. The Registrar of Voters is hereby instructed to include the entire text of Authority Ordinance No. 2024-01, including the Expenditure Plan which is attached to, and incorporated by reference into, Authority Ordinance No. 2024-01 as Attachment 1, in the voter information portion of the sample ballot which is mailed to the voters in the manner mandated by California Public Utilities Code Section 180203.

L. The Clerk conducting the election may publish a notice of the election in a newspaper of general circulation within the County of Napa not later than fifty (50) days prior to the election.

M. Pursuant to Public Utilities Code section 180203, the Authority shall reimburse the County for the costs of conducting the special election if Authority Ordinance No. 2024-01 is approved by the voters.

N. Pursuant to Elections Code section 12001 a Proclamation of Election is hereby issued for said election and the measure to be voted on in accordance with the terms hereinabove stated.

SECTION 4. Effective Date. Pursuant to Elections Code section 9141 and Government Code sections 25123 and 25131, this ordinance shall take effect immediately as an ordinance calling or otherwise relating to an election.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Board of Supervisors on July 9, 2024, and adopted at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the ____ day of July, 2024 by the following vote:

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| AYES: | SUPERVISORS | _____ |
| NOES: | SUPERVISORS | _____ |
| ABSTAIN: | SUPERVISORS | _____ |
| ABSENT: | SUPERVISORS | _____ |

NAPA COUNTY, a political subdivision of the State of California

JOELLE GALLAGHER, Chair of the Board of Supervisors

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| <p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>S. Darbinian</u> Deputy County Counsel</p> <p>By: <u>/S/ Brandon Aguilera</u> Code Services</p> <p>Date: <u>June 25, 2024</u></p> | <p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____, 2024</p> <p>Processed By: _____</p> <p>_____ Deputy Clerk of the Board</p> | <p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p> |
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I HEREBY CERTIFY THAT THE ORDINANCE ABOVE WAS POSTED IN THE OFFICE OF THE CLERK OF THE BOARD IN THE ADMINISTRATIVE BUILDING, 1195 THIRD STREET ROOM 310, NAPA, CALIFORNIA ON ____.

NEHA HOSKINS, CLERK OF THE BOARD