

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 39-2022

On the motion of Supervisor Friend
Duly seconded by Supervisor McPherson
The following resolution is adopted:

**RESOLUTION CALLING FOR AN ELECTION FOR THE PURPOSE OF
SUBMITTING TO THE QUALIFIED ELECTORS OF THE COUNTY OF SANTA
CRUZ A COUNTYWIDE MEASURE TO TAX SINGLE-USE DISPOSABLE CUPS;
DIRECTING THE COUNTY ELECTIONS OFFICIAL TO CONDUCT THE
ELECTION; AND DIRECTING CONSOLIDATION OF THE ELECTION WITH THE
REGULAR ELECTION OF JUNE 7, 2022**

WHEREAS, Santa Cruz County has determined that it is imperative to protect the health, safety, and welfare of the public and protect the environment by reducing waste, litter, and pollution; and

WHEREAS, in order to achieve its official Zero Waste goal, reduce litter, preserve diminishing landfill space, and motivate consumers to use reusable cups where possible, the Board of Supervisors enacted Santa Cruz County Code Chapter 5.47, which imposes a mandatory charge of \$0.25 (twenty-five cents) when a beverage is sold to a consumer in a single-use disposable cup; and

WHEREAS, currently the full amount of the mandatory charge is kept by the seller, with none of the money going towards the provision of public services; and

WHEREAS, the Board of Supervisors has determined that it is appropriate and desirable for \$0.125 (twelve and a half cents) of the mandatory charge to be designated as a tax such that it can be spent on actions to reduce pollution, trash, and plastics entering local waters and beaches; protect water quality, public health and marine life; address illegal dumping; help prevent wildfires; clean/maintain parks and public areas; and provide environmental education and other general services; and

WHEREAS, subdivision (b) of section 2 of Article XIII C of the California Constitution and section 53723 of the California Government Code require that before the County may impose a general tax, the tax must be submitted to the voters and approved by a majority vote of the voters; and

WHEREAS, subdivision (b) of section 2 of Article XIII C of the California Constitution mandates that an election required by that subdivision be consolidated with a regularly scheduled general election for members of the governing body of the local government, subject to specific exceptions not relevant here; and

WHEREAS, if approved by a majority of voters, the proposed tax would be codified by amending Section 5.47.050 of the Santa Cruz County Code as reflected in the draft Ordinance attached hereto as Exhibit 1; and

WHEREAS, pursuant to California Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, pursuant to California Elections Code Section 1000 *et seq.*, various district, county, state, and other political subdivision elections shall be held on June 7, 2022, an established regular election date;

NOW THEREFORE, IT IS HEREBY RESOLVED AND ORDERED by the Board of Supervisors as follows:

1) A County election is hereby called to be held throughout the County at the regular election date of June 7, 2022, for the purpose of submitting to the qualified electors of the County of Santa Cruz the following measure:

Measure - _____

SANTA CRUZ COUNTY CLEAN WATER/BEACHES, PUBLIC HEALTH, ENVIRONMENTAL PROTECTION MEASURE. To reduce pollution, trash and plastics entering local waters and beaches; protect water quality, public health and marine life; address illegal dumping; help prevent wildfires; clean/maintain parks and public areas; and provide environmental education and other general services, shall 12.5 cents of Santa Cruz County's existing single-use cup charge be collected as a tax until ended by voters, raising approximately \$700,000 annually and requiring public spending reports?

YES _____ NO _____

2) Said County election shall be held and conducted, the votes received and canvassed, the returns thereof made, and the result thereof ascertained and determined in accordance with the law, including but not limited to the provisions of Section 10418 of the Elections Code.

3) Said special County election hereby called shall be and hereby is consolidated with any and all elections also called to be held throughout the County on June 7, 2022, in all respects as required by and pursuant to law, including but not limited to the provisions of Section 10418 of the Elections Code.

4) In accordance with the provisions of Section 9160 of the Elections Code, the County Counsel is hereby directed to prepare an impartial analysis of this measure.

5) In accordance with the provisions of Section 9160 of the Elections Code, the County Auditor-Controller-Treasurer-Tax Collector is hereby directed to prepare a fiscal impact statement of this measure.

6) Arguments for and against this measure may be submitted in conformance with Elections Code Section 9161, *et seq.*

7) The Clerk of the Board of Supervisors shall file a copy of this Resolution with the County Clerk.

BE IT FURTHER RESOLVED AND ORDERED THAT the Santa Cruz County Elections Department is requested to print the proposed ordinance attached hereto as Exhibit 1 in the County Voter Information Guide for the June 7, 2022, election date.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 15th day of February 2022, by the following vote:

AYES: Supervisors: Friend, Coonerty, Caput, McPherson, and Koenig
NOES: None
ABSENT: None

DocuSigned by:
Manu Koenig
43369812764640D...

Manu Koenig, Chairperson
Board of Supervisors

ATTEST: DocuSigned by:
Stephanie Cabrera
2F79EA01AD52447...
Stephanie Cabrera
Clerk of said Board

Approved as to form:

DocuSigned by:
Jason M. Heath
AF757CF913B5419...

Jason M. Heath 1/31/22 (AMS 12133)
Office of the County Counsel

EXHIBIT 1

ORDINANCE NO. _____

ORDINANCE AMENDING SECTION 5.47.050 OF THE SANTA CRUZ COUNTY CODE TO ALLOW THE COUNTY TO COLLECT 12.5 CENTS OF THE MANDATORY CHARGE FOR DISPOSABLE SINGLE-USE CUPS AS A TAX

The Board of Supervisors of Santa Cruz County ordains as follows:

SECTION I

Section 5.47.050 of the Santa Cruz County Code is hereby amended to read as follows:

5.47.050 Mandatory charge for disposable cups; portion of charge collected as a tax.

- (A) Any person, business, event, food truck, or other entity, including both permanent and temporary facilities, which sells or provides hot or cold beverages in a single-use disposable cup must charge an additional \$0.25 for each cup. Sellers may not waive or absorb such charges.
- (B) Charges for disposable cups shall be identified separately on any post-sale receipt provided and, pre-sale, shall be clearly identified for the customer on media such as menus, ordering platforms, and/or menu boards. Customers placing orders online or by telephone shall be informed of disposable cup charges at the time the order is placed.
- (C) Businesses may not charge for use of a reusable cup provided by the customer.
- (D) Twelve and a half cents (\$0.125) of each mandatory cup charge shall be collected and distributed by the seller to the County of Santa Cruz as a tax. The remainder of the charge shall be retained by the seller.

SECTION II

This ordinance shall take effect on January 1, 2023.

PASSED AND ADOPTED this ____ day of _____, 2022, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairperson of the Board of Supervisors

EXHIBIT 1

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:

Office of the County Counsel