

1/6/2020

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#22



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Public Comment - 1/7 Item 22

1 message

Andy Nevis <andynevis@gmail.com>

Mon, Jan 6, 2020 at 9:02 AM

To: BOS Four <bosfour@edcgov.us>, bostwo@edcgov.us, bosone@edcgov.us, bosthree@edcgov.us, bosfive@edcgov.us, Edc Cob <edc.cob@edcgov.us>, Donald Ashton <don.ashton@edcgov.us>, Rafael Martinez <rafael.martinez@edcgov.us>, brozak@tahoedailytribune.com

Cc: krispayne999@gmail.com, Todd White <toddwhite2006@hotmail.com>, Jim Alderink <alderink@yahoo.com>

Good morning supervisors,


Attached is a memo from the Taxpayers Association of El Dorado County opposing Item 22 on tomorrow's agenda. Thank you.

Sincerely,
Andy Nevis
President



1.7.20 TOT Snow Tax Letter v2.pdf
130K



TAXPAYERS ASSOCIATION OF EL DORADO COUNTY
Post Office Box 18  Placerville, California 95667
Founded in 1958

DATE: January 6, 2020

TO: Sue Novasel, Chair, El Dorado County Board of Supervisors

FROM: Andy Nevis, President, Taxpayers Association of El Dorado County

RE: OPPOSE January 7 Agenda Item 22 – TOT Funds for Measure M Campaign

The Taxpayers Association of El Dorado County strongly opposes Item 22 on your January 7, 2020 agenda. The item would authorize \$40,000 in Transient Occupancy Tax (TOT) dollars for a ballot measure campaign on Measure M, the snow removal tax increase in the Meyers area.

The proposed expenditure is a use of public funds to support approval of a ballot measure, which is prohibited by Government Code Section 54964(a). As the California Supreme Court declared in *Vargas vs City of Salinas* (2009):

"[...] a municipality's expenditure of public funds for materials or activities that **reasonably are characterized** as campaign materials or activities - including, for example, bumper stickers, **mass media advertisement spots**, billboards, **door-to-door canvassing, or the like** - is not authorized by the statute in question, even when the message delivered through such means does not meet the express-advocacy standard."

The proposed \$40,000 expenditure to reach 5872 registered voters in the special tax area is nearly \$7 per registered voter, far more than is necessary to inform voters about the election. Further, the item's discussion suggests employing tactics that are explicitly prohibited by *Vargas* as advocacy, such as media advertisements and door-to-door campaigning. A reasonable person must conclude that the Department of Transportation's purpose in seeking your approval is to advance Measure M's passage.

Further, this proposed expenditure violates your Board's policy on use of TOT revenues, which you approved just last month on December 10:

“Transient Occupancy Tax revenue shall be directed toward the impact of tourism and economic development, with consideration for support of tourism and promotion activities within the County and for continued support for grant fund allocations to support Veteran programs within the County.”

Spending money to convince voters to raise their taxes does not have anything to do with tourism or veterans services.

Fundamentally, we object to the government using taxpayer dollars to advocate so that voters approve even higher taxes. Voters will receive ample information about Measure M, including supporting arguments, in the official voter guide sent by the county elections office. Private individuals and entities - including county employees using their own time and money if they wish - can provide additional information and advocate for or against the measure. Voters do not need county government using their tax dollars to tip the scales.

Please send a strong message against politicization of tax dollars and reject Item 22.

CC: John Hidahl, Supervisor District I
Shiva Frentzen, Supervisor District II
Brian Veerkamp, Supervisor District III
Lori Parlin, Supervisor District IV
Don Ashton, Chief Administrative Officer
Rafael Martinez, Director of Transportation
Tahoe Daily Tribune
Mountain Democrat