

**City of Culver City, California
Agenda Item Report**

Meeting Date: 09/12/2011		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Consideration of Creating, Providing a Charge and Target Return Date, and Appointing Two Council Members to an Ad-Hoc Subcommittee on Drafting the Argument in Favor/Rebuttal to Argument Against a Measure to Increase the City's Transient Occupancy (Hotel) Tax			
Contact Person/Dept.: Martin R. Cole		Phone Number: 310-253-6000	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☐	
Commission Action Required: Yes ☐ No ☒		Date: _____	
Public Notification: (E-Mail) Agenda and Meetings – City Council (09/08/11); Mr. Steven Rose, President of the Chamber of Commerce (09/08/11)			
Department Approval: Martin R. Cole (09/07/11)		City Attorney Approval: Carol Schwab (by H. Baker) (09/07/11)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (09/07/11)		City Manager Approval: John M. Nachbar (09/08/11)	

RECOMMENDATION:

Staff recommends the City Council consider creating, providing a charge and target return date, and appointing two Council Members to an Ad-Hoc Subcommittee on drafting the argument in favor of, and rebuttal to argument against, an increase in the City's transient occupancy (hotel) tax.

BACKGROUND:

At the City Council meeting of July 25, 2011, the City Council considered (and ultimately unanimously approved) a proposal to place before the voters an increase in the City's TOT from 12% to 14%.

Pursuant to this direction of the City Council, staff anticipates bringing forward the official resolutions related to the call of the election and the placement of the TOT measure before the voters on October 24, 2011. Calling the election on this date will set in motion the statutory time periods for the submission of arguments for/against the proposal and rebuttals to both those arguments (if any are submitted). This date is proposed so that the statutory time periods would be completed prior to the Thanksgiving Day holiday.

City of Culver City, California
Agenda Item Report

DISCUSSION:

Should the City Council determine to create an ad hoc subcommittee for this purpose, the City Council may (and staff recommends) the City Council provide the Subcommittee with a specific charge and completion date, at which time the Subcommittee's recommendation will be presented to the full City Council for consideration. .

Section 9286(a) of the Elections Code provides, in pertinent part:

“...the city elections official shall fix a date 14 days from the calling of the election as a deadline, after which no arguments for or against any city measure may be submitted...”

Section 9285(a)(4) provides, in pertinent part:

...A rebuttal argument relating to a city measure shall be filed with the elections official no later than 10 days after the final filing date for primary arguments...”

Should the City Council determine to create the ad hoc subcommittee, the City Council may wish to consider the following options:

(1) Authorize the Subcommittee to prepare the argument in favor of, and rebuttal to argument against (if needed), the measure and to submit the argument in favor of the measure on behalf of the City Council to the City Clerk (the City Election Official) no later than Monday, November 7, 2011 at 5:30 PM). Additionally, if needed, the rebuttal to the argument against the measure would need to be submitted no later than Thursday, November 17, 2011 at 5:30 PM.

(2) Authorize the Subcommittee to prepare the argument in favor of, and rebuttal to the argument against, the measure and present that argument to the City Council for its consideration and action (such action would need to be taken no later than the City Council meeting of October 24, 2011 (so that the November 7, 2011 at 5:30 PM deadline could be met) {alternately, the City Council could call a special meeting to consider such ballot argument so long as such special meeting occurred on or before November 6, 2011). Additionally, if a rebuttal argument against the measure is desired to be considered by the full City Council, then that consideration would be scheduled for the Monday, November 14, 2011 meeting (in the case an argument against the measure is submitted by the November 7, 2011 at 5:30 PM deadline).

City of Culver City, California
Agenda Item Report

The above deadlines are applicable only in the case the City Council adopts the resolutions calling the election on October 24, 2011.

FISCAL ANALYSIS:

Because of the limited duration of the subcommittee and the limited scope of its duties, creation of the new Subcommittee would not create a material fiscal impact.

ATTACHMENTS:

None

MOTIONS:

That the City Council:

1. Consider creation of the Ad Hoc Subcommittee on drafting the argument in favor of, and rebuttal to argument against, a measure to increase the City's transient occupancy (hotel) tax ; and,
2. Consider the specific charge and target date for the Ad Hoc Subcommittee to return to the City Council with its recommendations (if desired); and,
3. Create the Ad Hoc Subcommittee on drafting the argument in favor of, and rebuttal to argument against, an increase in the City's transient occupancy (hotel) tax (if desired); and,
4. Appoint Council Member _____ and Council Member _____ to the Ad Hoc Subcommittee (if created); and,
- 5A. Determine the charge of the Ad Hoc Subcommittee to be the drafting of the argument in favor of, and rebuttal argument against (if necessary) the measure and authorize the Subcommittee to submit such argument(s) to the City Clerk on behalf of the City Council by 5:30 PM on November 7, 2011 (5:30 PM on November 17, 2011 for the rebuttal argument against) at which time the subcommittee shall have completed its work and shall be dissolved;

OR

City of Culver City, California
Agenda Item Report

- 5B. Determine the charge of the Ad Hoc Subcommittee to be the drafting of the argument in favor of, and rebuttal argument against (if necessary) the measure and direct the Subcommittee to submit such draft argument(s) to the City Council no later than October 24, 2011 (for the argument in favor) and November 14, 2011 (for the rebuttal argument against) at which time the City Council considers the work of the Subcommittee it shall also consider dissolution of the Subcommittee.