

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

Meeting Date: 10/24/11		Item Number: <u>A-1</u>	
CITY COUNCIL AGENDA ITEM: Adoption of Resolutions (1) Calling for the Holding of a General Municipal Election to be Held on Tuesday, April 10, 2012 for the Election of Certain Officers as Required by the City Charter of the City of Culver City and for Submission to the Voters a Question Relating to Increasing the City's Transient Occupancy Tax from 12% to 14%; (2) Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Related to the Conduct of said Election; and (3) Approving the Argument in Favor of the Question and Authorizing the City Council and/or Certain Council Members to Submit the Argument in Favor and Rebuttal Argument (if any) Regarding the Question.			
Contact Person/Dept.: Martin R. Cole, Assistant City Manager Ela Valladares, Deputy City Clerk		Phone Number: (310) 253-6000 (310) 253-5851	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒ Attachments: ☒	
Commission Action Required: Yes ☐ No ☐ Date: _____			
Public Notification: (E-Mail) Meetings and Agendas – City Council (10/20/11)			
Department Approval: Martin R. Cole (10/19/11)		City Attorney Approval: Carol Schwab (10/19/11)	
Chief Financial Officer Approval: Jeff Muir (by M. Noller) (10/19/11)		City Manager Approval: John M. Nachbar (10/20/11)	
<u>RECOMMENDATION:</u> Staff recommends the City Council: 1. Adopt a Resolution calling for the holding of a General Municipal Election to be held on Tuesday, April 10, 2012 for the election of certain officers as required by the City Charter of the City of Culver City and for submission to the voters a question relating to increasing the City's Transient Occupancy (Hotel) Tax (TOT) from the current 12% to 14%; and, 2. Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election; and, 3. Adopt a Resolution approving the argument in favor of the question and authorizing the City Council and/or certain Council Members to submit arguments and rebuttals regarding the ballot question.			

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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%.

On September 12, 2011, the City Council created and appointed two Council Members (Mayor O'Leary and Vice Mayor Malsin) to the Ad-Hoc Subcommittee on Drafting the Argument in Favor/Rebuttal to Argument Against a Measure (Question) to Increase the City's Transient Occupancy (Hotel) Tax. The Subcommittee has prepared an Argument in Favor of the Measure for the City Council's consideration and approval.

Since the policy discussion and decision was already completed, the purpose of this item is to bring the necessary proposed resolutions before the City Council to do the following:

1. Call for the holding of a General Municipal Election to be held on Tuesday, April 10, 2012 for the election of certain officers as required by the City Charter of the City of Culver City and for submission to the voters of a question relating to increasing the City's Transient Occupancy (Hotel) Tax (TOT) from the current 12% to 14%; and,
2. Request the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election; and,
3. Approve the argument in favor of the question and authorize the City Council and/or certain Council Members to submit arguments and rebuttals regarding the ballot question.

DISCUSSION:

Calling of the General Municipal Election

Pursuant to Section 1500 of the City Charter, the General Municipal Election shall be held on the second Tuesday of April in each even numbered year. In 2012, the date of the General Municipal Election is Tuesday, April 10, 2012.

Requesting the County to Conduct the Election

In accordance with Section 10002 of the Elections Code of the State of California, the governing body of any city or district may, by resolution, request the Board of Supervisors of the county to permit the County Elections Official to render specified

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services to the city or district relating to the conduct of an election. Staff recommends the City Council adopt the proposed resolution which requests the Board of Supervisors render specified services to the City relating to the conduct of said election.

Consideration of the Ad-Hoc Subcommittee's Argument in Favor of the Measure and Authorizing the City Council and/or Certain Council Members to Submit Arguments

The City Council, authorized members of the City Council, citizen associations and private citizens may submit arguments for or against the proposed Measure. Only one ballot argument for and one ballot argument against each measure and rebuttals to each may be printed in the sample ballot. The Elections Code gives preference to the arguments submitted by the City Council, as a body, or by Council Members authorized to submit arguments by the City Council.

Should the City Council decide to submit an argument as a body, it is automatically placed on the ballot. If the City Council decides to have some of its members submit an argument, those members need to be designated by the City Council in order for their argument(s) to receive priority.

The City Council has already created and appointed members to the Ad Hoc Committee for the purposes of preparing the draft argument in favor of the measure for the City Council's consideration and potential approval. In the case the City Clerk receives an argument against the proposed measure, the City Council may wish to designate one or more of its members to prepare and submit a rebuttal argument. If individual members are to be designated, then the City Council should make those designations at this meeting. Please note, that if more than two City Council Members will be working together to write, or intend to give comments on the same argument, then, pursuant to the Brown Act, those discussions and comments among those members can only occur during a duly noticed public meeting of the City Council.

Also, the City Council will wish to designate the City Council Member or Members who are authorized to sign the argument (and rebuttal if necessary and desired). Pursuant to the Elections Code, up to five signatures may appear on the sample ballot. Therefore, the City Council may wish to designate each and every Council Member to be authorized to sign the argument in favor. The proposed resolution prepared for this evening's meeting is written to authorize all five members to sign the argument in favor and the rebuttal (a rebuttal argument would only be needed in the case a primary argument against the measure is filed). If a rebuttal argument is necessary, then staff recommends the Ad-Hoc Subcommittee be retained and exercise its existing authority to write a draft rebuttal argument. Such rebuttal argument (if necessary and desired) would be placed on the City Council agenda of November 14 if City Council action is needed.

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

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“...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 adopt the proposed resolutions this evening, the City Clerk shall fix November 7, 2011 at 5:30 PM as the deadline for submission of arguments for or against the measure (Primary Arguments). Primary Arguments shall not exceed 300 words in length. Rebuttal arguments are due 10 days after the primary arguments are due and shall not exceed 250 words. The deadline for rebuttal arguments would be November 17, 2011 at 5:30 PM. All arguments must be submitted to the City Clerk's Office no later than the date and time announced in order to be considered. Late filings are not accepted.

FISCAL ANALYSIS:

Sufficient funds have been allocated in the City Council Adopted Budget for Fiscal Year 2011/2012.

ATTACHMENTS:

1. Proposed Resolution Calling for the Holding of a General Municipal Election to be Held on Tuesday, April 10, 2012 for the Election of Certain Officers as Required by the City Charter of the City of Culver City and for Submission to the Voters a Question Relating to Increasing the City's Transient Occupancy Tax from 12% to 14%;
2. Proposed Resolution Requesting the Board of Supervisors of the County of Los Angeles to Render Specified Services to the City Related to the Conduct of said Election
3. Proposed Resolution Approving the Argument in Favor of the Question and Authorizing the City Council and/or Certain Council Members to Submit the Argument in Favor and Rebuttal Argument (if any) Regarding the Question.

MOTION:

That the City Council:

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1. Adopt a Resolution calling for the holding of a General Municipal Election to be held on Tuesday, April 10, 2012 for the election of certain officers as required by the City Charter of the City of Culver City and for submission to the voters a question relating to increasing the City's Transient Occupancy (Hotel) Tax (TOT) from the current 12% to 14%; and,
2. Adopt a Resolution requesting the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of a General Municipal Election; and,
- 3A. Adopt a Resolution approving the argument in favor of the question and authorizing the City Council and/or certain Council Members to submit arguments and rebuttals regarding the ballot question.

OR

- 3B. Designate a subset of Council Members (or others) as desired to submit and sign the Primary Argument in Favor of the Question and a Rebuttal Argument (if necessary and desired) and adopt the proposed resolution as amended