



# City of Culver City

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## Staff Report

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**File #:** 20-394, **Version:** 1

**Item #:** A-3.

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**CC - (1) Discussion of a Proposed Initiative Measure Regarding Rent Control Submitted to the City Clerk; and (2) If Desired, Direction to the City Manager to Return with a Report Regarding the Initiative Pursuant to Elections Code Section 9212 or, in the Alternative, an Informal Report.**

**Meeting Date:** November 18, 2019

**Contact Person/Dept:** Jeremy Green/Administrative Services Department

**Phone Number:** (310) 253-5851

**Fiscal Impact:** Yes ☒ No ☐

**General Fund:** Yes ☒ No ☐

**Public Hearing:** ☐

**Action Item:** ☒

**Attachments:** Yes ☒ No ☐

**Commission Action Required:** Yes ☐ No ☒

**Public Notification:** (E-Mail) Meetings and Agendas - City Council (11/13/19)

**Department Approval:** Serena Wright, Assistant City Manager  
(10/19/19)

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### **RECOMMENDATION:**

Staff recommends the City Council (1) discuss the proposed initiative measure regarding Rent Control submitted to the City Clerk; and (2) if desired, direct the City Manager to return with a report regarding the proposed initiative, pursuant to Elections Code Section 9212 or, in the alternative, an informal report.

### **BACKGROUND**

At the September 23, 2019 City Council meeting, a Notice of Intent ("Notice") to circulate a petition regarding a potential measure ("Initiative"), as well as the proposed amendment to the Culver City Municipal Code (CCMC), was provided to the City Clerk by community members Ron Bassilian, Anthony Rizzo, and Zach Bevington (proponents). It was officially submitted during business hours on September 24, 2019, which started the 15-day time period by which the City Attorney was to submit to the City Clerk a ballot title and summary of the Initiative.

According to the ballot title and summary submitted by the City Attorney, the proposed initiative is “seeking to require voter approval of any ordinance establishing interim or permanent rent control or prohibition on residential rent increases in the City of Culver City, including any ordinance establishing rent control adopted by the Culver City City Council after January 1, 2019.” As a result, the proposed initiative, if it qualifies for the ballot and is approved by the voters, could impact urgency Ordinance No. 2019-011, which was adopted by the City Council on August 12, 2019. The urgency Ordinance established interim rent control measures and other tenant protections.

California Elections Code Section 9000 *et seq.* provides the steps necessary to place an initiative on the ballot. To date, the following steps have occurred: the Notice was submitted by the proponent with a request for the City Attorney to prepare a ballot title for and summary of the proposed Initiative; the ballot title and summary was submitted to the City Clerk and provided to the proponent by the deadline of October 9, 2019; and the proponent has or will publish the Notice and the ballot title and summary as required by Elections Code 9205.

Once the City Clerk has received an affidavit of the proof of publication of the Notice in a newspaper of general circulation, the prepared petition may be circulated by the proponent for signatures. Each section of the petition shall bear a copy of the Notice, as well as the ballot title and summary prepared by the City Attorney. Each section of the petition, on which signatures are to appear, shall contain the title of the petition and the text of the measure.

Elections Code Section 9215 requires 10% of the registered voters with verified signatures for a petition to be deemed sufficient. The number of registered voters is determined by the county elections official as reported to the Secretary of State, effective at the time the Notice was published. The publication occurred on October 17, 2019 and the registered voter count at that time was 28,054, making 2,801 the total number of required, verified signatures to deem the petition sufficient. If the petition is signed by the required number of voters, the City Council is required to either adopt the ordinance or submit the ordinance to the voters (per Elections Code Section 9215 (a) or (b), respectively) or order a report in accordance with Elections Code 9215 (c).

At the October 14, 2019 City Council meeting, Mayor Sahli-Wells received consensus to add an agenda item to provide information regarding the Initiative to City Council and to discuss whether or not to refer the proposed Initiative to staff for a report that would discuss the potential impacts on the City if the measure were to pass.

## **DISCUSSION**

Pursuant to Elections Code Section 9212, during the 180 days (or less) allowed for the circulation of the petition (and prior to the ordinance being submitted to the voters or adopted outright by the City Council), the City Council may refer the measure to staff, requesting a report that provides the various potential effects and impacts on the City, colloquially called a “9212 Report.” Alternately, as has occurred in other cities, the City Council may request an “informal” report, the deadline for which would not be based on any procedural deadlines.

Elections Code Section 9212 states that:

“(a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9215, the legislative body may refer the proposed initiative measure to a city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city’s general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3(commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community’s ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.”

Depending on the nature and extent of the report requested by the City Council, if any, there could be substantial staff time and/or costs associated with the report’s preparation. If the City Council directs staff to prepare a report, it is anticipated the earliest it would return to City Council would be late January 2020.

The deadline for inclusion on the March 3, 2020 election would be 88 days prior to the Election date (December 6, 2019). Based on the current timelines and required benchmarks for review, verification, and certification of the petition at a regular City Council meeting, the earliest election on which the Initiative might be included on a ballot, if it receives the required number of signatures, would be the November 3, 2020 election.

In accordance with Elections Code 9215 (c), City Council also has the option to refer the Initiative to staff for a report after the certification of the sufficiency of the petition is complete.

### **FISCAL ANALYSIS**

Depending on the nature and extent of the report that is desired, staff may need to work with consultants to prepare the report. The approximate costs of the report could be between \$10,000 - \$30,000. These costs would need to be funded with FY 2019/2020 Non-Departmental Appropriated Reserves.

### **ATTACHMENTS**

1. 2019-11-18\_ATT - Notice of Intent to Circulate a Petition and Proposed Initiative Measure
2. 2019-11-18\_ATT - City Attorney's Ballot Title and Summary of Proposed Initiative Measure

### **MOTION**

That the City Council:

1. Discuss a Proposed Initiative Measure Regarding Rent Control Submitted to the City Clerk; and
2. If desired, direct the City Manager to return with a 9212 Report or an informal report;