



City of Culver City

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Staff Report

File #: 20-920, Version: 1

Item #: A-6.

CC - (1) Acceptance of Los Angeles County Certification of Sufficiency of Initiative Petition on Proposed Measure Regarding Rent Control; and (2) Direction to Take One of the Following Actions to Comply with Elections Code Section 9215: (a) At the May 11, 2020 Council Meeting, Introduce the Ordinance Proposed in the Measure, and Adopt the Ordinance at a Regular or Adjourned Regular Meeting Within 10 Days; (b) Submit the Ordinance, Without Alteration, to the Voters, at the Next Regular Election; or (c) Request Staff prepare a Report, Pursuant to Elections Code Section 9212, Discussing the Impact and Effects of the Proposed Initiative after which Council will Determine Whether to Place on a Ballot or Introduce and Adopt the Ordinance.

Meeting Date: May 11, 2020

Contact Person/Dept: Jeremy Green/Administrative Services Department

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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 (05/06/2020)

Department Approval: Serena Wright, Assistant City Manager (05/05/2020)

RECOMMENDATION:

That the City Council:

1. Accept the Los Angeles County Certification of Sufficiency of an Initiative Petition on a proposed Measure regarding rent control; AND
2. Take one of the following actions to comply with Elections Code section 9215:
 - (a) At the May 11, 2020 City Council meeting, introduce the Ordinance proposed in the measure, and then, adopt the Ordinance at a regular or adjourned regular meeting within 10 days;
OR
 - (b) Submit the Ordinance, without alteration, to the voters, at the next regular election;
OR

- (c) Request staff prepare a report, pursuant to Elections Code section 9212, discussing the impact and effects of the proposed Initiative Measure, after which the Council will determine whether to place the Measure on a future ballot or introduce and adopt the Ordinance.

BACKGROUND

At the September 23, 2019 City Council meeting, a Notice of Intent ("Notice") to circulate a petition regarding a potential initiative measure ("Initiative"), as well as a 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 October 9, 2019 ballot title and summary ("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."

The City Attorney's Summary also noted that the City Council adopted Urgency Ordinance No. 2019-011, on August 12, 2019, which imposed interim residential rent control measures in the City, as well as various tenant protections. The Summary notes that if the proposed measure had qualified and passed prior to the expiration of the Urgency Ordinance, it would require the City to stop implementation and enforcement of the Urgency Ordinance. However, the Urgency Ordinance expires by its own terms on August 11, 2020, prior to the November 3, 2020 regular election date.

California Elections Code Section 9000 *et seq.* provides the necessary steps to place an initiative on the ballot. To date, the following steps have occurred:

- the Notice was submitted by the Proponents;
- the City Attorney prepared a Summary of the proposed initiative;
- the Summary was submitted to the City Clerk and provided to the Proponents by the deadline of October 9, 2019;
- the Proponents published the Notice and the Summary as required by Elections Code Section 9205;
- the City Clerk received an affidavit of the proof of publication of the Notice in a newspaper of general circulation,
- the prepared petition was circulated by the Proponents for signatures;
- the petition was submitted to the City Clerk on March 31, 2020, within the deadline of 180 days from the date of the receipt of the Summary (as per Elections Code section 9208).

Elections Code Section 9215 requires that a petition be signed by at least 10% of the registered voters, and those signatures must be verified before a petition may be deemed sufficient. The number of registered voters is determined by the Los Angeles County Elections Official as reported to the Secretary of State, effective at the time the Notice was published. The Notice publication occurred on October 17, 2019. 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.

The petition was reviewed and verified by the City Clerk to contain at least the minimum required number of signatures, prima facie (on its face), and the petition was provided to the Los Angeles County Registrar Recorder/County Clerk's Office (LA County RR/CC) on April 1, 2020 for signature verification and certification. On May 1, 2020, LA County RR/CC determined that the petition included the minimum number of verified signatures and certified the petition as sufficient.

DISCUSSION

With the certification by Los Angeles County that the petition includes the required number of verified signatures, Elections Code Section 9215 provides the following three options for the City's next required action on the Initiative:

- (a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented;
- (b) Submit the ordinance, without alteration, to the voters, pursuant to Elections Code Section 1405;
- (c) Order a report pursuant to Elections Code Section 9212, at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

Option A-Adopt the Ordinance

Culver City Charter Section 613 states that "no ordinance shall be adopted by the City Council on the day of its introduction, nor within five days thereafter, nor at any time other than at a regular or adjourned regular meeting." Charter Section 614 provides an exception, but only for Urgency Ordinances, which may be introduced and adopted at the same meeting. Thus, if City Council desires to exercise subsection (a) under Elections Code Section 9215, in order to comply with both the Elections Code and the City Charter, the ordinance could be introduced at the May 11th meeting with no alterations permitted, and then brought back for adoption within 10 days. Currently, there are two regular meetings scheduled within the 10-day period, on May 18th and May 19th, for the budget. If introduced on May 11th, the Ordinance would be brought back for adoption at one of those meetings.

Option B-Submit the Ordinance to the Voters

City Council has the option to submit the Initiative measure to the voters of the City at the next regular City election, scheduled for November 3, 2020. If this option is selected, the City Clerk would bring the matter back to City Council no later than August 7, 2020 (88 days before the November 3rd), to call the election.

Option C-The Elections Code Section 9212 Report

If the City Council determines it would like a report on the impacts and effects of the proposed Initiative, the Council has the option to direct staff to prepare a report under Elections Code Section

9212(a), which provides as follows:

“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.

Not all of the report options may apply to the current Initiative. The report would be prepared by the Housing Division, City Manager's Office and Finance Department. Depending on the nature and extent of the report requested by the City Council, if any, there could be substantial staff time associated with the report's preparation, which could result in other work being somewhat delayed.

Under Elections Code section 9212(b), “[t]he 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.” Thus, the report would be due back to City Council no later than at the June 8, 2020 regular meeting.

Upon receiving the report, the City Council would then take one of the two remaining options under Elections Code section 9215: Option A as set forth above (introduce the ordinance at the June 8th meeting and adopt it within 10 days); or Option B (submit the ordinance to the voters).

FISCAL ANALYSIS

If a report is requested, it would be prepared using existing staff; therefore, there would be no hard costs associated with its preparation. However, as discussed above, depending on the nature and extent of the report, there could be substantial staff time involved.

ATTACHMENTS

1. 2020-05-11_ATT_Notice of Intent to Circulate a Petition and Proposed Initiative Measure
2. 2020-05-11_ATT_City Attorney's Ballot Title and Summary of Proposed Initiative Measure
3. 2020-05-11_ATT_Certification of Sufficiency of Initiative Petition

MOTION

That the City Council:

1. Accept the LA County Certification of Sufficiency of an Initiative Petition on a Proposed Measure Regarding Rent Control;

AND

- 2.a. Introduce the Certified Ordinance this evening, and adopt the Ordinance at a Regular or Adjourned Regular meeting of the City Council within 10 days;

OR

- 2.b. Submit the proposed Ordinance, without alteration, to the voters, to be placed on the ballot for the General Municipal Election on November 3, 2020, pursuant to Elections Code Section 1405(a);

OR

- 2.c. Request staff prepare a report pursuant to Elections Code Section 9212, to be presented at the City Council meeting of June 8, 2010, after which the Council will determine whether to place the Measure on a future ballot or introduce and adopt the Ordinance.