



City of Culver City

Mike Balkman Council
Chambers
9770 Culver Blvd.
Culver City, CA 90232

Staff Report

File #: 20-1046, **Version:** 1

Item #: A-5.

CC - (1) Adoption of a Resolution Calling a General Municipal Election to be Held in the City of Culver City on Tuesday, November 3, 2020 to Elect Three Council Members to the City Council, Each for a Full Term of Four Years, and to Place on the Ballot One Initiative Measure Amending Culver City Municipal Code Chapter 15.09 to Require Voter Approval of Any Ordinance Establishing Interim or Permanent Rent Control or Prohibition on Residential Rent Increases, Including Any Such Ordinance Adopted After January 1, 2019; 2) Adoption of a Resolution Requesting the Board of Supervisors of the County of Los Angeles to Consolidate a General Municipal Election with the Statewide General Election, and to Render Full Election Services to the City Related to the Conduct of Said Election; (3) (If Desired) Adoption of a Resolution Authorizing the City Council and/or Certain Council Members to Submit Primary Ballot Arguments Regarding the Initiative Measure; (4) Potential Creation and Appointment of Members to an Ad-Hoc Subcommittee to Draft and/or Submit Such Ballot Argument(s); (5) Adoption of a Resolution Approving Rebuttal Arguments, (6) Instruction to the City Clerk to Post a Notice Setting the Date After Which No Arguments May be Submitted; and (7) Instruction to the City Attorney to Prepare the Impartial Analysis for the Initiative Measure.

Meeting Date: June 22, 2020

Contact Person/Dept: Jeremy Green, City Clerk

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 ☒ **Date:**

Commission Name:

Public Notification: (E-Mail) Meetings and Agendas - City Council (06/18/2020)

Department Approval: Serena Wright-Black, Assistant City Manager
(06/18/2020)

RECOMMENDATION:

Staff recommends the City Council (1) adopt a resolution calling a General Municipal Election to be held on Tuesday, November 3, 2020 to elect three members to the City Council for a full term of four years each and to place on the ballot one initiative measure amending Culver City Municipal Code Chapter 15.09 to require voter approval of any ordinance establishing interim or permanent rent control or prohibition on residential rent increases, including any such ordinance adopted after January 1, 2019 ("Initiative Measure"); (2) adopt a resolution requesting the Board of Supervisors of the County of Los Angeles to consolidate a General Municipal Election with the Statewide General Election, and to render full election services to the City relating to the conduct of the General Municipal Election; (3) discuss and, if desired, adopt a resolution authorizing the City Council and/or certain Council Members to submit primary arguments regarding the Initiative Measure; (4) discuss and, if desired, create and appoint members to one or more ad-hoc subcommittees to draft and/or submit such ballot arguments; (5) adoption of a Resolution approving rebuttal arguments, (6) instruct City Clerk to post a Notice Setting the Date after which no arguments may be submitted; and (7) instruct the City Attorney to prepare the impartial analysis for the Initiative Measure.

BACKGROUND:

Calling of the General Municipal Election

Pursuant to Section 1500 of the City Charter, General Municipal Elections for the filling of all elective offices, other than the Board of Education, shall be held in the City on the date of the statewide general election. In 2020, the date of the General Municipal Election is Tuesday, November 3, 2020. Elections Code Section 12101 requires Notice of Elections for candidates to be published between June 29, 2020 and July 13, 2020.

Requesting the County to Consolidate the Election and Render Election Services

In accordance with California Elections Code Sections 10002 and 10403, 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 consolidate the election and render election services to the city or district relating to the conduct of an election. The City Clerk recommends the City Council adopt the proposed resolution which requests the Board of Supervisors consolidate the election and render full services to the City relating to the conduct of said election.

Placement of an Initiative Measure on the Ballot

Proponents of the Initiative Measure submitted to the City of Culver City a Notice of Intent to Circulate an Initiative Petition, and subsequently filed Proof of Publication of the Notice. According to the October 9, 2019 ballot title and summary submitted by the City Attorney, the Initiative Measure 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."

At the May 11, 2020 City Council meeting, the City Council accepted the Los Angeles County certification of sufficiency of the Initiative Measure and determined to submit the ordinance to the

voters pursuant to Elections Code Section 1405 by placing it on the ballot of the November 3, 2020 General Municipal Election.

DISCUSSION:

To call the election and to effectuate the placement of the Initiative Measure on the ballot of the November 3, 2020 election, the City Council is requested to:

- (1) Adopt a resolution calling and giving notice of a General Municipal Election to be held on Tuesday, November 3, 2020 for the purpose of electing three Council Members and submitting to the voters a ballot measure;
- (2) Adopt a resolution requesting the Board of Supervisors of the County of Los Angeles consolidate the election and render full election services related to the conduct of said election;
- (3) Discuss and, if desired, adopt a resolution authorizing the City Council and/or certain Council Members to submit Ballot Argument(s) regarding the Initiative Measure; and,
- (4) Discuss and, if desired, create and appoint Council Members to an Ad-Hoc Subcommittee to draft and/or submit such Ballot Argument(s).

Requesting the County to Render Election Services

In accordance with California Elections Code Sections 10002 and 10403, the governing body of any city or district may, by resolution, request the Board of Supervisors of the county to consolidate the General Municipal Election with the statewide election held in the County at the same time, and also permit the County Elections Official to render election services to the city or district relating to the conduct of an election. The City Clerk recommends the City Council adopt the proposed resolution which requests the Board of Supervisors consolidate the election and render full election services to the City relating to the conduct of said election.

Naming of Measure

California Elections Code Section 13116 states that “(a) In an election at which state, county, city, or other local measures are submitted to a vote of the voters, all state measures shall be numbered in numerical order, as provided in this chapter or division. All county, city, or other local measures shall be designated by a letter, instead of a figure, printed on the left margin of the square containing the description of the measure, commencing with the letter “A” and continuing in alphabetical order, one letter for each of these measures appearing on the ballot.”

Unless otherwise directed by the City Council, the City Clerk intends to submit to the County the choices of A, B and C, in order of preference, for the Initiative Measure.

Authorizing the City Council and/or Certain Council Members to Submit Arguments

Only one ballot argument for and one ballot argument against the measure and rebuttals to each may be printed in the Voter Information Guide (formerly known as the Sample Ballot.). Under Elections Code section 9282(a), *“[[f]or measures placed on the ballot by petition, the persons filing an initiative petition pursuant to this article may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance.”*

In the event more than one argument for or against the initiative is submitted to the City Clerk within the time prescribed, Elections Code Section 9287 states that the Elections Official must give preference and priority, in the order named, to the arguments as follows:

- The legislative body, or member(s) of the legislative body authorized by that body;
- The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measures;
- Bona fide associations of citizens; and
- Individual voters who are eligible to vote on the measures.

Should the City Council decide to submit an argument as a body, it is automatically placed in the Voter Information Guide. 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 should decide whether it will submit initial and rebuttal arguments for or against the measure as a body or designate individual Council Members to submit those arguments. 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, the discussions and comments among those Council Members may only occur during a duly noticed public meeting of the City Council.

Based on the calendar for the November 3, 2020 election, primary arguments are due to the City Clerk's Office **no later than the close of business (5:30 PM) on Friday, August 14, 2020** and shall not exceed 300 words in length. Should the City Council determine it would like to review and approve the primary arguments written by the subcommittee, staff recommends such review and approval be agendaized for the August 10, 2020 City Council Meeting, in order to finalize, sign, and submit the official City Council argument prior to the August 14, 2020 deadline.

Rebuttal arguments are due 10 days after the primary arguments are due and shall not exceed 250 words. The deadline for submission of rebuttal arguments to the City Clerk's Office would be **no later than close of business (5:30 PM) on August 24, 2020**. If a rebuttal argument is necessary, and the City Council wishes to review and approve a rebuttal argument written by the subcommittee(s), then such review and approval would need to be conducted by the City Council prior to the deadline for rebuttals, which would require a special City Council Meeting.

Candidate Statement Costs

Section 13307 of the California Elections Code provides that the governing body of any local agency

adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement. The City Council rescinded Resolution 95-R104 and approved and adopted Resolution 2007-R068 on December 3, 2007, which fulfills this requirement.

City Attorney Impartial Analysis

Section 9280 of the Elections Code requires the City Attorney to prepare an impartial analysis of the Initiative Measure, showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis must be submitted to the City Clerk on or before to the City Clerk's Office no later than the close of business (5:30 PM) on Friday, August 14, 2020.

FISCAL ANALYSIS:

The estimated costs for the election are approximately \$140,000. The current amount budgeted in account 10111100. 610600 for FY 2020-2021.

ATTACHMENTS:

- 1) Resolution 2007-R068 Approving Candidate Statement Costs
- 2) Proposed Resolution Calling a General Municipal Election to be Held on November 3, 2020 for three (3) Council Members for terms of four (4) years each and the Submitting of a Question Relating to Rent Control
- 3) Proposed Resolution Requesting the Board of Supervisors of the County of Los Angeles to Consolidate the Election and Render Full Services to the City of Culver City Relating to the Conduct of a General Municipal Election to be Held in the City on Tuesday, November 3, 2020.
- 4) Notice and Initiative Measure
- 5) Proposed Resolution Authorizing the City Council and/or Certain Council Members to Submit Arguments Regarding a Question Relating to Voter Approval of Rent Control
- 6) Proposed Resolution for Approving Rebuttal Agreements.

RECOMMENDED MOTION(S):

That the City Council:

1. Adopt the proposed resolution Calling and Giving Notice of a General Municipal Election to be

held on Tuesday, November 3, 2020 for three (3) Council Members for terms of four (4) years and to place on the ballot one Initiative Measure to amend Culver City Municipal Code Chapter 15.09 to require voter approval of any ordinance establishing interim or permanent rent control or prohibition on residential rent increases, including any such ordinance adopted after January 1, 2019; and,

2. Adopt the proposed Resolution Requesting the Board of Supervisors of the County of Los Angeles to Consolidate the General Municipal Election and Render Full Election Services to the City of Culver City Relating to the Conduct of a General Municipal Election to be Held in the City on Tuesday, November 3, 2020; and

3.A. Adopt a Resolution Authorizing the City Council and/or Certain Council Members to Submit Primary Arguments Regarding the proposed Ballot Measure;

AND

3.B. Discuss the formation of Ad Hoc Subcommittee(s) and appoint the following Council Members thereto for the purpose of drafting of the Primary Ballot Argument(s):
_____;

AND

3.C. If an Ad Hoc Subcommittee(s) is created, authorize the Subcommittee(s) to submit the Primary Ballot Argument(s) by the filing deadline of 5:30 PM on August 14, 2020;

OR

3.D. Direct the Ad Hoc Subcommittee(s) to complete its work in time to present the Primary Ballot Argument(s) to the City Council for review and approve at the City Council meeting of August 10, 2020; and

4.A. Adopt a Resolution Authorizing the City Council and/or Certain Council Members to Submit Rebuttal Arguments Regarding the proposed Ballot Measure;

AND

4.B. If an Ad Hoc Subcommittee(s) is created for the Primary Argument(s), authorize such Subcommittee(s) to also submit the Rebuttal Argument(s) by the filing deadline of 5:30 PM on August 24, 2020;

OR

4.C. Direct the Ad Hoc Subcommittee(s) to complete its work in time to present the Rebuttal Argument(s) to the City Council for review and approval prior to filing deadline of 5:30 PM

on August 24, 2020 (which would require a Special City Council Meeting be scheduled prior to the filing deadline);

5. Direct the City Clerk to post a Notice Setting the Date after which no Arguments May be Submitted; and
6. Direct the City Attorney to Prepare the Impartial Analysis For the Initiative Measure.