City of Culver City

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Staff Report

File #: 22-1076, **Version:** 1 **Item #:** A-1.

CC - ACTION ITEM: (1) Adoption of a Resolution Calling a General Municipal Election to be Held in the City of Culver City on Tuesday, November 8, 2022 to Elect Two Council Members to the City Council, Each for a Full Term of Four Years, and to Place on the Ballot One Proposed Charter Amendment Regarding Lowering the Voting Age to 16 for City and School District Elections and One Proposed Ordinance to Update the Business License Tax Ordinance, Including Tax Rates and Classifications; 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 Each of the Ballot Measures; (4) Potential Creation and Appointment of Members to Ad-Hoc Subcommittee(s) 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 Two Ballot Measures.

Meeting Date: July 11, 2022

Contact Person/Dept: Jeremy Bocchino, City Clerk
Phone Number: 310-253-5851

Fiscal Impact: Yes [X] No [] **General Fund:** Yes [X] No []

Attachments: Yes [X] No []

Commission Action Required: Yes [] No [x]

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/07/2022)

Department Approval: Jesse Mays, Assistant City Manager (06/30/2022)

RECOMMENDATION:

Staff recommends the City Council (1) adopt a resolution calling a General Municipal Election to be held on Tuesday, November 8, 2022 to elect two members to the City Council for a full term of four years each, and to place on the ballot one proposed City Charter amendment to lower the voting age to 16 for City and school district elections and one proposed City Ordinance to update the Business

License Ordinance including Tax rates and classifications; (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 each of the ballot measures; (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 ballot measures.

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 2022, the date of the General Municipal Election is Tuesday, November 8, 2022. Elections Code Section 12101 requires Notice of Elections for candidates to be published between July 4, 2022 and July 18, 2022.

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 Ballot Measures on the Ballot

1) *Proposed City Charter amendment to lower the voting age to 16.*

On March 28, 2022 the City Council approved a request from Vote 16 Culver City, to lower the age to 16 for Culver City municipal elections. Staff was directed to place a measure on the November 8, 2022 general municipal election ballot. The Voting Related Ballot Measures Subcommittee (Subcommittee), consisting of Mayor Lee and Council Member Fisch, were assigned to work with staff. After the March 28th meeting, Culver City Unified School District (CCUSD) officials contacted the City to inquire about including CCUSD on the measure since the Charter currently states that CCUSD elections follow state law that provides for a voting age of 18. On May 10, 2022 CCUSD's Board voted to be included on the ballot measure.

On June 6, 2022 City staff placed on item on the City Council Agenda, so that Council could approved the ballot measure and ballot question language, that includes the City and CCUSD both.

Council approved the language on that date. (See Exhibit "A" to Attachment 2 for final ballot question language and the language of the full proposed measure).

2) *Proposed Ordinance to update the City's Business License Tax Ordinance*.

At the June 13, 2022, City Council meeting, the City Council voted to place on the November 8, 2022 General Election ballot one measure amending CCMC Chapter 11.01, General Licensing of Title 11, Business Regulations, to increase the business license tax rate structure. (Note-the proposed measure only includes amending the first two Subchapters of Chapter 11.01: "General Provisions" and "Business Tax Regulations.") City Council also voted to form an Ad Hoc Subcommittee ("Subcommittee") to work with staff to develop the proposed business license tax rate structure and guidelines regarding the exemption. The Subcommittee, consisting of Council Member Fisch and Council Member Vera, met with staff to discuss a recommendation to City Council. The Subcommittee's final recommendations have been incorporated into the proposed Ordinance and the ballot question language has been included with the proposed Resolutions (See Exhibit B to Attachment 2).

A summary of the Subcommittee's proposed ballot measure to be presented to voters on November 8, 2022 is as follows:

- *Tax Structure:* The range for gross receipts is going from (.1% - .3%) to (.13% - .35%) and Oil Operations is going from 1.8% to 4%. The flat tax amounts are being increased up to $1,000. (See Exhibit B to Attachment 2 Resolution for a detailed list of proposed tax rates)
- *Additional Proposed Tax Rates:* There is an additional proposed tax rate of .01% for businesses with gross receipts of $100 million or more.
- *Exemption:*
    - There is a $200,000 exemption for all businesses that pay business license taxes based on gross receipts. As a result of this exemption, it is estimated that approximately 6,000 out of the total 8,000 licensed businesses will be exempt from paying business license taxes.
    - Additionally, this $200,000 exemption will also provide a savings to many businesses whose annual gross receipts exceed $200,000. For example:
        - Businesses in the Business Office Services category that generate less than $400,000 a year in gross receipts would pay a lower tax under the proposed tax structure.
        - Retail Businesses that generate less than $600,000 a year in gross receipts would pay a lower tax under the proposed tax structure.
        - Medical Professionals that generate less than $1,400,000 a year in gross receipts would pay a lower tax under the proposed tax structure.

Additionally, staff is proposing minor amendments to various general sections of Subchapter 11.01 and 11.02 to clarify provisions and update obsolete language, which will be included in the measure being submitted to the voters. The proposed ballot question is included in the Resolution calling the election (Attachment 2), and the full Ordinance being proposed is attached to the Resolution as Exhibit B. The full proposed Ordinance will be printed in the November ballot.

DISCUSSION:

To call the election for two Council Members and to effectuate the placement of the two measures on the ballot of the November 8, 2022 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 8, 2022 for the purpose of electing two Council Members and submitting to the voters two ballot measures;

(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; and

(3) Discuss and, if desired, create and appoint Council Members to Ad-Hoc Subcommittee(s) to draft and/or submit Ballot Argument(s) regarding the ballot measures.

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 Measures

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."

Each Measure is represented by one or two letters. Letter designations are on a first come first served basis and the City may not receive the preferred letters. Cities are requested to provide three choices; in case a designation is unavailable. Unless otherwise directed by the City Council, the City Clerk intends to submit to the County 3 choices of "E", "G" or "H" for the Charter Amendment regarding voter age, and "G" "H" "I" for the business tax measure.

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

Only one ballot argument for and one ballot argument against each 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 measures 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 measures 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 8, 2022 election, primary arguments are due to the City Clerk's Office **no later than the close of business (5:30 PM) on (E-81) Friday, August 19, 2022** 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 agendized for the August 8, 2022 City Council Meeting, in order to finalize, sign, and submit the official City Council argument prior to the August 19, 2022 deadline.

The deadline for submission of rebuttal arguments to the City Clerk's Office is **no later than close of business (5:30 PM) on Monday, August 29, 2022** and shall not exceed 250 words. 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 could either occur at the regular City Council meeting on August 22, 2022 or 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 each of the measures, showing the effect of each measure on the existing law and the operation of each measure. The impartial analysis must be submitted to the City Clerk no later than the close of business (5:30 PM) on **Friday, August 19, 2022.**

FISCAL ANALYSIS:

The estimated costs for the election are approximately $185,000. Funding for the estimated costs has been included in the Adopted Budget for Fiscal Year 2022/2023 in account 10111100.610600 (City Clerk - Election Services).

ATTACHMENTS:

1) Resolution 2007-R068 Approving Candidate Statement Costs

2) Proposed Resolution Calling a General Municipal Election to be Held on November 8, 2022 for two (2) Council Members for terms of four (4) years each and the Submitting of two (2) Ballot Measure Questions

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 8, 2022

4) Proposed Resolution Authorizing the City Council and/or Certain Council Members to Submit Arguments Regarding a Question Relating to Voter Approval of Rent Control

5) 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 8, 2022 for Two (2) Council Members for terms of four (4) years and to place on the ballot Two (2) Measures: 1) A Charter amendment to lower the voting age to 16 for City and School District elections; and 2) an Ordinance amending CCMC Chapter 11.01 to update the City's business license tax rates, classifications, and other provisions; 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 8, 2022; 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 two 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 19, 2022;

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 8, 2022; 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 29, 2022;

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 29, 2022 (which could be completed at the Regular City Council meeting on August 22, 2022 or at 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 Analyses for the Measures by the deadline of August 19, 2022.