



Item No. 21 Town of Atherton

CITY COUNCIL STAFF REPORT – REGULAR AGENDA

TO: HONORABLE MAYOR AND CITY COUNCIL

THROUGH: GEORGE RODERICKS, CITY MANAGER

FROM: JUDI HERREN, ACTING CITY CLERK

DATE: JULY 19, 2017

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, (1) SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING RENEWAL OF THE PARCEL TAX FOR AN ADDITIONAL FOUR YEARS AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AND INCREASING THE APPROPRIATION LIMIT TO PERMIT SPENDING THE PROCEEDS OF THE PARCEL TAX FOR THE SAME PERIOD; AND (2) PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR RENEWAL OF THE PARCEL TAX TO THE COUNTY AT THE NOVEMBER 7, 2017 ELECTION

RECOMMENDATION

Adopt a resolution setting priorities for filing written primary argument(s) regarding the parcel tax and directing the City Attorney to prepare an impartial analysis to be printed in the ballot; and for providing for the filing of rebuttal arguments (if rebuttals are accepted by Council).

BACKGROUND

If the City Council adopts a resolution calling an election for November 7, 2017 submitting a parcel tax to the voters, then they must approve a resolution that sets priorities for filing of written argument(s) and direct the City Attorney to prepare an impartial analysis.

It should be noted that rebuttals arguments tend to drive up the costs of elections; therefore Council has the right not to accept rebuttal arguments. Thus, the City Council must also decide if it will allow rebuttal arguments. If so, a separate resolution providing for rebuttals has been included with this report.

ANALYSIS

Primary Arguments

If the City Council adopts the resolution calling for the November 7, 2017 election to submit a parcel tax to the voters, in accordance with California Elections Code Section 9282, the City Council must determine whether it wishes to exercise its rights to author and sign ballot arguments regarding the parcel tax. The argument for or against a ballot measure shall not exceed 300 words. The final date for filing a primary argument is 5:00 p.m. on Friday, August 18, 2017.

The Elections Code allows any of the following to file a written primary argument not to exceed 300 words in length for or against any city measure:

1. The City Council or any member of members of the City Council authorized by it;
2. 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 measure;
3. Bona fide associations of citizens; or
4. Individual voters who are eligible to vote on the measure

If all of the Council Members wish to sign the argument in favor of the measure, it is suggested that a less-than-a-quorum committee convene to write the argument and bring it to the Council for approval and signature at a special meeting before the August 18 deadline.

If more than one argument for or against is submitted to the City Clerk, the City Clerk shall select the argument in favor and the argument against to be printed in the sample ballot in accordance with California Elections Code Section 9287. The City Clerk gives preference to arguments in order of how the groups designated to submit arguments are listed above.

The draft resolution as attached gives the Council the alternatives of appointing one or more, or all, of the Council Members to write the argument. Staff is asking for direction on this matter and the resolution will be finalized as appropriate. The resolution needs to be enacted upon at the present Council meeting if the Council wishes to designate itself or one of its members.

The resolution also directs the City Attorney to prepare and submit an impartial analysis of each measure not to exceed 500 words showing the effect of the measure on the existing law for print in the ballot.

Rebuttal Arguments (if Council allows)

Pursuant to Elections Code 9285, if any person submits arguments against a City measure, and an argument has been filed in favor of a City measure, copies of argument against the City measure will immediately be sent to the person or persons filing the argument in favor of the City measure. The person or persons filing the arguments in favor of a City measure may prepare and submit a rebuttal argument not to exceed 250 words. Upon receipt of the proponent's direct argument in favor of the measure, a copy shall be sent to the person or persons filing the argument against the City measure who may submit a rebuttal argument not to exceed 250 words. The rebuttal arguments shall be filed with the City Clerk not more than 10 days after the final date for filing

primary arguments. The final date to submit a rebuttal argument to the City Clerk is 5:00 p.m., Monday, August 28, 2017. Rebuttal arguments shall be printed in the same manner as the primary arguments and shall immediately follow the primary argument it seeks to rebut.

POLICY FOCUS

Staff is seeking feedback and clarification on primary arguments author(s) and whether the Council wishes to allow for rebuttal arguments.

FISCAL IMPACT

The cost of a consolidated municipal, school and special district election is approximately \$15,000. This amount is included in the FY2017/18 budget.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,600 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENTS

- Resolution Setting Priorities for Primary Arguments and Directing City Attorney to Prepare an Impartial Analysis
- Resolution Providing for Rebuttal Arguments

RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A PARCEL TAX AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS AT THE CONSOLIDATED MUNICIPAL, SCHOOL AND SPECIAL DISTRICT ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017

WHEREAS, a consolidated municipal, school and special district Election is to be held in the Town of Atherton, California, on Tuesday, November 7, 2017, at which there will be submitted to the voters the following parcel tax:

“To continue providing funding to maintain neighborhood police patrols and the Town’s ability to respond to emergencies, repairing and maintaining streets, and repairing and constructing storm drains, shall an ordinance be adopted to continue a Special Parcel Tax for four years and allowing for the expenditure of funds derived from such tax?”	YES
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: That the City Council Authorizes:

[Insert names of Council Members here]

To file a written argument not exceeding 300 words regarding the Town parcel tax as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the parcel tax may be submitted to the City Clerk.

OR

SECTION 1: That the City Council authorizes ALL members of the City Council to file a written argument in Favor or Against Town parcel tax as specified above, not exceeding 300 words, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including

the date fixed by the City Clerk after which no arguments for or against the parcel tax may be submitted to the City Clerk.

SECTION 2: That the City Council directs the City Clerk to transmit a copy of the parcel tax to the City Attorney, unless the organization or salaries of the office of the city attorney are affected. The City Attorney shall prepare an impartial analysis of the parcel tax not exceeding 500 words showing the effect of the parcel tax on the existing law and the operating on the parcel tax. If the parcel tax affects the organization of salaries of the office of the city attorney, the city clerk shall prepare the impartial analysis. The impartial analysis shall be filed with the City Clerk.

SECTION 3: That the City Clerk shall certify to the passage and adoption of this resolution and entire it into the book of original resolutions.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 19th day of July, 2017, by the following vote:

AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:

Michael Lempres, Mayor

ATTEST:

Judi Herren, Acting City Clerk

APPROVED AS TO FORM:

William Conners, City Attorney

RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS REGARDING A PARCEL TAX SUBMITTED AT THE CONSOLIDATED MUNICIPAL, SCHOOL AND SPECIAL DISTRICT ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2017

WHEREAS, 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at a municipal election;

NOW, THEREFORE, THE CITY COUNCIL OF THE TOWN OF ATHERTON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the parcel tax which will be printed and distributed to the voters, the elections officials shall send a copy of an argument in favor of the propositions to the authors of any argument against the parcel tax and a copy of any argument against the parcel tax to the authors of any argument in favor of the parcel tax immediately upon receiving the arguments.

The author or a majority of authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement to Be Filed By Author(s) of Argument

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2: That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3: That the provisions of Section 1 shall apply only to the election to be held on November 7, 2017.

SECTION 4: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the Town of Atherton at a regular meeting thereof held on this 19th day of July 19, 2017, by the following vote:

*AYES: Council Members:
NOES: Council Members:
ABSENT: Council Members:
ABSTAIN: Council Members:*

Michael Lempres, Mayor

ATTEST:

Judi Herren, Acting City Clerk

APPROVED AS TO FORM:

William B. Conners, City Attorney