



TO: Mayor and Councilmembers

FROM: Daniel Singer, City Manager

CONTACT: Deborah Constantino, City Clerk

SUBJECT: Resolution Relating to Council-Sponsored Ballot Measures, Establishing Procedures for Submitting Ballot Arguments and Rebuttal Arguments for City Measures Submitted at Municipal Elections.

RECOMMENDATION:

In accord with California law, approve resolutions as follows:

1. Determine whether the City Council or any individual member(s) of City Council will file an argument regarding the proposed ordinance, and if so, adopt Resolution No.08-__ entitled "A Resolution of the City Council of the City of Goleta, California, Authorizing and Setting Priorities for Filing of a Written Argument Regarding the Ordinances to be Placed on the Ballot for the November 4, 2008 General Election; and
2. Determine if rebuttal arguments will be permitted regarding the proposed ordinance, and if so adopt Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California Providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

DISCUSSION:

The California Elections Code requires the City Council to adopt the appropriate resolutions to set priorities for filing a written argument regarding the City's proposed measures.

WRITTEN BALLOT ARGUMENT FOR OR AGAINST PROPOSED MEASURES

The City Council, or any member or members of the City Council, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure. The Elections Code provides that upon authorization by the City Council, an argument prepared and signed by the City Council or by one or more Councilmembers shall be given first priority for placement in the sample ballot election brochure by the City Elections Official.

The first day the City Clerk's Office will receive typewritten arguments in favor of or against the measure is July 2, 2008, and the last day will be July 15, 2008. (14 calendar days in accordance with the provisions of Elections Code 9286).

If the Council chooses to permit rebuttal arguments, they will be accepted from July 16, 2008 through July 25, 2008 (10 calendar days after the ballot argument time period closes) in accordance with Elections Code 9285.

PUBLIC EXAMINATION PERIOD FOR PROPOSED MEASURES:

The public examination period of the proposed measures, City Attorney's impartial analysis, and the ballot measure arguments filed with the City Clerk's Office is 10 days, commencing at either the close of the time period for receiving ballot arguments (July 16, 2008, and concluding July 25, 2008) or following close of the time period for receiving rebuttal arguments if they are allowed (July 26, 2008 concluding August 4, 2008).

ALTERNATIVES:

The Council could choose to not move forward with the proposed actions at this time. In doing so, Arguments and Rebuttal Arguments for City Measures Submitted at Municipal Elections would not be permitted.

LEGAL REVIEW:

The City Attorney's office has diligently worked with the City Manager and the City Clerk to put together and review the necessary documents for the proposed ordinances and related materials and recommended actions.

FISCAL IMPACTS:

The County provided a cost estimate for the consolidated election in the amount of \$.80-\$1.00 per registered voter. In addition there is a per candidate charge of approximately \$600. There are approximately 15,200 registered voters in the City of Goleta. Based on the estimates provided, the pro-rata election cost for the City could range from \$14,000-\$20,000.

The Fiscal Year 2008-09 City Clerk's budget includes \$10,000 to cover election costs. An additional allocation of \$4,000 to \$10,000 may be required to ensure sufficient funds to cover these costs. This request will be made to the Council once final costs are known.

Submitted By:

Reviewed By:

Approved By:

Deborah Constantino
City Clerk

Michelle Greene
Administrative
Services Director

Daniel Singer
City Manager

ATTACHMENTS:

1. Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California setting priorities for filing (A) Written Argument (S) Regarding a City Measure
2. Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California setting priorities for filing (A) Written Argument (S) Regarding a City Measure
3. Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

ATTACHMENT 1

A Resolution of the City Council of the City of Goleta, California Setting
Priorities for Filing (A) Written Argument (S) Regarding a City Measure

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING THE ORDINANCES TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 4, 2008 GENERAL ELECTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held in the City of Goleta, California, on November 4, 2008, at which there will be submitted to the voters the following measure:

MEASURE _____

Shall the Goleta Essential Services ordinance to maintain and improve city services including police, fire and emergency response times, street and sidewalk repair and improvements, library support, youth and family recreation, after-school and anti-gang programs, park and open space land acquisition, storm drain upgrades, code enforcement and other general city services by establishing a one-half cent sales and use tax within the city subject to citizen oversight and independent annual financial audits be approved?	YES
	NO

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council Authorizes

_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)

Members of that body, to file (a) written argument (s) regarding the City Measure (as specified above), accompanied by the printed name(s) and signature(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 City measure may be submitted to the City Clerk.

SECTION 2.

[That the City Council authorizes ALL members of the City Council to file (a) written arguments (s) In Favor of or Against City measure (s) , 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 City measure may be submitted to the City Clerk.]

The 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 who is the author of the argument. The arguments shall be accompanied by the Form of Statement to Be Filed by Author

SECTION 3.

[That the City Council Directs the City Clerk to transmit a copy of the measure 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 measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the City Clerk shall prepare the impartial analysis. The Impartial Analysis shall be filed by the date set by the City Clerk for the filing of the primary arguments.]

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.

PASSED, APPROVED AND ADOPTED this ___th day of July, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 08-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 1st day of July, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT 2

Resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California setting priorities for filing (A) Written Argument (S) Regarding a City Measure

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING THE ORDINANCES TO BE PLACED ON THE BALLOT FOR THE NOVEMBER 4, 2008 GENERAL ELCTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held in the City of Goleta, California, on November 4, 2008, at which there will be submitted to the voters the following measure:

MEASURE _____

Shall the ordinance amending and repealing certain provisions of Measure H2001 and the Goleta Revenue Neutrality Agreement, which would establish a base year for calculation of sales and property tax allocations and a five year graduated phase-out of mitigation payments resulting in the City, starting in 2018, receiving its full statutory share of sales and property taxes in the same proportion as now received by all other cities in Santa Barbara County be adopted?	YES
	NO

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council Authorizes

_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)
_____ (Councilmember in Favor)	_____ (Councilmember Against)

Members of that body, to file (a) written argument (s) regarding the City Measure (as specified above), accompanied by the printed name(s) and signature(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 City measure may be submitted to the City Clerk.

SECTION 2.

[That the City Council authorizes ALL members of the City Council to file (a) written arguments (s) In Favor of or Against City measure (s) , 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 City measure may be submitted to the City Clerk.]

The 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 who is the author of the argument. The arguments shall be accompanied by the Form of Statement to Be Filed by Author

SECTION 3.

[That the City Council Directs the City Clerk to transmit a copy of the measure 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 measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the City Clerk shall prepare the impartial analysis. The Impartial Analysis shall be filed by the date set by the City Clerk for the filing of the primary arguments.]

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.

PASSED, APPROVED AND ADOPTED this ___th day of July, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

I, DEBORAH CONSTANTINO, City Clerk of the City of Goleta, California, DO HEREBY CERTIFY that the foregoing Resolution No. 08-__ was duly adopted by the City Council of the City of Goleta at a regular meeting held on the 1st day of July, 2008, by the following vote of the Council:

AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK

ATTACHMENT 3

Adopt resolution No. 08-__ entitled "A Resolution of the City Council of the City of Goleta, California providing for the Filing of Rebuttal Arguments for City Measures Submitted at Municipal Elections.

RESOLUTION NO. 08-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GOLETA, CALIFORNIA PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS

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 municipal elections;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GOLETA, 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 measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

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

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

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 an 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 provision in Section 1 shall apply at the next ensuing municipal election and at each municipal election after that time.

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.

PASSED, APPROVED AND ADOPTED this 1st day of July, 2008.

MICHAEL T. BENNETT, MAYOR

ATTEST:

APPROVED AS TO FORM:

DEBORAH CONSTANTINO
CITY CLERK

JULIE HAYWARD BIGGS
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA) ss.
CITY OF GOLETA)

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AYES:

NOES:

ABSENT:

(SEAL)

DEBORAH CONSTANTINO
CITY CLERK