

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

SUBJECT: BALLOT ARGUMENT IN SUPPORT OF UTILITY USERS
TAX MODERNIZATION BALLOT MEASURE

STAFF PRESENTER: CAROLINE L. FOWLER
CITY ATTORNEY

AGENDA ACTION: RESOLUTION

ISSUE(S)

Shall the City Council, by resolution, approve the wording of a ballot argument in support of the Utility Users Tax modernization ballot measure; authorize the Mayor to sign the arguments on behalf of the City Council and such other community leaders, if any, who agree to sign subject to the limitations under the election code; authorize the Mayor and other community leaders, if any, to sign on behalf of the City Council any rebuttal arguments that may be necessary; and timely file the arguments with the City Clerk as required under the Elections Code?

BACKGROUND

1. On July 29, 2014, the City Council, by resolution, approved the submission of a ballot measure to the voters at the November 4, 2014, General Municipal Election to implement proposed amendments to modernize the Utility Users Tax ("UUT") Ordinance as directed by the City Council and to provide for the filing of rebuttal arguments on the measure.
2. On July 29, 2014, the City Council, by motion, indicated that it wished to prepare a ballot argument in favor of a UUT modernization ballot. The deadline for submission of ballot argument is August 8, 2014.
3. If arguments for and against the measure are submitted, any rebuttal arguments to the measure are required to be filed by August 18, 2014. If rebuttal arguments are required and the City Council will not be meeting prior to that date, the Mayor should be authorized to sign and file rebuttal arguments on behalf of the City Council subject to review of the City Attorney and with such additional signatures of Community leaders who support the measure as authorized under the Elections Code.

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4. Attachment 1 is the proposed ballot argument in support of the ballot measure. Under the Elections Code, direct arguments in favor of or against a measure are limited to 300 words. Rebuttal arguments that refute a direct argument are limited to 250 words.

ANALYSIS

1. The City has the option to submit ballot arguments in favor of any proposed ballot measure. If the City elects to submit a ballot argument, such argument under the Elections Code has priority.
2. The council has indicated it desires to submit argument in favor of the UUT modernization ballot measure. Arguments are limited to 300 words by the Elections Code. A Proposed argument is set forth in attachment to this report as Attachment 1. The letter of the measure is blank at this time since the Registrar will assign a letter for all measures submitted in the County on August 8. The appropriate letter designation will then be added along with the names that City Council has authorized to sign in favor of the measure.
3. The proposed argument was drafted with the input of the finance department and reviewing other arguments for similar measures and with the added goal of including the Council's desire to attempt to be revenue neutral. The Council has the discretion to alter the wording if a majority of the council elect to do so provided it complies with the 300 word limit.
4. The City has elected to allow rebuttal arguments. If opposition arguments against any measure are filed then rebuttal arguments will be required to be filed by August 18, 2014. The Council will not be meeting again prior to that date, accordingly staff requires authorization to prepare and submit rebuttal arguments if necessary and requests that the Mayor be authorized to sign any required rebuttal argument after consultation with the City Manager and City Attorney along with such other Community Leaders who may agree to support the measure.

RECOMMENDATION

It is recommended that the Council, by resolution, approve the ballot argument in support of the proposed Utility User Tax ballot measure; authorize the Mayor and possible Community Leaders to sign the argument on behalf of the City Council; authorize the Mayor and possible Community Leaders to sign on behalf of the City Council any rebuttal arguments that may be necessary; and timely file the arguments with the City Clerk as required under the Elections Code

Author: Caroline L. Fowler, City Attorney

Attachments:

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- Attachment 1 - Proposed Argument in Support of Utility Users Tax Ordinance
Ballot Measure