

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: TERESA STRICKER, INTERIM CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: CALLING A SPECIAL ELECTION TO BE HELD ON TUESDAY,
JUNE 6, 2017 AT WHICH TIME THE PORTIONS OF ORDINANCE
NO. 4072 THAT ADD CHAPTER 6-90 TO THE SANTA ROSA
MUNICIPAL CODE, SHALL BE SUBMITTED TO A VOTE TO THE
REGISTERED VOTERS OF THE CITY OF SANTA ROSA, AND
RELATED ACTIONS

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Interim City Attorney the Council adopt a resolution (1) ordering a special election to be held on Tuesday, June 6, 2017 at which time the portions of Ordinance No. 4072 that add Chapter 6-90 to the Santa Rosa Municipal Code, concerning, as to certain residential rental units in the city, rent stabilization, limitations on the termination of tenancies and the payment of relocation assistance, and other tenant protections shall be submitted to the voters; (2) approving ballot language; (3) permitting the filing of ballot arguments; and (4) directing the City Attorney to provide an impartial analysis.

EXECUTIVE SUMMARY

On December 21, 2016, the City Clerk received the Sonoma County Registrar of Voters' determination that a referendum petition challenging portions of Ordinance No. 4072 contained a sufficient number of valid signatures to qualify the referendum for the ballot. On December 23, 2016, the City Clerk certified that the referendum petition was sufficient to qualify for the ballot should the City Council choose not to repeal the challenged portions of the Ordinance.

On January 10, 2017, the City Council, by motion, accepted the City Clerk's certification of the referendum petition, and directed staff to bring back to Council an appropriate resolution to submit the challenged portions of Ordinance No. 4072 to the voters at a Special Election to be held on June 6, 2017.

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The attached resolution, if approved by the Council, will call the June 6, 2017 special election and submit the challenged portions of Ordinance No. 4027 to Santa Rosa voters.

BACKGROUND

On September 26, 2016, a timely Referendum Petition was filed with the City Clerk challenging portions of Ordinance No. 4072, establishing rent stabilization, eviction control, and other residential tenant protections in Santa Rosa. The Petition challenged all provisions of the Ordinance except the provision of the Ordinance that repealed both the 90-day moratorium on rent increases (which took effect on July 7, 2016) and the Just Cause Eviction Ordinance (which took effect on September 16, 2016). Both of those earlier ordinances have now been repealed.

On September 26, 2016, the City Clerk submitted the Petition to the Sonoma County Registrar of Voters Office (ROV) for a prima facie review, signature verification, and final count. On December 21, 2016, the ROV submitted to the City Clerk its determination that the Petition contained a sufficient number of signatures of qualified voters.

On December 23, 2016, the City Clerk certified to the City Council that the petition had a sufficient number of signatures to qualify for the ballot. On January 10, 2017, the City Council accepted that certification, and directed staff to bring back to Council an appropriate resolution to submit the challenged portions of Ordinance No. 4072 to the voters at a Special Election to be held on June 6, 2017. The attached resolution will accomplish this purpose.

PRIOR CITY COUNCIL REVIEW

On January 10, 2017, the City Council, by motion, accepted the City Clerk's certification of the referendum petition, and directed staff to bring back to Council an appropriate resolution to submit the challenged portions of Ordinance No. 4072 to the voters at a Special Election to be held on June 6, 2017.

ANALYSIS

Under Charter section 32 and section 1-16.010 of the Santa Rosa City Code, the City's referendum process is governed by state law. California Elections Code sections 9235 to 9247 regulate the referendum process for cities.

As noted, the City Council has chosen to submit the challenged portions of Ordinance No 4072 for approval by the voters rather than repealing the ordinance. In addition, the Council previously indicated its intention to submit the ordinance to the voters at a special election to be held on June 6, 2017.

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The attached resolution will accomplish this purpose, provided the Council votes to place the measure on the ballot no later than 88 days before the June 6 election (Elections Code section 9241). Accordingly, the last regular meeting at which the Council can timely submit the measure for the June 6 election is the March 7 Council meeting.

Under Elections Code section 9241, the challenged provisions of Ordinance 4072 will not become effective unless a majority of those voting on the ballot measure vote in favor of the ordinance. In other words, a “yes” vote on the ballot measure is a vote in favor of the ordinance becoming effective.

Unlike the case with initiative measures, California Elections section 13120 dictates to some extent wording of the ballot question in the context of a referendum. It provides that the ballot question must be in the following form:

“Shall the statute (or ordinance) (stating the nature thereof, including any identifying number or title) be adopted?”

Consistent with this mandated format, the ballot question in the attached resolution is follows:

“City of Santa Rosa Rent Stabilization

Shall those provisions of Ordinance No. 4072 adopted by the Santa Rosa City Council that (1) establish rent control for certain residential rental properties in the City with three or more residential units but only as to units that received a Certificate of Occupancy before February 1995, (2) prohibit landlords from evicting tenants of such properties except for certain specified reasons, and (3) provide other protections to such tenants, be approved?”

The attached resolution also contains standard provisions for the calling of a special election. These provisions include directing the City Attorney to draft an impartial analysis, requesting the County to consolidate the special election with other elections occurring on June 6, and providing for the submission of ballot arguments.

Regarding ballot arguments, the Council previously delegated to an ad hoc Council committee the authority to draft and submit a ballot argument in support of the measure. The Council also delegated to the ad hoc committee the authority to draft and submit a rebuttal argument, in the event an opposition argument is submitted against the measure.

FISCAL IMPACT

Based on the most recent voter registration report, the estimated cost of placing one City measure on a special election is \$403,785. The estimated cost of placing two City measures on the same special election is \$493,515. Funding for this expenditure is included in the amended FY 2016-17 City Council Budget.

ENVIRONMENTAL IMPACT

Adoption of a resolution calling for a special election concerning a referendum petition is not a project under CEQA (CEQA Guidelines, section 15378 (b)(3)) and therefore no environmental review is required for its adoption.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Election Calendar
- Resolution/Exhibit A

CONTACT

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