



Workshop Meeting A G E N D A



IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

FEBRUARY 10, 2009 – 9:00 A.M.

Dempsey Holder Safety Center, 2nd Floor
950 Ocean Lane
Imperial Beach, CA 91932

THE CITY COUNCIL ALSO SITS AS THE CITY OF IMPERIAL BEACH REDEVELOPMENT AGENCY, PLANNING COMMISSION, AND PUBLIC FINANCING AUTHORITY.

The City of Imperial Beach is endeavoring to be in total compliance with the Americans with Disabilities Act (ADA). If you require assistance or auxiliary aids in order to participate at City Council meetings, please contact the City Clerk's Office at (619) 423-8301, as far in advance of the meeting as possible.

CALL TO ORDER BY MAYOR

ROLL CALL BY CITY CLERK

PUBLIC COMMENT - *Each person wishing to address the City Council regarding items not on the posted agenda may do so at this time. In accordance with State law, Council may not take action on an item not scheduled on the agenda. If appropriate, the item will be referred to the City Manager or placed on a future agenda.*

REPORTS

City Manager's Recommendation: Conduct discussion on the following:

- A. BUDGET. (0330-05)**
- B. COST SAVINGS AND REVENUE IDEAS. (0330-05)**
- C. ELECTION RULES AND SCHEDULES. (0430-05)**
- D. USE OF CONSULTANTS. (0430-05)**

ADJOURNMENT

Copies of this notice were provided on 02-06-09 to the San Diego Union-Tribune, I.B. Eagle & Times, I.B. Sun.

AFFIDAVIT OF POSTING)
STATE OF CALIFORNIA)
CITY OF IMPERIAL BEACH)

I, Lisa Wolfson, Deputy City Clerk of the City of Imperial Beach, hereby certify that the Agenda for the Workshop Meeting as called by the City Council, Redevelopment Agency, and Public Financing Authority of Imperial Beach was provided and posted on February 6, 2009. Said meeting to be held at 9:00 a.m., February 10, 2009, in the Dempsey Holder Safety Center, 2nd Floor, 950 Ocean Lane, Imperial Beach, California. Said notice was posted at the entrance to the City Council Chambers and the Dempsey Holder Safety Center on February 6, 2009 at 2:30 p.m.

Lisa Wolfson
Deputy City Clerk

Any writings or documents provided to a majority of the City Council/RDA/Planning Commission/Public Financing Authority regarding any item on this agenda will be made available for public inspection in the office of the City Clerk located at 825 Imperial Beach Blvd., Imperial Beach, CA 91932 during normal business hours.



CITY OF IMPERIAL BEACH

TO: City Council
FROM: Gary Brown, City Manager
SUBJECT: February 10th Council Workshop
DATE: February 6, 2009

During Council's discussion of strategic goals in January you expressed an interest in reviewing more closely budget projections and laws about special and general elections for revenues.

Therefore we'd like to discuss the following:

1. Budget
2. Cost Savings and Revenue Ideas
3. Election rules and schedules
4. Use of Consultants

Mr. McGrane will review five year revenue and cost projections. You'll see that we have a fundamental structural disparity in which revenues can't support the minimal level of services we currently provide. Something has to give. I strongly believe this City is as frugal as any other City (or more so) and therefore the revenue base needs to be raised in order to maintain our current level of services. Mr. McGrane will review two fundamental ways to increase the base either through a utility users tax or parcel tax.

Mr. Lough's and Ms. Hald's memo plus the election "Calendar of Events" should help guide us through election decisions that Councils make. Often cities use consultants to gauge and be responsive to the public's preferences. Mr. Ritter has looked into this and some of his findings are in Exhibit D.

When considering any cost reductions or revenue enhancements we need to view them in the context of past actions. For at least a decade the City has been frugal and constantly searched for new revenues. We also need to consider the many

uncertainties and threats to our fiscal future. (See Exhibit A, Mr. Ritter's summary of actions taken and future uncertainties.)

We continue to work to reduce costs and increase revenues. For example, Public Works does more landscape maintenance now because we reduced our reliance on the prison system due to contract costs. The Finance Department has increased business license revenues by approximately \$50,000 per year by licensing previously unlicensed rental housing. We'll be examining the costs and benefits of auditing businesses, and we'll consider increasing fees to come closer to full cost recovery.

Our challenge is that even with further costs savings and revenue increases, the structural discrepancy will continue to get worse and put us into a deficit within two to three years. Therefore I suggest you carefully review the possibility of a utility users tax (UUT) or a parcel tax. People deserve the chance to decide to pay to maintain services as an alternative to reducing them.

Factors in Balancing the Budget over the past 10 years

- Activity Based Costing (allocation of overhead)
- Workers Compensation Self Insurance
- Expanded RDA
- Storm Water Fee
- Master Fee study implementation
- Greater use of RDA funds:
 - Graffiti Abatement; Code Enforcement
 - City Clerk Office; Planning Department
 - CIP administrative staff; Interest on GF loan to RDA
- Reduced contribution from General Fund to CIP
- Staffing reductions in Fire, Finance, CM Office, Senior Center
- Conservative Labor negotiations
- No salary raises in FY 05-06 and FY 06-07 for miscellaneous employees (stipend and health increase only)
- AMR reimbursement for paramedic services
- AMR rent of Fire Station space for ambulance personnel
- Increase in parking citation fines
- Reduction in Public Relations budget
- Reduction in City Newsletter budget
- Sheriff increases limited to 4.34%, 5%, 5%
- Continuation of unfunded Firefighter/Paramedic position
- Favorable Risk Management and Workers Compensation claim loss

Budget Uncertainties / Challenges in the next 5 years

- Possible State take away from RDA/General Fund
- Sheriff labor costs (including school district contribution toward SRO)
- Negotiations with Port for Public Safety and Beach Maintenance services
- Downturn in stock market (PERS retirement costs, City investment income down by 50%)
- Bond market uncertainty
- Changes in allowed uses for TRANSNET funds
- Development of the new Seacoast Inn
- Development of 9th & Palm
- Sewer CIP and treatment costs
- RWQCB Permitting requirements
- Storm Water funding
- Need to retain employees (cost of living, health costs)
- Continued economic downturn
- Flat or negative revenue growth in Property Tax, Sales Tax, TOT
- Need for greater water/energy conservation
- Limited General Fund capacity to pay for street and facility maintenance
- In FY 06-07 it was estimated that to save \$1 million dollars 17 FT and 8 PT positions would have had to be eliminated

McDOUGAL • LOVE • ECKIS • SMITH • BOEHMER & FOLEY

ATTORNEYS AT LAW

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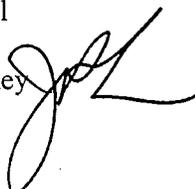
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*Certified Legal Specialist, Family Law
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MEMORANDUM

TO: Honorable Mayor and
Members of the City Council

FROM: James P. Lough, City Attorney
Jacqueline Hald, City Clerk 

DATE: February 5, 2009

SUBJECT: Options and Procedures for the Potential Imperial Beach Financial Enhancement
Ballot Measure

The City has asked this office to provide some guidance to the City Council when considering options for the current fiscal crisis. This memo discusses procedures for placement of a revenue measure before the voters of the City of Imperial Beach.

Attached to this memo are two charts that outline the general procedures for placement of tax measures before the voters. The Charts deal with Special Taxes and General Taxes. Special taxes include any special purpose tax and any parcel tax. All parcel taxes must receive a two-thirds vote of the people regardless of whether they are for general or special purposes.

UTILITY USER TAX

A Utility Users Tax ("UUT") is a tax on gas, electricity, cable television and water service provided to residents of the City. It is based on the concept that each city must provide public access to allow utility companies to provide services to a customer. Some of these costs are reimbursed through a franchise fee and many are not. A UUT is a percentage of the applicable bill for services, is paid to the City and collected by the utility.

The imposition of a UUT requires a vote of the people under both Propositions 62 and 218. Proposition 62 sets up procedural requirements in the state statutes (Gov. Code § 53750 *et. seq.*) and Proposition 218 establishes companion procedures in the Constitution (Art. XIII C).

In the face of changing technology in the telecommunications industry and deregulation in the areas of electricity and natural gas, many public agencies are considering expanding the traditional scope of utility users taxes to enlarge the types of utility services subject to the tax. There are issues relating to the impact of the federal law on utility users tax that should be considered. The first is the Internet Tax Freedom Act (ITFA), which places a moratorium on taxation of "Internet access." The second is legislation pending in the Congress, which would place a moratorium on taxation of cell phones. The third is the elimination of the Federal Excise Tax (FET) on long distance calls that are not billed on both the bases of time and distance. (Distance is frequently excluded from nationwide "one-rate" plans). The FET was also eliminated on bundled charges for both taxable and non-taxable calls. The ITFA was to expire on November 1, 2007, but legislation extended the ban until 2014.

As a result of these new regulatory issues, any UUT ordinance must be crafted to only cover technologies that are not exempt under federal law. As telecommunications changes, the covered services in UUT ordinances can become subject to dispute. The breadth of these regulations is subject to disagreement on several points and the scope of the ordinance would have to be based on the status of the law at the time the ordinance is drafted. Some flexibility will need to be incorporated into the ordinance to allow for future regulatory changes.

PARCEL TAXES

A parcel tax is usually an annual tax that is based on either a flat per-parcel rate or a rate that varies based on other factors such as parcel size, use or other physical attributes other than value. (See *Heckendorn v. City of San Marino* (1986) 42 Cal.3d 481.) Parcel taxes based upon the value of the property are invalid as a violation of Proposition 13's limits on ad valorem property taxes. (See, Cal. Const. art. XIII A, § 1; See, generally, *City of Oakland v. Digre* (1988) 205 Cal. App. 3d 99.) Section 3 of Article XIID limits the types of taxes that can be imposed upon a parcel of property to the ad valorem property tax imposed pursuant to Article XIII and Article XIII A and any special tax receiving a two-thirds vote pursuant to Section 4 of Article XIII A. This means that a parcel tax may only be imposed as a special tax. (*Nielson v. City of California City* (2006) 133 Cal. App. 4th 1296.) An agency proposing to levy a parcel tax should take note of the provisions of California Government Code section 53087.4 regarding mandatory collection of a parcel tax on the property tax bill.

SPECIAL OR GENERAL TAX

Proposition 218 specifically applies to all California cities. (Cal. Const. XIII C § 1(b); Art. XIII D, § 2(a).) The California Constitution, under Proposition 218, establishes two types of taxes, general and special. (Cal. Const. Art. XIII C, § 2.) Proposition 218 defines a "general tax" as any tax imposed for general government purposes. (Cal. Const. Art. XIII C § 1(a).) A general tax, under Proposition 218, requires a majority vote of the people. Similar provisions are found

in the Government Code under Proposition 62. (Gov. Code § 53750 *et. seq.*)¹ Proposition 62 adds voting requirements for the City Council when adding a measure to the ballot, usually a two-thirds vote of the full council.

Proposition 218 defines a “special tax” as any tax imposed for specific purposes, including taxes imposed for specific purposes and placed into a general fund. (Cal. Const. Art XIII C §1(d).) A special tax means that a tax with an identified purpose requires a two-thirds vote of the people. (*Howard Jarvis Taxpayers Association v. City of Roseville* (2003) 106 Cal.App.4th 1178.)

PROCEDURAL REQUIREMENTS FOR A GENERAL TAX MEASURE

Under Proposition 218, no local government may impose or increase any general tax until the electorate has approved the tax. (Cal. Const. Art. XIII C, § 2(b).) The imposition or increase of a general tax requires a majority vote of the electorate voting in an election on the tax.

A two-thirds vote of all members (four votes) of the City Council is required for general taxes under Proposition 62 (*i.e.*, General Purpose Utility Users Tax). (Government Code § 537724(b).) Under the Revenue & Tax Code, a two-thirds vote of the legislative body is required to submit it to the voters if the tax is a transaction and use tax (sales). (Rev. & Tax Code § 7285.9; Senate Bill 566, Chapter 709, (2003).)

¹ 53722. No local government or district may impose any special tax unless and until such special tax is submitted to the electorate of the local government, or district and approved by a two-thirds vote of the voters voting in an election on the issue.

53723. No local government, or district, whether or not authorized to levy a property tax, may impose any general tax unless and until such general tax is submitted to the electorate of the local government, or district and approved by a majority vote of the voters voting in an election on the issue.

53724. (a) A tax subject to the vote requirements prescribed by Section 53722 or Section 53723 shall be proposed by an ordinance or resolution of the legislative body of the local government or district. The ordinance or resolution proposing such tax shall include the type of tax and rate of tax to be levied, the method of collection, the date upon which an election shall be held on the issue, and, if a special tax, the purpose or service for which its imposition is sought.

(b) No tax subject to the vote requirement prescribed by Section 53723 shall be presented at an election unless the ordinance or resolution proposing such tax is approved by a two-thirds vote of all members of the legislative body of the local government or district.

(c) Except as provided in subdivision (d), the election on any tax proposed pursuant to this Article shall be consolidated with a statewide primary election, a statewide general election, or a regularly scheduled local election at which all of the electors of the local government or district are entitled to vote.

(d) Notwithstanding subdivision (c), the legislative body of the local government or district may provide that the election on any tax proposed pursuant to this Article shall be held at any date otherwise permitted by law. The local government or district shall bear the cost of any election held pursuant to this subdivision. An election held pursuant to this subdivision shall be deemed at the request of the local government or district calling such election, and shall not be deemed a state mandate.

(e) The revenues from any special tax shall be used only for the purpose or service for which it was imposed, and for no other purpose whatsoever.

In order for a general tax to be placed before the voters, the City Council is required to schedule the matter to "be consolidated with a regularly scheduled general election for members of the governing body." The next general election for Imperial Beach officeholders is November 2010. However, a city council may set a different election date if they declare a fiscal emergency by unanimous vote of the governing body. (Cal. Const. Art. XIII C § 2(b).) Proposition 218 provides no definition of the term "emergency" which justifies the calling of the special election. However, the calling of an "emergency" would be a legislative act to which the courts tend give great deference. (*Crown Motors v. City of Redding* (1991) 232 Cal.App.3d 173, 179.)

Proposition 218 gives no specific guidance on the procedure by which the votes are taken, calling the election, and calling the emergency. If a sales tax is considered, there is separate legislation that creates a two-thirds voting requirement to call an election on a transaction and use tax. (Rev. & Tax Code § 7285.9.) However, for all other general taxes, the Government Code, under Proposition 62, is the main guiding legislation. (Government Code § 537724.)

In order to place a general tax measure on a ballot before November 2010, the City Council would have to declare a "Fiscal Emergency" by a unanimous vote. After adoption of the Fiscal Emergency Resolution, the Council could set an election for either a sales tax or a utility users tax by a two-thirds vote. With a five member Council, this requires four votes.

A utility users tax requires an ordinance that specifies the type of utilities and the types of services they provide that will be subject to the tax. A UUT is usually a percentage of the amount that is subject to the tax. The tax usually applies to water, telephone, electricity, natural gas, cable and solid waste bills. All or part of these services can be added to the tax with some exceptions for services exempted by various acts of Congress (*i.e.* Internet Services). Usually, the language is consistent with the billings practices of the utilities for a smoother administrative operation.

SPECIAL TAX PROCEDURE

Under the Constitution, the City may not impose or increase any special tax until the tax has been submitted to the electorate and approved by a two-thirds vote. (Cal. Const. Art. XIII C § 2(b).) There are no timing restrictions on elections to approve special taxes. They may be called and held at special election.

If the Council is considering approving a special parcel tax, a two-thirds vote of the City Council is required before placing the matter before the voters. The parcel tax must be collected on the County property tax bill. The parcel tax legislation must conform with the collection procedures of the County Tax Collector. It also can be charged against certain categories of property (*i.e.* residential rate, commercial rate and multiple family residential rate). An example of a parcel tax was the county fire fee at the November 2008 election.

MAILED BALLOT ELECTIONS

The Elections Code allows for elections under Article XIII C to be held by mailed ballot. (See, Elections Code section 4000(c)(8).) The Legislature has labeled these mailed ballot procedures as an "election" allowing the City Council to set a Proposition 218 tax measure on a mailed ballot election. Mailed ballot elections must be held on certain dates. As of January 1, 2005, Elections Code section 1500 establishes those dates as follows:

1500. Established mailed ballot election dates.

The established mailed ballot election dates are as follows:

- (a) The first Tuesday after the first Monday in May of each year.
- (b) The first Tuesday after the first Monday in March of each even-numbered year.
- (c) The last Tuesday in August of each year.

Under Proposition 218, the only required election dates listed deal with non-emergency general tax measures (*discussed above*). A non-emergency general tax election is required to be called on a date when council member's and/or mayor's positions are on the same ballot. There are no election date limitations on when a fiscal emergency is called. Further, there are no restrictions on when a special tax is placed before the voters requiring two-thirds vote. While there are no specific cases or attorneys-general opinions that this office is aware of on this issue, it is likely that, after the declaration of an emergency, a general tax measure could be placed on one of the required mailed ballot dates. Also, a special tax measure could be placed on a mailed ballot date based on the authority of the Elections Code.

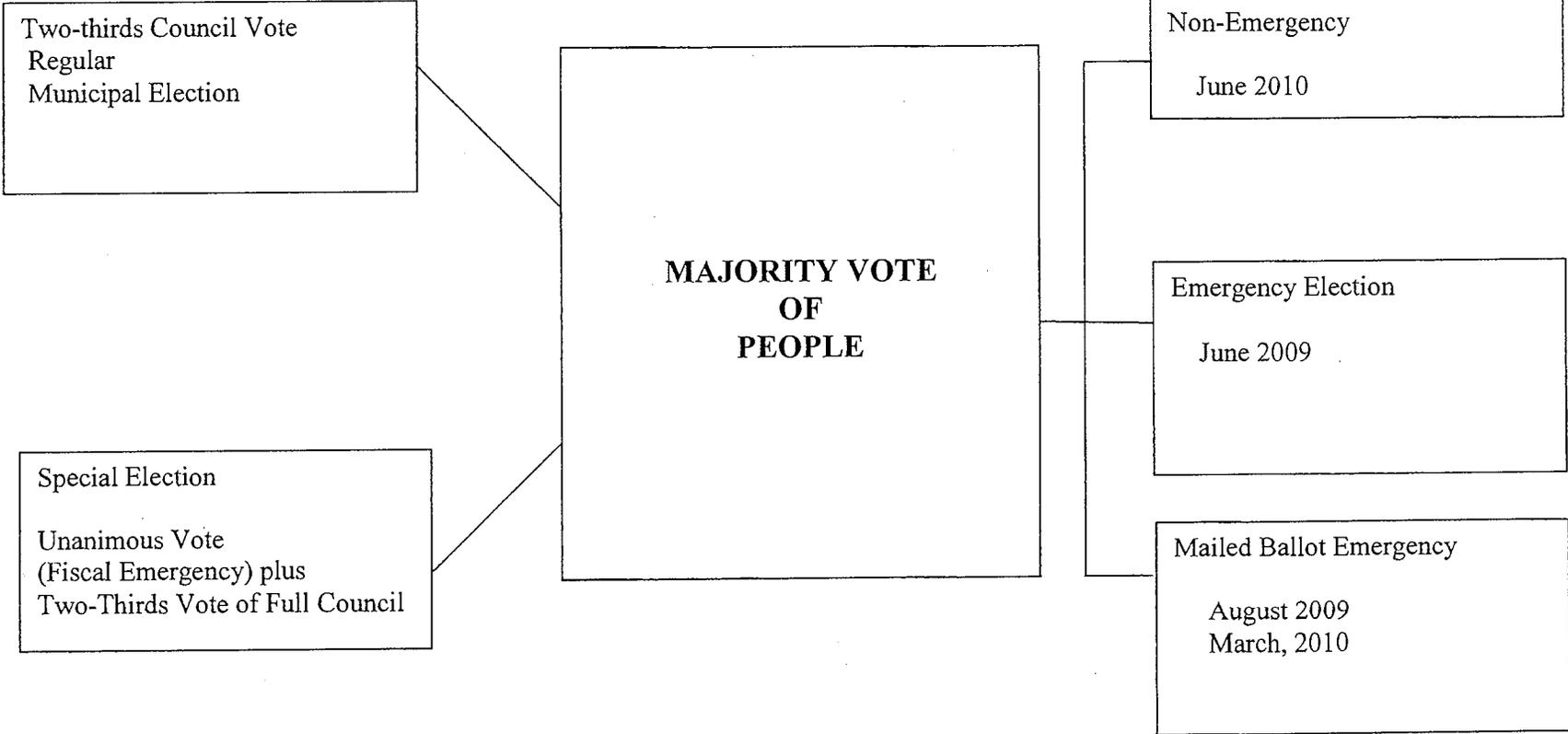
CONCLUSION

The purpose of this memo is to provide some guidance regarding general tax procedures under the California Constitution and various election and revenue laws of the State of California. The attached Charts are meant to supplement this memo and include other revenue measures such as utility user taxes, parcel taxes and other business license taxes. These types of taxes generally follow the same procedural rules with some exceptions.

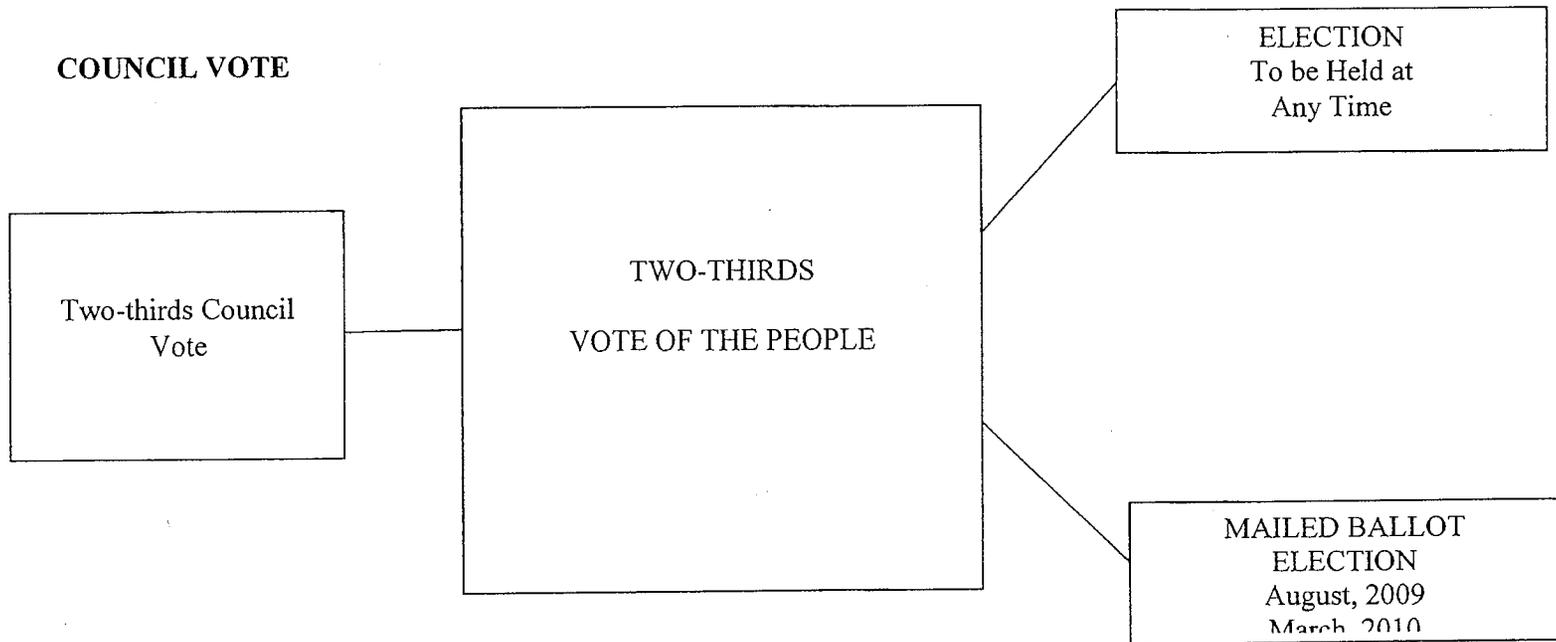
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Cc: Gary Brown, City Manager
Tom Ritter, Assistant City Manager
Michael McGrane, Finance Director

**GENERAL TAXES
UTILITY USERS TAX or
TRANSACTION AND USE TAX**



**SPECIAL PURPOSE TAXES
PARCEL, UTILITY USERS, TRANSIENT OCCUPANCY
AND BUSINESS LICENSE TAXES**



1. Taxes for any specified purpose
2. No emergency declaration
3. Parcel Tax considered a Special Tax

PROPOSED CALENDAR OF EVENTS – INITIATIVE BY COUNCIL ACTION

Election Date: June 2, 2009

(The first Tuesday after the first Monday in June of each year)

Exhibit C

DAYS BEFORE AN ELECTION	DATE	EVENT
---	---	Feasibility Study and Strategic Planning
109 or 90	February 18 , 2009 or March 4, 2009	Suggested last day for council to Adopt Resolutions for ballot measures.
88	March 6, 2009	Registrar of Voters to receive resolution(s) requesting consolidation, services, etc. Ballot text (limited to 75 words) must be included in the resolution, along with other sample ballot material (i.e., ordinance or map). (10403)
83	March 11, 2009	Last day for City Council to amend or withdraw any measure. The resolution shall be filed with the election official no later than this date.
82	March 12, 2009	Suggested date to post or publish argument deadline notice.
78	March 16, 2009	Suggested date for city attorney to prepare impartial analysis. (9280)
76	March 18, 2009	Arguments <u>in favor of</u> OR <u>against</u> the proposition due at City Clerk's Office. (9286)
75	March 19, 2009	City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals. (9404)
*69	March 25, 2009	City Clerk to publish a Notice of Election for measures to be voted on. (12111) <i>*Note: The date for publishing the notice is not specified in the Elections Code.</i>
68	March 26, 2009	Rebuttal arguments due at City Clerk's Office. (9295)
56 to 41	April 7, 2009 to April 22, 2009	Ballots typeset, proofed and printed.
40 to 21	April 23, 2009 to May 12, 2009	Between these dates sample ballots shall be mailed to registered voters. (13303)
6 to 0	May 27, 2009 to June 2, 2009	Emergency voting <i>in person</i> at the Registrar of Voters Office. (3021)
0	June 2, 2009	ELECTION DAY - Polls open from 7 am to 8 pm. (1000)
DAYS AFTER THE ELECTION	DATE	EVENT
+ 28	June 30, 2009	No later than this date, certified results will be available; after the official canvass is completed. Major elections (Primary or General of an even year, for example) may require 28 days; stand-alone or smaller elections require much less time. (15300)

Public Review Period Set (Dates set by ROV)

State law provides for a "public review period" of all candidates' ballot occupational designations, candidates' statements of qualifications, ballot measure analysis, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

The California Elections Code further defines this review period, with a distinct period for each document filed with the Registrar of Voters.

During this period, any voter who believes any portion of these materials to be false, misleading or inconsistent with state law may seek a writ of mandate or injunction requiring any or all of the material to be amended or deleted.

Ballot Arguments "in Favor of" or "Against" Local Propositions

March 19 to March 30

Arguments due by March 18

Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

March 27 to April 6

Rebuttals due March 26

PROPOSED CALENDAR OF EVENTS – INITIATIVE BY COUNCIL ACTION

Mail Ballot Election Date: August 25, 2009
(The last Tuesday in August of each year)

DAYS BEFORE AN ELECTION	DATE	EVENT
187 to 112	February 19, 2009 to May 5, 2009	Feasibility Study and Strategic Planning.
111 or 98	May 6, 2009 or May 19, 2009	Suggested last day for council to Adopt Resolutions for ballot measures.
88	May 29, 2009	Registrar of Voters to receive resolution(s) requesting consolidation, services, etc. Ballot text (limited to 75 words) must be included in the resolution, along with other sample ballot material (i.e., ordinance or map). (10403)
83	June 3, 2009	Last day for City Council to amend or withdraw any measure. The resolution shall be filed with the election official no later than this date.
82	June 4, 2009	Suggested date to post or publish argument deadline notice.
78	June 8, 2009	Suggested date for city attorney to prepare impartial analysis. (9280)
76	June 10, 2009	Arguments <u>in favor of</u> OR <u>against</u> the proposition due at City Clerk's Office. (9286)
75	June 11, 2009	City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals. (9404)
*69	June 17, 2009	City Clerk to publish a Notice of Election for measures to be voted on. (12111) <i>*Note: The date for publishing the notice is not specified in the Elections Code.</i>
68	June 18, 2009	Rebuttal arguments due at City Clerk's Office. (9295)
56 to 41	June 30, 2009 to July 15, 2009	Ballots typeset, proofed and printed.
40 to 21	July 16, 2009 to August 4, 2009	Between these dates sample ballots shall be mailed to registered voters. (13303)
6 to 0	August 19, 2009 to August 25, 2009	Emergency voting <i>in person</i> at the Registrar of Voters Office. (3021)
0	August 25, 2009	ELECTION DAY
DAYS AFTER THE ELECTION	DATE	EVENT
+ 28	September 22, 2009	No later than this date, certified results will be available; after the official canvass is completed. Major elections (Primary or General of an even year, for example) may require 28 days; stand-alone or smaller elections require much less time. (15300)

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Ballot Arguments "in Favor of" or "Against" Local Propositions

June 11 to June 22

Arguments due by June 10

Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

June 19 to June 29

Rebuttals due June 18

PROPOSED CALENDAR OF EVENTS – INITIATIVE BY COUNCIL ACTION

Election Date: June 8, 2010

(The first Tuesday after the first Monday in June in each even-numbered year)

DAYS BEFORE AN ELECTION	DATE	EVENT
311 to 112	August 1, 2009 to February 16, 2010	Feasibility Study and Strategic Planning.
111 or 97	February 17, 2010 or March 3, 2010	Suggested last day for council to Adopt Resolutions for ballot measures.
88	March 12, 2010	Registrar of Voters to receive resolution(s) requesting consolidation, services, etc. Ballot text (limited to 75 words) must be included in the resolution, along with other sample ballot material (i.e., ordinance or map). (10403)
83	March 17, 2010	Last day for City Council to amend or withdraw any measure. The resolution shall be filed with the election official no later than this date.
82	March 18, 2010	Suggested date to post or publish argument deadline notice.
78	March 22, 2010	Suggested date for city attorney to prepare impartial analysis. (9280)
76	March 24, 2010	Arguments <u>in favor of</u> OR <u>against</u> the proposition due at City Clerk's Office. (9286)
75	March 25, 2010	City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals. (9404)
*69	March 31, 2010	City Clerk to publish a Notice of Election for measures to be voted on. (12111) <i>*Note: The date for publishing the notice is not specified in the Elections Code.</i>
68	April 1, 2010	Rebuttal arguments due at City Clerk's Office. (9295)
56 to 41	April 13, 2010 to April 28, 2010	Ballots typeset, proofed and printed.
40 to 21	April 29, 2010 to May 18, 2010	Between these dates sample ballots shall be mailed to registered voters. (13303)
6 to 0	June 2, 2010 to June 8, 2010	Emergency voting <i>in person</i> at the Registrar of Voters Office. (3021)
0	June 8, 2010	ELECTION DAY - Polls open from 7 am to 8 pm. (1000)
DAYS AFTER THE ELECTION	DATE	EVENT
+ 28	July 28, 2010	No later than this date, certified results will be available; after the official canvass is completed. Major elections (Primary or General of an even year, for example) may require 28 days; stand-alone or smaller elections require much less time. (15300)

Public Review Period Set (Dates set by ROV)

State law provides for a "public review period" of all candidates' ballot occupational designations, candidates' statements of qualifications, ballot measure analysis, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

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Ballot Arguments "in Favor of" or "Against" Local Propositions

March 25 to April 5

Arguments due by March 24

Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

April 2 to April 12

Rebuttals due April 1

PROPOSED CALENDAR OF EVENTS – INITIATIVE BY COUNCIL ACTION

Mail Ballot Election Date: March 2, 2010

(The first Tuesday after the first Monday in March of each even-numbered year)

DAYS BEFORE AN ELECTION	DATE	EVENT
305 to 105	May 1, 2009 to November 17, 2009	Feasibility Study and Strategic Planning.
104	November 18, 2009	Suggested last day for council to Adopt Resolutions for ballot measures.
88	December 7, 2009	Registrar of Voters to receive resolution(s) requesting consolidation, services, etc. Ballot text (limited to 75 words) must be included in the resolution, along with other sample ballot material (i.e., ordinance or map). (10403)
83	December 9, 2009	Last day for City Council to amend or withdraw any measure. The resolution shall be filed with the election official no later than this date.
82	December 10, 2009	Suggested date to post or publish argument deadline notice.
78	December 14, 2009	Suggested date for city attorney to prepare impartial analysis. (9280)
76	December 16, 2009	Arguments in favor of OR against the proposition due at City Clerk's Office. (9286)
75	December 17, 2009	City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals. (9404)
*69	December 23, 2009	City Clerk to publish a Notice of Election for measures to be voted on. (12111) *Note: The date for publishing the notice is not specified in the Elections Code.
68	December 24, 2009	Rebuttal arguments due at City Clerk's Office. (9295)
56 to 41	January 5, 2010 to January 20, 2010	Ballots typeset, proofed and printed.
40 to 21	January 21, 2010 to February 9, 2010	Between these dates sample ballots shall be mailed to registered voters. (13303)
6 to 0	February 24, 2010 to March 2, 2010	Emergency voting in person at the Registrar of Voters Office. (3021)
0	March 2, 2010	ELECTION DAY
DAYS AFTER THE ELECTION	DATE	EVENT
+ 28	March 28, 2010	No later than this date, certified results will be available; after the official canvass is completed. Major elections (Primary or General of an even year, for example) may require 28 days; stand-alone or smaller elections require much less time. (15300)

Public Review Period Set (Dates set by ROV)

State law provides for a "public review period" of all candidates' ballot occupational designations, candidates' statements of qualifications, ballot measure analysis, arguments, rebuttals and other materials before printing the Sample Ballot and Voter Information Pamphlet.

The California Elections Code further defines this review period, with a distinct period for each document filed with the Registrar of Voters.

During this period, any voter who believes any portion of these materials to be false, misleading or inconsistent with state law may seek a writ of mandate or injunction requiring any or all of the material to be amended or deleted.

Ballot Arguments "in Favor of" or "Against" Local Propositions

December 17 to December 28 Arguments due by December 16

Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

December 25 to January 4 Rebuttals due December 24

PROPOSED CALENDAR OF EVENTS – INITIATIVE BY COUNCIL ACTION

Election Date: November 2, 2010

(The first Tuesday after the first Monday in November of each year)

DAYS BEFORE AN ELECTION	DATE	EVENT
274 to 105	February 1, 2010 to July 20, 2010	Feasibility Study and Strategic Planning
104	July 21, 2010	Suggested last day for council to Adopt Resolutions for ballot measures
88	August 6, 2010	Registrar of Voters to receive resolution(s) requesting consolidation, services, etc. Ballot text (limited to 75 words) must be included in the resolution, along with other sample ballot material (i.e., ordinance or map). (10403)
83	August 11, 2010	Last day for City Council to amend or withdraw any measure. The resolution shall be filed with the election official no later than this date.
82	August 12, 2010	Suggested date to post or publish argument deadline notice.
78	August 16, 2010	Suggested date for city attorney to prepare impartial analysis. (9280)
76	August 18, 2010	Arguments <u>in favor of</u> OR <u>against</u> the proposition due at City Clerk's Office. (9286)
75	August 19, 2010	City Clerk to "trade" direct arguments with author from each side for preparation of rebuttals. (9404)
*69	August 25, 2010	City Clerk to publish a Notice of Election for measures to be voted on. (12111) <i>*Note: The date for publishing the notice is not specified in the Elections Code.</i>
68	August 26, 2010	Rebuttal arguments due at City Clerk's Office. (9295)
56 to 41	September 7, 2010 to September 22, 2010	Ballots typeset, proofed and printed.
40 to 21	September 23, 2010 to October 12, 2010	Between these dates sample ballots shall be mailed to registered voters. (13303)
6 to 0	October 27, 2010 to November 2, 2010	Emergency voting <i>in person</i> at the Registrar of Voters Office. (3021)
0	November 2, 2010	ELECTION DAY - Polls open from 7 am to 8 pm. (1000)
DAYS AFTER THE ELECTION	DATE	EVENT
+ 28	November 30, 2010	No later than this date, certified results will be available; after the official canvass is completed. Major elections (Primary or General of an even year, for example) may require 28 days; stand-alone or smaller elections require much less time. (15300)

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Ballot Arguments "in Favor of" or "Against" Local Propositions

August 19 to August 30 Arguments due by August 18

Rebuttals to Ballot Arguments "in Favor of" or "Against" local propositions

August 27 to September 6 Rebuttals due August 26

Election consultants recommend a 6 – 12 month lead time to properly assess the viability of placing a tax measure on the ballot. A Feasibility Assessment will take approximately 3 months and cost approximately \$40K (\$20K consultant + \$20K polling firm) and include the following:

- A demographic assessment of the city's unique universe of voters.
- A strategic evaluation of recent local elections.
- A review of the city's needs and any existing plan options to address them.
- Review and assessment of the city's existing public communications efforts.
- Obtain input from City staff, Council members, community groups and citizens.
- Develop potential ballot language to test with independent polling firm.
- Interpretation of public opinion research (provided by polling firm of City's choice) to understand current voter perceptions of City's issues and needs.
- Recommendations for moving forward—including a candid assessment on current levels of support for the City and what it will take to position the City for future success.
- Develop timeline on recommended next steps.

The Feasibility Phase could lead to three possible scenarios:

1. Most positive – The City enjoys strong support within the community and should move forward without delay on a ballot measure.
2. Positive – The City enjoys some support but greater public awareness prior to any measure being placed on the ballot is necessary.
3. Negative – The public support needed for a successful ballot measure does not exist and alternatives must be explored in order to gain public support prior to considering a tax increase on the ballot.

If the Feasibility Assessment is positive the Council could choose to proceed with the Pre-Electoral Strategic Planning and Public Information Phase (up to 40K Consultant, 20K tracking poll, 20K public education). The Pre-Electoral Strategic Planning and Public Information Services Phase will take from 3 - 9 months and include the following:

- Review and clarification of the specific “plan” City will implement if voters approve a tax.
- Obtain input and feedback on the proposed expenditure plan from City staff, Council members, community groups and citizens as appropriate.
- Oversee development and implementation of an effective, pre-electoral public information program (non-advocacy) – including copy writing, editing, art direction, production coordination, and strategic targeting.
- Coordination of graphic designers, printers, mail houses, delivery services and other vendors.
- Work with polling consultant to coordinate tracking poll and evaluate results.
- Analysis and recommendations for placing a “winnable” measure on the ballot, including determining the best election type, optimal election date, tax rate and essential components and language of the plan.

Working with our Financial and Legal Advisors an election Consultant will also assist in:

- Refining the specific plan for how taxpayer money from your tax measure will be spent.
- Establishing an appropriate rate and structure (i.e. COLA, sunset date, etc.).
- Preparing the official Ballot Statement, Arguments, Rebuttals and other required documents.
- Reviewing resolutions prepared by Legal Counsel.
- Advising City relative to public information regarding the proposed measure, including direct mail, electronic communications and other media.

Once a measure is placed on the ballot the final phase leading up to the election must be handled by a private entity with private funding, as no public money (or resources) can be spent advocating or supporting the measure.