



CITY OF GLENDALE, CALIFORNIA
REPORT TO THE:

Joint City Council Housing Authority Successor Agency Oversight Board

February 23, 2016

AGENDA ITEM

Report: Council Consideration for Appointing Drafters of Arguments For and Against Measure relating to the Repeal of the Utility Users Tax and Amending the Ballot Question.

1. Amended and restated resolution calling and giving notice of the holding of a special municipal election to be held on June 7, 2016, for the submission of a proposed ordinance repealing the Utility Users Tax in its entirety; asking the Los Angeles County Board of Supervisors to consolidate the special election with the statewide election; and authorizing the City Clerk and his duly authorized officers and agents to carry out all necessary procedures for said election working with the County of Los Angeles.
2. Motion Appointing Drafters of Arguments For and Against UUT Repeal Measure

COUNCIL ACTION

Public Hearing <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Consent Calendar <input type="checkbox"/>	Action Item <input checked="" type="checkbox"/>	Report Only <input type="checkbox"/>
Approved for <u>February 23, 2016</u> calendar				

ADMINISTRATIVE ACTION

Submitted by:
Michael J. Garcia, City Attorney

Prepared by:
Lucy Varpetian, Senior Assistant City Attorney

Approved by:
Scott Ochoa, City Manager

Reviewed by:
Yasmin K. Beers, Assistant City Manager

Michael J. Garcia, City Attorney

Ardashes Kassakhian, City Clerk

Bob Elliot, Director of Finance

Signature

For

8 E /

RECOMMENDATION

Staff recommends that Council appoint the drafters of the arguments for and against the ballot measure relating to the repeal of Glendale Municipal Code Chapter 4.36 and adopt the resolution restating the ballot question.

BACKGROUND/ANALYSIS

On December 8, 2015 City Council, adopted a resolution calling and giving notice of the holding of a special municipal election to be held on June 7, 2016, for the submission of a proposed ordinance repealing the Glendale Municipal Code Section 4.36, the Utility Users Tax in its entirety. Council directed the City Attorney to prepare an impartial analysis of the proposed measure.

A. Restating the Ballot Question.

The ballot question which the Council adopted on December 8, 2015, by resolution number 15-217 stated the following:

Shall the City of Glendale adopt a measure repealing the City's Utility Users Tax, which will eliminate approximately 10% or \$17.5 million annually from the City's general fund that is used to pay for city services such as police, fire, library and parks?

Staff is recommending a slight modification to the proposed question as follows:

Shall the City's longstanding utility users tax be repealed, eliminating approximately 9.5% of the revenues in the City's general fund annually (\$17.5 million this year) that is used to pay for city services such as police, fire, 9-1-1 emergency response, libraries, parks and senior services?

B. Appointing Drafters of Arguments.

On February 9, 2016, Council adopted, pursuant to GMC 1.08.060, a resolution calling to persons or associations desiring to write arguments for or against the adoption of the proposed measure.

As of the date of this report, the City Clerk has received a request to write arguments in favor of the measure by Bill Taliaferro, John Voors and Ken Landon (the three proponents) of the measure. A copy of the request is attached hereto as Exhibit A.

GMC Section 1.08.060 provides that the Council, in making such appointments, shall give preference in the order named as follows:

1. Officers of the city elected by the people;
2. Appointive officers of the city;
3. In the case of initiative charter amendment, the proponent of the petition;
4. Bona fide associations of citizens;
5. Individual voters.

Thus, in accordance with this procedure, and although this measure is not a charter amendment, staff recommends that the Council appoint the three proponents of the measure to write the argument in favor of the measure and that all council members and the mayor to write the argument against the measure. The Council may designate the City Attorney to draft the "against" argument for Council signature.

An argument in favor of this measure would advocate the repeal of the City's utility users tax on gas, water and electric in its entirety. An argument against advocates maintaining the UUT in essentially much the same form as it has been since 1969.

Other Pertinent Elections Dates:

February 23, 2016 - The City Council must appoint someone to write arguments at least 75 days prior to election.

March 11, 2016 - Arguments must be submitted to the City Clerk at least 65 days prior to election.

March 21, 2016 - A 10 day review period of arguments prior to submitting materials for printing.

FISCAL IMPACT

None for the adoption of this resolution. If, however, the measure is approved by the voters, the UUT repeal initiative measure would have annual fiscal impact equal to \$17.5 million (in fiscal year 2015-16 dollars) to the City's General Fund, which is approximately 9.5% of the City's overall General Fund revenue. To offset the loss, the City would have to significantly reduce and eliminate services and programs to maintain a balanced budget.

ALTERNATIVES

A. Restating the Ballot Question

Alternative 1: The City Council adopts the resolution restating the ballot question.

Alternative 2: Council makes no change.

Alternative 3: The City Council may choose any other alternative not identified in this staff report.

B. Appointment of Argument Drafters

Argument in Favor of the Measure

Alternative 1: Bill Taliaferro, John Voors and Ken Landon, the proponents of the measure.

Argument Against the Measure

Alternative 1: Council Members write/sign the argument.

Alternative 2: No argument is written.

CAMPAIGN DISCLOSURE

Not Applicable

EXHIBITS

Exhibit A.

CITY CLERK

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February 11, 2016

Ardashes Kassakhian
City Clerk
613 E. Broadway
Glendale, CA 91206-4391

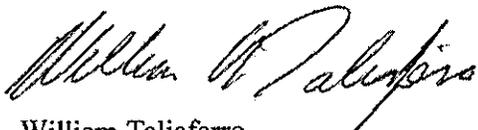
Re: Calling for Arguments For ~~and~~ ^{AA} ~~against~~ the Proposed Measure Repealing
the Utility Users Tax

Dear Mr. Kassakhian,

As your records reflect, I am one of the proponents of the proposed measure, **Stop the Utility Users' Tax ("UUT")**, which will appear on the Glendale ~~municipal~~ ^{SPECIAL ELECTION} ballot for the election to be held on June 7, 2016. ^{11/07}

Pursuant to the provisions of section 1.08.060 of the Glendale Municipal Code, I respectfully request you designate Bill Taliaferro, John Voors and Ken Landon (the three proponents) as the writers of the Argument in Favor of the measure. Please acknowledge receipt of this letter and your approval at the address below.

Respectfully,



William Taliaferro
1457 Beaudry Boulevard
Glendale, CA 91208-1707

RESOLUTION NO. ____

AN AMENDED AND RESTATED RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 2016, FOR THE SUBMISSION OF A PROPOSED ORDINANCE REPEALING GLENDALE MUNICIPAL CODE CHAPTER 4.36 RELATING TO THE UTILITY USERS TAX AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE THE SPECIAL ELECTION WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE; AUTHORIZING THE CITY CLERK OR HIS DULY AUTHORIZED OFFICERS AND AGENTS TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION WORKING WITH THE COUNTY OF LOS ANGELES; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, pursuant to authority provided by statute petitions have been filed with the legislative body of the City of Glendale, signed by at least five (5%) percent of the number of registered voters of the City who voted for any gubernatorial candidate at the last election (November 2014) to submit a proposed ordinance amending the Glendale Municipal Code by repealing the Utility Users Tax in its entirety; and

WHEREAS, the City Clerk's office with assistance from the Los Angeles County Registrar-Recorder/County Clerk examined the records of registration and ascertained that pursuant to California Proposition 218 (Calif. Const. Art. XIII, Section 3) the petitions are signed by the requisite number of voters, and has so certified; and

WHEREAS, the City Council has not voted in favor of the adoption of the foregoing ordinance; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed ordinance to the voters at the next general municipal election, but is desirous of submitting said ordinance to the voters at an earlier date; and

WHEREAS, the county is conducting a statewide primary election to be held on Tuesday, June 7, 2016 with which the city election may be consolidated; and

WHEREAS, it is desirable that the County Registrar for the County of Los Angeles provide specified services as designated by the City Clerk; and

WHEREAS, all necessary expenses in performing this service shall be paid by the City of Glendale;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY, FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the California Elections Code, there is called and ordered to be held in the City of Glendale, California, on Tuesday, June 7, 2016, a Special Municipal Election for the purpose of submitting the following proposed ordinance:

Shall the City's longstanding utility users tax be repealed, eliminating approximately 9.5% of the revenues in the City's general fund annually (\$17.5 million this year) that is used to pay for city services such as police, fire, 9-1-1 emergency response, libraries, parks and senior services?	YES
	NO

SECTION 2. The text of the ordinance submitted to the voters is attached hereto as Exhibit "A".

SECTION 3. Approval of this Ordinance shall require a majority vote of the total number of valid ballots cast and counted.

SECTION 4. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the election on Tuesday, June 7, 2016, for the purpose of considering the repeal of the utility users tax ordinance.

SECTION 5. That the City Clerk and his duly authorized officers and agents are authorized to carry out all the necessary procedures for said election working with the Registrar of Voters of the County of Los Angeles.

SECTION 6. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 7. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 8. That the City of Glendale recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 10. That the City Attorney is hereby directed to prepare an impartial analysis of the measure showing the effect of the measure on existing law and how the measure will operate;

SECTION 11. That the City Clerk is hereby directed to file a certified copy of this resolution with the-Board of Supervisors and the County Election Department of the County of Los Angeles; and

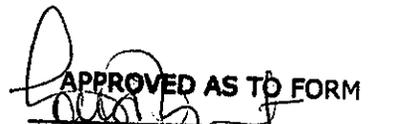
SECTION 12. That the City Clerk shall certify to the adoption of this resolution.

Adopted this _____ day of _____, 2016.

Mayor

ATTEST:

City Clerk


APPROVED AS TO FORM

Senior Assistant City Attorney
DATE 2/18/16

STATE OF CALIFORNIA)
) SS.
COUNTY OF LOS ANGELES)

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Resolution No. _____ was adopted by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, 2016, and that the same was adopted by the following vote:

Ayes:
Noes:
Absent:

City Clerk

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Resolution No. _____ was adopted by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, ____, and that the same was adopted by the following vote:

Ayes:

Noes:

Absent:

City Clerk

MOTION

Moved by Council Member _____,
seconded by Council Member _____, that pursuant to
Glendale Municipal Code section 1.08.060, Council hereby appoints the measure's proponents,
Bill Taliaferro, John Voors and Ken Landon to draft an argument in favor of repealing Glendale
Municipal Code Chapter 4.36 in its entirety.

Pursuant to Glendale Municipal Code section 1.08.060, the Council hereby appoints
Council Members _____
to draft an argument against the repeal, and designates the City Attorney to draft such
argument. Council Members _____
shall be signatories to the Argument.

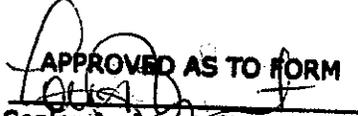
Vote as follows:

Ayes:

Noes:

Absent:

Abstain:

APPROVED AS TO FORM

Senior Assistant City Attorney
DATE 2/18/16