



City of Woodland

REPORT TO MAYOR AND CITY COUNCIL

AGENDA ITEM

TO: THE HONORABLE MAYOR
AND CITY COUNCIL

DATE: January 19, 2010

SUBJECT: Resolution Calling for Council Member Election and Information
Regarding Consideration of Other Measures for the June 2010 Ballot

Report in Brief

Council elections are held every even numbered year and are consolidated with the County election in June. As part of the initial process, the City Council considers and adopts a Resolution to call for such an election and asks the County Board of Supervisors to direct the Elections Office to consolidate and conduct the election for the Woodland City Council.

In addition to the Council election, discussion during the December 15, 2009 Council meeting regarding the update on the City's fiscal condition included information on potential revenue measures that require voter approval. One of the potential revenue measures discussed on December 15 was a general tax. The most efficient manner to present such a measure is as part of a consolidated regularly scheduled general election for City Council members. Staff has included information within this report regarding deadline dates for Council action on Resolutions calling the placement of such a measure on the June 2010 ballot.

Staff recommends that the City Council adopt Resolution No. _____ calling for an Election for June 8, 2010 to fill two vacancies on the City Council, request the Yolo County Board of Supervisors to consolidate the Election with the Statewide Primary and direct the County Elections Official to provide services in relation to the Election; and provide direction regarding the preparation of a general tax measure and companion advisory measures as described herein.

Background

Council Elections

The process for conducting Council elections has remained relatively static for the past several years. These elections are held during every even numbered year and are consolidated with the County which substantially lessens the cost to the individual cities and the County to conduct elections. The first step in the process is to adopt a Resolution to call for the election and request the services of the County in conducting the consolidated election. In keeping with the required

deadlines as per election law and the needs of the County Election's Office, the Board of Supervisors should take action at a meeting during January 2010 to call for the election. The Board meeting dates in January are 12th and 26th and in February are the 9th and 23rd. Similar to the City's agenda process, County staff requests two weeks advance notice to place items on the Board of Supervisors agenda.

Also of note is that the filing period for Council seats begins on February 15, 2010, continues to March 12, 2010 and can be extended for new candidates to March 17, 2010 should incumbent Council Members choose not to file for re-election.

Consideration of Other Measures

On December 15, the City Council received an update on fiscal issues. This update included the unfortunate news that the City is facing an FY 2010 General Fund deficit of approximately \$2 million and may need to consider total reductions for FY 2011 of up to \$3 million. The December 15 report summarized potential funding mechanisms such as revenue measures that could be considered by the voters in order to mitigate the revenue loss and further reduction of programs and services.

Before examining specific types of available funding mechanisms, it is important to note the substantive and procedural limitations imposed by Proposition 218. Among other things, Proposition 218 limits the power of local governments to impose taxes, which are classified as either general or special. (Cal. Const., article XIIC, §§ 1-2.) Proposition 218 distinguishes between a general and special tax based on the purposes for which the revenue raised will be used. A general tax funds "general governmental purposes." (Cal. Const., article XIIC, § 1(a).) By contrast, revenue from a special tax supports "specific purposes." (Cal. Const., article XIIC, § 1(d).

Proposition 218 imposes unique procedural requirements on the enactment of general and special taxes. General taxes must be approved by a two-thirds vote of the City Council and a majority vote of the voters. An election on a general tax must be consolidated with the ***regularly scheduled general election for City Council members unless the City Council unanimously declares an emergency.***

Special taxes must be approved by a majority of the Council and a two-thirds majority of the electorate. (Government Code, § 53724.) ***An election regarding a special tax may be consolidated with a general, primary or regularly scheduled local election.*** However, the election may also be held on any other date permitted by law. In this case, the City must pay for the entire cost of the election.

Based on the requirements described above, staff has concluded that the most likely option for presenting a measure before the voters would be a general tax. Presentation of a general tax would be consolidated with the June 2010 general election and would not require the additional expense of a special election or require the unanimous declaration of an emergency. This is consistent with the Measure H and Measure E sales tax measures previously approved by Woodland voters during similar general elections held in June 2000 and June 2006.

In association with the general tax, the Council may wish to consider the placement of companion advisory measures that that will guide the City in the allocation of the general tax if it is successful. This process is very similar to the process utilized for measures H and E in 2000 and 2006.

There are three dates that the City Council must be aware of if there is consideration for placing a general tax and companion advisory measures on the June 8, 2010 ballot. The first date is the Suggested Last Day to call an election for ballot measures which is February 16, 2010. The second date is the Last Day to call an election for ballot measures which is March 12, 2010. The final date is the Last Day to Withdraw Measure(s) from the ballot which is March 17, 2010. These dates are established in the California Election Code.

Discussion

Council Elections

The attached Resolution will formally request the Yolo County Board of Supervisors to direct the County Elections Officer to work with the City in order to conduct a general election for the City Council on June 8, 2010. This election will be for two City Council seats for a full term of four years.

Consideration of Other Measures

As the City Council is aware, a community engagement process has been initiated to seek public input regarding the City's fiscal issues. This initiative is called ***Your City, Your Voice*** and will utilize information from a web based survey, stakeholder interviews and focus groups to generate information regarding the community's highest priorities for the allocation of General Fund resources.

In addition to determining priorities, the community engagement initiative will also test the interest among residents and business owners in potential funding measures that the City Council may wish to consider. The feedback generated from the funding measure interest questions may be applied to the Council's potential consideration of a Resolution to place a general tax on the consolidated general election ballot for June 8, 2010.

Information from the ***Your City, Your Voice*** initiative will become available in late February or early March. If the City Council desires to consider this information in deciding whether or not to place a general tax measure and companion advisory measures on the June 8 ballot, staff believes a Resolution should be considered on February 2, 2010 in order to comply with the Suggested Last Day to Call Election for Ballot Measures and the County's timelines. If the information from the ***Your City, Your Voice*** initiative suggests that a general tax would not be favorably received by the voters, the City Council could consider a Resolution to withdraw the measures from the ballot on March 16, 2010 in order to comply with the March 17 deadline as the Last Day to Withdraw

Measures from the Ballot. The Board would not need to take formal action to withdraw the measures so the County's agenda preparation timelines would not apply.

If the City Council is interested in providing direction to staff to prepare a general tax measure and companion advisory measures for the June 2010 ballot, such direction is requested during the January 19 meeting. Staff would need to return with the Resolutions described herein on February 2.

Fiscal Impact

The cost for consolidation of these elections usually runs between \$25,000 and \$35,000 and is dependent upon how many other jurisdictions and items are included in the election. The candidates also have a cost for filing and printing which is paid to the County of Yolo. The City does not apply these charges to candidates. This estimate includes the cost to the City for both the Council election and the ballot measures.

Public Contact

The attached Resolution will be published in the newspaper once adopted and was part of the normal agenda noticing requirements. A Notice of Election will also be posted in the newspaper to provide notice to any citizens wishing to run for Council.

Recommendation for Action

Staff recommends that the City Council adopt Resolution No. _____ calling for an Election for June 8, 2010 to fill two vacancies on the City Council, request the Yolo County Board of Supervisors to consolidate the Election with the Statewide Primary and direct the County Elections Official to provide services in relation to the Election; and provide direction regarding the preparation of a general tax measure and companion advisory measures as described herein.

Prepared by: Sue Vannucci, Director of
Administrative Services

Mark G. Deven
City Manager

Attachment: Resolution

RESOLUTION NO. _____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODLAND CALLING
AN ELECTION FOR JUNE 8, 2010 REQUESTING THE COUNTY OF YOLO TO
CONSOLIDATE THE ELECTION WITH THE STATEWIDE PRIMARY ELECTION
AND TO PROVIDE SERVICES RELATING TO THE ELECTION**

WHEREAS, the City Council has determined that an Election shall be called for June 8, 2010, for the purpose of electing City Council Members for two vacant positions; and,

WHEREAS, the City Council has determined that the Election shall be consolidated with the Statewide Primary Election of the County of Yolo and the State of California to be held on that same date; and,

WHEREAS, the City requests the Board of Supervisors of the County of Yolo to direct the County Elections Official to render services to the City relating to the conduct of an election;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Woodland:

1. An Election is hereby called and shall be conducted in the City of Woodland on June 8, 2010.
2. Pursuant to Elections Code Section 10403, the City Council requests the Yolo County Board of Supervisors to order the Election to be consolidated with the Statewide Primary Election to be held on that same date.
3. Pursuant to Elections Code Section 10002, the City requests the Yolo County Board of Supervisors to direct the County Elections Official to provide to the City those services necessary to implement and conduct the Election and to consolidate it with the Statewide Primary Election. Pursuant to said Section, the City shall be responsible for the cost of such Election.
4. Pursuant to Elections Code Section 9222, the following is hereby submitted to the qualified electorate of the City of Woodland:

Two Members of the City Council (full term of four years)

PASSED AND ADOPTED this ____ day of _____, 2010 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Marlin H. Davies, Mayor

ATTEST:

APPROVED AS TO FORM:

Susan L. Vannucci, Director of
Administrative Services

Andrew J. Morris, City Attorney