



Agenda Item 9B

**Approvals:**

City Manager gm

Dept. Head VGP

Attorney \_\_\_\_\_

Finance \_\_\_\_\_

# AGENDA REPORT

SAN CLEMENTE CITY COUNCIL MEETING

Meeting Date: February 2, 2016

**Department:** Community Development  
**Prepared By:** Cecilia Gallardo Daily, Community Development Director

**Subject:** REVIEW OF REQUIREMENTS TO PLACE THE SHORT TERM LODGING UNIT ORDINANCE ON THE NOVEMBER 8, 2016 BALLOT

**Fiscal Impact:** The cost of adding this initiative to the ballot is approximately \$35,000.

**Discussion:** At the January 19, 2016 City Council meeting, Council directed staff to provide information on the possible initiative to include a Short Term Lodging Units (STLU) Ordinance on the November 8, 2016 ballot. The City Clerk in a memo included as Attachment 1, outlines the process, timing and cost associated with adding this initiative to the ballot.

**Recommended Action:** Staff recommends that the Council:

STAFF RECOMMENDS THAT the City Council provide direction to staff as to whether it desires to place the STLU Ordinance on the November 8, 2016 ballot.

**Attachments:** 1. January 25, 2016 City Clerk Memo timeframe to add measures to the November 8, 2016 ballot.

**Notification:** A notice was mailed to current vacation rental permittees and property owners within 300' of a registered vacation rental property, identifying where information on the City's website can be obtained regarding future public hearings on the STLU Ordinance.

# Memorandum

## City Clerk

January 25, 2016

To: City Manager Makshanoff, Assistant City Manager Sund, Community Development Director Gallardo-Daly  
From: Joanne Baade, City Clerk  
Subject: Timeframe to Add Measure(s) to the November 8, 2016 General Municipal Election Ballot

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The legal deadline for the Registrar of Voters to RECEIVE the resolutions to add a measure to the November 8, 2016 election is August 12, 2016 at 5:00 p.m. On this date, the Registrar of Voters also requests that it receive the City Attorney's Impartial Analyses, and the Arguments for/against each measure.

In order to meet the August 12, 2016 deadlines, I propose that the City follow the below internal timeline (which includes some leeway to provide for unforeseen issues or delays). It is important to note that providing our materials to the Registrar of Voters well in advance of the August 12, 2016 deadline will help ensure that San Clemente's Sample Ballot pamphlets are not the last in the County to be mailed. (The ROV cannot produce San Clemente's Sample Ballots until the text for all of San Clemente's ballot measures is translated into required languages and the pamphlets are printed).

April 19, 2016 Council informs Staff of its intention to add a measure(s) to the ballot. After the meeting, the City Attorney drafts a ballot question and Ordinance of the People for each measure for Council consideration. The City Clerk subsequently prepares a staff report for the May 17, 2016 Council meeting that includes the resolutions necessary to add the measures to the ballot.

May 17, 2016 If Council concurs with the Attorney's proposed ballot questions and text of the proposed Ordinances of the People, Council adopts the Resolutions calling the election for two Councilmembers, one City Treasurer, one City Clerk, and all measures desired by Council. If Council determines to direct the City Attorney to modify the language for any of the ballot questions or Ordinances of the People, Council can defer adoption of the election resolutions to its meeting of June 13, 2016.

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| <u>June 13, 2016</u>   | Back-up Council meeting to adopt legally required election resolutions, if needed.  |
| <u>June 14, 2016</u>   | City Clerk provides certified copies of resolutions calling election and requesting consolidation to the Registrar of Voters and Orange County Board of Supervisors.  |
| <u>Day After Council Adopts Resolutions (May 18 or June 14)</u>                | City Clerk posts Notice Inviting Arguments in English and Spanish, giving voters 14 days in which to submit Direct Arguments. City Attorney prepares Impartial Analyses and submits to City Clerk by the due date for the Direct Arguments.   |
| <u>14 Days After Clerk Posts Notice Inviting Arguments (June 1 or June 28)</u> | City Clerk receives Arguments. Gives "Arguments in Favor" to the signatories of the "Arguments Against" and vice versa. Signatories, or their designees, then prepare Rebuttals that are due 10 days from the due date for the Direct Arguments. City Attorney provides City Clerk with Impartial Analysis for each measure. City Clerk provides copies of Direct Arguments and Impartial Analysis to Orange County Registrar of Voters and makes copies available for 10-day public inspection period. |
| <u>10 Days After Due Date for Direct Arguments (June 13 or July 8)</u>         | City Clerk receives Rebuttals and makes Rebuttals available for 10-day public inspection period.  |
| <u>Day After Rebuttals are Received (June 14 or July 9)</u>                    | City Clerk provides Rebuttals to the Orange County Registrar of Voters.   |
| <u>July 10 to August 12</u>  | Period in which Council could correct any errors resulting from a legal challenge or technical modification requested by the Registrar of Voters.   |

In terms of cost, most measures involving a few pages of text would add approximately \$8,500 to the estimated \$45,079 - \$57,373 cost that the City will already incur to consolidate with the County to conduct the City's election for officers. If the City desires to add the short-term lodging Ordinance to the ballot, however, the additional cost would be approximately \$35,000 (instead of \$8,500) because the text of the Ordinance is lengthy (i.e., 22 pages). In lieu of printing the full text of the measure in the Sample Ballots, the Elections Code states that the text may be omitted if a statement is included under the City Attorney's

Impartial Analysis that indicates that people may contact the City Clerk's Office to obtain a free copy of the text of the measure, or may obtain the text from the City's website. In the interest of transparency, most cities choose to print the full text of measures in Sample Ballots and City Manager Makshanoff has expressed a preference toward publication of the full text.

Please let me know if you have any questions.