Legislation Details (With Text)

File #:	20-293	**Version:** 1	**Name:**
Type:	Discussion Items	**Status:**	Agenda Ready
File created:	7/2/2020	**In control:**	CITY COUNCIL
On agenda:	8/4/2020	**Final action:**	

Title: Adopt resolutions (1) Requesting the submission of a measure before the electorate of the City of Manteca; and (2) Requesting consolidation of the measure with the Presidential General Election; and, (3) Setting priorities for submitting arguments regarding the City Measure and directing the City Attorney to prepare an Impartial Analysis; and (4) Providing for the filing of rebuttal arguments regarding the City Measure.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Attachment 1 - Resolution calling for transactions and use tax to be submitted to the voters, 2. Attachment 2 - Resolution requesting consolidation of elections, 3. Attachment 3 - Resolution for written arguments, 4. Attachment 4 - Resolution for rebuttals

Date	Ver.	Action By	Action	Result

City Council Agenda

Memo to: Manteca City Council

From: John Tresidder, Director of Legislative Services/City Clerk

Date: August 4, 2020

Subject: Requesting the submission of a ballot measure to the electorate at the November 3, 2020 election and setting priorities for arguments, an impartial analysis and the filing of rebuttal arguments.

Adopt resolutions (1) Requesting the submission of a measure before the electorate of the City of Manteca; and (2) Requesting consolidation of the measure with the Presidential General Election; and, (3) Setting priorities for submitting arguments regarding the City Measure and directing the City Attorney to prepare an Impartial Analysis; and (4) Providing for the filing of rebuttal arguments regarding the City Measure.

Background:
Submission and consolidation of a ballot measure to the November 3, 2020 election:
The 2020 General Municipal Election will be held Tuesday, November 3, 2020. At the City Council meeting of June 16, 2020, the Council called an election for the two Council seats with expiring terms. Staff is requesting Council now add a ballot measure to the previously called election and request consolidation with the election.

Pursuant to California State Elections Code Section 10403, the draft resolution calling the election sets forth the exact form of the question, proposition, or office to be voted upon at the election, as it is to appear on the ballot and the draft resolution requesting consolidation places the measure on the ballot with the Presidential General Election.

City Council will need to make certain decisions related to drafting arguments for City measures and preparing an impartial analysis. Draft resolutions have been provided and will need to be modified to reflect the City Council's decisions. This report is specifically related to the City Measure set for voter approval at the November 2020, Election.

Arguments For and Against:
The City Council may decide if it wishes to authorize an individual member or up to five members to draft an argument, not to exceed 300 words, for or against the proposed ballot measure to be included in the ballot material. The City Council is not obligated to name any of its members. If Council chooses not to authorize any member(s) to draft arguments, then any individual who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the ballot measure pursuant to Elections Code Section 9282. If more than one argument is submitted, the City Clerk would select an argument in favor of the measure for the ballot pamphlet, in accordance with the priority order set forth in Elections Code Section 9287. Based on the time reasonably necessary to prepare and print voter information guides and permit the ten-calendar-day public examination, the deadline to submit arguments will be August 14, 2020.

Impartial Analysis:
Elections Code Section 9280 authorizes the City Council to direct that the City Attorney prepare an impartial analysis of a local ballot measure. The City Council can decide whether or not to include an impartial analysis to accompany the measure in the ballot materials. The Code also specifies the analysis shall not exceed 500 words in length, that it show "the effect of the measure on existing law and the operation of the measure", and indicate whether the measure was placed on the ballot by a voter petition or by the governing body.

Rebuttal Arguments:
When an argument in favor and an argument against a measure have been selected to be printed in the voter information guide, Elections Code Section 9285 states the elections official shall send a copy of the argument in favor to the author of the argument against and a copy of the argument against to the authors of the argument in favor. Rebuttal arguments shall not exceed 250 words and shall be filed with the elections official no later than ten days after the final filing date for primary arguments. The deadline to submit arguments will be August 24, 2020.

The City works closely with San Joaquin County for election services. The County is reimbursed for services performed when the work is completed. If approved, the City Clerk will file the resolutions with the San Joaquin County Elections Official and the Clerk of the Board of Supervisors for placement on the Board of Supervisor's Regular Meeting Agenda.

Fiscal Impact:

The 2020 Consolidated General Municipal Election for the City of Manteca is included in the FY2020-21 operating budget. The San Joaquin County Registrar of Voters has estimated cost of the 2020 Consolidated General Municipal Election for the City of Manteca to be $120,000 for the election of two Council seats and an additional $12,700 for the placement of a measure on the ballot. The estimated cost is based on voter registration of 38,434 as of July 30, 2020. For reference, the 2018 election cost the City $112,636.46.

Documents Attached:
1. Attachment 1 - Resolution Submitting Ballot Measure
2. Attachment 2 - Resolution Requesting Consolidation
3. Attachment 3 - Resolution Prioritizing Arguments for/against, City Attorney Impartial Analysis
4. Attachment 4 - Resolution Prioritizing Rebuttal Arguments