

City of Brisbane

Agenda Report

TO: Mayor & City Council

FROM: Sheri Marie Spediacci, City Clerk

DATE: Meeting of June 20, 2011

SUBJECT: Resolution related to the filing of Arguments for the Special Election to increase tax on certain recycling establishments

RECOMMENDATION:

Determine whether the following **optional** resolution shall be adopted:

a) Consider adoption of Resolution No. 2011-30 setting priorities for filing written arguments pertaining to a proposed measure relating to the submission to the voters of a proposed ordinance to tax certain recycling establishments

BACKGROUND:

If the Council adopts Resolution No. 2011-29 calling the special election for voters to consider adoption of an Ordinance to increase the tax on certain recycling establishments, then the Council will most likely wish to adopt the resolution listed above setting forth provisions for filing arguments and directing the City Attorney to write the impartial analysis.

DISCUSSION:

1. Priority Order for Arguments and Preparation of an Impartial Analysis

The California Elections Code provides that the City Council, or any member or members of the Council authorized by the Council, may file a written argument for or against the measure. If the City Council does not authorize members to sign a written argument, then citizens groups and individual voters may file arguments. If more than one written argument is submitted by citizens groups or individual voters on the measure, the City Clerk will select a written argument based on the priorities set forth in the Elections Code. The priority set forth in the code provides for those members of the Council authorized by the Council, followed by bona fide associations of citizens, followed by individual voters.

The deadline would be Thursday, July 7, 2011 for the filing of primary arguments. Primary or direct arguments are limited to 300 words, and no more than five authors/signatures are allowed.

The resolution also provides that the City Council may direct the City Attorney to prepare an impartial analysis of the measure. The Election Code states that: "Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure."

2. Rebuttal Arguments

The deadline for filing rebuttal arguments would be Monday, July 19, 2011. As with primary arguments, no more than five authors may sign rebuttal arguments. Rebuttal arguments are limited to 250 words and the author or a majority of the authors of a primary argument may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

FISCAL IMPACT:

None.



Sheri Marie Spediacci, City Clerk



Clayton Holstine, City Manager

RESOLUTION NO. 2011-30

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE
SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS PERTAINING
TO A PROPOSED MEASURE ADOPTING AN ORDINANCE FOR
INCREASING THE BUSINESS LICENSE TAX ON CERTAIN RECYCLING
ESTABLISHMENTS**

WHEREAS, a Special Municipal Election, to be consolidated with the General Election, is to be held in the City of Brisbane on Tuesday, November 8, 2011, at which there will be submitted to the voters of said City a measure in substantially the following form:

Shall the business license tax for recycling establishments that recycle 100,000 tons or more of material during any single calendar year be increased to up to \$3,000,000 per year, subject to annual increase of either 3% or the percentage increase in the Consumer Price Index, whichever is greater, after the amount reaches \$3,000,000 per year?	Yes
	No

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brisbane, San Mateo County, California, as follows:

Section 1. The City Council hereby authorizes any or all members of the City Council who wish to file a written argument for or against the City measure in accordance with the Elections Code of the State of California, and may be changed until and including the date fixed by the City Clerk, July 7, 2011, after which no arguments for or against the City measure may be submitted to the City Clerk.

Section 2. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

Cyril G. Bologoff
Mayor

I hereby certify that the foregoing Resolution No. 2011-30 was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 20, 2011 by the following vote:

AYES:
NOES:
ABSENT:

Sheri Marie Spediacci, City Clerk