



**DATE:** June 23, 2020

**CATEGORY:** Unfinished Business

**DEPT.:** City Clerk's Office

**TITLE:** **Submit to the Voters "The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative" Charter Amendment Ballot Measure – November 3, 2020**

### **RECOMMENDATION**

1. Adopt a Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 3, 2020 and Requesting the Board of Supervisors of the County of Santa Clara to Consolidate the General Municipal Election with the Statewide Election to be held on that Date Pursuant to §10403 of the Elections Code for the Purpose of Submitting to the Voters a Proposed Initiative Charter Amendment, and Related Actions, to be read in title only, further reading waived (Attachment 1 to the Council report).
2. Direct the City Attorney to prepare an impartial analysis of the ballot measure.
3. Determine whether or not Council wishes to submit an argument, or authorize any member or members of the City Council to submit an argument, related to the ballot measure.
4. Determine whether to print the full text of the measure in the County Voter Information Guide.

### **BACKGROUND**

This item is continued from the June 9, 2020 Council meeting.

The California Elections Code specifies detailed and mandatory procedural requirements for voter-initiated Charter amendments. Once an initiative measure is found to have the requisite number of valid signatures to qualify for the ballot, the Council has a ministerial duty to take various actions to place it on the ballot. This report provides a brief summary of the Charter amendment, a procedural background of how the measure qualified for the ballot, followed by a summary of the actions Council is required to take.

The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative ("Initiative" or "measure") was put forth by John Inks and Bryan Danforth ("Proponents"). The Initiative would amend the City's Charter to modify the Community Stabilization and Fair Rent Act adopted by the voters in November 2016. This measure intends to amend certain provisions within the City Charter that regulate rents, establish just-cause eviction protections, require relocation assistance, and allow for decontrol.

A summary of the key amendments proposed by the measure are as follows:

- Set an income eligibility requirement.
- Suspension of the Community Stabilization and Fair Rent Act (CSFRA) is based on a lower vacancy rate of 3 percent.
- Modification to the just-cause provision.
- Restriction on the use of City funds.
- Set a maximum rental housing fee.
- All capital improvements are eligible for the petition process.
- Establish a Rental Housing Dispute Resolution Program during suspension of the CSFRA.

The full text of the "The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative" is attached to the resolution as Exhibit A.

In accordance with the Elections Code provisions governing placement of a Charter amendment on the ballot by initiative, the following procedural requirements have been satisfied:

On March 30, 2018, the Proponents submitted to the City Clerk a request for preparation of a Ballot Title and Summary;

On April 13, 2018, the City Clerk provided the Proponents with the Ballot Title and Summary prepared by the City Attorney;

On April 20, 2018, the Proponents published the Ballot Title and Summary and began circulating the petition to gather signatures;

On April 27, 2018, the Proponents filed an Affidavit of Publication with the City Clerk;

On October 8, 2018, the Proponents delivered to the City Clerk the petition, and the City Clerk conducted a prima facie count of 7,123 signatures;

On October 9, 2018, the City Clerk retained the services of the Santa Clara County Registrar of Voters to conduct the examination of the petition signatures, including 351 requests for signature withdrawal;

On November 15, 2018, the County Registrar of Voters provided the results of the signature verification of a raw count of 7,432 signatures to the City Clerk indicating that 5,723 signatures were found to be valid, satisfying the requirement that 15 percent of registered voters (5,156) must sign the petition in order for it to qualify for the ballot;

On November 27, 2018, the City Council adopted Resolution No. 18273 Accepting the Certificate of Sufficiency of "The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative" Petition; and

On November 12, 2019, the City Council considered submitting to the voters a City-initiated Charter amendment related to the CSFRA on the March 3, 2020 or November 3, 2020 ballot, and also considered placement of the Initiative measure on the March 3, 2020 or November 3, 2020 ballot at that time. The City Council took action to place a City-initiated Charter amendment related to the CSFRA on the March 3, 2020 ballot and did not take action on the placement of the measure on the March or November ballot at that time.

The City's Charter amendment, Measure D, was not approved by the voters on March 3, 2020. The result of the canvass of returns for the March 3, 2020 election was certified by the City Council on May 12, 2020 (Resolution No. 18455).

## **ANALYSIS**

As the petition was found to be sufficient, the Elections Code requires that the City Council must adopt a resolution submitting the Initiative to the voters on the November 3, 2020 ballot, calling a General Municipal Election for that purpose, and requesting the Board of Supervisors of Santa Clara County to consolidate the General Municipal Election with the Statewide General Election. Once adopted, the City Clerk must

transmit the resolution to the Santa Clara County Registrar of Voters at least 88 days before the November 3, 2020 election date, which is August 7, 2020. Pursuant to Elections Code Section 9215.5, the proponents may withdraw the Initiative at any time up to 88 days before the election.

**Ballot Question**

The ballot question has been modified for additional clarity since the publication of the prior June 9, 2020 Council report. The proposed ballot question is as follows:

Shall the City Charter be amended to: limit rent increase protections under the Community Stabilization and Fair Rent Act (CSFRA) to households earning 100% of median income or less; limit annual fees to \$100 per unit; prohibit paying Rental Housing Committee members; suspend the CSFRA when vacancy rates equal or exceed 3% and enact programs during suspension, including a rental registry, annual landlord fee, and nonbinding mediation for rent increases over 7% and other disputes?	YES
	NO

*Ballot Arguments and Impartial Analysis*

Council may wish to consider whether to authorize the City Council, or any member or members of the City Council, to submit an argument for or against the measure. Per Elections Code Section 9287(a), if more than one argument for or against a city measure is submitted, the city elections official (City Clerk) shall give preference and priority in the following order: (a) the legislative body, or member or members of the legislative body authorized by that body; (b) the individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure; (c) bona fide associations of citizens; and (d) individual voters who are eligible to vote on the measure.

If the Council decides to either submit an argument for or against the measure or authorize certain members to submit an argument, then pursuant to Elections Code Section 9287(a) that argument will be given preference over any other argument submitted for/against the measure. If the Council chooses not to submit an argument, the City Clerk will follow the priorities described in Elections Code Section 9287(a) in selecting an argument to be printed in the County Voter Information Guide (CVIG).

Council may consider the following options regarding the submission of an argument for or against the measure:

1. Authorize the City Council as a body to submit a written argument for or against the measure;
2. Authorize a member or members of the City Council to submit a written argument for or against the measure. At the discretion of the member or members, the argument may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. In the event that an argument is filed for the measure, the member or member(s) is/are also authorized to submit a rebuttal argument on behalf of the City Council, which, at the member or members' discretion, may also be signed by other members of the City Council, bona fide associations, or individual voters who are eligible to vote on the measure. Signatures on the rebuttal argument may be different from those who signed the primary argument. Staff recommends that Council only authorize up to three Councilmembers if this option is selected to prevent implicating the Brown Act.
3. Take no action with regard to authorizing the Council, or member or members of the Council, to submit a written argument for or against the measure.

### *Impartial Analysis*

When a measure is placed on the ballot, either by petition or at the direction of Council, the Council may direct the City Attorney to prepare an impartial analysis of the measure. The analysis is limited to 500 words or less and is printed in the CVIG immediately preceding the arguments for and against the measure.

In accordance with the Elections Code, the City Clerk has set the argument deadlines as follows, consistent with the deadlines previously established for submission of arguments related to the ballot measure already submitted to the voters for November 3, 2020:

Arguments: July 23, 2020

Rebuttal Arguments: July 30, 2020

Impartial Analysis (City Attorney): July 30, 2020

### **Printing of the Full Text of Initiative Charter Amendment in the CVIG**

Council has the option to direct that the full text of the measure be printed in the CVIG, or including a statement following the impartial analysis that the full text is available by calling the elections official's office (City Clerk's Office) to request a copy at no cost. The County Registrar of Voters estimates a cost of approximately \$8,496 per 800-word page printed in the CVIG. The full text of the measure is estimated to be approximately 12 pages and, therefore, approximately \$101,200 to print in the CVIG. For November 2016 and November 2018 ballot measures and the March 2020 ballot measure, the full text was not printed in the CVIG but made available on the City website and upon request. If Council wishes to print the full text in the ballot, the Fiscal Year 2020-21 budget for election costs will need to be adjusted.

### **Timeline for Measure**

If approved by a majority of voters, the Charter amendment will be deemed ratified but will not take effect until accepted and filed by the Secretary of State. If approved by the voters, the City Clerk will file the Charter amendment with the Secretary of State following Council's certification of the election results in December 2020.

The proposed Charter amendment was the result of a voter initiative; it is not a discretionary project under the California Environmental Quality Act (CEQA), 14 Cal. Code Regs. Section 15378(b)(3), and, therefore, CEQA review of the Charter amendment is not required.

### **FISCAL IMPACT**

The estimate for this measure to be included on the November 3, 2020 ballot is approximately \$72,900. The proposed Fiscal Year 2020-21 budget for election costs for the Councilmember election and two ballot measures is \$325,600, including legal advertising.

**PUBLIC NOTICING**

Agenda posting and a copy of the Council report sent to the representative of the Proponents.

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City Clerk

LN/5/CAM  
428-06-23-20CR  
200354

Attachment: 1. Resolution Calling Election for November 3, 2020 and Exhibit A,  
Text of Measure