



DATE: June 24, 2014

CATEGORY: Consent

DEPT.: City Clerk/City Attorney

TITLE: **Establishing the Schedule and Procedures for Filing Arguments and Rebuttals with Regard to the Council Compensation Ballot Measure**

RECOMMENDATION

Adopt a Resolution Establishing the Schedule and Procedures for Filing Arguments and Rebuttals with Regard to the Council Compensation Ballot Measure, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND

At its June 10, 2014 meeting, Council adopted a resolution submitting a ballot measure regarding Council compensation to the voters for consideration at the Gubernatorial General Election to be held on Tuesday, November 4, 2014, set forth as follows:

Measure to be voted on:

Ballot Question:

Should the City of Mountain View amend Section 503 of the City Charter to set the base salary of City Council at \$1,000 per month, with an automatic annual adjustment, to become effective on January 1, 2015?

Yes _____ No _____

The City Council of the City of Mountain View hereby submits to the registered electors of the City for their adoption or rejection in consolidated Gubernatorial General Election to be conducted by Santa Clara County Registrar of Voters on Tuesday, November 4, 2014, the following proposal to amend the City of Mountain View's Charter.

“Section 503. Compensation.

Each member of the city council shall receive as salary, each month, that sum which has been established by the electorate as of November 4, 2014, as the base-line salary amount of one thousand dollars (\$1,000) per month with automatic annual adjustments based on the lesser of the San Francisco Bay Area Consumer Price Index for urban wage earners or the average cost-of-living adjustment granted to the miscellaneous city employee bargaining groups and not to exceed five percent (5%) per year. The mayor shall receive as salary, each month, that amount as calculated for a councilmember above, plus an additional twenty-five percent (25%) of said sum. Any amounts paid to a councilmember for retirement, health and welfare, and federal Social Security benefits shall not be included for purposes of determining salary pursuant to this section provided the same benefits are available and paid by the city for its employees. Notwithstanding the foregoing, the city council shall have no power to increase its salary by ordinance, resolution or motion. If a member of the city council, or mayor, does not attend all regular meetings of the city council called on order of the city council and held during the month, that person’s salary for such month shall be reduced by the sum of twenty-five dollars (\$25) for each regular meeting not attended unless that person is absent with the consent of the mayor or for official city business.”

ANALYSIS

The California Elections Code provides the City Council, any member of the City Council, any eligible voter, or any *bona fide* association of citizens, with the opportunity to file an argument for or against a ballot measure. The names, titles, and affiliations of up to five authors/signers of the arguments may be identified in the official voter information pamphlet.

The City Clerk has prepared a *Guide to Writing Arguments, Rebuttals, and Analyses for Local Measures* referencing the argument deadlines, procedures, and related Election Code citations for submitting ballot arguments, rebuttals, and analyses, a copy of which will be placed on the City Clerk’s website and attached as Exhibit A to the Resolution (Attachment 2 – Exhibit A to Resolution Arguments/Rebuttals).

The City Clerk has set the Ballot Measure Argument Deadlines as follows:

Argument:	July 25, 2014
End of 10-Day Public Inspection:	August 4, 2014
Rebuttal:	August 1, 2014
Impartial Analysis (City Attorney):	August 1, 2014
End of 10-Day Public Inspection:	August 11, 2014

Having voted to put the question on the ballot, the City Council can now decide whether to prepare an argument in favor of the measure, determine the authors/signers, and who should file it. There are several alternative choices related to these questions.

While the City Council may place a question on the ballot, it is not legally required to prepare an argument for or against, or to sign any argument. Staff requests guidance whether the City Council wishes to be involved in drafting the language of the argument, and determining the authors/signers and who should file it.

As to drafting the language of the argument, the City Council could choose to direct staff to do so for City Council consideration, or could form a Council subcommittee to work with staff in drafting such language for full City Council consideration.

Staff recommends that Council act as follows:

1. Adopt a Resolution Establishing the Schedule and Procedures for Filing Arguments and Rebuttals with Regard to the Council Compensation Ballot Measure;
2. Authorize the Mayor to appoint a two-member subcommittee of the City Council to:
 - a. Prepare the language for the ballot measure argument, and rebuttal to any potential arguments filed against the ballot measure; and
 - b. Designate who would file said argument and potential rebuttal, and recommendations for up to five authors/signers.

FISCAL IMPACT – None.

ALTERNATIVES

Council could choose:

1. Not to prepare or sign a ballot measure argument; or
2. Rely on others, with or without Council direction, to prepare it for signing by one or more Councilmembers, or for signing by individuals.

PUBLIC NOTICING – Agenda posting.

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LB-JLQ/7/CAM
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- Attachments:
1. Resolution – Arguments/Rebuttals
 2. Exhibit A to Resolution – Arguments/Rebuttals