



DATE: August 9, 2016

CATEGORY: New Business

DEPT.: City Clerk's Office and
City Attorney's Office

TITLE: **Certification of Results of Initiative
Petition and Submission to the
Voters of a Ballot Measure Regarding
the Community Stabilization and
Fair Rent Act Charter Amendment
Initiative Petition**

RECOMMENDATION

1. Adopt the following resolutions pertaining to the 2016 General Municipal Election:
 - a. A Resolution of the City Council of the City of Mountain View Accepting the Santa Clara County Registrar of Voters Certification of Sufficiency of "The Community Stabilization and Fair Rent Act Charter Amendment" Initiative Petition, to be read in title only, further reading waived (Attachment 1 to the Council report).
 - b. A Resolution and Order of the City Council of the City of Mountain View Calling a General Municipal Election and Ordering Consolidation with the Statewide General Election for the Purpose of Submitting to the Voters a Proposed Initiative Measure Entitled "The Community Stabilization and Fair Rent Act Charter Amendment," and Authorizing the City Clerk to Contract with the County of Santa Clara for Services to Be Performed in Connection with the Statewide General Election to Be Held on Tuesday, November 8, 2016, and Related Actions, to be read in title only, further reading waived (Attachment 2 to the Council report).
2. Direct the City Attorney to prepare an impartial analysis of the proposed Charter Amendment.
3. Provide direction on whether or not Council wishes to submit an argument against the Charter Amendment.
4. Determine whether to print the full text of the ordinance in the voter pamphlet.

5. Direct the City Clerk and the City Attorney to take all necessary related actions for submitting the proposed Charter Amendment to the voters on the November 8, 2016 ballot.

BACKGROUND

The Elections Code contains detailed and mandatory procedural requirements for voter-initiated charter amendments. Once a measure qualifies 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 tonight.

The Community Stabilization and Fair Rent Charter Amendment (“Charter Amendment”) was put forth by the Mountain View Tenants Coalition, represented by Joan MacDonald and Steve Chandler (“Proponents”) and has qualified for placement on the November 8, 2016 ballot. The Charter Amendment would enact rent regulation, with annual rent increases limited to a maximum of 5 percent for most multi-family rental units that received a Certificate of Occupancy prior to February 1, 1995; prohibit evictions unless just cause exists for those rental units receiving a Certificate of Occupancy before the measure becomes effective; and create a Rental Housing Committee authorized to enact regulations and charge landlords a fee to implement the amendment.

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

- On April 1, 2016, the Proponents submitted to the City Clerk a request for preparation of a Ballot Title and Summary;
- On April 13, 2016, the City Clerk provided the Proponents with the Ballot Title and Summary prepared by the City Attorney;
- On April 22, 2016, the Proponents published the Ballot Title and Summary and began circulating the petition to gather signatures;
- On April 26, 2016, the Proponents filed an Affidavit of Publication with the City Clerk;

- On June 14, 2016, the Proponents delivered to the City Clerk the petition with signatures gathered;
- On June 15, 2016, the City Clerk conducted a prima facie count of 7,311 signatures;
- On June 15, 2016, the City Clerk retained the services of the Santa Clara County Registrar of Voters to conduct the examination of the signatures; and
- On July 14, 2016, the County Registrar of Voters provided a certification to the City Clerk that 5,848 registered voters in the City signed the petition, satisfying the requirement that 15 percent of registered voters must sign the petition in order for it to be placed on the ballot.

ANALYSIS

Because the Charter Amendment has qualified for the ballot, Council must take certain actions tonight. First, the Council must adopt a resolution accepting the Registrar of Voter's certification of sufficiency of the Charter Amendment (Attachment 1). The certification resolution is necessary to demonstrate the Charter Amendment legally qualified for the ballot by satisfying the procedural requirements of the Elections Code. Second, the Council must adopt a resolution submitting the Charter Amendment to the voters on the November 8, 2016 ballot, calling a General Municipal Election, and requesting the Board of Supervisors of Santa Clara County to consolidate the General Municipal Election with the Statewide General Election. This resolution is also required by the Elections Code. Once adopted, the Clerk must transmit it to the Santa Clara County Registrar of Voters at least 88 days before the November 8, 2016 election date, which is August 12, 2016 (Attachment 2).

Ballot Question

The ballot question which will be submitted to the voters is as follows:

Shall the City Charter be amended to enact rent regulation, with annual rent increases limited to the Consumer Price Index (minimum 2%, maximum 5%) for most multifamily rental units with certificates of occupancy prior to February 1, 1995; prohibit evictions unless just cause exists for those rental units with certificates of occupancy before this measure becomes effective; and create a Rental Housing Committee authorized to enact regulations and charge landlords a fee to implement this amendment?	YES	NO
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Ballot Argument and Impartial Analysis

In accordance with the Elections Code, the City Clerk has set the ballot measurement argument deadlines as follows:

Argument:	August 15, 2016
End of 10-Day Public Inspection:	August 25, 2016
Rebuttal:	August 22, 2016
Impartial Analysis (City Attorney):	August 22, 2016
End of 10-Day Public Inspection:	September 1, 2016

For measures placed on the ballot by petition, the persons filing the initiative petition may file a written argument in favor of the measure. The Council may submit an argument against the measure, and determine the authors/signers, and who should file it. Staff requests guidance whether the City Council wishes to draft the language of the argument, and select the authors/signers of an argument and rebuttal.

In addition, Council may direct the City Attorney to prepare an impartial analysis of the Charter Amendment. When a measure is placed on the ballot, either by voter petition or at the direction of Council, the Council may, but is not required to, 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 voter information pamphlet immediately preceding the arguments for and against the measure. The analysis would need to be completed by August 22, 2016.

Whether Full Text of Charter Amendment Should Be Included in Voter Pamphlet

Printing the full text of the Charter Amendment in the voter pamphlet is not required. The Council has the option of directing the full text of the Charter Amendment to be printed in the voter pamphlet or to include a statement following the impartial analysis that the full text is available by calling the elections official's office and requesting a copy at no cost. The text of the Charter Amendment will also be posted on the City website. The County Registrar of Voters charges \$5,165 per page and the draft ordinance is 23 pages. It would cost approximately \$119,000 to print the text of the Charter Amendment in the voter pamphlet.

Timeline for Ballot Measure

The Charter Amendment will become effective if approved by a majority of voters at the November 8, 2016 election and, if approved, will take effect 10 days after the date the City Council certifies the results of the election. Typically, the City Council takes this action at a meeting in December.

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 County Registrar of Voters has provided a preliminary estimate of \$21,000 per measure to cover the base cost of the election. The printing fee is separate at \$5,165 per page. The question, impartial analysis, and arguments are 6 pages or \$31,000. If the full 23-page Charter Amendment is printed, it is estimated to cost approximately \$119,000, for a total of \$171,000. If the full Charter Amendment is not printed, the total cost is currently estimated to be \$52,000. Staff will return to the City Council with a definitive cost once the County invoices the City after the election.

If adopted by the voters, the Committee is responsible for financing its reasonable and necessary expenses to ensure implementation of the Charter Amendment, and is authorized to charge a fee to landlords to cover such expenses. However, the City is required to advance all necessary funds for the initial implementation of the amendment until the Committee has collected Rental Housing Fees sufficient to support the implementation of the amendment. The City may seek a reimbursement of any advanced funds from the Committee after the fee has been collected. Staff has not

prepared an estimate of the financing necessary to pay the reasonable and necessary expenses related to the implementation of the amendment because such expenses would be determined by the Committee. However, based on the staffing levels in other communities with similar rent regulation structures, additional staffing will most likely be required.

ALTERNATIVES

The City is required to place the Charter Amendment on the ballot. Elections Code Section 9255 requires the City to submit the Charter Amendment to the voters if the procedural requirements of the Elections Code have been satisfied.

PUBLIC NOTICING

The meeting agenda and Council report have been posted on the City's website and announced on Channel 26 cable television. Notices have been sent to affordable housing advocates, rent relief advocates, landlords, the Tri-County Apartment Association, the Silicon Valley Association of Realtors, and other interested parties. Notices in English and Spanish were also placed in the *Mountain View Voice* and the meeting was promoted using social media.

Prepared by:

Krishan Chopra
Senior Assistant City Attorney

Approved by:

Jannie L. Quinn
City Attorney

Lorrie Brewer
City Clerk

LB-KC/7/CAM
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Attachments: 1. Resolution Accepting Clerk's Certification
Exhibit A: Clerk's Certificate to Initiative Petition
2. Resolution Submitting Ballot Measure
Exhibit A: Proposed Charter Amendment