



DATE: November 27, 2018

CATEGORY: Consent

DEPT.: City Clerk's Office

TITLE: **Certification of Results of Initiative Petition**

RECOMMENDATION

Adopt a Resolution of the City Council of the City of Mountain View Accepting the Certificate of Sufficiency of "The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative" Petition, to be read in title only, further reading waived (Attachment 1 to the Council report).

BACKGROUND AND ANALYSIS

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. The first of those actions is for the Council to accept the Certificate of Sufficiency of the petition following verification of signatures by the Registrar of Voters, which must occur at the next Regular Meeting of the City Council (November 27, 2018).

The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative Charter Amendment was put forth by John Inks and Bryan Danforth ("Proponents"). The Charter Amendment would modify the City's Community Stabilization and Fair Rent Act adopted by the voters in November 2016. For additional information, see the City Attorney's Ballot Title and Summary (Attachment 2) and the text of the Charter Amendment proposed by the Proponents (Attachment 3).

In accordance with the Elections Code provisions governing placement of a Charter Amendment on the ballot, 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 signatures*; and
- 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.

* Per Elections Code Section 9602, a voter who has signed an initiative petition and later wishes to have his or her name withdrawn from the petition may file a request with the Elections Official in writing; 351 requests for withdrawal were received while the initiative petition was circulating for signature. These requests were delivered to the Registrar of Voters on October 9, 2018 with the petition for processing.

Because the Charter Amendment qualified for the ballot by satisfying the procedural requirements of the Elections Code, the Council must adopt a resolution accepting the certification of sufficiency (Attachment 1).

Per the Elections Code, a Charter Amendment must be submitted to the voters at an established Statewide general (November 2020), Statewide primary (March 2020), or regularly scheduled General Municipal Election (November 2020). Staff will return to Council sometime in 2019 as the Council must call the election no later than 88 calendar days in advance of the election.

FISCAL IMPACT

There is no fiscal impact of this action; however, there will be a cost associated with placing the measure on the ballot. Estimates from the Santa Clara County Registrar of Voters will be provided when staff returns to Council in 2019.

ALTERNATIVES

The City is required to certify the sufficiency of the petition if the procedural requirements of the Elections Code have been satisfied.

PUBLIC NOTICING

Agenda posting. Per the Elections Code, the Proponents have been notified of the sufficiency of the petition.

Prepared by:

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LN/2/CAM
428-11-27-18CR-1

- Attachments:
1. Resolution of the City Council of the City of Mountain View Accepting the Certificate of Sufficiency of "The Mountain View Homeowner, Renter, and Taxpayer Protection Initiative" Petition
 2. City Attorney's Ballot Title and Summary
 3. Proposed Charter Amendment