



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: August 3, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan D. Grogan, City Manager
Trisha Ortiz, City Attorney

PREPARED BY: Vicky Hasha, Deputy City Clerk

SUBJECT: Consider Resolutions Setting Priorities for Filing Written Arguments for City Measure(s) Approved by the City Council to Be Submitted to the Voters at the General Municipal Election to Be Held on Tuesday, November 8, 2022, and Providing for the Filing of Rebuttal Arguments for City Measure(s)

BACKGROUND:

The City Council is considering adoption of two resolutions to submit measures to the voters on the November 8, 2022 General Municipal Election ballot:

- (i) A Resolution of the City Council of the City of San Bruno Submitting to the Voters at the November 8, 2022 General Municipal Election a Measure that Proposes Adoption of an Ordinance to Establish Term Limits, Requesting That Such Election Be Consolidated With The Statewide General Election Held On That Date And Taking Certain Other Actions (the “Term Limit Measure”); and
- (ii) A Resolution of the City Council of the City of San Bruno Submitting to the Voters at the November 8, 2022 General Municipal Election a Measure that Proposes a City Charter Be Adopted to Change the City of San Bruno From a General Law City to a Charter City and to Authorize a Real Property Transfer Tax and that Proposes Adoption of an Ordinance Authorizing a Commercial Real Property Transfer Tax, Requesting that Such Election Be Consolidated with the Statewide General Election Held on that Date and Taking Certain Other Actions (the “Charter Measure”).

In connection with the measure or measures that will be submitted to the voters, the City Council must decide whether it will authorize arguments prepared by City Councilmembers in favor of or against the measure and rebuttal arguments to be included in the ballot materials.

DISCUSSION:

Pursuant to Elections Code Section 9282, any councilmember, registered voter, or bona fide association of citizens may file a written argument for or against a city measure, which must be included in the voter information guide. If more than one argument is submitted for or against any measure, the City Clerk must select only one argument in favor and only one argument against the measure to be included in the voter information guide, using the following order of priority:

1. The City Council, or any member of members of the Council authorized by the City Council
2. Bona fide sponsor or proponent of the measure,
3. Bona fide associations of citizens, and
4. Individual voters who are eligible to vote on the measure

The proposed resolutions authorize City Councilmembers to author arguments in favor of or opposed to the ballot measures. The purpose of the resolutions is to give priority for publication of the Councilmembers' argument in the event that more than one argument is submitted in favor of or opposed to the ballot measure.

If the City Council authorizes three or more members of the City Council to author an argument, then the proposed argument must be submitted to the City Council for approval in a public meeting of the City Council. In the event that the City Council does not authorize any authors, arguments submitted by a registered voter, or bona fide association of citizens will be chosen as specified in the Election Code.

The proposed resolutions also adopt Elections Code Section 9285(a) to allow rebuttal arguments. Rebuttal arguments are not permitted if the City Council does not adopt Elections Code Section 9285(a).

The deadline for submission of written arguments to the City Clerk's Office is Thursday, August 18, 2022 by 5:00 p.m. The deadline for submission of rebuttal arguments to the City Clerk's Office is Friday, August 26, 2022 by 5:00 p.m.

FISCAL IMPACT:

There are no fiscal impacts associated with this action.

ENVIRONMENT IMPACT:

There is no environmental impact. The action is not a project subject to CEQA. City Council's action is not considered a "project" per CEQA Guidelines and therefore no environmental analysis is required.

RECOMMENDATION:

(i) For the Term Limit Measure, if the City Council wants to authorize the City Council, or any members of the City Council to author arguments authorized by the City Council and to allow rebuttal arguments, adopt the resolution entitled: “A Resolution of the City Council of the City of San Bruno Setting Priorities for Filing Written Arguments and Authorizing Rebuttals for a City Measure That Proposes Adoption of an Ordinance to Establish Term Limits,” and

(ii) For the Charter Measure, if the City Council wants to authorize the City Council, or any members of the City Council to author arguments authorized by the City Council and to allow rebuttal arguments, adopt the resolution entitled: “A Resolution of the City Council of the City of San Bruno Setting Priorities for Filing Written Arguments and Authorizing Rebuttals for a City Measure That Proposes a City Charter Be Adopted to Change the City of San Bruno From a General Law City to a Charter City and to Authorize a Real Property Transfer Tax and That Proposes Adoption of an Ordinance Authorizing a Commercial Real Property Transfer Tax.”

ALTERNATIVES:

Do not adopt the resolutions.

ATTACHMENTS:

1. Resolution Setting Priorities for Filing Written Arguments and Authorizing Rebuttals for a City Measure That Proposes Adoption of an Ordinance to Establish Term Limits,
2. Resolution Setting Priorities for Filing Written Arguments and Authorizing Rebuttals for a City Measure That Proposes a City Charter Be Adopted to Change the City of San Bruno From a General Law City to a Charter City and to Authorize a Real Property Transfer Tax and That Proposes Adoption of an Ordinance Authorizing a Commercial Real Property Transfer Tax.