

City of Piedmont
COUNCIL AGENDA REPORT

DATE: August 3, 2020

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of Resolutions Related to the Placement of Measures on the November 3, 2020 General Municipal Election Ballot

RECOMMENDATION

- 1) Approve a resolution setting procedural details, including the 75 word ballot question, for the placement of Ordinance 753 N.S., Increasing the Real Property Conveyance Tax on the November 3, 2020 General Municipal Election ballot
- 2) Approve a resolution setting procedural details, including the 75 word ballot question, for Ordinance 754 N.S., Ordering the Submission of a Measure Incurring Bonded Indebtedness to the Voters on the November 3, 2020 General Municipal Election Ballot

BACKGROUND

On July 20, 2020, the City Council took the first steps necessary to place two measures on the November 3, 2020 General Municipal Election ballot. The first was approving the 1st reading of Ord. 753 N.S., which would increase the Real Property Conveyance Tax. The second was to approve a resolution of necessity and the 1st reading of Ord. 754 N.S. Ordering the Submission of a Measure Incurring Bonded Indebtedness to the Voters.

Council had the second reading of both these measures on its agenda earlier in this meeting. Assuming those measures passed, Council needs to take the procedural steps to formally place the measures on the ballot and consolidate the measures with the General Municipal Election called for the November 3, 2020. The resolutions set the deadlines for submission of direct (August 14th) and rebuttal (August 21st) arguments as well as the City Attorney's impartial analysis. The resolution also sets the 10 day public review periods for documents related to the measures.

This resolution also sets the 75 word ballot questions which will appear on each voter's ballot as the formal statement of the measures. The ballot question for the transfer tax increase reads:

“Shall the measure increasing the existing City of Piedmont real property conveyance tax, by 34.6% to \$17.50 per \$1,000 of transfer price, and generating \$948,462 of additional revenue annually until ended by voters, which will provide general tax revenue for city services and facilities repair, be adopted?”

The ballot question for the aquatics center bond measure reads:

“Shall the measure to prevent permanent closure of Piedmont’s Community Pool by constructing new pool facilities, restrooms and related areas, to preserve energy and water, provide greater community access and safety, and authorize Piedmont to issue \$19,500,000 in bonds at legal rates, generating \$1,257,950 annually at an average rate of 2.6 cents per \$100 of assessed valuation while bonds are outstanding, with all money staying local and independent citizens’ oversight, be adopted?”

Each of the resolutions was prepared by the City Clerk and reviewed by the City Attorney.

Attachments:

- A: Resolution Placing Ordinance 753 N.S. – Increasing the Real Property Conveyance Tax on the November 3, 2020 Ballot
- B: Resolution Placing Ordinance 754 N.S. - Ordering the Submission of a Measure Incurring Bonded Indebtedness to the Voters on the November 3, 2020 General Municipal Election Ballot

By: John O. Tulloch, Assistant City Administrator/City Clerk

Resolution No. _____

A RESOLUTION PLACING A MEASURE RELATED TO THE INCREASE OF THE CITY
OF PIEDMONT REAL PROPERTY CONVEYANCE TAX ON THE NOVEMBER 3, 2020
BALLOT

WHEREAS, by Resolution No. 45-2020, adopted on July 6, 2020, the City Council previously called and gave notice of a General Municipal Election on Tuesday, November 3, 2020 to be consolidated with the election to be conducted by the County of Alameda on the same date; and

WHEREAS, the City Council held open, public meetings on June 15, 2020, June 29, 2020, July 6, 2020, July 20, 2020, and August 3, 2020 to receive public input and discuss the placement of a measures related to City facilities, including an increase in the Real Property Conveyance Tax; and

WHEREAS, through these discussions, the City Council has determined that a measure increasing the Real Property Conveyance Tax should be placed before the voters of the City of Piedmont for their consideration; and

WHEREAS, on August 3, 2020, the Council passed Ordinance 753 N.S. which orders the submission to the voters a measure increasing the Real Property Conveyance Tax from \$13.00 to \$17.50 per \$1,000 of consideration paid for the transfer of property;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. Pursuant to Section 8.03 of the City Charter and Elections Code Section 9222, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot for the November 3, 2020 General Municipal Election and thereby submitted to the voters of the City:

MEASURE ____ “Shall the measure increasing the existing City of Piedmont real property conveyance tax, by 34.6% to \$17.50 per \$1,000 of transfer price, and generating \$948,462 of additional revenue annually until ended by voters, which will provide general tax revenue for city services and facilities repair, be adopted?”	YES
	NO

SECTION 2. The full text of the proposed measure to be submitted to the voters is set forth in Ordinance 753 N.S. and incorporated herein by reference as if set forth in full. The proposed measure shall not take effect unless approved by a majority vote of the voters voting on the question.

SECTION 3. The Board of Supervisors of Alameda County and the Alameda County Registrar of Voters, are hereby requested to order the consolidation of the measure election hereby called with any other election to be held within the City on said date, held and conducted in the manner prescribed in Section 10418 of the California Elections Code

SECTION 4. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 14, 2020 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 5. The last day for filing direct arguments for or against the measure shall be August 14, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 5 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 6. The last day for filing rebuttal arguments for or against the measure shall be August 21, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 5. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 14, 2020 and shall close at 4:00 p.m. on August 24, 2020. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 21, 2020 and shall close at 4:00 p.m. on August 31, 2020.

SECTION 8. The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

SECTION 9. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 45-2020 and by law for holding municipal elections.

SECTION 10. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

[END OF RESOLUTION]

Resolution No. _____**A RESOLUTION PLACING A MEASURE TO APPROVE THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE REPLACEMENT OF THE PIEDMONT COMMUNITY POOL ON THE NOVEMBER 3, 2020 BALLOT**

WHEREAS, by Resolution No. 45-2020, adopted on July 6, 2020, the City Council previously called and gave notice of a General Municipal Election on Tuesday, November 3, 2020 to be consolidated with the election to be conducted by the County of Alameda on the same date; and

WHEREAS, the City Council held open, public meetings on June 15, 2020, June 29, 2020, July 6, 2020, July 20, 2020, and August 3, 2020 to receive public input and discuss the placement of a bond measure on the ballot for replacement of City facilities, including the Piedmont Community Pool; and

WHEREAS, through these discussions, the City Council has determined that a measure authorizing the issuance of general obligation bonds to finance municipal improvement projects of the City to replace the Piedmont Community Pool (the “Improvements”) should be placed before the voters of the City of Piedmont for their consideration; and

WHEREAS, on July 20, 2020, the Council passed Resolution No. 57-2020 determining the necessity to incur a bonded indebtedness to finance the Improvements; and

WHEREAS, the City Council is required to submit the proposal for bonded indebtedness to the voters for their consideration by the California Constitution as well as other applicable provisions of California law, in addition to the requirements of Piedmont Charter; and

WHEREAS, on August 3, 2020, the Council passed Ordinance 754 N.S. which orders the submission to the voters a proposition incurring bonded indebtedness to the voters of the City of Piedmont for their consideration;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. Pursuant to its right, power and authority under the California Constitution, the laws of the State of California, and the Piedmont Charter, the City Council on its own motion hereby orders submitted to the voters at the General Municipal Election to be held on November 3, 2020, a ballot measure designated by letter by the Alameda County Registrar of Voters authorizing the sale of general obligation bonds to finance the costs of municipal improvement projects of the City to replace the Piedmont Community Pool, to appear on the ballot in substantially the following form:

<p>BOND MEASURE _____</p> <p>“Shall the measure to prevent permanent closure of Piedmont’s Community Pool by constructing new pool facilities, restrooms and related areas, to preserve energy and water, provide greater community access and safety, and authorize Piedmont to issue \$19,500,000 in bonds at legal rates, generating \$1,257,950 annually at an average rate of 2.6 cents per \$100 of assessed valuation while bonds are outstanding, with all money staying local and independent citizens’ oversight be adopted?”</p>	<p>BONDS YES</p>
	<p>BONDS NO</p>

SECTION 2. The full text of the proposed measure to be submitted to the voters is set forth in Ordinance 754 N.S. and incorporated herein by reference as if set forth in full. The proposed measure shall not take effect unless approved by a 2/3rds vote of the voters voting on the question.

SECTION 3. The City Council hereby finds that the estimates and projections contained in the measure and in the Tax Rate Statement prepared in connection with the measure, have been made based on currently available information, but depend on a number of variables which are subject to variation. Such estimates and projections have been made in good faith, and are not binding or intended to be limitations on the terms of the Bonds. The City Administrator is hereby authorized to finalize and execute the Tax Rate Statement, and to file the Tax Rate Statement with the Alameda County Registrar of Voters.

SECTION 4. The Board of Supervisors of Alameda County and the Alameda County Registrar of Voters, are hereby requested to order the consolidation of the bond election hereby called with any other election to be held within the City on said date, held and conducted in the manner prescribed in Section 10418 of the California Elections Code.

SECTION 5. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before August 14, 2020 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 6. The last day for filing direct arguments for or against the measure shall be August 14, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 7 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 7. The last day for filing rebuttal arguments for or against the measure shall be August 21, 2020 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk,

120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 8. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted shall open at 4:00 p.m. on August 14, 2020 and shall close at 4:00 p.m. on August 24, 2020. If a rebuttal argument is submitted, the ten (10) day public review period shall open at 4:00 p.m. on August 21, 2020 and shall close at 4:00 p.m. on August 31, 2020.

SECTION 9. The City Clerk is directed to give notice of the election and synopsis measure in the time, form, and manner as required by law.

SECTION 10. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by Resolution 45-2020 and by law for holding municipal elections.

SECTION 11. The City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

[END OF RESOLUTION]