




BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: CEO
Department No.: 012
For Agenda Of: 1/7/14
Placement: Departmental
Estimated Time: 30 Min.
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Department Director(s) Mona Miyasato, County Executive Officer 
Contact Info: Dennis Bozanich 568-3400

SUBJECT: County Facilities Maintenance Ordinance Ballot Options

County Counsel Concurrence

As to form: Yes

Auditor-Controller Concurrence

As to form: Yes

Other Concurrence: N/A

As to form: N/A

Recommended Actions:

That the Board of Supervisors

- a) Consider options related to providing ballot information related to the County Facilities Maintenance Ordinance Initiative (Item 2 on this agenda); and
- b) Discuss and provide direction to staff at the hearing of January 7, 2014 or at a future meeting, within the timelines outlined.

Summary Text:

In addition to required actions to place the County Facilities Maintenance Ordinance Initiative on the ballot (Item 2), your Board has the option of taking certain actions outlined in the California Elections Code (relevant sections attached). This letter outlines your options related to county measures and clarifies the deadlines for the June 2014 election, set by the Elections Code or by the Registrar of Voters (schedule attached).

The Board may do the following:

1. Submit a written argument for or against the proposed ballot from the Board of Supervisors or Board member(s); and
2. If so, the Board may additionally file the rebuttal argument, or authorize others to prepare, submit or sign the rebuttal argument.

3. Separate from 1 and 2, above, direct the Auditor Controller to review the measure and prepare a fiscal impact statement to be part of the printed voter information.

Background:

Arguments for or against. Section 9162 of the California Elections Code provides that the Board, or any member or members of the Board, may file a written argument not to exceed 300 words, to be printed on the sample ballot. Arguments therefore may be submitted by the entire Board, an individual member or members of the Board. However, the elections official will only select one “for” and one “against” argument for publication. The time period for submitting these is February 17, 2014 to February 26, 2014.

Any voter or bona fide association of citizens may also file a written argument, however, if more than one argument for or against are submitted, the county elections official must give preference and priority to the board of supervisors or members of the board, followed by the bona fide sponsors or proponents, and then others. (Section 9166)

Rebuttal. Once arguments in favor and against the measure have been selected for publication by the elections official, the arguments are sent to the opposing authors, who may prepare and submit rebuttal arguments not exceeding 250 words. The authors may also authorize other people to prepare, submit and sign the rebuttal argument. (Section 9167). The time period for submitting the rebuttal arguments is February 27, 2014 to March 10, 2014.

Fiscal Impact. Section 9160(c) provides that the Board may direct the county auditor, no later than 88 days prior to the election (March 7, 2014), to review the measure and determine its effect on county revenues and expenditures. If directed, he would be required to prepare a fiscal impact statement to be printed preceding the for/against arguments in the voter information material. On a practical matter, the Elections Division deadline for such a fiscal impact statement by the Auditor-Controller is March 10, 2014 and therefore, the Board would need to make this decision by early February to provide sufficient time.

This is a different analysis than the report discussed in Item 2 of this agenda, which, if ordered by the Board, provides to the fiscal impacts, consistency with county plans and other matters, per Section 9111(b).

In addition to these statements, Section 9160(a)-(b) provides that County Counsel must prepare an impartial analysis, not to exceed 500 words. This is due March 10, 2014, and is required even without Board direction. That “impartial analysis” is in addition to the “ballot title and summary” that County Counsel already provided in accordance with Elections Code Section 9105 and which is found as Attachment C to the Board Agenda Letter presented by Clerk-Recorder-Assessor.

Fiscal and Facilities Impacts:

There is no fiscal impact related to these specific ballot-related actions.

Special Instructions:

NA

Attachments:

Attachment A: California Elections Code Sections 9160, 9162, 9167

Attachment B: Elections Division, June 3 2014 Primary Election, Local Measures Calendar of Events and Deadlines

Authored by:

Mona Miyasato, County Executive Officer

Cc: Robert Geis, Auditor-Controller
Michael Ghizzoni, County Counsel
Joseph Holland, Clerk-Recorder-Assessor
Renee Bischof, Chief Deputy Registrar of Voters

Attachment A

California Elections Code § 9160 (2014)

Arguments Concerning County Measures [9160 - 9168]

(Article 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

§ 9160. Analysis of measure by county counsel or district attorney; Fiscal impact statement

(a) Whenever a county measure qualifies for a place on the ballot, the county elections official shall transmit a copy of the measure to the county auditor and to the county counsel or to the district attorney in a county that has no county counsel.

(b) The county counsel or district attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the board of supervisors. The analysis shall be printed preceding the arguments for and against the measure. The analysis may not exceed 500 words in length.

In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure _____. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

The elections official may, at his or her discretion, add the following message: "You may also access the full text of the measure on the county Web site at the following Web site address (insert Web site address)."

(c) Not later than 88 days prior to an election that includes a county ballot measure, the board of supervisors may direct the county auditor to review the measure and determine whether the substance thereof, if adopted, would affect the revenues or expenditures of the county. He or she shall prepare a fiscal impact statement which estimates the amount of any increase or decrease in revenues or costs to the county if the proposed measure is adopted. The fiscal impact statement is "official matter" within the meaning of Section 13303, and shall be printed preceding the arguments for and against the measure. The fiscal impact statement may not exceed 500 words in length.

§ 9162. Filing of arguments for or against measure; Printing of arguments

(a) The board of supervisors or any member or members of the board, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of these voters and associations may file a written argument for or against any county measure. No argument shall exceed 300 words in length. The county elections official shall cause an argument for and an argument against the measure, and the analysis of the measure, to be printed, and shall enclose a copy of both arguments preceded by the analysis with each sample ballot. The printed arguments and the analysis are "official matter" within the meaning of Section 13303.

(b) The following statement shall be printed on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support of or in opposition to the proposed laws are the opinions of the authors."

(c) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure ____" or "Argument Against Measure ____," accordingly, the blank spaces being filled in only with the letter or number, if any, which designates the measure. At the discretion of the county elections official, the word "Proposition" may be substituted for the word "Measure" in the titles. Words used in the title shall not be counted when determining the length of any argument.

§ 9166. Selection of arguments for distribution to voters

If more than one argument for or more than one argument against any county measure is submitted to the county elections official within the time prescribed, the county elections official shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the county elections official shall give preference and priority in the order named to the arguments of the following:

(a) The board of supervisors or a member or members of the board .

(b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

(c) Bona fide associations of citizens.

(d) Individual voters who are eligible to vote on the measure.

§ 9167. Rebuttal arguments

(a) When an argument in favor and an argument against a measure have been selected for publication in the voter information pamphlet the official responsible for conducting the election shall send copies of the argument in favor of the measure to the authors of the argument against the measure and copies of the arguments against the measure to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The rebuttal arguments shall be submitted to the elections official conducting the election no later than a date designated by the elections official.

(b) Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut and shall be titled "Rebuttal to Argument in Favor of Measure (or Proposition) _____," or "Rebuttal to Argument Against Measure (or Proposition) _____," the blank spaces being filled in only with the letter or number, if any, designating the measure. Words used in the title may not be counted when determining the length of any rebuttal argument.

**OFFICE OF THE COUNTY CLERK, RECORDER AND ASSESSOR
REGISTRAR OF VOTERS
ELECTIONS DIVISION**

JUNE 3, 2014 PRIMARY ELECTION

LOCAL MEASURES CALENDAR OF EVENTS AND DEADLINES

<u>Clerk of the Board Agenda Deadline:</u> Last day to file with the Clerk of the Board of Supervisors the original and 7 copies of the district boards resolution requesting consolidation with the election.	1/30/14 E-124
<u>Board of Supervisors Meeting:</u> Last meeting of the Board of Supervisors to approve the request for consolidation with the election.	2/11/14 E-112
<u>Publication-Notice of Election & Notice to Submit Arguments:</u> Publication by County Clerk, Recorder and Assessor of date for submission of direct arguments for and against the measure.	2/16/14* E-107
<u>Period for Submitting Direct Arguments:</u> Written direct arguments for and against the measure are to be submitted within this time frame.	2/17/14 – 2/26/14 E-106 to E-97
<u>Period for Submitting Rebuttal Arguments:</u> Written rebuttal arguments by the authors of the direct arguments are to be submitted within this time frame.	2/27/14 – 3/10/14 E-96 to E-85
<u>Tax Rate Statement:</u> Deadline to file a tax rate statement for a bond measure to the Elections Official (if applicable).	3/7/14 E-88
<u>Board of Supervisors direct Auditor to prepare Fiscal Impact Statement:</u> Deadline for the Board of Supervisors to direct the Auditor to prepare a Fiscal Impact Statement on a proposed county initiative.	3/7/88 E-88
<u>Deadline for Impartial Analysis and Fiscal Impact Statement:</u> Deadline for submittal of Impartial Analysis prepared by legal counsel and the Fiscal Impact Statement prepared by the Auditor to be submitted to the Elections Official.	3/10/14 E-85
<u>10-Day Public Exam Period:</u> Period of public examination of proposed measure, analysis and arguments (if any).	3/11/14 – 3/20/14 E-84 to E-75
<u>Election Official's Deadline for Submission of Local Measure Information to Printer:</u> submission of ballot/sample ballot material to printer by County Elections Official.	3/21/14** E-74

* The dates beginning with the publication date may adjust by a few days earlier or later than the quoted date, affecting the events that follow by a few days. You may verify the date by calling the County Elections Office at (805) 696-8963 or (805) 696-8953.

** The final date for the County Elections Official to have submitted all material to the printer, as quoted on the above calendar, is firm.

IMPORTANT NOTE FOR CITIES:

Cities are responsible for the publication of the "Notice of Election" for their measures and the publication of the "Notice to Submit Arguments"; the receiving and processing of direct arguments/rebuttal arguments; the preparation of the Impartial Analyses and the 10-Day Public Examination Period. Due to this fact the cities' deadline for requesting consolidation with the election is the 88th day prior to Election Day. The 88th day falls on March 7, 2014.

The last scheduled Board of Supervisors meeting prior to the 88th day: March 4, 2014;
Deadline for submitting the cities resolution requesting consolidation with the Clerk of the Board of Supervisors for a March 4, 2014 meeting: February 20, 2014.

The City must submit a calendar of events and deadlines to the Elections Office by February 4, 2014.