

July 17, 2003

City Council Meeting
July 22, 2003

Mayor and Members
of the City Council

RESOLUTIONS TO REQUEST CONSOLIDATION WITH THE COUNTY, SET PRIORITIES FOR ARGUMENTS, AND PROVIDE FOR THE FILING OF REBUTTAL ARGUMENTS WITH REGARD TO THE MEASURES THAT WILL BE SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2003

Recommendation:

It is recommended that the City Council take the following actions:

- 1) Decide on the filing of written arguments for and/or against by Council; and
- 2) Adopt the attached resolutions to (a) request consolidation with the County, (b) set priorities for written arguments and direct the City Attorney to prepare an impartial analysis for each measure, and (c) provide for rebuttal arguments.

Background:

Resolutions placing two or three measures on the ballot of the November 4, 2003 General Municipal Election were considered this evening by the Council. Attached are resolutions requesting consolidation with the County, directing the City Attorney to prepare the impartial analyses and setting priorities for the filing of arguments, and providing for the filing of rebuttal arguments. Alternative resolutions were prepared for the submission of two or three measures. Prior to adopting the resolutions, the Council needs to:

- 1) Decide on the filing by Council of written argument for and/or against each of the measures and authorize which Councilmember(s), if any, will prepare the argument, with all Councilmembers invited to sign..

If there is no Council authorization for preparing arguments, the draft resolution would be amended to merely direct the preparation of an impartial analysis by the City Attorney, with the deletion of all portions related to arguments, and the City Clerk will select from among the arguments that may be submitted based on the priorities established in Elections Code Section 9287.

- 2) Decide whether or not to allow for rebuttal arguments. This is optional but if desired, the resolution must be adopted at the same meeting as the resolution calling the election. It has been traditional in the past to allow for rebuttal arguments.

Resolutions (attached) for consideration, amendment if necessary, and adoption:

For two measures:

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, WITH THE UDEL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF TWO MEASURES

OR

For three measures:

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, WITH THE UDEL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF THREE MEASURES

For two measures:

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING TWO MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2003, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSES

Optional, but if adopted, must be adopted at this meeting.

OR

For three measures:

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING THREE MEASURES TO BE SUBMITTED AT THE GENERAL

MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2003, AND
DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSES

Optional, but if adopted, must be adopted at this meeting.

Number of measures not stipulated:

RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR
THE MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION
TO BE HELD TUESDAY, NOVEMBER 4, 2003

Optional, but if adopted, must be adopted at this meeting.

Elaine Doerfling, City Clerk

Noted:

Stephen R. Burrell, City Manager

Attachments: Resolutions required to place measure on November 4 ballot

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RESOLUTION NO. 03-

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, WITH THE UDEL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF TWO MEASURES

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WHEREAS, on June 10, 2003, the City Council of the City of Hermosa Beach adopted Resolution No. 03-6272 calling a General Municipal Election to be held Tuesday, November 4, 2003, for the purpose of electing a City Clerk, a City Treasurer, and two Members of the City Council, and Resolution No. 03-6273 requesting consolidation with the UDEL Election; and

WHEREAS, the City Council is also submitting to the voters a measure regarding a veterans preference program for open competition civil service examinations and an advisory measure regarding the construction of a separate bike bath on the beach; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the UDEL Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the UDEL Election on Tuesday, November 4,

1 2003, for the purpose of the election of a City Clerk, a City Treasurer, two Members of the City
2 Council and the submittal of the two measures.

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4 **SECTION 2.** That the measures are to appear on the ballot as follows:

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Shall an ordinance be adopted amending the City's Civil Service System to allow military veterans a preference in the scoring of competitive employment examinations?	YES	
	NO	

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ADVISORY VOTE ONLY: Should the City Council consider constructing a separate bike path on the beach?	YES	
	NO	

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15 **SECTION 3.** That the County Election Department is authorized to canvass the returns of the
16 General Municipal Election. The election shall be held in all respects as if there were only one election,
17 and only one form of ballot shall be used.

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19 **SECTION 4.** That the Board of Supervisors is requested to issue instructions to the County
20 Election Department to take any and all steps necessary for the holding of the consolidated election.

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22 **SECTION 5.** That the City of Hermosa Beach recognizes that additional costs will be
23 incurred by the County by reason of this consolidation and agrees to reimburse the County for any
24 costs.

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26 **SECTION 6.** That the City Clerk is hereby directed to file a certified copy of this resolution
27 with the Board of Supervisors and the County Election Department of the County of Los Angeles.

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SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original resolutions of said City; and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the resolution is adopted.

PASSED, APPROVED, AND ADOPTED THIS 22ND DAY OF JULY, 2003.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2003, WITH THE UDEL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF THREE MEASURES

WHEREAS, on June 10, 2003, the City Council of the City of Hermosa Beach adopted Resolution No. 03-6272 calling a General Municipal Election to be held Tuesday, November 4, 2003, for the purpose of electing a City Clerk, a City Treasurer, and two Members of the City Council, and Resolution No. 03-6273 requesting consolidation with the UDEL Election; and

WHEREAS, the City Council is also submitting to the voters a measure regarding a veterans preference program for open competition civil service examinations, a measure regarding an increase of the license tax for specified businesses, and an advisory measure regarding the construction of a separate bike bath on the beach; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the UDEL Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the UDEL Election on Tuesday, November 4,

1 2003, for the purpose of the election of a City Clerk, a City Treasurer, two Members of the City
2 Council and the submittal of the three measures.

3
4 **SECTION 2.** That the measures are to appear on the ballot as follows:

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6 Shall an ordinance be adopted amending the City's Civil Service System to 7 allow military veterans a preference in the scoring of competitive 8 employment examinations?	9 YES	
	10 NO	

11

12 Shall an ordinance be adopted as recommended by the Hermosa Beach 13 City Council amending the City's business license tax ordinance to increase 14 the tax on specified businesses and to tax restaurants and bars on the basis 15 of gross receipts?	16 YES	
	17 NO	

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19 ADVISORY VOTE ONLY: 20 Should the City Council consider constructing a separate bike path on the 21 beach?	22 YES	
	23 NO	

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25 **SECTION 3.** That the County Election Department is authorized to canvass the returns of the
26 General Municipal Election. The election shall be held in all respects as if there were only one election,
27 and only one form of ballot shall be used.

28 **SECTION 4.** That the Board of Supervisors is requested to issue instructions to the County
29 Election Department to take any and all steps necessary for the holding of the consolidated election.

30 **SECTION 5.** That the City of Hermosa Beach recognizes that additional costs will be
31 incurred by the County by reason of this consolidation and agrees to reimburse the County for any
32 costs.

33 **SECTION 6.** That the City Clerk is hereby directed to file a certified copy of this resolution
34 with the Board of Supervisors and the County Election Department of the County of Los Angeles.

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SECTION 7. That the City Clerk shall certify to the passage and adoption of this Resolution; shall enter the same in the book of original resolutions of said City; and shall make a minute of the passage and adoption thereof in the minutes of the meeting at which the resolution is adopted.

PASSED, APPROVED, AND ADOPTED THIS 22ND DAY OF JULY, 2003.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING TWO MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2003, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSES

7 **WHEREAS**, a General Municipal Election is to be held in the City of Hermosa Beach,
8 California, on Tuesday, November 4, 2003, at which there will be submitted to the voters the following
9 measures:

10

Shall an ordinance be adopted amending the City’s Civil Service System to allow military veterans a preference in the scoring of competitive employment examinations?	YES	
	NO	

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ADVISORY VOTE ONLY: Should the City Council consider constructing a separate bike path on the beach?	YES	
	NO	

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16 **NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

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19 **SECTION 1.** That pursuant to Section 9219 of the Elections Code of the State of California,
20 the persons filing an initiative petition have first priority to file a written argument in favor of the
21 ordinance, and the City Council has first priority, if it chooses, to submit an argument against the
22 ordinance.

23 **SECTION 2** That the Hermosa Beach City Council hereby authorizes as follows: (1) the
24 measure that would allow a veterans preference ? Councilmember _____ in favor;
25 Councilmember _____ against; and (2) the measure that would increase specified
26 business taxes ? Councilmember _____ in favor; Councilmember
27 _____ against; with all Councilmembers invited to sign.

1 Said members of that body to file written arguments for/against the measures specified above,
2 accompanied by the printed name(s) and signature(s) of the person(s) submitting it, in accordance with
3 Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the
4 arguments until and including the date fixed by the City Clerk, after which no arguments for or against
5 the City measures may be submitted to the City Clerk.

6 **SECTION 3.** That the City Council directs the City Clerk to transmit a copy of the measures to
7 the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.
8 The City Attorney shall prepare an impartial analysis of each measure showing the effect of the measure
9 on the existing law and the operation of the measure. If the measures affect the organization or salaries
10 of the office of the City Attorney, the City Clerk shall prepare the impartial analyses. The impartial
11 analyses shall be filed by the date set by the City Clerk for the filing of primary arguments.

12 **SECTION 4** That the City Clerk shall certify to the passage and adoption of this Resolution
13 and enter it into the book of original Resolutions.

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15 **PASSED, APPROVED AND ADOPTED ON THIS 22ND DAY OF JULY, 2003.**

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18 _____
19 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

20 ATTEST:

APPROVED AS TO FORM:

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23 City Clerk

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25 City Attorney

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RESOLUTION NO. 03-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING THREE MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2003, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSES

WHEREAS, a General Municipal Election is to be held in the City of Hermosa Beach, California, on Tuesday, November 4, 2003, at which there will be submitted to the voters the following measures:

Shall an ordinance be adopted amending the City's Civil Service System to allow military veterans a preference in the scoring of competitive employment examinations?	YES	
	NO	

Shall an ordinance be adopted as recommended by the Hermosa Beach City Council amending the City's business license tax ordinance to increase the tax on specified businesses and to tax restaurants and bars on the basis of gross receipts?	YES	
	NO	

ADVISORY VOTE ONLY: Should the City Council consider constructing a separate bike path on the beach?	YES	
	NO	

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9219 of the Elections Code of the State of California, the persons filing an initiative petition have first priority to file a written argument in favor of the ordinance, and the City Council has first priority, if it chooses, to submit an argument against the ordinance.

1 **SECTION 2** That the Hermosa Beach City Council hereby authorizes as follows: (1) the
2 measure that would allow a veterans preference ? Councilmember _____ in favor;
3 Councilmember _____ against; (2) the measure that would increase specified
4 business taxes ? Councilmember _____ in favor; Councilmember
5 _____ against; and (3) the advisory measure regarding the construction of a separate
6 bike path on the beach ? Councilmember _____ in favor and Councilmember
7 _____ against; with all Councilmembers invited to sign.

8 Said members of that body to file written arguments for/against the measures specified above,
9 accompanied by the printed name(s) and signature(s) of the person(s) submitting it, in accordance with
10 Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the
11 arguments until and including the date fixed by the City Clerk, after which no arguments for or against
12 the City measures may be submitted to the City Clerk.

13 **SECTION 3.** That the City Council directs the City Clerk to transmit a copy of the measures to
14 the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.
15 The City Attorney shall prepare an impartial analysis of each measure showing the effect of the measure
16 on the existing law and the operation of the measure. If the measures affect the organization or salaries
17 of the office of the City Attorney, the City Clerk shall prepare the impartial analyses. The impartial
18 analyses shall be filed by the date set by the City Clerk for the filing of primary arguments.

19 **SECTION 4.** That the City Clerk shall certify to the passage and adoption of this Resolution
20 and enter it into the book of original Resolutions.

21 **PASSED, APPROVED AND ADOPTED ON THIS 22ND DAY OF JULY, 2003.**

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23 _____
24 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

25 ATTEST:

25 APPROVED AS TO FORM:

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City Clerk

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RESOLUTION NO. 03-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH,
CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR THE MEASURES TO BE SUBMITTED AT THE GENERAL MUNICIPAL
ELECTION TO BE HELD TUESDAY, NOVEMBER 4, 2003**

WHEREAS, Section 9220 and 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for City measures submitted at municipal elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Sections 9220 and 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than ten (10) days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 3, 2003, and shall then be repealed.

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SECTION 4 That the City Clerk shall certify to the passage and adoption of this Resolution, shall enter the same into the book of original Resolutions of said City, and shall make a minute of passage and adoption thereof in the minutes of the meeting at which the Resolution is adopted.

PASSED, APPROVED AND ADOPTED ON THIS 22ND DAY OF JULY, 2003.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney