

July 26, 2007

City Council Meeting
July 31, 2007

Mayor and Members
of the City Council

**ADOPTION OF RESOLUTIONS REGARDING CONSOLIDATION
WITH THE COUNTY, ARGUMENT AND IMPARTIAL
ANALYSIS, AND REBUTTAL ARGUMENTS FOR A BUSINESS
LICENSE TAX MEASURE TO BE PLACED ON THE BALLOT OF
THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 6, 2007**

Recommendation:

If the Council acts this evening to place a business license tax measure on the November 6, 2007 ballot, the following actions must also be taken:

- Decide on the filing of a written argument by Council in favor of the measure; and
- Adopt the attached three resolutions to:
 - (1) Request election consolidation with the County for the additional measure;
 - (2) Set priorities for written arguments and direct the City Attorney to prepare an impartial analysis; and
 - (3) Provide for the filing of rebuttal arguments for the measure.

Background:

At its meeting of July 24, 2007, the City Council considered placing two City-initiated measures – business license tax and utility user tax (UUT) – on the ballot of the November 6, 2007 General Municipal Election, along with the Pier Plaza measure (per referendum). At that meeting, the Council adopted all resolutions necessary to place the Pier Plaza parking measure (with revised question) and the UUT measure (also with revised question) on the ballot, but continued its consideration of the business license tax measure to this evening, which is the last opportunity to place measures on the ballot in order to meet all County deadlines.

Prior to adopting the three attached resolutions, the Council must decide on the filing by Council of a written argument regarding the additional measure (if approved this evening for placement on the ballot). PLEASE NOTE: The City Clerk has fixed **6:00 p.m. Tuesday, August 14, 2007 as the deadline (FOR THIS MEASURE ONLY) for the submittal of direct arguments** and the impartial analyses (to meet the 14-day requirement from the date the election for this measure is called).

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

1. **RESOLUTION NO. 07-**

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 6, 2007, WITH THE UDEL AND SCHOOL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX

2. **RESOLUTION NO. 07-**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT FOR A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS


Deadline of 6:00 p.m. Tuesday, August 14, 2007 for filing direct arguments.

3. **RESOLUTION NO. 07-**

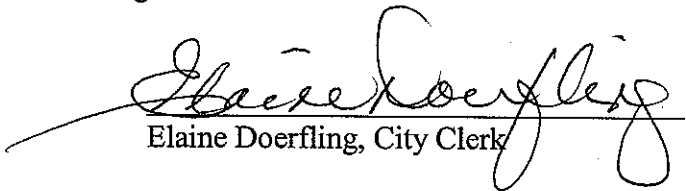
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007

Deadline of 5:00 p.m. Friday, August 24, 2007 for filing rebuttal arguments. (The City Clerk's office will be open, if necessary, on August 24 from 8:00 a.m. to 5:00 p.m. **only** for the purpose of accepting rebuttal arguments.)

Noted:



Stephen R. Burrell, City Manager



Elaine Doerfling, City Clerk

Attachments: Resolutions for adoption

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RESOLUTION NO. 07-

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 6, 2007, WITH THE UDEL AND SCHOOL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE, FOR THE SUBMISSION TO THE VOTERS OF A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX

WHEREAS, on June 12, 2007, the City Council of the City of Hermosa Beach adopted Resolution No. 07-6544 calling a General Municipal Election to be held Tuesday, November 6, 2007, for the purpose of electing two Members of the City Council, a City Clerk and a City Treasurer, and Resolution No. 07-6545 requesting consolidation with the UDEL and School Election; and

WHEREAS, on July 24, 2007, the City Council of the City of Hermosa Beach adopted the following: (1) Resolution No. 07-6556 calling a General Municipal Election to be held Tuesday, November 6, 2007, for the purpose of submitting to the voters an ordinance regarding the City's Utility User Tax, (2) Resolution No. 07-6557 calling a General Municipal Election to be held on the same date for the purpose of submitting to the voters an ordinance (per referendum petition) regarding Pier Plaza on-site parking requirements, and (3) Resolution No. 07-6558 requesting consolidation (for the two measures) with the UDEL and School Election; and

WHEREAS, the City Council is also submitting to the voters an ordinance regarding the City's business license tax; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the UDEL and School 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;

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

4 **SECTION 1.** That pursuant to the requirements of Section 10403 of the Elections Code,
5 the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree
6 to the consolidation of a General Municipal Election with the UDEL and School Election on
7 Tuesday, November 6, 2007, for the purpose of electing certain officers and for the submittal of
8 a measure. The question to appear on the ballot is as follows:

Shall an ordinance be adopted amending the City's business license tax ordinance to 1) consolidate categories so that restaurant/bar establishments pay based on volume of business, 2) add a new category for commercial landlords, 3) increase rates for hotels/apartments, contractors, retail, health/fitness/massage businesses, auto dealers, laundry/dry cleaning, laundromats, animal hospitals, vending machines and telephone companies, with revenue continuing to be used to support essential City services, with continued public review of the City Budget?	YES	
	NO	

16 **SECTION 2.** That the county election department is authorized to canvass the returns
17 of the General Municipal Election. The election shall be held in all respects as if there were
18 only one election, and only one form of ballot shall be used.

19 **SECTION 3.** That the Board of Supervisors is requested to issue instructions to the
20 county election department to take any and all steps necessary for the holding of the
21 consolidated election.

22 **SECTION 4.** 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
24 any costs.

25 **SECTION 5.** That the City Clerk is hereby directed to file a certified copy of this
26 Resolution with the Board of Supervisors and the county election department of the County of
27 Los Angeles.

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SECTION 6. 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 31st day of July, 2007.

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. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT FOR A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007, AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Hermosa Beach, California, on Tuesday, November 6, 2007, at which there will be submitted to the voters the following measure:

Shall an ordinance be adopted amending the City's business license tax ordinance to 1) consolidate categories so that restaurant/bar establishments pay based on volume of business, 2) add a new category for commercial landlords, 3) increase rates for hotels/apartments, contractors, retail, health/fitness/massage businesses, auto dealers, laundry/dry cleaning, laundromats, animal hospitals, vending machines and telephone companies, with revenue continuing to be used to support essential City services, with continued public review of the City Budget?	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 the Hermosa Beach City Council hereby authorizes Councilmember _____ to file a written argument in favor of the measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the City Clerk (6:00 p.m. Tuesday, August 7, 2007), after which no arguments for or against the City measures may be submitted to the City Clerk.

Each argument shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, the name

1 of the organization, and the printed name and signature of at least one of its principal officers
2 who is the author of the argument. All arguments shall be accompanied by the Form of
3 Statement To Be Filed By Author(s) of Arguments.

4 **SECTION 2.** That the City Council directs the City Clerk to transmit a copy of the
5 measure to the City Attorney, unless the organization or salaries of the office of the City
6 Attorney are affected. The City Attorney shall prepare an impartial analysis of the measure
7 showing the effect of the measure on the existing law and the operation of the measure. If the
8 measure affects the organization or salaries of the office of the City Attorney, the City Clerk
9 shall prepare the impartial analyses. The impartial analyses shall be filed by the date set by the
10 City Clerk for the filing of primary arguments (5:00 p.m. Tuesday, August 14, 2007).

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

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15 **PASSED, APPROVED and ADOPTED** on this 31st day of July, 2007.
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18 _____
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California
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20 ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney
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RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A MEASURE REGARDING THE CITY'S BUSINESS LICENSE TAX TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2007

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 City Clerk has selected the arguments for and against the measure which will be printed and distributed to the voters, the City Clerk shall immediately send a copy of the argument in favor of the measure to the author of the argument against the measure, and a copy of the argument against the measure to the author of the argument in favor of the measure. The author or a majority of the authors of an argument may prepare and submit a rebuttal argument not exceeding 250 words, or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. A rebuttal argument may not be signed by more than five people. Rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(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 10 days after the final date for filing direct arguments. The deadline for submitting rebuttal arguments will be 5 p.m. Friday, August 24, 2007. Rebuttal

1 arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument
2 shall immediately follow the direct argument which it seeks to rebut.

3 **SECTION 3.** That the provisions of Section 1 shall apply only to the election to
4 be held on November 6, 2007, and shall then be repealed.

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

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10 **PASSED, APPROVED and ADOPTED** on this 31st day of July, 2007.

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

16 ATTEST:

APPROVED AS TO FORM:

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19 _____
20 City Clerk

City Attorney