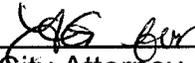


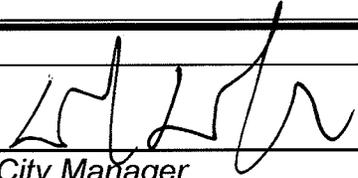
STAFF REPORT
COUNCIL MEETING DATE:
June 11, 2012

ITEM FOR COUNCIL CONSIDERATION:

November 6, 2012 General Municipal Election Matters

Department: Administration


City Attorney


City Manager


City Clerk

STAFF RECOMMENDATION:

Action Item X; Non-Action Item ___

1. Adopt Resolution No. 5384, calling for the holding of a General Municipal Election on Tuesday, November 6, 2012, for the election of certain officers relating to General Law Cities and for the submission to the voters of a question relating to increasing the rate of the City's Transient Occupancy Tax ("hotel bed tax");
2. Adopt Resolution No. 5385, requesting the Board of Supervisors of the County of Santa Barbara to consolidate a General Municipal Election to be held on November 6, 2012, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code;
3. Adopt Resolution No. 5386, establishing regulations for candidates for elective office pertaining to Candidates Statements submitted to voters at an election to be held on Tuesday, November 6, 2012;
4. Adopt Resolution No. 5387, setting priorities for filing Written Arguments regarding a City Measure submitted at the November 6, 2012 General Municipal Election relating to an increase in the rate of the City's Transient Occupancy Tax ("hotel bed tax"), and directing the City Attorney to prepare an Impartial Analysis;
5. Adopt Resolution No. 5388, providing for the filing of Rebuttal Arguments for a City Measure submitted to voters at the Municipal Election of November 6, 2012.

Motion: I move that the City Council adopt Resolution Nos. 5384 through 5388, as read by title only, all concerning requisite actions associated with the November 6, 2012, General Municipal Election Matters.

I. BACKGROUND:

On November 6, 2012, a City of Carpinteria Municipal Election is scheduled where two City Council members will be elected for four year terms. Also, in response to the City Council's direction at its regular meeting of May 14, 2012, staff has included in the requisite election resolutions a question concerning increasing the rate of the City's hotel bed tax, i.e., Transient Occupancy Tax. If approved by the City Council, this question will also be considered by City of Carpinteria voters as a part of the November 6, 2012, Municipal Election.

The California Elections Code requires that certain resolutions be adopted preparatory to holding the City's General Municipal Election on November 6, 2012. The attached Resolution Nos. 5384 through 5388 will do the following:

1. Set the date and time of the election for two seats on the City Council and place the measure increasing the hotel bed tax rate increase from 10% to 12% on the ballot (Resolution No. 5384).
2. Request that the County Board of Supervisors consolidate the City's Municipal Election with the Statewide General Election (Resolution No. 5385).
3. Establish the City's rules with regard to filing of Candidate Statements and payments to the City for printing expenses (Resolution No. 5386).
4. Establish priorities for the filing of Written Arguments regarding the City Measure to increase the hotel bed tax rate and directing the City Attorney to prepare an Impartial Analysis (Resolution No. 5387).
5. Provide for the filing of Rebuttal Arguments for the City hotel bed tax rate increase Measure (Resolution No. 5388).

II. ANALYSIS:

The California Elections Code establishes the procedure for consolidation in Sections 10400-10418. The procedure requires the City Council to request consolidation at the same time as the resolution calling the election is adopted. These resolutions authorize the agency conducting the election (County of Santa Barbara) to conduct the election on behalf of the City and to canvass the results.

The Elections Code also requires the Council to adopt regulations for candidates for elective office pertaining to candidate statements.

Finally, pursuant to the California Elections Code, in association with any city Measures approved to be placed on a ballot for local election, a city must approve the title and question to be placed on the ballot; the City Attorney must prepare an impartial analysis of the measure; the city must comply with rules concerning the filing and selection of arguments for and against the Measure; and the city must establish rules for rebuttal arguments (to be included on the ballot), should the city wish to allow them.

III. FINANCIAL ISSUES:

The estimated cost of \$25,000 associated with conducting a consolidated municipal election have been included in the proposed budget being considered as a separate

matter on the June 11, 2012, agenda. Some costs associated with the printing of candidate statements are reimbursed through fees charged to the candidates.

IV. LEGAL ISSUES:

The City Attorney has assisted in the preparation of Resolution Nos. 5384 through 5388, including the attached draft Ordinance and other materials concerning the hotel bed tax rate increase ballot measure. The following provides guidance regarding the timing and procedure for approval of said Resolutions.

Resolution Nos. 5384, 5385 and 5388 must be approved by the City at the same time and submitted to the County no later than August 9, 2012. Staff recommends that Resolution Nos. 5386 and 5387 also be approved at the same time.

Elections Code Section 10403 provides that whenever an election called by a city for the submission of a question, proposition or office to be filled is to be consolidated with a statewide election, and the question, proposition or office to be filled is to appear on the same ballot as that provided for the statewide election, the city shall file with the Board of Supervisors a resolution of its governing board requesting consolidation. The resolution requesting consolidation must be filed at least 88 days prior to the date of the election.

In addition, the resolution calling for the election must be adopted and filed at the same time as the resolution requesting consolidation. The resolution providing for the submission of rebuttal arguments must also be approved at the same time as the resolution calling for the election, Pursuant to Elections Code Section 9285(b).

Also, pursuant to Government Code Section 53724(b), no tax subject to vote requirements, such as the hotel bed tax, shall be presented at an election unless the resolution proposing the tax is approved by a two-thirds vote of the legislative body of the local government.

Accordingly, by August 9, 2012, the Council must approve Resolution No. 5385, requesting consolidation with the statewide election. On the same date that Council approves Resolution 5385, it must also approve, by a vote of at least four members, Resolution No. 5384 calling for the election, which includes both the question to be put before voters as a part of the election ballot and the complete text of the measure to be submitted to the voters. Resolution No. 5388 providing for rebuttal arguments must also be approved on the same date as Resolution No. 5384.

Staff recommends that Council approve all five attached resolutions as a group prior to August 9, 2012, because each resolution addresses the same election called for by the approval of Resolution No. 5384. This will also provide staff adequate time to arrange for the election and to provide the citizens of Carpinteria ample notice regarding the procedure for candidate statements, written arguments and rebuttals.

V. ATTACHMENTS:

Resolution Nos. 5384, 5385, 5386, 5387 and 5388.

RESOLUTION NO. 5384

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, FOR THE ELECTION OF CERTAIN OFFICERS RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO INCREASING THE RATE OF THE CITY'S TRANSIENT OCCUPANCY TAX ("HOTEL BED TAX")

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held on November 6, 2012, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to increasing the rate of the City's hotel bed tax;

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Carpinteria, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years.

SECTION 2. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Carpinteria, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of submitting to the City electors the question of the adoption of Ordinance No. 656 amending the Carpinteria Municipal Code to increase the hotel bed tax from ten percent (10%) to twelve percent (12%).

SECTION 3. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election to be held November 6, 2012, the following question:

<u>City Services Support Measure</u>		
To help maintain essential City services such as street/pothole repair, park maintenance, law enforcement, youth and senior programs, and other City services, shall the City of Carpinteria adopt an ordinance to raise the City's hotel bed tax (Transient Occupancy Tax) from ten to twelve percent, paid only by hotel guests on their room rates, with annual independent audits, local oversight, and no money going to Sacramento?	YES	NO
	_____	_____

SECTION 4. That the proposed complete text of the measure submitted to the voters is attached as Exhibit "A" and incorporated herein by reference. The complete text of the measure will not be printed in the voter pamphlet, but will be made available to the public and to any voter upon request, pursuant to the requirements of the Elections Code.

SECTION 5. That in the event a majority of City electors voting on the ballot measure set forth above vote in favor thereof, Ordinance No. 656 shall be automatically adopted and shall amend the Carpinteria Municipal Code to read as set forth in Exhibit "A," effective ten (10) days following the certification of the election results with no further action by the Council.

SECTION 6. That Ordinance No. 656 imposes a general tax as defined in Subsection (a) of Section 1 of Article XIII C of the California Constitution, the proceeds of which shall be deposited in the City's general fund to be used for any lawful general purposes of the City. The tax shall be collected in the manner provided by Chapter 3.20 of the Carpinteria Municipal Code, incorporated herein by reference.

SECTION 7. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 8. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 9. That the polls for the election shall be open at 7:00 o'clock a.m. on the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

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

SECTION 11. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

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

SECTION 13. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 14. The City Council finds, pursuant to Title 14 of the California Code of Regulations Section 15378(b)(4) and (5), that this Resolution is exempt from the requirements of the California Environmental Quality Act because it is not considered a "project" in that it involves fiscal activities which do not involve a commitment to any specific project and in that it is an organizational or administrative activity of government that will not result in direct or indirect physical changes to the environment. If the proposed ordinance were to be found a "project," it would be exempt from CEQA review pursuant to Public Resources Code Section 21080(b)(8) because it establishes a rate for the purpose of meeting the City's operating expenses.

PASSED, APPROVED AND ADOPTED on June 11, 2012, by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on June 11, 2012.

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

Exhibit "A"

ORDINANCE NO. 656

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, AMENDING SECTION 3.20.030 OF THE CITY OF CARPINTERIA MUNICIPAL CODE TO INCREASE THE TRANSIENT OCCUPANCY TAX ("HOTEL BED TAX") ON RENT CHARGED TO HOTEL GUESTS FROM TEN PERCENT (10%) TO TWELVE PERCENT (12%)

WHEREAS, the City Council, after receiving Staff Reports and presentations (including recommendations from its Finance and Budget Committee), on the City's financial condition and related matters at its regular public meetings of February 23, 2009, June 8, 2009, June 14, 2010, and January 24, 2011, developed and implemented a series of Financial Recovery Strategies aimed at improving City revenues and reducing expenses, and one of the Strategies is to consider placing a question before voters concerning a tax increase; and

WHEREAS, the City Council has enacted many ongoing revenue improvement and cost reduction measures as a part of its Financial Recovery Strategy such as establishing incentives for new development and business, promoting local business and tourism, updating fees and charges for services, reducing expenses such as employee compensation, law enforcement and other contract costs, and reducing utilities costs through efficiency improvements; and

WHEREAS, at its regular meeting of September 12, 2011, the City Council received a report on Revenue Measure Options, which concluded among other things that the number and frequency of visitors to Carpinteria impacts the cost to the City for providing local government services and, after deliberating on several revenue measure options, the City Council elected to explore with the community the potential for a Transient Occupancy Tax, i.e., hotel bed tax, rate increase; and

WHEREAS, the City Council has also considered information provided by staff at regular meetings that calculates that an increase in the hotel bed tax rate from 10% to 12% would generate approximately \$250,000 in additional annual revenue; and

WHEREAS, additional revenue from a hotel bed tax rate increase would help to offset expenses associated with important local government services including but not limited to street and pothole repair, law enforcement protection, and parks and recreation services, and would also support the City's ability to promote local tourism and provide financial assistance to a variety of local service providers including the Carpinteria branch library, Boys & Girls Club, Girls Inc., and others; and

WHEREAS, the City Council at its regular public meeting of May 14, 2012, considered community survey results that indicate voter support for a hotel bed tax rate increase.

NOW, THEREFORE, the People of the City of Carpinteria do hereby ordain as follows:

SECTION 1. INCORPORATION OF RECITALS

The People of the City of Carpinteria find and determine that the above recitals are incorporated herein and are each relied upon independently by the People for its adoption of this Ordinance.

SECTION 2. AMENDMENT

Section 3.20.030 of Chapter 3.20 of Title 3 of the Carpinteria Municipal Code is hereby amended to read as follows:

“For privilege of occupancy in any hotel, each transient is subject to and shall pay a tax in the amount of twelve percent of the rent charged by the operator. Such tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or the city.”

SECTION 3. GENERAL TAX

The Transient Occupancy Tax assessed by this Ordinance is a general tax as defined in Subsection (a) of Section 1 of Article XIIC of the California Constitution, the proceeds of which shall be deposited in the City’s general fund to be used for any lawful general purposes of the City.

SECTION 4. ADJUSTMENTS TO TAX RATE

Notwithstanding Section 9217 of the Elections Code, without a vote of the people the City Council may do any and all of the following: (i) repeal this Ordinance; (ii) reduce the rate of the Transient Occupancy Tax below twelve percent (12%); or (iii) increase the rate of the Transient Occupancy Tax back to twelve percent (12%) if it has been previously reduced below such rate. In no event shall the City Council increase the rate of the Transient Occupancy Tax in excess of twelve percent (12%) without approval by a majority of the voters voting in an election for the increase.

SECTION 5. SEVERABILITY

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The People of the City of Carpinteria hereby declare that they would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 6. APPROVAL BY ELECTION; EFFECTIVE DATE

This Ordinance amending Section 3.20.030 of Chapter 3.20 of Title 3 of the Carpinteria Municipal Code shall be in full force and effect ten (10) days after the date on which the City Council has approved the canvass of votes and declared that the voters of the City of Carpinteria have approved said Ordinance by a vote of no less than a majority of the votes cast by the electors voting on the tax measure set forth in this Ordinance at the general municipal election to be held Tuesday, November 6, 2012. The effective date for purposes of levying the increased tax, should the voters approve this Ordinance, shall be January 1, 2013.

SECTION 7. PROPOSAL OF ORDINANCE

This Ordinance was proposed by the City Council of the City of Carpinteria through the adoption of Resolution No. 5384 by the affirmative votes of not less than four of its Members as required by Government Code Section 53724(b).

SECTION 8. ATTESTATION BY MAYOR

The Mayor is hereby authorized to attest to the adoption of this Ordinance by signing where indicated below.

SECTION 9. PUBLICATION

The City Clerk shall publish this Ordinance as required by law.

///

I hereby certify that the foregoing ordinance was **PASSED, APPROVED, AND ADOPTED** this day of , 2012, by the People of the City of Carpinteria voting on the sixth day of November, 2012 by the following electoral results:

VOTES IN FAVOR:

VOTES AGAINST:

Mayor of the City of Carpinteria

Ordinance No. 656

Page 4

ATTEST:

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney, City of Carpinteria

RESOLUTION NO. 5385

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2012, WITH THE STATEWIDE GENERAL MUNICIPAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Carpinteria called a General Municipal Election to be held on November 6, 2012, for the purpose of the election of two Members of the City Council; and

WHEREAS, the City Council of the City of Carpinteria is submitting to the voters the question relating to increasing the rate of the City's hotel bed tax; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General 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 Santa Barbara 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 CARPINTERIA DOES 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 Santa Barbara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2012, for the purpose of the election of two Members of the City Council.

SECTION 2. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2012, also for the purpose of submitting to the City electors the question of the adoption of Ordinance No. 656 amending the Carpinteria Municipal Code to increase the hotel bed tax rate from ten percent (10%) to twelve percent (12%).

SECTION 3. That a measure is to appear on the ballot as follows:

<u>City Services Support Measure</u>		
<p>To help maintain essential City services such as street/pothole repair, park maintenance, law enforcement, youth and senior programs, and other City services, shall the City of Carpinteria adopt an ordinance to raise the City's hotel bed tax (Transient Occupancy Tax) from ten to twelve percent, paid only by hotel guests on their room rates, with annual independent audits, local oversight, and no money going to Sacramento?</p>	<p>YES</p> <p>_____</p>	<p>NO</p> <p>_____</p>

SECTION 4. That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 5. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 6. That the City of Carpinteria recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for those costs.

SECTION 7. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Santa Barbara.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on June 11, 2012, by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor, City of Carpinteria

ATTEST:

City Clerk, City of Carpinteria

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on June 11, 2012..

City Clerk, City of Carpinteria

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 5386

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012

WHEREAS, § 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of Carpinteria (on November 6, 2012) may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more that 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed (in typewritten form) in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, candidate's statements will be translated into all languages required by the County of Santa Barbara. The County is required to translate candidate's statements into the following language: Spanish.

B. The County will print and mail separate sample ballots and candidates statements in Spanish to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

SECTION 3. PAYMENT.

A. Translations

The candidate shall not be required to pay for the cost of translating the candidate's statement into any foreign language that is a required foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and/or State law.

B. Printing

1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.

2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS.

A. All translations shall be provided by professionally-certified translators.

B. The City Clerk shall allow (bold type) (underlining) (capitalization) (indentations) (bullets) (leading hyphens) to the same extent and manner as allowed in previous City elections.

C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. That no candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on November 6, 2012 and shall then be repealed.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on June 11, 2012, by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on June 11, 2012.

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 5387

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE SUBMITTED AT THE NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION RELATING TO INCREASING THE RATE OF THE CITY'S TRANSIENT OCCUPANCY TAX ("HOTEL BED TAX"), AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a General Municipal Election is to be held in the City of Carpinteria, California, on November 6, 2012, at which there will be submitted to the voters the following measure:

<u>City Services Support Measure</u>		
To help maintain essential City services such as street/pothole repair, park maintenance, law enforcement, youth and senior programs, and other City services, shall the City of Carpinteria adopt an ordinance to raise the City's hotel bed tax (Transient Occupancy Tax) from ten to twelve percent, paid only by hotel guests on their room rates, with annual independent audits, local oversight, and no money going to Sacramento?	YES _____	NO _____

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

SECTION 1. That the City Council authorizes the following member(s) of its body to file a written argument not exceeding 300 words regarding the city measure as 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. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the city measure may be submitted to the City Clerk.

Councilmember(s) In Favor	Councilmember(s) Against

The arguments shall be filed with the City Clerk, signed with the printed names(s) and signature(s) of the author(s) submitting it or, if submitted on behalf of an organization, with the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) Argument pursuant to Section 9600 of the Elections Code. The arguments shall be filed no later than July 25, 2012, by 5:00 p.m.

SECTION 2. That the City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. Pursuant to Elections Code Section 9280, the impartial analysis shall be printed preceding the arguments for and against the measure and the following statement shall be printed following the impartial analysis: "The above statement is an impartial analysis of Ordinance 656. If you desire a copy of the ordinance, please call the elections official's office at (805) 658-5405, extension 403 and a copy will be mailed at no cost to you." The impartial analysis shall be filed no later than July 25, 2012, by 5:00 p.m., the deadline set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED on June 11, 2012, by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on June 11, 2012.

City Clerk

APPROVED AS TO FORM:

City Attorney

RESOLUTION NO. 5388

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARPINTERIA, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

WHEREAS, Section 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 CARPINTERIA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the measure to the authors of any arguments against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or majority of the authors of an argument relating to a city measure 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 authors. 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 names and signature of at least one of its principal officers, **not more than 10 days after** the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be filed by Authors(s) of the Argument pursuant to Section 9600 of the Elections Code.

Rebuttal arguments shall be printed in the same manner as directed 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 6, 2012 and shall then be repealed.

SECTION 4. That the City clerk shall certify the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED on June 11, 2012, by the following vote:

AYES: COUNCILMEMBER:

NOES: COUNCILMEMBER:

ABSENT: COUNCILMEMBER:

Mayor

ATTEST:

City Clerk

I hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of Carpinteria held on June 11, 2012.

City Clerk

APPROVED AS TO FORM:

City Attorney