

→ Kikkawa / McHorn



City of Sierra Madre



December 10, 2015

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

52

January 5, 2016

RECEIVED

Sachi A. Hamai
Executive Officer of the Board of Supervisors
Los Angeles County Board of Supervisors
Room 383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012


PATRICK OGAWA
ACTING EXECUTIVE OFFICER

Re.: Election Resolutions

Dear Ms. Hamai:

At our Regular Meeting of the Sierra Madre City Council, on December 8, 2015, the City Council passed the following Resolutions, and they are enclosed for you:

Resolution Nos. 15-80, 15-81, 15-82, 15-83, 15-84, and the Ordinance No. 1369 that will be included in our Sample Ballot.

If you have any questions, please don't hesitate to contact me.

Thank you.

Sincerely,



Nancy Sue Shollenberger
City Clerk

Enclosures

232 W. Sierra Madre Blvd., Sierra Madre, CA 91024
Telephone (626) 355-7135 Fax (626) 355-2251

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RESOLUTION NO. 15-84

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, AUTHORIZING CERTAIN COUNCIL MEMBERS TO SUBMIT ARGUMENTS REGARDING A MEASURE TO AMEND THE EXISTING UTILITY USERS' TAX ORDINANCE TO INCREASE AND EXTEND THE EXISTING RATE STRUCTURE, WHICH WILL BE ON THE BALLOT FOR THE APRIL 12, 2016, MUNICIPAL ELECTION AND DIRECTING AN IMPARTIAL ANALYSIS OF THE MEASURE BY THE CITY ATTORNEY.

WHEREAS, a General Municipal Election is to be held in the City of Sierra Madre on April 12, 2016, at which time there will be submitted to the voters the following question:

UTILITY USERS' TAX MEASURE. To maintain City services, such as Public Safety, Paramedic and Library services, shall an Ordinance be adopted to: 1. Increase the City's Utility Users' Tax (UUT) to a maximum of 10% for all utilities, to be effective on July 1, 2016; and 2. Extend and stabilize the funding by eliminating the "sunset" clause; and 3. Provide an exemption from the UUT for very low income households?	YES
	NO

NOW, THEREFORE, the City Council of the City of Sierra Madre, DOES HEREBY RESOLVE as follows:

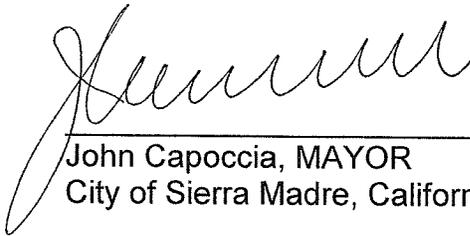
1. That the City Council authorizes all five council members (i.e., Mayor Capoccia, Mayor Pro Tem Goss and Members Arizmendi, Delmar and Harabedian) to file (a) written argument(s) regarding the City measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting 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 after which no arguments for or against the City measure may be submitted to the City Clerk.

2. The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it. The arguments shall be accompanied by the Form of Statement To Be Filed by Author(s) of Argument.

3. That the City Council directs the City Clerk to transmit copies of the measures to the City Attorney. The City Attorney shall prepare an impartial analysis of each measure showing the effect of the measure on the existing law and the operation of

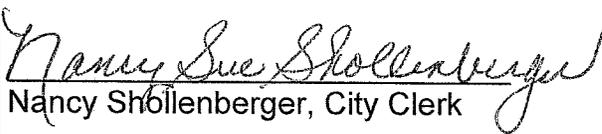
1 the measure. The impartial analysis shall be filed by the date set by the City Clerk for the
2 filing of primary arguments.

3
4 RESOLUTION 15-84 PASSED, APPROVED and ADOPTED this 8th day of
5 December, 2015.

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8 
9 John Capoccia, MAYOR
City of Sierra Madre, California

10 ATTEST:

APPROVED AS TO FORM:

11
12 
13 Nancy Shollenberger, City Clerk

14 
15 Teresa L. Highsmith, City Attorney

16 AYES: John Capoccia, Mayor; Gene Goss, Mayor Pro Tem, Council
Members Rachelle Arizmendi, Denise Delmar and John Harabedian

17 NOES: None

18 ABSENT: None

19 ABSTAIN: None

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RESOLUTION NO. 15-83

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

WHEREAS, Section 9285 of the Election 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 SIERRA MADRE, CALIFORNIA, DOES 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 that will be printed and distributed to the voters, the Elections Official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of the argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a 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.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) who submitted 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 rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument (Form 10).

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.

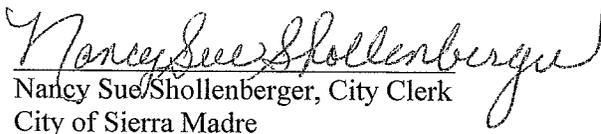
SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on April 12, 2016.

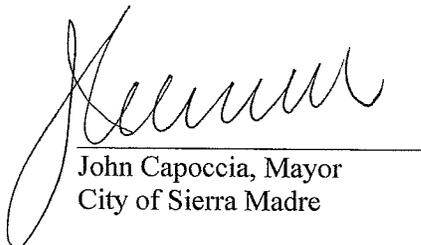
SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

RESOLUTION 15-83 PASSED, APPROVED AND ADOPTED ON DECEMBER 8, 2015, by the following vote:

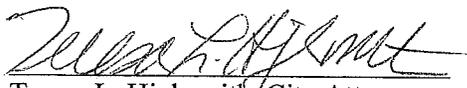
AYES: Mayor, John Capoccia, Mayor Pro Tem, Gene Goss, Council Members Rachelle Arizmendi, Denise Delmar and John Harabedian
NOES: None
ABSENT: None

ATTEST:


Nancy Sue Shollenberger, City Clerk
City of Sierra Madre


John Capoccia, Mayor
City of Sierra Madre

APPROVED AS TO FORM


Teresa L. Highsmith, City Attorney
City of Sierra Madre

CITY COUNCIL RESOLUTION NUMBER 15-82

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE REQUESTING
THE BOARD OF SUPERVISORS OF THE COUNTY OF
LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY OF SIERRA MADRE
RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, APRIL 12, 2016

WHEREAS, a General Municipal Election is to be held in the City of Sierra Madre, California, on April 12, 2016; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Sierra Madre.

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

SECTION 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish the following for use in conducting the election:

- 1). A listing of county precincts with number of registered voters in each, so city may consolidate election precincts into city voting precincts, and maps of the voting precincts;
- 2). A list of polling places and poll workers the county uses for their elections;
- 3). The computer record of the names and address of all eligible registered voters in the city in order that the City's consultant may:
 - a. Produce labels for vote-by-mail voters;
 - b. Produce labels for sample ballot pamphlets;
 - c. Print Rosters of Voters and Street Indexes;
- 4). Voter signature verification services as needed;
- 5). Make available to the City election equipment and assistance as needed according to state law.

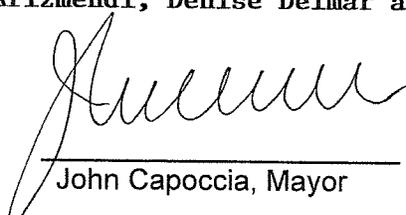
SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this resolution.

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

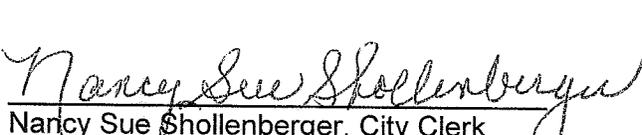
SIERRA MADRE CITY COUNCIL RESOLUTION NO. 15-82 PASSED, APPROVED AND ADOPTED ON DECEMBER 8, 2015.

AYES: Mayor, John Capoccia, Mayor Pro Tem, Gene Goss, Council
Members, Rachelle Arizmendi, Denise Delmar and John Harabedian
NOES: None
ABSENT: None



John Capoccia, Mayor

ATTEST:



Nancy Sue Shollenberger, City Clerk

RESOLUTION NO. 15-81

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, APRIL 12, 2016.

WHEREAS, Section 13307 of the Election Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates' statements;

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

SECTION 1. GENERAL PROVISIONS

That pursuant to Section 13307 of the Election 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 Sierra Madre on April 12, 2016, 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 than 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, the City is required to translate candidates' statements into whatever language the candidate requests: Spanish, Chinese, Japanese, Korean, Tagalong, Vietnamese or other.
- B. The City Clerk shall:
- a) Have translated those statements into the languages as requested by the candidate in (A) above.
 - b) Print any translations of candidates who so request printing in the main voter pamphlet.
 - c) Print all candidates' statements in the main voter pamphlet in English.
 - d) Have all translations made available upon request in the office of the City Clerk.

SECTION 3. PAYMENT

- A. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in (A) and/or (B) of Section 2 above, pursuant to Federal and/or State law.
- B. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.
- C. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidates' 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 underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. 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. **ADDITIONAL MATERIALS.** No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. 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 6. That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

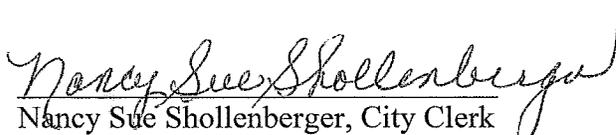
SECTION 7. That this Resolution shall apply only to the election to be held on April 12, 2016, and shall then be repealed.

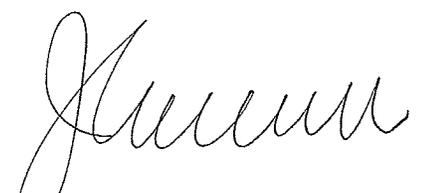
SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

RESOLUTION 15-81 PASSED, APPROVED AND ADOPTED ON
DECEMBER 8, 2015, by the following vote:

AYES: **Mayor, John Capoccia, Mayor Pro Tem, Gene Goss, Council Members
Rachelle Arizmendi, Denise Delmar and John Harabedian**
NOES: **None**
ABSTAIN: **None**
ABSENT: **None**

ATTEST:


Nancy Sue Shollenberger, City Clerk
City of Sierra Madre


John Capoccia, Mayor
City of Sierra Madre

RESOLUTION NO. 15-80

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 12, 2016, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISION OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS AN ORDINANCE EXTENDING AND MODIFYING THE CITY'S UTILITY USERS' 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 April 12, 2016, for the election of two City Council seats, the office of City Clerk, and the office of City Treasurer; and

WHEREAS, the City Council also desires to submit to the voters at the General Municipal Election, a question relating to the extension and modification of the Utility User's Tax.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIERRA MADRE, 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 Sierra Madre, California, on Tuesday, April 12, 2016, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years, one City Clerk for the full term of four years, and one City Treasurer for the full term of four years; and

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

UTILITY USER'S TAX MEASURE	
To maintain City services, such as Public Safety, Paramedic and Library services, shall an Ordinance be adopted to:	YES
1. Increase the City's Utility User Tax to a maximum of 10% for all utilities, to be effective on July 1, 2016; and	
2. Extend and stabilize the funding by eliminating the "sunset" clause; and	
3. Provide an exemption from the UUT for very low income households?	
	NO

SECTION 3. That the proposed complete text of the Ordinance submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. 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 6. That the polls for the election shall be open at seven o'clock a.m. of 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 Election Code Section 10242, except as provided in Section 14401 of the Election Code of the State of California.

SECTION 7. That pursuant to Election Code Section 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100.00 for each Inspector and \$75.00 for each Clerk for the election. The rental for each polling place, where a charge is made, shall be the sum of \$25.00 for the election.

SECTION 8. 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 9. 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.

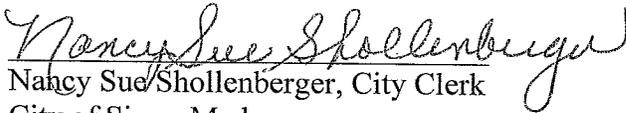
SECTION 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

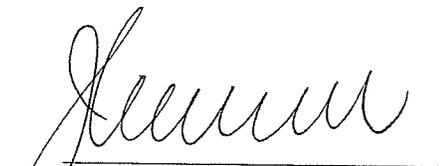
SECTION 11. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses in the amount of \$7,500 shall be paid by the City upon presentation of a properly submitted bill.

RESOLUTION 15-80 PASSED, APPROVED AND ADOPTED ON
DECEMBER 8, 2015, by the following vote:

AYES: **Mayor, John Capoccia, Mayor Pro Tem, Gene Goss, Council Members, Rachelle Arizmendi, Denise Delmar and John Harabedian**
NOES: **None**
ABSTAIN: **None**
ABSENT: **None**

ATTEST:


Nancy Sue Shollenberger, City Clerk
City of Sierra Madre


John Capoccia, Mayor
City of Sierra Madre

APPROVED AS TO FORM:

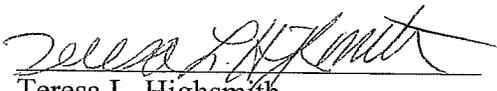

Teresa L. Highsmith
City Attorney

EXHIBIT A

ORDINANCE NO. 1369

AN ORDINANCE OF THE CITY OF SIERRA MADRE, CALIFORNIA, AMENDING SECTION 3.36.180 ("UTILITY USERS TAX RATE") OF CHAPTER 3.36 OF THE SIERRA MADRE MUNICIPAL CODE REGARDING THE UTILITY USERS' TAX TO INCREASE AND EXTEND THE RATE STRUCTURE TO PRESERVE AND FUND IMPORTANT CITY SERVICES AND REPEALING SECTION 3.36.230 ("OVERSIGHT COMMITTEE").

WHEREAS, the City of Sierra Madre has collected a Utility Users Tax (UUT) since 1993; and

WHEREAS, in 2008, the voters approved a maximum rate of 12%, reducing to 10% on July 1, 2014, to 8% on July 1, 2015 and to 6% on July 1, 2016;

WHEREAS, the City Council determined in 2010 to collect only 10% UUT until the scheduled reduction to 8% occurred on July 1, 2014; and

WHEREAS, the only major sources of general fund revenues, which pay for police, fire and paramedics, library, and community services are property taxes and the UUT; and

WHEREAS, between fiscal year 2011/12 and 2014/15, more than \$1.5 million in general fund reductions have occurred resulting in corresponding service level reductions and alternative service delivery; and

WHEREAS, each 1% of UUT revenues collected equals approximately \$250,000 of the City's general fund budget and the reduction in the UUT from 10% to 8% represents a loss of approximately \$500,000 annually, resulting in a projected deficit of \$529,000 in fiscal year 2015/16; and

EXHIBIT A

1 **WHEREAS**, a reduction in UUT to 6% on July 1, 2016 will result in a total
2 reduction of revenues of approximately \$900,000 for fiscal year 2016/17, resulting in a
3 projected permanent deficit of \$994,000 annually, as measured against the fiscal year
4 2014/15 budget; and

5 **WHEREAS**, since May 2014, the City has convened several budget meetings,
6 community input meetings and town hall study sessions and created a citizen based
7 Revenue Committee to review the current and continuing loss of revenues and impact
8 on essential City services and evaluate options and alternatives; and

9 **WHEREAS**, the Revenue Committee has recommended that the City consider a
10 permanent maximum 12% UUT to help stabilize the general fund revenues which pay
11 for essential City services, including police, fire and paramedic services, street
12 maintenance, library services and community services; and

13 **WHEREAS**, essential safety services within the City are understaffed, the City's
14 revenue has not kept pace with its expenses, so that police, fire, paramedics and other
15 employees are paid substantially below their counterparts in comparable jurisdictions,
16 and infrastructure is deteriorating without the funds to make necessary improvements
17 and repairs; and

18 **WHEREAS**, the UUT Oversight Committee, which was formed in 2008 to review
19 whether the increased UUT revenue was spent on police, fire and paramedic services,
20 has found that the costs of police, fire and paramedic services exceed the amount of
21 increased revenue collected by UUT at 10% or less, thereby showing that the City does
22 use the UUT to fund public safety services; and

23 **WHEREAS**, after much consideration, the City Council reached consensus to
24

EXHIBIT A

1 support a 10% UUT without a sunset clause as it continues to work on ways to increase
2 the financial stability of the general fund; and

3 **WHEREAS**, although some amount of the revenue generated by even a 10%
4 UUT is likely to be lost over time due to market erosion, changing technology and other
5 factors, setting the UUT at 10% will substantially help stabilize the current budget and
6 current level of essential services; and

7
8 **WHEREAS**, given that the UUT collected will continue to be less than the cost of
9 City police, fire and paramedic services, review by an Oversight Committee to determine
10 that the City has directed UUT revenue to pay for public safety services is an
11 unnecessarily use of valuable citizen volunteer time which can be put to better use in the
12 City; and

13
14 **WHEREAS**, the City desires to continue the existing exemption for low income
15 citizens and preserve all other provisions of the UUT Ordinance set forth in Chapter
16 3.36, unless otherwise amended herein.

17 NOW, THEREFORE, the People of the City of Sierra Madre do ordain, as
18 follows:

19 **Section 1 Section 3.36.180 ("Utility users tax rate") is amended to read as**

20 **follows:**

21
22 **"3.36.180 Utility users tax rate.**

23 Effective July 1, 2016, the taxes imposed by this Chapter shall be at the rate of
24 ten (10) percent, unless a lesser rate is established by the city council on or before
25 August 1st of any year."

26 **Section 2. Section 3.36.200 ("Exemptions"). Subsection A is amended to**

EXHIBIT A

read as follows:

3.36.200 Exemptions.

A. Nothing in this Chapter shall be construed as imposing a tax upon:

(1) Any Person or service if imposition of such tax upon that Person or service would be in violation of a federal or California statute, the Constitution of the United States or the Constitution of the State of California;

(2) The City;

(3) Any individual who uses any utility subject to tax under this Ordinance in or upon any premises occupied by a household of which that individual is a member and that qualifies as "very low income" as defined by the U.S. Department of Housing and Urban Development's annual survey of income limits for the Public Housing and Section 8 Programs.

Section 3. Section 3.36.230 ("Oversight Committee") is repealed.

Section 4. **Majority Approval.** This Ordinance shall be effective only if approved by a majority of the voters voting thereon (50% + 1) and shall go into effect ten (10) days after the vote is declared by the City Council.

Section 5. **Severability.** If any section, 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 sections, sentences, clauses, phrases, or portions of this Ordinance shall nonetheless remain in full force and effect. The people of the

EXHIBIT A

1 City of Sierra Madre hereby declare that they would have adopted each section,
2 sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any
3 one or more sections, sentences, clauses, phrases, or portions of this Chapter be
4 declared invalid or unenforceable and, to that end, the provisions of this Ordinance are
5 severable.

6
7
8 **Section 6. Execution.** The Mayor is hereby authorized to attest to the
9 adoption of this Ordinance by signing where indicated below.