



Office of the City Manager

ACTION CALENDAR  
October 23, 2007

To: PK Honorable Mayor and Members of the City Council

From: PK Phil Kamlarz, City Manager

Submitted by: Pamyla Means, City Clerk

Subject: Discussion Regarding Potential Ballot Measures for the November 4, 2008  
General Municipal Election

RECOMMENDATION

Begin discussion and provide general direction regarding the preparation of City initiated ballot measures to be submitted to the voters at the November 4, 2008 General Municipal Election.

FISCAL IMPACTS OF RECOMMENDATION

Funds in the amount of \$365,415 are traditionally budgeted within the City Clerk Department budget for the conduct of the general municipal elections (Budget Code 010-2101-410).

CURRENT SITUATION AND ITS EFFECTS

The next General Municipal Election for the City of Berkeley is scheduled for November 4, 2008. The following offices will be voted on:

Mayor

Council Districts 2, 3, 5 and 6

Rent Board (4 seats)

School Board (2 seats)

In order to provide Council an ongoing opportunity to discuss and provide direction regarding election related issues, and maintain the necessary election timelines for the November 4, 2008 General Municipal Election, staff will include a standing agenda item on each regular Council meeting agenda as necessary.

Staff requests that Council begin discussions regarding ballot measures and provide direction on those measures that at this time are to be submitted, as well as general discussion on potential measures for future Council consideration. Council initiated measures typically require a significant amount of staff preparation and review time. Once measures have been determined, the City Attorney is directed to prepare the measure text, title and summary, which is then reviewed and approved by the Council. Attached is the timeline established to accommodate necessary actions.

(1) To date, we know that the following question will be submitted to the voters:

Ordinance 6,958-N.S. Landmarks Preservation Referendum Petition

A referendum petition was filed on January 11, 2007 and qualified as sufficient on January 24, 2007. On February 13, 2007 Council voted to submit the measure to the voters at an election date to be determined.

Council is asked to provide direction to staff to begin preparations to submit this question to the voters at the November 4, 2008 General Municipal Election.

(2) Another likely measure is as follows:

Resubmission of Measure R from 2004 - PATIENT'S ACCESS TO MEDICAL CANNABIS ACT OF 2004

This measure may be resubmitted to the voters in 2008 pending the final ruling of the Alameda County Superior Court (Americans for Safe Access v. County of Alameda).

Additional information will be submitted pending the issuance of the court determination.

(3) Other potential measures previously identified include:

Watershed Management Plan (Clean Storm Water) Special Tax\*

Public Safety Special Tax\*

Warm Water Pool Bond\*

Community Choice Aggregation Advisory Measure

Charter amendment regarding redistricting timelines

Proposal to extend the deadline for completion of the decennial redistricting adjustments. Based upon the 2002 redistricting, it was determined that there is insufficient time allowed between the issuance of final census statistics and the deadline for completing the district line adjustments.

\*Special Tax requirements: A "general tax" is any tax imposed for general governmental purposes. A "special tax" is any tax imposed for specific purposes including taxes imposed for specific purposes and placed into a general fund. In either case, the voters must approve the "tax". A general tax requires a majority of the votes cast by the voters; a special tax requires a 2/3 affirmative vote of the votes cast. The Watershed Management Plan, Public Safety, and Warm Water Pool initiatives would each be considered a special tax and therefore subject to 2/3 voter approval. If Council desires to submit a tax measure to the voters at other than the November 2008 General Municipal election, the Charter requires a determination by vote of two-thirds of the Council, that an urgent necessity exists.

Council discussion and direction regarding staff analysis and comments on potential tax/bond initiatives is scheduled for November 6, 2007.

It is anticipated that any measures directed by Council to be submitted to the voters will be included on the November 4, 2008 General Municipal Election ballot. For information, a statewide Primary Election is scheduled for June 3, 2008. Council may submit measures to the voters of the City of Berkeley at this statewide election if a determination can be made that an urgent need exists for holding an election on a day other than the regular municipal general election day. This finding must be adopted by a two-thirds vote of the Council (City Charter Article III, Section 4(c)).

#### BACKGROUND

In addition to the deadlines contained in the State Elections Code, the City of Berkeley has several internal deadlines and requirements that must be met in order to place a measure on the ballot.

The preparation of ballot materials requires a great deal of communication between staff and council as well as many hours of staff time to prepare and revise these materials. The attached timelines will enable the city to prepare ballot measure materials with careful consideration and integrity in a timeframe that adheres to agenda deadlines and allows for the best possible outcome.

The City Attorney advises that in order to provide adequate public notice of any measures being considered, Council should submit Council reports making proposals to be discussed at these meetings. Likewise, staff will submit reports for Council approval of ballot text, title and analysis.

#### CONTACT PERSON

Pamyla Means, City Clerk, 981-6909

#### Attachments:

1: November 4, 2008 Calendar

CITY OF BERKELEY

**CITY CLERK DEPARTMENT  
GENERAL ELECTION CALENDAR - PUBLIC  
November 4, 2008**

Offices to be Elected

Mayor  
Council Districts 2, 3, 5, 6  
Rent Board (4 seats)  
School Board (2 seats)

<u>DAYS PRIOR TO ELECTION</u>	<u>DATE</u>	<u>ACTION TAKEN</u>
210	April 8, 2008	Review Election Policies & Notify Council / Staff of Timelines for Measures
180	May 8, 2008	Suggested Last Day to file petitions regarding measure. Qualified petitions received after this date will be accepted, but may not be on the November ballot. EC 9265, 9266, 9114
158 103	May 30, 2008 July 24, 2008	Signature In-Lieu of Filing Fee - Candidate may collect signatures during this period to offset the \$150 filing fee. Valid signatures are worth \$1 each. Charter Art. III, Sec. 6.5
	June 10, 2008	Council to adopt resolution specifying election policies/procedures for candidate elections.
	June 24, 2008	Council to adopt resolutions calling election and requesting consolidation. EC 10002, 13113
	July 8, 2008	Last Day for council to adopt regulations for candidate statements. EC 13307, Charter Art. III, Sec. 6.5
	<b>July 8, 2008</b>	Council Meeting date to adopt resolution calling election for ballot measure. Staff to present Impact Report on initiative measures. Council to comment on City Attorney analyses and financial implications. Ballot text, title, and summary to be in final format.
113 88	July 14, 2008 August 8, 2008	<b>FILING PERIOD - CANDIDATE NOMINATION PAPERS</b> EC 10220 et seq., Charter Art. III, Sec. 6.5
	July 31, 2008	Last day to file Semi-Annual Campaign Statements. GC 84200

87	August 9, 2008	Extended candidate filing period. Candidate filing is extended if an incumbent eligible for re-election does not file nomination documents prior to 5:00 p.m. on August 8, 2008. Incumbents are not eligible to file during the extended period. EC 10225
85	August 11, 2008	Last day to withdraw (but not change) candidate statement for offices whose filing closed on E-88. EC 13307
83	August 13, 2008	Last day for city to amend or withdraw measure. EC §9605
82	August 14, 2008	Last day to withdraw (but not change) candidate statement if nomination period extended to E-83. EC 13307
81	August 15, 2008	Last day to file direct arguments on city ballot measures. EC 9280-9287
75	August 21, 2008	City may cancel election if there are insufficient candidates for all offices and no ballot measures. EC 10229
71	August 25, 2008	Last day to file rebuttal arguments and Impartial Analysis. EC 9280-9287
70 60	August 26, 2008 September 5, 2008	Public review period for all ballot materials, including ballot measure arguments and impartial analysis, candidate statements, Code of Fair Campaign Practices, and nomination petitions submitted as of the 88th day prior to the election. (Nomination petitions may be viewed only, not copied) EC 9295, 9286, 13311
57 14	September 8, 2008 October 21, 2008	Filing Period for Write in Candidates. EC 8601
40	September 25, 2008	First Pre-Election Campaign Statement due. GC §84200.8
40 21	September 25, 2008 October 14, 2008	Voter Information & Sample Ballot Pamphlet mailing period. EC §13303-04, 13306
29 7	October 6, 2008 October 28, 2008	Absentee Ballot may be obtained by mail between these dates. After Oct. 28 absentee ballots may be obtained at the office of the Registrar. EC §3001
15	October 20, 2008	Last Day to Register to Vote. EC §§2102, 2107
12	October 23, 2008	Second Pre-Election Campaign Statement due. GC §84200.8

7	October 28, 2008	City Clerk must publish list of campaign contributions of \$50 or more in newspaper of general circulation. BMC Section 2.12.065
Election Day	November 4, 2008	Election Day EC §1000
28	December 2, 2008	Last day for County to certify election results to city. EC §15372
35	December 9, 2008	Council to certify results. EC §10262, Charter Art. III, Sec. 10
	January 31, 2009	Semi-Annual Campaign Statement due. GC 84200

Updated 8/14/07