



AGENDA REPORT

Meeting Date: July 8, 2008
Item Number: E-2
To: Honorable Mayor & City Council
From: Byron Pope, City Clerk
Subject: A. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS REPEALING RESOLUTION NO. 08-R-12601

-OR-

B-1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON NOVEMBER 4, 2008, AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE

B-2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

B-3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE

-OR-

C-1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON *[INSERT DATE]*

C-2. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL ELECTION

C-3. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

C-4. RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE

- Attachments:**
1. Resolution – (A)
 2. Resolutions – (B-1 thru B-3)
 3. Resolutions – (C-1 thru C-4)
-

RECOMMENDATION

The City Council should consider whether to repeal Resolution No. 08-R-12601, whether to place that resolution on the ballot at the upcoming Statewide General Election on November 4, 2008, whether to call a Special Election at least 88 days after July 8, 2008, or whether to place the resolution on the ballot at the March 2009 General Municipal Election.

INTRODUCTION

A Referendum Petition was filed with the City on May 29, 2008 relating to Resolution No. 08-R-12601. This Resolution, adopted on April 29, 2008, amended the General Plan to enable the revitalization of the Beverly Hilton Hotel site with a new luxury hotel, condominiums and open space.

DISCUSSION

The City Clerk has examined the Referendum Petition and has presented a certificate of sufficiency to the City Council. State Election Code Section 9241 allows one of the following courses of action to be taken by the City Council:

1. Entirely repeal the resolution against which the petition is filed (the resolution may not again be enacted by the City Council for a period of one year after the date of its repeal);
2. Submit the matter to the voters, either (1) requesting consolidation with the November 4, 2008 General Election, (2) setting a special election called for that purpose (a special election must be at least 88 days after the City Council decision to set the election) or (3) consolidating the election with the next regular municipal election (March 3, 2009).

Should the City Council wish to call a Special Election that is not consolidated with the November 4 statewide election, consideration should be given to an election date after November 4, 2008 and prior to February 9, 2009 – when the absentee ballot period for the March 3, 2009 election is tentatively scheduled to commence. Should the City Council wish to call the election for the next regular municipal election on March 3, 2009, staff will prepare the resolutions for consideration on July 15, 2008 at your next Regular Formal City Council Meeting.

Staff has prepared three alternate sets of resolutions for the City Council's consideration. The first would repeal Resolution No. 08-R-12601. The second would call a special election and place the measure on the November 4, 2008 General Election ballot. (At present, the November 4, 2008 General Election will include voting for the President of the United States, Assembly/Congressional/Senate seats and eleven (11) qualified State measures.) The third would call a special election and set a date other than November 4, 2008. If the Council chooses this option, then staff requests that the Council designate the date on which the Council wishes to hold the election. Finally, as noted above, if the Council wishes to consolidate the election with the March, 2009 City Council election, then staff will return with appropriate resolutions on July 15, 2008.

If the City Council decides to hold an election regarding Resolution 08-R-12601, then the City Council must also make three further choices. First, the City Council must set priorities for filing a written argument regarding a City measure. If the City Council chooses to do so, the City Council may give priority to City Council members who wish to file a ballot argument. A draft resolution giving such priorities to council members has been provided to the City Council. Second, the City Council may provide for the filing of rebuttal arguments. By state law, a sample ballot for this measure will include an argument in favor and an argument against the measure (assuming that someone submits an argument for each viewpoint). However, rebuttal arguments are optional at the discretion of the City. A draft resolution allowing rebuttal arguments has been provided for City Council consideration. Absent adoption of the resolution, no rebuttal arguments will be permitted. Third, the City Council may direct the City Attorney to prepare an impartial analysis of the measure. As with rebuttal arguments, this is not required. Absent direction of the City Council no impartial analysis will be included in the sample ballot. A draft resolution directing the City Attorney to prepare an impartial analysis has been provided for City Council consideration.

Should the City Council desire to repeal Resolution No. 08-R-12601, staff recommends adoption of the appropriate resolution (E-2A). Should the City Council desire to request consolidation with Los Angeles County and place the resolution on the ballot at the November 4, 2008 General Election, staff recommends adoption of the resolutions listed under Agenda Item E-2B. Should the City Council desire to call a Special Election, staff recommends that the City Council designate an election date and adopt the resolutions listed under Agenda Item E-2C. Should the City Council desire to call the election for the next regular municipal election on March 3, 2009, staff will prepare the resolutions for consideration and calendar this item for the July 15, 2008 Formal City Council Meeting.

FISCAL IMPACT

Cost estimates to consolidate with Los Angeles County and include one measure on the November 4, 2008 General Election is estimated to be \$55,000. Costs to conduct a standalone special election are estimated to be \$120,000. The estimated cost of setting this for the March 3, 2009 General Municipal Election will increase the cost budgeted from \$114,050 to \$140,000, an additional \$25,950. These costs have not been budgeted in the City Clerk's Office operating budget for FY 08-09.

Byron Pope, CMC
Approved By



Attachment 1

Resolution – (A)

RESOLUTION NO. _____

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY
HILLS REPEALING RESOLUTION NO. 08-R-12601

The Council of the City of Beverly Hills does resolve as follows:

Section 1. Resolution No. 08-R-12601 was subject to a referendum petition filed with the City on May 29, 2008. The City Clerk presented a certificate of sufficiency to the City Council on July 8, 2008. The City Council desires to repeal the resolution subject to the referendum.

Section 2. The City Council hereby repeals Resolution No. 08-R-12601.

Section 3. The City Clerk shall certify to the adoption of this Resolution and shall cause this Resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

CITY OF BEVERLY HILLS
A municipal corporation

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

Attachment 2

Resolutions – (B-1 thru B-3)

RESOLUTION NO 08-R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON NOVEMBER 4, 2008, AND REQUESTING THAT THE BOARD OF SUPERVISORS CONSENT TO THE CONSOLIDATION OF THIS ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE

WHEREAS, in response to a referendum petition, the City Council has decided to submit Beverly Hills City Council Resolution 08-R-12601 to a vote of the electorate; and

WHEREAS, the next regular municipal election is not scheduled until March 3, 2009; and

WHEREAS, the next election to be conducted within the City of Beverly Hills will be the federal and statewide general election of November 4, 2008.

NOW THEREFORE, the City Council of the City of Beverly Hills resolves that:

SECTION 1. CALLING SPECIAL MUNICIPAL ELECTION: Pursuant to California Elections Code Sections 9241 and 10201, the City Council hereby calls a special municipal election in and for the City of Beverly Hills to be held on Tuesday, November 4, 2008 for the purpose of submitting City Council Resolution No. 08-R-12601 to the voters of the City. The full text of the measure is Resolution No. 08-R-12601, which is on file in the office of the City Clerk. Pursuant to Elections Code Section 9223, a copy of Resolution No. 08-R-1206 shall be made available to any voter on request. The measure to be submitted to the voters on the ballot shall be as follows:

Shall Resolution No. 08-R-12601, entitled "RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE GENERAL PLAN TO ENABLE THE REVITALIZATION OF THE BEVERLY HILTON HOTEL SITE WITH A NEW LUXURY HOTEL, CONDOMINIUMS, AND OPEN SPACE," be adopted?	YES
	NO

SECTION 2. REQUESTING THE CONSOLIDATION OF ELECTIONS: Pursuant to Elections Code Sections 10400-10403, the City Council of the City of Beverly Hills hereby requests that the Board of Supervisors consent to the consolidation of the special municipal election described in Section 1 of this resolution with the statewide general election to be held on November 4, 2008. Within the City of Beverly Hills, the election precincts, hours of voting, polling places and voting booths shall in every case be the same and there shall be only one set of election officers in each of the precincts. The election shall be held in all respects as if there

were only one election and only one form of ballot shall be used, provided that no person not a qualified elector of the City of Beverly Hills shall be permitted to vote for the measure placed on the ballot by the City Council. The election precincts, polling places and officers of election within the City of Beverly Hills for the special municipal election called by this resolution shall be the same as those selected and designated by the County Registrar of Voters. The City Clerk is authorized to contract with the County for necessary election services and to reimburse the County for additional costs associated with this consolidation, upon presentation of a reasonably detailed invoice. The County Registrar is hereby authorized to canvass the votes in said election.

SECTION 3. NOTICE. The City Clerk is authorized and directed to give notice of the special municipal election as required by law. The City Clerk shall file a copy of this consolidation request with the County Elections Official and the Clerk of the Board of Supervisors forthwith.

SECTION 4. The City Clerk shall certify to the adoption of this Resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

ADOPTED this _____ day of July, 2008 , by the following vote:

CITY OF BEVERLY HILLS

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE
City Clerk

(SEAL)

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, an election is to be held in the City of Beverly Hills, California, at which there will be submitted to the voters the question of whether to adopt Resolution No. 08-R-12601;

NOW, THEREFORE, the Council of the City of Beverly Hills, does resolve as follows:

SECTION 1. The City Council authorizes any and all members of the City Council to file written argument In Favor or Against the City measure 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.

SECTION 2. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered into the Book of Resolutions of the Council of this City.

ADOPTED:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY
HILLS PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR A CITY MEASURE

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;

NOW, THEREFORE, the Council of the City of Beverly Hills resolves as follows:

SECTION 1. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against a City 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, or a majority of the authors, may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, others to submit a rebuttal argument. 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 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. All previous resolutions providing for the filing of the rebuttal arguments for city measures are repealed.

SECTION 3. The provisions of Section 1 shall apply only to the Election concerning Resolution No. 08-R-12601 and shall then be repealed.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

ADOPTED:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

Attachment 3

Resolutions – (C-1 thru C-4)

RESOLUTION NO 08-R-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF BEVERLY HILLS ON *[INSERT DATE]*

WHEREAS, in response to a referendum petition, the City Council has decided to submit Beverly Hills City Council Resolution 08-R-12601 to a vote of the electorate; and

WHEREAS, the next regular municipal election is not scheduled until March 3, 2009.

NOW THEREFORE, the City Council of the City of Beverly Hills resolves that:

SECTION 1. CALLING SPECIAL MUNICIPAL ELECTION: Pursuant to California Elections Code Sections 9241 and 10201, the City Council hereby calls a special municipal election in and for the City of Beverly Hills to be held on *[INSERT DATE]* for the purpose of submitting City Council Resolution No. 08-R-12601 to the voters of the City. The full text of the measure is Resolution No. 08-R-12601, which is on file in the office of the City Clerk. Pursuant to Elections Code Section 9223, a copy of Resolution No. 08-R-1206 shall be made available to any voter on request. The measure to be submitted to the voters on the ballot shall be as follows:

Shall Resolution No. 08-R-12601, entitled "RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS AMENDING THE GENERAL PLAN TO ENABLE THE REVITALIZATION OF THE BEVERLY HILTON HOTEL SITE WITH A NEW LUXURY HOTEL, CONDOMINIUMS, AND OPEN SPACE," be adopted?	YES
	NO

SECTION 2. BALLOTS. The ballots to be used at the election shall be in form and content as required by law.

SECTION 3. ELECTION LAWS. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. NOTICE. The City Clerk is authorized and directed to give notice of the special municipal election as required by law.

SECTION 5. CERTIFICATION. The City Clerk shall certify to the adoption of this Resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

ADOPTED this _____ day of July, 2008 , by the following vote:

CITY OF BEVERLY HILLS

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS
ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING
TO THE CONDUCT OF A SPECIAL ELECTION

WHEREAS, a Special Election is to be held in the City of Beverly Hills, California on [INSERT DATE]; 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 Beverly Hills;

NOW, THEREFORE, the Council of the City of Beverly Hills does resolve as follows:

Section 1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish to the City for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and will also furnish to the City printed indices of the voters to be used by the precinct board at the polling place; and will make available to the City additional election equipment and assistance according to state law.

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

Section 3. 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. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

Adopted:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

BYRON POPE (SEAL)
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS CONTENT:

RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, an election is to be held in the City of Beverly Hills, California, at which there will be submitted to the voters the question of whether to adopt Resolution No. 08-R-12601;

NOW, THEREFORE, the Council of the City of Beverly Hills, does resolve as follows:

SECTION 1. The City Council authorizes any and all members of the City Council to file written argument In Favor or Against the City measure 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.

SECTION 2. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered into the Book of Resolutions of the Council of this City.

ADOPTED:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

LAURENCE S. WIENER
City Attorney

RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY
HILLS PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS
FOR A CITY MEASURE

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;

NOW, THEREFORE, the Council of the City of Beverly Hills resolves as follows:

SECTION 1. Pursuant to Section 9285 of the Elections Code of the State of California, when the City Clerk has selected the arguments for and against a City 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, or a majority of the authors, may prepare and submit rebuttal arguments not exceeding 250 words or may authorize, in writing, others to submit a rebuttal argument. 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 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. All previous resolutions providing for the filing of the rebuttal arguments for city measures are repealed.

SECTION 3. The provisions of Section 1 shall apply only to the Election concerning Resolution No. 08-R-12601 and shall then be repealed.

SECTION 4. The City Clerk shall certify to the adoption of this resolution and shall cause this resolution and his certification to be entered in the Book of Resolutions of the Council of this City.

ADOPTED:

BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

RODERICK J. WOOD
City Manager