



OCEANSIDE CITY CLERK
REPORT

DATE: August 17, 2011
TO: Mayor and Councilmembers
FROM: Barbara Riegel Wayne, City Clerk

SUBJECT: Report certifying the sufficiency of the Referendum Petition protesting adoption of Ordinance 11-OR0427-1 implementing vacancy decontrol resulting in suspension of the effective date of the ordinance (EC 9237), and Council's required action to either repeal the ordinance or submit the ordinance to the voters either at the next regularly scheduled municipal election or at a special election.

BACKGROUND

At its May 4 meeting Council discussed and directed staff to draft an ordinance amending Chapter 16B (Manufactured Homes Fair Practices) to implement vacancy decontrol.

At its May 18 meeting Council introduced the ordinance.

At its May 25 meeting Council adopted Ordinance No. 11-OR0427-1, "...adding Section 16B16(e) to the Oceanside City Code for the purpose of implementing vacancy decontrol allowing space rents to increase to market value following the sale or conveyance of a manufactured home".

ANALYSIS

Per Elections Code Sec. 9235, there is a 30-day waiting period required before implementation of an ordinance to allow for a referendum, i.e. voters to protest an ordinance.

On May 26 citizens protesting the adoption of Ordinance No. 11-OR0427-1 began circulating a referendum petition.

The petition was filed within the 30 day timeframe required by Elections Code Sec.9242 on June 23 with the City Clerk's Office. The City Clerk's Office utilized the services of the San Diego County Registrar of Voters (ROV) to examine the signatures to verify the sufficiency.



On July 13 the ROV certified that the petition was sufficient [per the attached certification] and contained the required number of signatures (7,670) of registered voters in the City of Oceanside to require the City Council to either:

- repeal the ordinance, or
- hold an election in order for the voters to decide the issue. Per the Elections Code, the Ordinance may be presented to the voters at either the next regularly scheduled municipal election (November 6, 2012), or at a special election.

FISCAL IMPACT

The final ROV bill was received August 1st; the cost to check signatures certifying the petition is \$11,266. These funds will need to be transferred from the General Fund unallocated fund balance to the City Clerk Election program 120123101.5310.

Should Council opt for an election, the following are estimates received from the ROV [Cost estimates in our memo to Council in May were revised by the ROV July 27th] for different election dates:

<u>Cost estimate</u>	<u>Election date</u>
\$45,000 - \$56,000	November 6, 2012 general municipal election
\$82,000 - \$93,000	June 5, 2012 - Special (consolidated with the primary)
\$555,000 - \$575,000	Special stand-alone election

CITY ATTORNEY’S ANALYSIS

The referendum process is regulated through California Government Code sections 9235 through 9247. Section 9237 provides in relevant part, “[i]f a petition protesting the adoption of an ordinance, and circulated by a person who is a registered voter or who is qualified to be a registered voter of the city, is submitted to the elections official of the legislative body of the city in his or her office . . . within 30 days of the date the adopted ordinance is attested by the city clerk . . . and is signed by not less than 10 percent of the voters of the city . . ., the effective date of the ordinance shall be suspended and the legislative body shall reconsider the ordinance. Section 9241 states, “[I]f the legislative body does not entirely repeal the ordinance against which the petition is filed, the legislative body shall submit the ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the legislative body, or at a special election called for the purpose, not less than 88 days after the order of the legislative body. The ordinance shall not become effective until a majority of the voters voting on the ordinance vote in favor of it. If the legislative body repeals the ordinance or submits the ordinance to the voters, and a majority of the voters

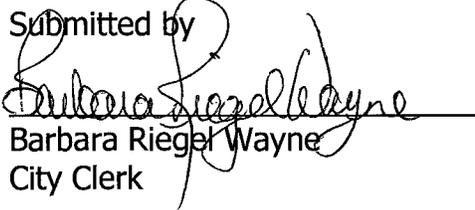
voting on the ordinance do not vote in favor of it, the ordinance shall not again be enacted by the legislative body for a period of one year after the date of its repeal by the legislative body or disapproval by the voters.” Should the council elect to place the ordinance before the voters, the election shall be held in accordance with Sections 9217 and 9225, inclusive. Those sections address the election process for initiatives.

RECOMMENDATION

With the certification that the referendum petition protesting Ordinance No. 11-0427-1 is sufficient, the City Council, per Elections Code Sec. 9241, must either:

- a) repeal Ordinance No. 11-OR0427-1 in its entirety, or
- b) hold Ordinance No. 11-OR0427-1 in abeyance and submit the ordinance to the voters at a regular or special election.

Submitted by



Barbara Rieger Wayne
City Clerk

Attach.



County of San Diego

REGISTRAR OF VOTERS

5201 Ruffin Road, Suite I, San Diego, California 92123-1693

DEBORAH SEILER
Registrar of Voters

MICHAEL VU
Assistant Registrar

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July 13, 2011

RECEIVED

JUL 18 2011

OCEANSIDE CITY CLERK

Barbara Riegel Wayne, City Clerk
City of Oceanside
300 N Coast Hwy
Oceanside, CA 92054-2859

Re: Mobile Home Park Vacancy Decontrol Ordinance 11-OR0427-1

The "REFERENDUM AGAINST AN ORDINANCE PASSED BY THE CITY COUNCIL" was filed with the Registrar of Voters on June 24, 2011. As directed by your office, we have completed the verification of up to 7,670 valid signatures from the total of 15,484 signatures submitted. Results of the verification process are as follows:

- Date petition was received in our office June 24, 2011
- Number of sections submitted 3,048
- Number of signatures submitted 15,484
- Number of signatures verified 9,580
- Number of signatures found NOT sufficient 1,910
(includes 55 duplicates)
- Number of signatures found sufficient 7,670

If you have questions, please contact me at (858) 694-3401.

DEBORAH SEILER
Registrar of Voters

