



\_\_\_\_OCEANSIDE CITY CLERK\_\_\_\_  
REPORT

DATE: January 4, 2012

TO: Mayor and Councilmembers

FROM: Barbara Riegel Wayne, City Clerk

SUBJECT: **Adoption of four resolutions relating to the Special Municipal Election to be held on Tuesday, June 5, 2012, for the submission of an ordinance to the qualified voters relating to manufactured homes vacancy decontrol, and a budget appropriation in the amount of \$93,000 to the City Clerk Department Election budget to cover the costs of the Special Election**

**SYNOPSIS**

In accordance with the requirements of the California Elections Code, it is recommended that the City Council approve four resolutions to hold the Special Municipal Election on Tuesday, June 5, 2012 for the submission of an ordinance to the qualified voters relating to manufactured homes vacancy decontrol. Additionally, a budget appropriation in the amount of \$93,000 is required to cover the costs of the Special Election.

**BACKGROUND**

At its meeting on May 25, 2011, 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." (Ordinance was introduced on May 18, 2011)

In accordance with the California State Elections Code, commencing with Section 9235, citizens did circulate a referendum petition in opposition to the ordinance and submitted the petition to the City Clerk on June 23, 2011.

At the August 17, 2011, City Council meeting, the City Clerk presented the certification of sufficiency, reporting that the number of signatures collected met/exceeded the required 10 percent of registered Oceanside voters. In accordance with Elections Code Section 9241, if the City Council does not entirely repeal the ordinance against which

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the petition is filed, they must submit the ordinance to the voters, either at the next regular municipal election or at a special election. The Council did not repeal the ordinance and, by a majority vote, called for a Special Election to be held on Tuesday, June 5, 2012, for the purpose of submitting the ordinance to the voters.

### **ANALYSIS**

With the certification of the petition as to sufficiency and with the Council's August 17 action to call for a Special Municipal Election, the next step in the election process is for the City Council to adopt a resolution calling for the election. Additionally, the California Elections Code requires that the City Council adopt a resolution if they desire the Board of Supervisors of San Diego County to consolidate the election. In this case the consolidation would be with the State Primary Election scheduled for June 5, 2012. The third resolution would be to assign a Councilmember(s) to provide a written argument in favor of or against the ballot measure and direct the City Attorney to prepare an impartial analysis. Finally, Council needs to adopt a resolution regarding the filing of rebuttal arguments.

### **FISCAL IMPACT**

At this time, the estimated cost received from the Registrar of Voters for this special election is \$82,000 - \$93,000. Based on past experiences and to cover City Clerk administrative duties, we believe the higher estimate will be the most accurate. Therefore funds in the amount of \$93,000 would need to be appropriated to the City Clerk Elections program account 120123101.5310 to cover the costs of the Special Election.

Currently there are no funds available in the General Fund Unassigned Fund Balance. The City Council therefore needs to provide direction regarding which reserves to utilize to fund the election, i.e. Infrastructure/Capital Projects Reserves, Economic Stabilization Reserves, or Healthy City Reserves.

### **CITY ATTORNEY ANALYSIS**

The referenced documents have been reviewed by the City Attorney and approved as to form.

### **RECOMMENDATION**

In order to implement Council's decision to hold a Special Municipal Election on June 5, 2012, it is recommended that the City Council take action at this meeting on the following resolutions/appropriation required for the special election:

- 1) adoption of a Resolution calling and giving notice of the holding of a Special Municipal Election on Tuesday, June 5, 2012, for the submission of an ordinance to the qualified voters relating to manufactured homes vacancy decontrol;

- 2) adoption of a resolution requesting the Board of Supervisors of the County of San Diego to consolidate the Special Municipal Election with the State Primary Election to be held on Tuesday, June 5, 2012, pursuant to Section 10403 of the Elections Code;
- 3) adoption of a resolution providing for the filing of written arguments regarding a City measure and directing the City Attorney to prepare an impartial analysis;
- 4) adoption of a resolution providing for the filing of rebuttal arguments for measures submitted at Municipal Elections; and
- 5) approval of a budget appropriation in the amount of \$93,000 to the City Clerk Department Election program account, with City Council direction on whether to utilize Infrastructure/Capital Projects Reserves, Economic Stabilization Reserves, or Healthy City Reserves.

Submitted by

  
Barbara Riegel Wayne  
City Clerk

Attachments: Resolutions (4)

  
Teri Ferro  
Financial Services Director

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE, CALIFORNIA, CALLING AND GIVING NOTICE  
4 OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON  
TUESDAY, JUNE 5, 2012 FOR THE SUBMISSION OF AN  
ORDINANCE TO THE QUALIFIED VOTERS

5 WHEREAS, the City Council of the City of Oceanside on May 25, 2011, adopted  
6 Ordinance No. 11-OR0427-1, providing for an amendment to Chapter 16B (Manufactured  
7 Homes Fair Practices) to implement vacancy decontrol and allow space rents to increase to market  
8 value following the sale or conveyance of a manufactured home; and

9 WHEREAS, the ordinance was published as required by law; and

10 WHEREAS, pursuant to the authority provided by Division 9, Chapter 3, Article 2  
11 (commencing at Section 9235) of the Election Code of the State of California, a petition has been  
12 filed with the City Clerk of the City of Oceanside signed by more than 10% of the registered  
13 voters of the city to repeal the ordinance or submit it to a vote of the voters; and

14 WHEREAS, the City Clerk utilized the services of the San Diego County Registrar of  
15 Voters to examine the signatures to verify the sufficiency, and the Registrar of Voters has  
16 ascertained that the petition is signed by the requisite number of voters and has so certified; and

17 WHEREAS, the City Council at their meeting of August 17, 2011, did not vote in favor of  
18 the repeal of the ordinance; and

19 WHEREAS, the City Council is authorized and directed by statute to submit the proposed  
20 ordinance to the voters.

21 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as  
22 follows:

23 SECTION 1. That pursuant to the requirements of the laws of the State of California  
24 relating to cities, there is called and ordered to be held in the City of Oceanside, California, on  
25 Tuesday, June 5, 2012, a Special Municipal Election for the purpose of submitting the  
26 following ordinance:

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Shall Ordinance No. 11-OR0427-1, adding Section 16B16(e) to the Oceanside City Code for the purpose of implementing vacancy	YES
decontrol allowing space rents to increase to market value following the sale or conveyance of a manufactured home, be adopted?	NO

SECTION 2. That the text of the ordinance submitted to the voters is attached as Exhibit

A.

SECTION 3. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 4. That the San Diego County Registrar of Voters 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 5. 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 eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 6. 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 7. 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.

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1 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
2 this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

3 AYES:

4 NAYS:

5 ABSENT:

6 ABSTAIN:

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MAYOR OF THE CITY OF OCEANSIDE

10 APPROVED AS TO FORM:

ATTEST:

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CITY ATTORNEY

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CITY CLERK

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Resolution – Calling for Special Election – June 2012

ORDINANCE NO. 11-OR0427-1

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE ADDING SECTION 16B.16(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

WHEREAS, on May 4, 2011, the City Council of the City of Oceanside conducted a duly noticed council meeting to discuss potential revisions to Chapter 16B of the Oceanside City Code for the purpose of implementing vacancy decontrol; and

WHEREAS, following extensive public testimony, the City Council directed the City Attorney to draft a vacancy decontrol ordinance and return to the City Council on May 18, 2011 to introduce said amendment;

NOW, THEREFORE, the City Council of the City of Oceanside does ordain as follows:

SECTION 1. Chapter 16B.16(e) is hereby added to the Oceanside City Code as follows:

(e) Vacancy Decontrol. Notwithstanding the limitations on rent increases otherwise set forth in this chapter, upon a change in the ownership of a manufactured home that is on a space, the rent for the space may be increased without limit and the space shall thereafter not be subject to this chapter. This section shall not be applicable to a change in ownership of a manufactured home caused by any of the following: (1) a sale or conveyance following a divorce where the purchasing spouse was a lawful tenant at the time of the sale or conveyance; (2) a sale or conveyance to a spouse or child following the death of the owner of the manufactured home if the spouse or child was a lawful tenant at the time of the death of the owner; (3) a conveyance of an interest in the manufactured home to provide security for a loan provided there is no change in tenancy in the manufactured home; (4) a sale or conveyance associated with the replacement of a manufactured home provided there is no change in tenancy in the manufactured home.

SECTION 2. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in the North County Times, a newspaper of general circulation published

1 in the City of Oceanside.

2 SECTION 3. This ordinance shall take effect and be in force on the thirtieth (30<sup>th</sup>) day  
3 from and after its final passage.

4 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,  
5 California, held on the 18th day of May, 2011, and, thereafter,

6 PASSED AND ADOPTED at a regular meeting of the City Council of the City of  
7 Oceanside, California, held on the 25th day of May \_\_\_\_\_, 2011, by the following vote:

8 AYES: FELIEN, FELLER, KERN

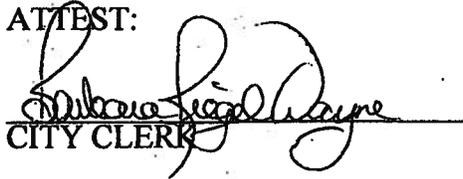
9 NAYS: WOOD, SANCHEZ

10 ABSENT: NONE

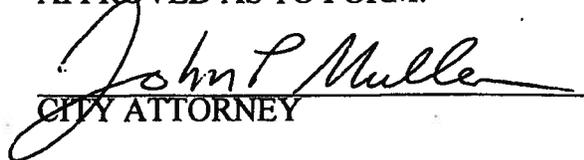
11 ABSTAIN: NONE

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13 DEPUTY MAYOR OF THE CITY OF OCEANSIDE

14 ATTEST:

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16 CITY CLERK

APPROVED AS TO FORM:

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18 CITY ATTORNEY

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE, CALIFORNIA, REQUESTING THE BOARD OF  
4 SUPERVISORS OF THE COUNTY OF SAN DIEGO TO  
5 CONSOLIDATE THE SPECIAL ELECTION WITH THE STATE  
6 PRIMARY ELECTION TO BE HELD ON TUESDAY, JUNE 5,  
7 2012, PURSUANT TO SECTION 10403 OF THE ELECTIONS  
8 CODE

9 WHEREAS, the City Council of the City of Oceanside has called a Special Election to be  
10 held in the City of Oceanside, California, on Tuesday, June 5, 2012, for the purpose of submitting  
11 an ordinance to the voters; and

12 WHEREAS, it is desirable that the Special Election be consolidated with State Primary  
13 Election to be held on the same date; that the City precincts, polling places and election officers of  
14 the two elections be the same; that the Registrar of Voters canvass the returns of the Special  
15 Municipal Election; and that the election be held in all respects as if there were only one election.

16 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as  
17 follows:

18 SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of  
19 the State of California, the Board of Supervisors of San Diego County is hereby requested to  
20 consent and agree to the consolidation of the Special Municipal Election with the State Primary  
21 Election on Tuesday, June 5, 2012, for the purpose of submitting an ordinance to the voters.

22 SECTION 2. That the election shall be held in all respects as if there were only one  
23 election and only one form of ballot shall be used, and that the Registrar of Voters is authorized to  
24 canvass the returns of the Special Municipal Election at the proper time.

25 SECTION 3. That the Board of Supervisors is requested to issue instructions to the  
26 Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

27 SECTION 4. That the City of Oceanside recognizes that additional costs will be incurred  
28 by the County by reason of this consolidation and agrees to reimburse the County for its  
reasonable share of these costs.

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SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of San Diego County.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

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MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

ATTEST:

  
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CITY ATTORNEY

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CITY CLERK

Resolution – Consolidating the Election – June 2012

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE, CALIFORNIA, PROVIDING FOR THE FILING OF  
4 WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND  
DIRECTING THE CITY ATTORNEY TO PREPARE AN  
IMPARTIAL ANALYSIS

5 WHEREAS, a Special Municipal Election is to be held in the City of Oceanside,  
6 California, on Tuesday, June 5, 2012, at which there will be submitted to the voters the following  
7 measure:

Shall Ordinance No. 11-OR0427-1, adding Section 16B16(e) to the Oceanside City Code for the purpose of implementing vacancy	YES
decontrol allowing space rents to increase to market value following the sale or conveyance of a manufactured home, be adopted?	NO

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14 WHEREAS, the City Council desires to have an impartial analysis prepared showing the  
15 effect of the measure on existing law; and

16 WHEREAS, the City Council wishes to authorize a member(s) of the City Council to file a  
17 written argument in favor of or against the City measure.

18 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows::

19 SECTION 1. That the City Council authorizes

- 20 \_\_\_\_\_ (Councilmember in Favor of/Against)
- 21 \_\_\_\_\_ (Councilmember in Favor of/Against)
- 22 \_\_\_\_\_ (Councilmember in Favor of/Against)
- 23 \_\_\_\_\_ (Councilmember in Favor of/Against)

24 members of that body, to file a written argument regarding the City measure as specified above,  
25 accompanied by the printed name(s) and signatures(s) of the persons(s) submitting it in  
26 accordance with Article 4, Chapter 3, Division 9, Section 9282 of the Elections Code of the  
27 State of California. The written argument shall not exceed 300 words. The author(s) shall file  
28 the argument with the City Clerk by the date and time set by the City Clerk for primary

1 arguments.

2 SECTION 2. That the City Council directs the City Clerk to transmit a copy of the  
3 measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the  
4 measure showing the effect of the measure on the existing law and the operation of the  
5 measure. The impartial analysis shall not exceed 500 words in length and shall be filed in the  
6 Office of the City Clerk by the date and time set by the City Clerk.

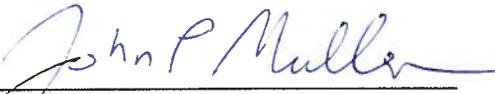
7 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
8 this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

9 AYES:  
10 NAYS:  
11 ABSENT:  
12 ABSTAIN:  
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14 \_\_\_\_\_  
15 MAYOR OF THE CITY OF OCEANSIDE

16 APPROVED AS TO FORM:

16 ATTEST:

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19 CITY ATTORNEY

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20 CITY CLERK

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25 Resolution providing for Written Arguments and City Attorney Impartial Analysis – June 2012  
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1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
3 OCEANSIDE, CALIFORNIA, PROVIDING FOR THE FILING OF  
4 REBUTTAL ARGUMENTS REGARDING CITY MEASURES  
5 SUBMITTED AT MUNICIPAL ELECTIONS

6 WHEREAS, Section 9285 of the Elections Code of the State of California authorizes the  
7 City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal  
8 arguments for city measures submitted at municipal elections:

9 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as  
10 follows:

11 SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of  
12 California, when the City Clerk has selected the arguments for and against the measure which  
13 will be printed and distributed to the voters, the City Clerk shall send copies of the argument in  
14 favor of the measure to the authors of the argument against and copies of the argument against  
15 to the authors of the argument in favor.

16 The author or a majority of the authors of an argument relating to a City measure may  
17 prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing  
18 any other person or persons to prepare and submit and sign the rebuttal argument.

19 The rebuttal arguments shall be filed with the City Clerk, accompanied by the printed  
20 name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an  
21 organization, the name of the organization, and the printed name and signature of at least one of  
22 its principal officers, not more than 10 days after the final date for filing direct arguments.

23 Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal  
24 argument shall immediately follow the direct argument which it seeks to rebut.

25 SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments  
26 for city measures are repealed.

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1 SECTION 3. That the provisions of Section 1 shall apply at the next ensuing municipal  
2 election and at each municipal election after that time.

3 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,  
4 this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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10 \_\_\_\_\_  
11 MAYOR OF THE CITY OF OCEANSIDE

12 APPROVED AS TO FORM:

ATTEST:

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16 CITY ATTORNEY

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19 CITY CLERK

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24 Resolution – Rebuttal Arguments – June 2012