



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 1, 2019
TO: Christine Daniel, City Manager
FROM: Sheri Hartz, City Clerk
SUBJECT: **Potential Revenue Measure For 2020**

RECOMMENDATION

Staff requests that the City Council provide direction on whether to pursue a revenue measure during the upcoming election in March 2020.

BACKGROUND

At the May 21, 2019 City Council meeting, staff provided the City Council with an overview regarding the March and November 2020 election timelines and the estimated costs associated with those elections. The Council discussed election timing and various types of revenue measures. One of the several possible measures identified was a sales tax increase of .25% that could be dedicated to a number of specific City services. Staff estimated that a .25% sales tax would raise approximately \$2 million annually. The Council discussed funding the following services with revenues from the sales tax measure:

- additional firefighter positions
- additional police officer positions
- a Code Enforcement Officer
- an Assistant Engineer; and
- funding to support the Emeryville Child Development Center and/or Capital Improvement Projects.

If the measure is drafted to restrict the expenditures to only specific purposes, that would likely be treated as a special tax that would require 2/3 approval from the voters. A general tax in contrast would require approval of a majority of voters.

No final determination was made about which election in 2020 to pursue for any type of measure. With the recent approval by the Legislature of AB723, which confirmed that there is sufficient room remaining in the County-wide sales tax cap for Emeryville to place a sales tax measure on the ballot for voter consideration, staff is requesting direction whether to now pursue a measure at the primary election in March 2020.

DISCUSSION

In order to place a measure on the March 2020 ballot, the Council needs to call the election no later than its **December 3, 2019** meeting. The following chart includes milestones for development of a ballot measure in the next 2 months.

Timeline for March 2020 Primary Election

| Date | Task |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| October 1, 2019 | City Council Agenda item to provide direction on pursuing a measure and identifying areas of focus for a community survey |
| October 2 thru December 3 | Outreach to residents and business community concerning measure |
| October 2 thru 7 | Staff and consultant develop survey |
| October 7 thru 18 | Consultant conducts survey |
| Special Meeting October 29 | City Council Study Session to discuss survey results |
| November 5, 2019 | City Council meeting to discuss ballot language |
| November 19, 2019 | City Council meeting to consider Resolution calling March 3, 2020 election and final approval of ballot language |
| December 3, 2019 | Last City Council meeting to call election: Action to approve a Resolution calling the March election; requesting the City Attorney to prepare an impartial analysis; requesting consolidation with the County Statewide Primary Election; authorizing the City to request from and reimburse the Registrar for election services; and submitting the ballot question(s) |
| December 6, 2019 | Deadline to file Resolution described above with Alameda County |
| December 13, 2019 | Deadline to file Arguments In Favor/Against the Measure |
| December 20, 2019 | Deadline to file Rebuttals to Arguments In Favor/Against the Measure |
| January 23, 2020 | First day to mail sample ballots |
| February 3, 2020 | Early Voting begins |
| February 17, 2020 | Close of Voter Registration Period |

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|-------------------|-------------------------------------------|
| February 25, 2020 | Last day to request a Vote By Mail Ballot |
| March 3, 2020 | Election Day |

Ballot Measure Development

If the City Council wishes to pursue a ballot measure for March 2020, staff would work with consultants to develop the measure and qualify it for the ballot. The key tasks are outlined below.

- Identify areas of focus for the measure, and conduct a community survey
- Present the survey results to the Council and refine the area of focus for the measure if needed
- Prepare the full text of the measure and other materials that will appear in the ballot pamphlet mailed to all voters.
- Present all necessary legislation to City Council for approval and submission to the Registrar of Voters.

Staff has engaged the consulting firm of TBWB and subconsultant EMC in order to be prepared to undertake this work in a timely fashion. Both of these firms have extensive history with the City of Emeryville and can undertake the necessary work in the abbreviated timeframe that is available in order to place a measure on the March ballot.

Estimated Costs

The adopted FY 2019-2020 budget includes \$80,000 in non-departmental expenditures that can be used for a ballot measure. The County Registrar of Voters costs are estimated to be approximately \$37,000. The outreach and survey consultants' initial costs are approximately \$42,000. Additional consultant support may be needed to prepare educational materials about the measure; these could include:

- Developing informational messaging for the public.
- Engaging internal and external stakeholder groups such as elected leaders, committee members, business leaders, and community leaders.
- Providing information to the public through tools such as City website, social media, videos, newsletters, emails, direct mail, and community meetings.

The Government Code prohibits the use of public resources by a local agency to advocate approval or rejection of a ballot measure. However, a public agency may expend public funds to provide factual, neutral and balanced educational information about a measure.

FISCAL IMPACT

Please refer to the discussion above. For consultant contracts that are over \$45,000, staff will submit them to the Council for approval. The City Manager is authorized to approve contracts that are under \$45,000.

PREPARED BY: Sheri Hartz, City Clerk

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager