NOTICE TO VOTERS

DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST CITY MEASURES MAY BE SUBMITTED TO THE CITY CLERK

NOTICE IS GIVEN that a Municipal Election is to be held in the City of San Leandro on Tuesday, November 8, 2016, at which there will be submitted to the voters the following measures:

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: social services, public art, programs that celebrate diversity, multilingual programming and other general city services, shall the City of San Leandro levy an ongoing tax of up to 10% of gross receipts of cannabis (marijuana) businesses in the city, providing $500,000 annually, requiring independent citizen oversight, financial audits, and that all funds stay in the City of San Leandro?	YES NO

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: enhancing City infrastructure and general City services, shall the City of San Leandro modify the ongoing business license tax to reduce taxes for small businesses, charge 10 percent of gross receipts for parking lots, and charge $100 per 1,000 square feet of warehouse and distribution space, providing $800,000 annually, requiring independent taxpayer oversight, and all funds stay in San Leandro?	YES NO

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: enhancing library programming for children, more space for books, reference materials and public access computers, enhancing parks and infrastructure, and other general City services, shall the City of San Leandro increase the ongoing transient occupancy tax charged to hotel guests from 10% to 14%, providing $200,000 annually, requiring independent citizen oversight, financial audits, and all funds staying in the City of San Leandro?	YES NO

NOTICE IS FURTHER GIVEN that pursuant to Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, the legislative body of the City, or any member or members thereof authorized by the body, or any individual voter or bona fide association of citizens, or any combination of voters and associations, may file a **written argument, not to exceed 300 words in length**, for or against a City measure.

NOTICE IS FURTHER GIVEN that the City Clerk has fixed **Monday, August 8, 2016**, at 5:00 p.m., as the date after which no arguments for or against the City measures may be submitted to the Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk at City Hall, 835 East 14th Street, San Leandro, accompanied by the printed name(s) and signature(s) of the author(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, who is the author of the argument. Arguments may be changed or withdrawn until 5:00 p.m. on **Monday August 8, 2016.**

NOTICE IS FURTHER GIVEN that the City Council has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the Clerk, accompanied by the printed name(s) and signature(s) of the author(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, who is the author of the argument, no later than 5:00 p.m. on **Thursday, August 18, 2016**. Rebuttal arguments may be changed or withdrawn until 5:00 p.m. on **Thursday, August 18, 2016**.

NOTICE IS FURTHER GIVEN that the ordinance, impartial analyses and direct arguments will be available for public examination in the Office of the City Clerk from **August 9 – August 18, 2016** and rebuttal arguments will be available for public examination from **August 19, 2016 – August 28, 2016.**

TAMIKA GREENWOOD, Esq.
City Clerk/Elections Official

Dated: July 25, 2016
(E.C. § 9282-9286, 9295)

Phone (510) 577-3367
Email: tgreenwood@sanleandro.org

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: enhancing City infrastructure and general City services, shall the City of San Leandro modify the ongoing business license tax to reduce taxes for small businesses, charge 10 percent of gross receipts for parking lots, and charge $100 per 1,000 square feet of warehouse and distribution space, providing $800,000 annually, requiring independent taxpayer oversight, and all funds stay in San Leandro?

YES NO

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2016-104

RESOLUTION ESTABLISHING NOVEMBER 8, 2016 AS THE DATE FOR A MUNICIPAL ELECTION ON A PROPOSED BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO AMEND THE CITY'S EXISTING BUSINESS LICENSE TAX FOR GENERAL FUND PURPOSES, ESTABLISHING POLICIES AND PROCEDURES IN CONNECTION WITH SUCH AN ELECTION, REQUESTING THAT THE ALAMEDA COUNTY REGISTRAR OF VOTERS CONDUCT SUCH AN ELECTION, AND REQUESTING THAT THE CITY ATTORNEY PREPARE AND FILE AN IMPARTIAL ANALYSIS OF THE PROPOSED BALLOT MEASURE

WHEREAS, the proposed updates to the business license tax ordinance have been designed to better align the City's business license tax rates with City Council priorities to support local small businesses, to incentivize the productive use of the City's industrial areas, and to modify the rate applied to warehouse and distribution businesses and parking lots while still ensuring a competitive advantage for those parking lots as compared to similar businesses in Oakland; and

WHEREAS, the proposed updates would not negatively impact the vast majority of San Leandro's businesses; and

WHEREAS, this proposed ordinance will be submitted to the voters of the City at the November 8, 2016 general municipal election. The tax will be approved if the measure receives at least a majority of affirmative votes. Revenue from the tax would be placed in the City's General Fund, so the proposed tax would be a general tax; and

WHEREAS, under the provisions of State law relating to charter cities in the State of California, an election shall be held on November 8, 2016, for the submission to the voters of a question relating to an amendment to the business license tax; and

WHEREAS, it is desirable that the election be consolidated with the statewide election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same; and

WHEREAS, it is desirable that the County Elections Department of the County of Alameda canvass the returns of the election and that the election be handled in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of San Leandro that:

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a proposition to the voters for

their consideration pursuant to Article XIIC of the California Constitution, Government Code section 53724, and Elections Code section 9222. Pursuant to California Government Code Section 53724(b), this Resolution, including the approval of the submission of the proposed Ordinance (attached as Attachment 1) must be approved by a two-thirds vote of all members of the City Council.

Section 3. The City Council hereby calls an election at which it shall submit to the qualified voters of the City of San Leandro, a measure that, if approved, would amend the City's general business license tax, as authorized by California Government Code section 37101 and California Business and Professions Code section 16000 *et seq.* This measure shall be designated by letter by the Alameda County Registrar of Voters. Pursuant to Elections Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the election to be conducted on November 8, 2016.

Section 4. The ballot language for the proposed measure shall be as follows:

To maintain and enhance the City of San Leandro, with funding that cannot be taken by Sacramento, including: enhancing City infrastructure and general City services, shall the City of San Leandro modify the ongoing business license tax to reduce taxes for small businesses, charge 10 percent of gross receipts for parking lots, and charge $100 per 1,000 square feet of warehouse and distribution space, providing $800,000 annually, requiring independent taxpayer oversight, and all funds stay in San Leandro?

YES *NO*

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Attachment 1 (the "Measure") hereto. If the majority of qualified voters voting on the Measure vote in favor therefor, the Measure shall be adopted and shall be effective upon its adoption.

Section 6. The City Clerk is hereby directed to cause notice of the measure to be published once in a newspaper of general circulation in the City, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 7. The City Clerk is directed to cause the posting, publication, and printing of notices and all other matters pursuant to the requirements of the Elections Code and Government Code of the State of California.

Section 8.

(a) The City Council hereby requests that the Alameda County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on November 8, 2016 and order the election to be conducted by the Registrar of Voters. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Alameda County and the Registrar of Voters of Alameda County on or before August 12, 2016.

(b) The election on the measure set forth in Section 4 shall be held and conducted, the voters canvassed and the returns made, and the results ascertained and determined as provided for herein. In all particulars, the election shall be held in accordance with the Elections Code of the State of California.

(c) The election on the measure set forth in Section 4 shall be held in Alameda County in the City of San Leandro on November 8, 2016, as required by law, and the Board of Supervisors of Alameda County is authorized to canvass the returns of the election with respect to the votes cast in the City of San Leandro and certify the results to the City Council of the City of San Leandro.

(d) At the next regular meeting of the City Council of the City of San Leandro occurring after the returns of the election for the measure set forth in Section 4 have been canvassed and the certification of the results to the City Council, the City Council shall cause to be entered in its minutes a statement of the results of the election.

(e) The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418.

Section 9.

(a) The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on Friday, August 12, 2016.

(b) The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on Monday, August 8, 2016

(c) Primary arguments shall not exceed three hundred words and shall be signed by not more than five persons.

(d) Rebuttal arguments shall not exceed two hundred fifty words and shall be signed by not more than five persons; those persons may be different from the persons who signed the primary arguments.

(e) The City Attorney shall prepare by Friday, August 12, 2016 an impartial analysis of the Measure showing the effect of the Measure.

(f) The Mayor is hereby authorized to file a written argument in favor of the proposed measure, not to exceed three hundred words, on behalf of the City Council. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event that an argument is filed against the measure, the Mayor and Vice Mayor/Council Member are also authorized to file a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote, which may be different from those who signed the direct argument.

(g) Pursuant to California Elections Code Section 9285, when the City Clerk has selected

the arguments for and against the Measure, which will be printed and distributed to the voters, the City 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. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument that it seeks to rebut.

Section 10. The City Clerk is hereby authorized and directed to take all steps necessary to place the Measure on the ballot and to cause the ordinance or measure to be printed. A copy of the ordinance or measure shall be made available to any voter upon request..

Section 11. The City Manager is hereby authorized and directed to appropriate the necessary funds to pay for the City's costs of placing the measure on the election ballot.

Section 12. Compliance with California Environmental Quality Act. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"). The tax proposed by this resolution is a general tax that can be used for any legitimate governmental purpose; it is not a commitment to any particular action. As such, under CEQA Guidelines section 15378(b)(4), the tax is not a project within the meaning of CEQA because it creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment. If revenue from the tax were used for a purpose that would have such effect, the City would undertake the required CEQA review for that particular project. Therefore, pursuant to CEQA Guidelines section 15060 CEQA analyses is not required.

Introduced by Councilmember Prola and passed and adopted this **18th day of July, 2016**, by the following vote:

Members of the Council:

AYES:
NOES:

HOW TO WRITE YOUR ARGUMENT OR REBUTTAL

- Indicate what type of argument you are submitting in the heading title.
  - Argument Title: "Argument in Favor of Measure X" or "Argument Against Measure X"
  - Rebuttal Title: "Rebuttal to Argument in Favor of Measure X" or "Rebuttal to Argument Against Measure X"

- The heading is standardized. Subheadings and deviations from the standardized heading will not be accepted.

- Be accurate. Documents will be printed as submitted. Spelling, punctuation, and grammatical errors will not be corrected by the City Clerk.

- An argument or rebuttal must be written to address a single measure on the ballot. A document combining statements pertaining to more than one measure will not be accepted.

- All arguments and rebuttals must be accompanied by a Signature Statement. (EC §9600)

- Primary and rebuttal arguments should be typed to ensure accuracy, and include the names and titles of the signers listed in the order they are to appear in the Sample Ballot.

- No more than five signatures will appear with any argument. If more than five are submitted, the first five will be printed. (EC §9164, 9501)

- Do not use profanity or other objectionable language.

- Limited use of **bolding,** CAPITALIZING, underlining, *italics,* centering text, and bullets (small solid circle only) are permitted.

SUBMITTING ARGUMENTS BY EMAIL OR CD/USB

- To ensure your text is printed exactly as submitted, in addition to filing a hard copy, please email your argument or rebuttal to tgreenwood@sanleandro.org or bring the electronic file on a CD or USB drive.

- Microsoft Word format is preferred.

SUBMITTING ARGUMENTS FOR OR AGAINST CITY BALLOT MEASURES
For the November 8, 2016 Municipal Election

Obtain the following documents from the City Clerk/City Elections Official:

- Notice to Voters: Date After Which No Arguments For or Against City Measures may be Submitted to the City Clerk
- Signature Statement for Author(s) of Primary Arguments
- Signature Statement for Author(s) of Rebuttal Arguments
- Measure Endorsement Agreement
- Release for Rebuttal Argument
- How to Write Your Argument or Rebuttal
- Word Count Standards
- Criteria for Selection of Ballot Arguments

WHO MAY SUBMIT AN ARGUMENT?

Measures placed on the ballot by the City Council—The City Council, or any member or members of the Council so authorized, or any individual voter who is eligible to vote on the measure, or any bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure. *[EC 9282(b)]*

TITLE OF ARGUMENT

Primary arguments shall be titled either "Argument in Favor of Measure __" or "Argument Against Measure__" *(EC 9282)*

TEXT OF ARGUMENT

Primary arguments for or against a ballot measure can be up to 300 words in length. *[EC 9282(c)]* Use the *Word Count Standards* to determine the number of words in the argument. Arguments/rebuttals must be typed or printed. No handwritten arguments will be accepted.

ARGUMENT SIGNERS

A ballot argument will not be accepted without the printed name and signature of the author. An argument may have up to 5 signatures. If there are more than 5 signatures, only the signatures of the first 5 will be printed. *(EC 9283)* Each argument signer must also complete a Signature Statement.

FILING ARGUMENTS

File ballot arguments for or against City ballot measures with the City Clerk. It is suggested that you call the City Clerk's Office at (510) 577-3367 to make an appointment to file the argument. Ballot arguments must be accompanied by the completed *Signature Statements for Author(s) of Primary Arguments or Rebuttal Arguments.*

DEADLINE FOR FILING

The deadlines for submitting arguments and rebuttals are listed in the *Notice to Voters*, which is posted on the bulletin board in front of City Hall and on the City website. *(EC 9286)*

ARGUMENTS CHANGED/WITHDRAWN

Primary and rebuttal arguments may be changed or withdrawn by their proponents until the filing deadline. *(EC 9286)* Arguments received prior to the deadline will be kept confidential until the filing deadline.

IF MORE THAN ONE ARGUMENT IS FILED

If more than one argument for, or more than one argument against, any City measure is filed before the deadline, the City Clerk will select one of the arguments using the criteria in Elections Code §9287 and in the *Criteria for Selection of Ballot Arguments*.

REBUTTAL ARGUMENTS

The City Clerk will send a copy of the argument in favor of the measure to the authors of the argument against the measure, and a copy of the argument against the measure to the authors of the argument in favor of the measure, immediately after the filing deadline. [*EC 9285(a)(1)*]

TITLE OF REBUTTAL ARGUMENT

Rebuttal arguments shall be titled either "Rebuttal to Argument in Favor of Measure __" or "Rebuttal to Argument Against Measure__" *(EC 9285)*

TEXT OF REBUTTAL ARGUMENT

Rebuttal arguments can be up to 250 words. *[EC 9285(a)(3)]* Use the same *Word Count Standards* as for the primary argument.

REBUTTAL ARGUMENT SIGNERS

Signers of rebuttal arguments need not be the same as those on the primary arguments for or against a measure. However, if signers of the rebuttal arguments are different from those of the primary argument, the *Release for Rebuttal Argument* form must be completed and filed, indicating the name of the person signing the primary argument, and the name of the person signing the rebuttal argument in their place. *[EC 9285(a)(2)]*

CRITERIA FOR SELECTION OF BALLOT ARGUMENTS

Elections Code Section 9287. Elections official to select if more than one argument.

If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distributing to the voters. In selecting the argument the city elections official shall give preference and priority in the order named, to the arguments of the following:

(a) The legislative body, or member or members of the legislative body authorized by that body.

This criterion will be implemented by City Council resolution. If the Council chooses not to authorize itself or any of its members to submit an argument, either jointly or individually, E.C. § 9287(a) will not apply.

(b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.

This criterion refers to ballot measures submitted through the petition process and is not applicable to ballot measures initiated by the legislative body. (See definition of "Proponents" in E.C.§342.)

(c) Bona fide association of citizens.

"Bona fide" is not defined in the Elections Code, nor has the Secretary of State's Office assigned a definition to this term as of the date of the development of this document. However, if only one association of citizens submits an argument, that argument would take priority over any argument submitted by an individual citizen.

To assist in choosing an argument when more than one bona fide association of citizens has submitted them, the following criteria will be taken into consideration:

- *The length of time the association has been in existence.*
- *Whether an association's membership consists primarily of citizens residing in the City.*
- *The number of members enrolled in the association.*
- *Whether an officer of more than one bona fide association and/or one or more citizens of the city have signed the argument.*

If the above criteria are met and are equal in all arguments, the authors will be asked to witness a random drawing by the City Elections Official to determine which argument will be published.

(d) Individual voters who are eligible to vote on the measure.

If no arguments have been received in accordance with subsections (a), (b) or (c) above, the City Elections Official will review the arguments to determine that the arguments are clear, unambiguous, and written with proper syntax. If these considerations are met and are equal in all arguments, the authors will be asked to witness a random drawing by a designee of the City Elections Official to determine which argument will be published.

WORD COUNT STANDARDS
For Candidate Statements, Arguments and Analyses

Pursuant to Elections Code Section 9

City Attorney's Impartial Analysis	500 word limit
Primary Arguments	300 word limit
Rebuttal Arguments	250 word limit
Ballot Question (abbreviated statement of measure)	75 word limit

The following are standards to be used for counting words in the text of Candidate Statements, analyses, arguments and ballot measures. ***These standards do not apply to counting words for ballot designations.***

Punctuation……. not counted

Single Character (I, a, $, &)……one word

Dictionary words ("a," "the," "and," "an" are counted as individual words)…… one word

Abbreviations and Acronyms (such as EBMUD, SFO, BART)…….one word

Geographical names of cities and counties (ex: San Leandro, Alameda County)……. one word

Names of school and special districts defined by political boundaries on a map……...one word

Names of areas (such as Bay Area, East Bay).....……..one for each word

All other proper names……..one for each word

Hyphenated words…….…… one for each part
Exception: words hyphenated in any generally available dictionary…….one word

Dates
Consisting of a combination of words and digits (ex: June 3, 2008)…….two words
All digits (ex: 6/3/08)…… one word

Numbers
Digits (1, 10, 100, etc.)……one word
Spelled out (one, ten, one hundred, etc.)……. one for each word
Numeric combinations (ex: $1,000, 1987, 5%, ½, 2007-08, #1)……one word

Telephone numbers, email and web site addresses…….....one word

SIGNATURE STATEMENT FOR AUTHOR(S) OF PRIMARY ARGUMENTS

Authors (signers) of arguments must be individual voters who are eligible to vote on the measure, or a bona fide association of citizens, or any combination of voters and associations, at the time of signing the argument.

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:

The undersigned proponent(s) or author(s) of the Argument ☐in Favor of ☐Against

General Municipal Election for the City of San Leandro to be held on November 8, 2016, hereby
state that this argument is true and correct to the best of his/her knowledge and belief.

☐ Individual voter

Print name	Signature
Title (if any) to appear on Argument	Email Address
Residence Address	City & Zip Code

☐Bona fide association

Name of Principal	Signature
Organization Name	

All Authors must print his/her name and sign this form (EC 9600); *AND*
Print his/her name and sign the Argument itself (EC 9283)

Printed arguments submitted to the voters shall be titled either "Argument in Favor of Measure ___" or "Argument Against Measure___." (EC 9282)

Signature of Argument Filer:
_____

Printed Name: _____ **Date:**
_____

Address:
_____

Phone No. _____ **Email Address:**
_____

RELEASE FOR REBUTTAL ARGUMENT

(To be completed by the signers of the initial argument only if rebuttal argument is to be signed by different authors.)

The following author(s) of the primary Argument ☐in Favor of ☐Against the **SAN LEANDRO BUSINESS LICENSE TAX MEASURE** at the General Municipal Election for the City of San Leandro to be held on November 8, 2016, hereby authorize the following individual(s) to sign the rebuttal argument in their place:

1. _____ to sign in place of _____
   Print name of Rebuttal signer *Print name of Argument signer*

2. _____ to sign in place of _____
   Print name of Rebuttal signer *Print name of Argument signer*

3. _____ to sign in place of _____
   Print name of Rebuttal signer *Print name of Argument signer*

4. _____ to sign in place of _____
   Print name of Rebuttal signer *Print name of Argument signer*

5. _____ to sign in place of _____
   Print name of Rebuttal signer *Print name of Argument signer*

Signature of Argument Filer: _____

Printed Name: _____ **Date:** _____

Attach this form to the Signature Statement(s) submitted with the rebuttal argument.

SIGNATURE STATEMENT FOR AUTHOR(S) OF REBUTTAL ARGUMENTS

Authors (signers) of rebuttal arguments must be individual voters who are eligible to vote on the measure, or a bona fide association of citizens, or any combination of voters and associations, at the time of signing the argument.

EC 9600: "All arguments concerning measures filed pursuant to this division shall be accompanied by the following form statement, to be signed by each proponent and by each author, if different, of the argument:"

> The undersigned proponent(s) or author(s) of the Rebuttal to Argument ☐ in Favor of ☐ Against the **SAN BUSINESS LICENSE TAX MEASURE** at the General Municipal Election for the City of San Leandro to be held on November 8, 2016, hereby state that this argument is true and correct to the best of his/her knowledge and belief.

☐ Individual voter

Print name	Signature
Title (if any) to appear on Argument	Email Address
Residence Address	City & Zip Code

☐ Bona fide association

Name of Principal	Signature
Organization Name	

All Authors must print his/her name and sign this form (EC 9600); *AND*
Print his/her name and sign the Rebuttal Argument itself (EC 9285)

Printed rebuttal arguments submitted to the voters shall be titled either "Rebuttal to Argument in Favor of Measure ___" or "Rebuttal to Argument Against Measure ___." (EC 9285)

Signature of Argument Filer: _____

Printed Name: _____ **Date:** _____

Address: _____

Phone No. _____ **Email Address:** _____

CITY OF SAN LEANDRO

GENERAL MUNICIPAL ELECTION
TUESDAY, NOVEMBER 8, 2016

MEASURE ENDORSEMENT AGREEMENT

I hereby consent to the use of my name as an endorser within the text of the primary argument or rebuttal argument for the following ballot measure:

(MEASURE ___)

at the City of San Leandro General Municipal Election to be held on November 8, 2016.

_____ _____
Signature Date

_____
Printed Name

_____
Mailing Address City State Zip

_____ _____
Email Address Telephone Number

_____ _____
Organization (Optional) Title

My organization's name may be used in the text of the argument. Yes____ No____