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MARK CHURCH, Chief Elections Officer

CITY OF SAN MATEO
RESOLUTION NO. 94 (2011)

By Mark Church
DEPUTY CLERK

ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN MATEO ON TUESDAY, NOVEMBER 8, 2011, FOR THE PURPOSE OF ELECTING TWO CITY COUNCIL MEMBERS, AND SUBMITTING TO THE VOTERS A MEASURE TO AMEND THE CITY'S GENERAL PLAN AND MUNICIPAL CODE TO PROVIDE FOR ALTERNATIVE METHODS OF INSURING ADEQUATE AFFORDABLE RENTAL HOUSING IN RESPONSE TO THE HOLDING IN *PALMER V. CITY OF LOS ANGELES*, REQUESTING CONSOLIDATION AS WELL AS THE SERVICES OF THE COUNTY CLERK, APPROVING ELECTION SERVICES AGREEMENT, AND DIRECTING CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS
(Supersedes City of San Mateo Resolution No. 89 (2011))

WHEREAS, November 8, 2011, is the date of a countywide election and consolidation can be accomplished; and

WHEREAS, two City Council members will be elected; and

WHEREAS, the City of San Mateo wishes to submit a ballot measure to the voters; and

WHEREAS, *Palmer/Sixth Street Station, L.P. v. City of Los Angeles*, 175 Cal.App.4th 1396 (2009) (the "*Palmer* decision"), called into question the City's ability to require the on-site construction of affordable rental units as a condition to the approval of rental housing projects; and

WHEREAS, the purpose of the proposed ballot measure is to amend the City's General Plan and Municipal Code to provide for alternative methods of insuring adequate affordable rental housing in response to the holding in the *Palmer* decision; and

WHEREAS, this Council may request an impartial analysis by the City Attorney and schedule the times for submittal of arguments for or against the measure;

NOW, THEREFORE, the Council of the City of San Mateo, California, resolves as follows:

1. A General Municipal Election is hereby called and ordered within the City boundaries to be held in the City of San Mateo, State of California, on Tuesday, November 8, 2011, for the purpose of electing two City Council members, as the terms of the incumbents are about to expire. They are as follows:

A member of the City Council to fill the office now held by John Lee, to serve for a full term commencing the first regular meeting in December 2011, and until the general municipal election the fourth year thereafter and the election and qualification of the successor.

A member of the City Council to fill the office now held by Jack Matthews, to serve for a full term commencing the first regular meeting in December 2011, and until the general municipal election the fourth year thereafter and the election and qualification of the successor.

2. The City Council approves the proposed ordinance set forth in Exhibit A, attached hereto and incorporated in this Resolution by this reference, for submission to the voters of the City, and orders that a proposition shall appear on the ballot in the following form and shall be submitted to the voters of the City:

“To insure the provision of affordable rental housing in response to the *Palmer v City of Los Angeles* court decision, shall City Council Ordinance No. 2011-7 be approved authorizing the City of San Mateo to amend its General Plan and Municipal Code to provide for alternative methods of providing adequate affordable rental housing, consisting of a housing impact fee and fee refund incentive program for rental projects agreeing to provide below market rate units?”

The voter pamphlet shall inform voters that a full copy of the proposed ordinance is available upon request at the City Clerk's Office. The full ordinance shall not be published in the voter's pamphlet.

3. Registration for such election shall close on October 24, 2011; no persons registered after that date will be entitled to vote at said election.

4. Nomination papers, imprinted “Official Filing Form,” may be procured only from the City Clerk, who shall, at the time of issuance, sign, date, and type in the name of the candidate and office sought. Nominations shall be filed with the City Clerk no earlier than July 18, 2011, and no later than 5:00 p.m. on August 12, 2011.

If nomination papers for an incumbent Council Member of the City are not filed by 5:00 p.m. on August 12, 2011, the voters shall have until 5:00 p.m. on August 17, 2011, to nominate candidates other than the incumbent for such elective office.

5. Candidates' statements concerning their experience and qualifications, as required by Section 7.04 of the City Charter, shall be filed with the City Clerk not earlier than July 18, 2011, or by August 12, 2011, or if the nomination period has been extended, 5:00 p.m. on August 17, 2011. Such statement shall be accompanied by a photograph and fee as required by said Section.

6. The City Clerk shall publish, in the Examiner-Peninsula Edition, by two insertions therein, prior to the date for said election, the Candidates' Statements required by Section 7.04 of the City Charter together with the photograph of said candidate attached thereto.

7. The municipal election hereby called for the date hereinbefore specified shall be, and is hereby, ordered consolidated with the countywide election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the countywide election and as specified herein. The Board of Supervisors of San Mateo County is hereby requested to order the consolidation of the municipal election hereby called with said countywide election, and the Board of Supervisors of the County of San Mateo is hereby authorized to canvass the returns of said municipal election, and said election shall be held in all respects as if there were only one election and only

one form of ballot. Said County shall certify the results of the canvass of the returns of said election to the City Council of this City which shall thereafter declare the results thereof. The measures submitted by this resolution shall be designated on the ballot by a letter printed on the left margin of the square containing the description of the measure, as provided in the Elections Code of the State of California. The Board of Supervisors of the County of San Mateo is also requested to permit the County Election Official to render the services specified in the "Service Agreement for the Provision of Election Services between the City of San Mateo and the San Mateo County Chief Elections Officer" considered and approved concurrently with this Resolution.

8. The City Clerk is authorized to execute the Service Agreement for the Provision of Election Services in substantially the form attached.

9. The election hereby consolidated shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

10. All persons qualified to vote at municipal elections in the City upon the date of the election herein provided for shall be qualified to vote upon the propositions submitted at said election.

11. Ballots for the election shall be provided in the form and in the number provided by law. On said ballots, in addition to any other printed matter which may be required by law, two voting squares shall be set off to the right of each of the propositions submitted at the election, in the manner provided by law; one having the word "YES" printed before it, and the other having the word "NO" before it.

12. Each voter to vote for each of the propositions shall stamp or write a cross, or indicate by hole punch or other means, in the blank space opposite the word "YES" on the ballot to the right of the proposition; and each voter to vote against each of the propositions shall stamp or write a cross, or indicate by hole punch or other means, in the blank space opposite the word "NO" on the ballot to the right of the proposition.

13. The City Clerk is directed to forward the proposed measure to the City Attorney for preparation of an impartial analysis in accordance with Section 9280 of the Elections Code.

14. Arguments for and against the measure may be submitted to the qualified voters of the City in accordance with sections 9282 through 9287 of the California Elections Code. The deadline date for submitting ballot arguments for or against the measure shall be August 19, 2011. Proposed arguments shall not exceed 300 words and shall be submitted to the Office of the City Clerk. The deadline for submitting rebuttal arguments shall be August 29, 2011. Proposed rebuttal arguments shall not exceed 250 words and shall be submitted to the office of the City Clerk. The provisions of Section 9285(a) of the California Elections Code shall apply to the submittal of rebuttal arguments.

15. The City Council expresses its intention to submit an argument in favor of the measure and authorizes the Mayor to draft and execute the argument and authorizes the members of the City Council to execute the argument.

16. The polls for said election shall be opened at seven o'clock a.m. of the day of said election and shall remain open continuously from said time until eight o'clock p.m. of the same

day, when said polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

17. The City Clerk is hereby authorized and directed to make said publication and to transmit a certified copy of this Resolution to the appropriate officials of the County of San Mateo responsible for preparing the ballots for said election.

18. The City Clerk shall cause to be published a list of the nominees in the order in which they are to appear on the ballot and the respective offices for which they have been nominated. The notice shall be in the following form:

NOMINEES FOR PUBLIC OFFICE

NOTICE IS HEREBY GIVEN that the following persons have been nominated for the offices hereinafter mentioned to be filled at the general municipal election to be held in the City of San Mateo on TUESDAY, the 8th day of November, 2011.

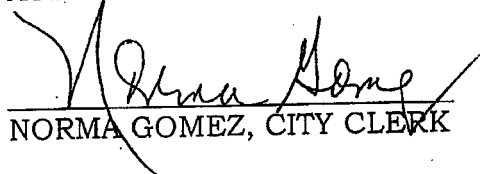
For members of the City Council (Full Term) Two to be elected.

19. The City Clerk and other City officers are directed to do all things necessary to meet the requirements of law for the November 8, 2011, municipal elections.

20. In accordance with California Environmental Quality Act (CEQA) Guidelines section 15378(a), placing this measure on the ballot is not a project subject to CEQA, because it addresses solely the provision of affordable rental units and is not an action that has the potential to result in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. To the extent that the ballot measure addresses adoption of a rental housing fee, that action is exempt in accordance with CEQA Guidelines section 15378(b)(4) as the creation of a government funding mechanism which does not involve any commitment to a specific project which may result in a potentially significant physical impact on the environment. In addition, placing this measure on the ballot is exempt in accordance with CEQA Guidelines section 15378(b)(5) as an organizational or administrative government activity that will not result in direct or indirect physical changes in the environment.

21. EFFECTIVE DATE. This Resolution shall take effect upon adoption and supersedes City of San Mateo Resolution No. 89 (2011), which was adopted at the, City Council meeting of July 18, 2011.

ATTEST:


NORMA GOMEZ, CITY CLERK


JACK MATTHEWS, MAYOR

Resolution adopted by the City Council of the City of
San Mateo, California, at a regular meeting held on
August 15, 2011, by the following vote of the Council:

AYES: Council Members LIM, LEE, GROTTÉ, ROSS
and MATTHEWS

NOES: NONE

ABSENT: NONE

(SEAL) /s/ NORMA GOMEZ, City Clerk