



Legislation Text

File #: 22-667, **Version:** 2

Resolution Calling for the submission to South San Francisco voters of an Initiative Ordinance to Enact an Annual Parcel Tax on Some Commercial Office Properties for Early Care and Education and Childcare and Development Programs at the General Municipal Election of November 8, 2022, establishing the schedule for submission of Ballot Arguments, and Authorizing the County of San Mateo Elections Division to Conduct the election.

WHEREAS, at the City Council meeting of July 13, 2022, City Council received a Report regarding adoption of a Resolution accepting a Certificate of Sufficiency of Signatures on a Petition for an Initiative Ordinance of an Annual Parcel Tax on Some Commercial Office Properties for Early Care and Education and Childcare and Development Programs; and

WHEREAS, the Report provided a history of the number of signatures received, and the sequence of submittals and actions required for the Initiative to qualify for the Certificate of Sufficiency of Signatures; and

WHEREAS, on July 13, 2022, the City Council approved a Resolution accepting a Certificate of Sufficiency of Signatures on a Petition for an Initiative Ordinance of an Annual Parcel Tax on Some Commercial Office Properties for Early Care and Education and Childcare and Development Programs; and

WHEREAS, at the July 13, 2022 City Council meeting the Council deferred taking action on the Initiative until after consideration of a Study of the effects of the Initiative as provided for in Elections Code Section 9212, and the Elections Code requires that this study, known as a 9212 Impact Report, be provided to Council by City staff within 30 days; and

WHEREAS, the 9212 Impact Report on the Initiative Ordinance of an Annual Parcel Tax on Some Commercial Office Properties for Early Care and Education and Childcare and Development Programs was presented at the City Council meeting of August 10, 2022; and

WHEREAS, the City Council now wishes to call for an election on the Initiative to be held on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED, that:

1. Pursuant to the laws of the State of California relating to general law cities there is called and ordered an election to be held in the City of South San Francisco, California, on November 8, 2022.
2. Pursuant to Elections Code Section 9214, subdivision (b) and Section 1405, subdivision (a)(1), the City Council hereby orders the Initiative to be placed on an all-mailed ballot Statewide General Election without alteration and does order the following question submitted to the voters at the election:

Shall the measure imposing an annual tax on parcels of land in South San Francisco that are developed and used as commercial office parcels, as defined in the measure, and 25,000 square feet or larger, at a rate of \$2.50 per square foot of parcel size, generating approximately \$55,900,000 annually, not expiring automatically, to fund early learning and care for children (primarily aged 2.5 to 5) of families living or working in the South San Francisco Unified School District boundaries be adopted?

YES

NO

3. The text of the Initiative is attached to this resolution as Exhibit A. The full text of the Initiative shall be printed in the ballot materials and be available for public inspection in the City Clerk's office and on the City's website at www.ssf.net <<http://www.ssf.net>>.
4. The City Council directs the City Clerk to transmit a copy of the Initiative to the City Attorney and directs the City Attorney to prepare an impartial analysis of the Initiative pursuant to Elections Code Section 9280.
5. Arguments in favor of or against the Initiative shall be submitted to the City Clerk no later than August 19, 2022, by 5:00 p.m. Arguments for and against the Initiative shall not exceed 300 words and shall be signed by not more than five people. If the City Clerk receives more than one argument for and/or against, the priorities established by Elections Code Section 9287 shall control.
6. Rebuttal arguments shall be controlled by the provisions of Elections Code Section 9285 and shall not exceed 250 words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments. The deadline for filing rebuttal arguments shall be August 29, 2022, by 5:00 p.m.
7. The initiative proposes to impose a special tax, as defined in the California Constitution, Article XIII C, section 1(d). The California Constitution, Article XIII C, section 2(d) states, "No local government may impose, extend, or increase any special tax unless and until that tax is submitted to the electorate and approved by a two-thirds vote." The First Appellate District of the California Court of Appeals has issued multiple decisions holding that a simple majority vote is sufficient to pass a special tax submitted to voters pursuant to a voter-sponsored initiative. (*See Jobs & Housing Coalition v. City of Oakland*

(2021) 73 Cal.App.5th 505; *City and County of San Francisco v. All Persons Interested in the Matter of Proposition G* (2021) 66 Cal.App.5th 1058; *Howard Jarvis Taxpayers Association v. City and County of San Francisco* (2021) 60 Cal.App.5th 227; *City and County of San Francisco v. All Persons Interested in Matter of Proposition C* (2020) 51 Cal.App.5th 703.) Under the currently applicable precedent of the First Appellate District, the Initiative requires only a simple majority of “yes” votes to pass. Notwithstanding the immediately preceding sentence, a two-thirds majority of “yes” votes will be required to pass the Initiative if the California Supreme Court overrules the First Appellate District, and the California Supreme Court’s decision applies to the Initiative; or if a court of competent jurisdiction rules that a two-thirds majority of “yes” votes is required to pass the Initiative.

8. Pursuant to the Elections Code commencing with Section 10400, the City Council hereby requests the County of San Mateo to take all actions which are necessary or appropriate in connection with the election, including, but not limited to, printing and mailing sample ballots, arguments and applications for absentee ballots, canvassing election returns and certifying the results of the election to the Council. Pursuant to Elections Code Section 10002, the Board of Supervisors of San Mateo County is requested to permit the Registrar of Voters to render all services specified by Elections Code Section 10418 relating to the election. The City of South San Francisco acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The City hereby agrees to reimburse San Mateo County in full for any services performed by each for the City upon presentation of an invoice to the City Clerk.
9. The jurisdictional boundaries of the City of South San Francisco have not changed since the last general municipal election.
10. The City Clerk is hereby authorized and directed to publish a notice of the election within the time and in the manner specified in Elections Code Section 12112. The City Clerk is further authorized and directed to do all other things required by law to hold the election above provided.
11. The City Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a certified copy to the Board of Supervisors of the County of San Mateo and to the Registrar of Voters of the County of San Mateo.
12. If any section, subsection, phrase, or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution which can be given effect without the severed portion.
13. This Resolution shall become effective immediately upon its passage and adoption.

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