

RESOLUTION R2014-113

POLICY RESOLUTION NO. 32

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
NAPA, STATE OF CALIFORNIA, ESTABLISHING  
PROCEDURES AND METHODS FOR SUBMITTING  
BALLOT ARGUMENTS

WHEREAS, City Charter section 4 establishes the authority of the City as a charter city, to make and enforce all ordinances and regulations with respect to municipal affairs, pursuant to California Constitution Article XI, Section 5; and

WHEREAS, California Elections Code section 9281 documents the authority of the City Council to enact an ordinance to establish procedures related to the submission of ballot arguments for or against any City ballot measure (whether the City ballot measure is proposed by the City Council, or the City ballot measure is placed on the ballot through the initiative process); and

WHEREAS, the City Council has enacted ordinances, as codified in Napa Municipal Code Chapter 1.08, that establish procedures related to the submission of ballot measures, including the authority to establish additional requirements by resolution; and

WHEREAS, the City Council previously adopted Policy Resolution No. 32 on July 2, 2002 (hereinafter “the 2002 Version of Policy Resolution 32”) which established certain procedures related to the submittal of ballot arguments; and

WHEREAS, the City Council has identified a need to repeal and update the procedures for submitting ballot measures, as set forth in this resolution; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City Staff, and any information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Napa, as follows:

- 1) The City Council hereby repeals the 2002 Version of Policy Resolution 32.
- 2) This Policy Resolution No. 32 hereby establishes the procedures by which any “ballot argument” shall be submitted in relation to any “city measure” (as those quoted phrases are used in California Elections Code Sections 9280 through 9287).
  - a) In general, a “city measure” includes any initiative or referendum qualified to be placed on the ballot for a municipal election (either a general

municipal election or a special municipal election, as defined by Napa Municipal Code Section 1.08.010). A city measure may qualify to be placed on a municipal election ballot either through a petition filed by qualified electors, or by action of the City Council.

- b) In general, a “ballot argument” includes four types of arguments to be published with each sample ballot for distribution to all voters: one in favor, one opposed, a rebuttal to the argument in favor, and a rebuttal to the argument opposed. The primary ballot arguments (in favor, and opposed) shall not exceed 300 words in length. Rebuttal arguments shall not exceed 250 words.
- 3) The City Clerk shall fix the deadline for filing ballot arguments in favor and ballot arguments against any city measure pursuant to California Elections Code Section 9286. Any ballot arguments filed with the City Clerk shall not be made available for public inspection or reproduction until the day following this deadline. After the deadline, any such ballot arguments shall be made publicly available pursuant to California Elections Code Section 9295.
- 4) Priority of primary ballot arguments. If more than one ballot argument is submitted in favor, or more than one ballot argument is submitted against any city measure:
  - a) Any ballot argument authorized by the City Council shall receive first preference and priority, pursuant to Napa Municipal Code Section 1.08.035.
  - b) Any ballot argument submitted by “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” shall receive second priority, consistent with California Elections Code Section 9287(b).
  - c) Any ballot argument submitted by any “bona fide association of citizens” shall receive equal preference and priority as any “individual voters who are eligible to vote on the measure” (as those quoted phrases are used in California Elections Code Section 9287(c), and pursuant to Napa Municipal Code Section 1.08.035).
  - d) If the priority of ballot arguments, set forth above, results in more than one ballot argument of equal standing in the highest priority category, then:
    - i) The City Clerk shall work with the authors of the ballot arguments in an effort to obtain a mutual agreement among the parties to select one ballot argument and withdraw any others in writing. If the City Clerk is not able to obtain this agreement and written withdrawal within 24 hours after the deadline for submitting ballot arguments, the City Clerk shall proceed to the procedure for drawing of lots, below:
    - ii) Procedure for Drawing of Lots. For each argument, the names of the authors shall be written on a separate piece of paper, folded to hide the names, and placed in a container. Without seeing the names on any paper, the City Clerk shall draw each paper, one at a time, and record the name of each paper as it is drawn. The names on the first paper drawn shall be the authors whose argument shall be printed.

- 5) The City Council hereby adopts the requirements of California Elections Code Section 9285(a) authorizing the filing of rebuttal arguments.
  - a) Immediately after the City Clerk has selected the ballot argument in favor and the ballot argument against any city measure, the City Clerk shall: (1) send a copy of the argument in favor to the authors of any argument against the measure, and (2) send a copy of the argument against to the authors of any argument in favor of the measure.
  - b) Any rebuttal argument must be submitted pursuant to the requirements of California Elections Code Section 9285(a); provided, however, any rebuttal argument authorized by the City Council shall be subject to the requirements of Napa Municipal Code Section 1.08.035. Rebuttal arguments shall be filed with the City Clerk no later than 10 days after the final filing date for primary arguments.
  
- 6) The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.
  
- 7) This Resolution shall take effect immediately upon its adoption.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the City Council of the City of Napa at a public meeting of said City Council held on the 17th day of June, 2014, by the following vote:

AYES: Pedroza, Inman, Sedgley, Techel

NOES: Mott

ABSENT: None

ABSTAIN: None

ATTEST: \_\_\_\_\_  
Dorothy Roberts  
City Clerk

Approved as to form:

\_\_\_\_\_  
Michael W. Barrett  
City Attorney