March 4, 2008

Mayor Frank Scotto
And Members of the City Council
City Hall
Torrance CA

SUBJECT: Placement of a Measure on the June 3, 2008 General Municipal Election regarding the Utility Users' Tax Ordinance.
RESOLUTIONS, ORDINANCE

Recommendation:
Recommendation of the City Clerk that City Council give direction to the City Clerk regarding placement of a measure related to the Utility Users' Tax Ordinance on the June 3, 2008 General Municipal Election.

Expenditure: Estimated at $10,000

BACKGROUND

The City Manager and the Finance Department brought an item to the City Council regarding placement of a measure related to the Utility Users' Ordinance. The City Clerk has prepared the appropriate resolutions and ordinances to allow the placement of the measure on the ballot should the City Council approve the item. Immediate action is required as the deadline for adding a measure to the ballot is March 7, 2008.

The City Council called a General Municipal Election on January 15, 2008 for candidates. The first resolution (Attachment A is the resolution adding a measure to be brought before the voters. The Los Angeles County Registrar has indicate that the estimated costs for adding this measure is $10,000.

In the past the City Council has asked that all seven member be allowed to sign arguments and/or rebuttals for a measure. The California Elections Code Section 9283 limits the number of signatures to five (5). The Torrance City Council is comprised of seven (7) members. Section 500 of the City of Torrance Charter allows the City Council by ordinance to set forth its own procedures for the holding of City elections. An ordinance is attached that would permit all seven member to sign arguments. This ordinance would be effective immediately as it relates to an election as allowed by California Government Code Section 36937 (Attachment B)

Priorities for arguments for a measure placed on a ballot by the City Council will be given to the City Council. The arguments may not exceed 300 words in length. The resolution also asks the City Attorney to prepare an impartial analysis showing the effect of the measure on the existing law and the operation of the measure. (Attachment C)

The last resolution is optional but must be adopted at the same time that the election is called. This allows for rebuttal arguments not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument. The opportunity for arguments and rebuttals is given to the legislative body, and individual voter, or bona fide association of citizens, or combination of voters and associations, who are bona fide sponsors or proponents of the measure, bona fide associations of citizens, or individual voters who are eligible to vote on the measure.

Respectfully submitted,

Sue Herbers
City Clerk

CONCUR:

LeRoy J. Jackson
City Manager

Attachments:

Attachment A	Resolution calling Election for Measure
Attachment B	Ordinance Allowing Seven Signatures
Attachment C	Resolution Setting Priorities for Arguments and Impartial Analysis
Attachment D	Resolution Allowing Rebuttal Arguments (Optional)

ATTACHMENT A

RESOLUTION NO. 2008-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF A MEASURE RELATING TO RATIFICATION OF AN ORDINANCE ON THE UTILITY USERS' TAX AT THE TORRANCE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 3, 2008, AS CALLED BY RESOLUTION NO. 2008-12.

WHEREAS, a General election on Tuesday, June 3, 2008 has been called by Resolution No. 2008-12, adopted on January 15, 2008, and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to ratification of the Utility Users' Tax and a Charter Amendment related to Vacancies in elective office;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General [Municipal Election the following questions:

A.

Shall an ordinance be adopted to ratify and update Torrance's existing telephone utility users' tax, to continue to maintain such essential city services as police, fire, street repair, parks, libraries, recreation programs and other services that are presently paid for from the city's general fund; provided that the present tax rate will not change; low-income seniors and disabled persons will remain exempt; and independent annual audits will be required.	**YES**
	NO

SECTION 2. That the proposed measure submitted to the voters are attached as Exhibit A.

SECTION 3. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON _____,2008

_____
Frank Scotto, Mayor

APPROVED AS TO FORM:
JOHN L. FELLOWS III, CITY ATTORNEY

By:_____
Ronald T. Pohl, Assistant City Attorney

ATTEST:

_____
Sue Herbers, City Clerk

Exhibit A

AN ORDINANCE OF THE CITY OF TORRANCE, CALIFORNIA AMENDING CHAPTER 25 OF THE TORRANCE MUNICIPAL CODE TO MODERNIZE THE APPLICATION OF THE UTILITY USERS' TAX

THE PEOPLE OF THE CITY OF TORRANCE DO ORDAIN AS FOLLOWS:

Section 1. *Code Amendment.* Section 225.1.1 of the Torrance Municipal Code is hereby amended to read as follows:

"SECTION 225.1.1 DEFINITIONS

The following words and phrases whenever used in this Chapter shall be construed as defined in this Section:

a). 'Ancillary telecommunications services' means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services including, but not limited to:

(1) Services that link two or more participants of an audio or video conference call, including the provision of a telephone number.

(2) Services that separately state information pertaining to individual calls on a customer's billing statement.

(3) Services that provide telephone number information, and/or address information.

(4) Services offered in connection with one or more telecommunications services, which offer advanced calling features that allow customers to identify callers and to manage multiple calls and call connections.

(5) Services that enable customers to store, send or receive recorded messages.

b. 'Billing address' means the mailing address of the service user to which the service supplier addresses invoices or bills for payment by the customer.

c) 'City' shall mean the City of Torrance.

d) 'Director' shall mean the Director of Finance of the City of Torrance or his or her designee.

e) 'Month' shall mean a calendar month.

f) 'Non-utility supplier' shall mean a service supplier, other than an electrical corporation franchised to serve the City, which generates electrical energy in capacities of at least fifty (50) kilowatts for its own use or for sale to others.

Exhibit A

g) 'Person' shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trusts, societies, and individuals, and shall include a municipal corporation.

h). 'Service address' means the residential street address or the business street address of the service user's primary place of usage of the service which is subject to tax under this Chapter.

i) 'Service supplier' shall mean a person required to collect or self-impose and remit a tax imposed by this Chapter.

j) 'Service user' shall mean a person required to pay a tax imposed by this Chapter.

k). 'Telephone communication services' includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whether or not such information is transmitted through interconnected service with the public switched network, whatever the technology used, whether such transmission, conveyance or routing occurs by wire, cable, fiber-optic, light wave, laser, microwave, radio wave (including, but not limited to, cellular service, commercial mobile service, personal communications service (PCS), specialized mobile radio (SMR), and other types of personal wireless service – see 47 USCA Section 332(c) (7) (C) (i) – regardless of radio spectrum used), switching facilities, satellite or any other technology now existing or developed after the adoption of this ordinance, and includes, without limitation, fiber optic, coaxial cable, and wireless. The term "telephone communication services" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or data services that are functionally integrated with telecommunications services. "Telephone communication services" include, but are not limited to, the following services, regardless of the manner or basis on which such services are calculated or billed: central office and custom calling features (including but not limited to call waiting, call forwarding, caller identification and three-way calling), local number portability, text messaging, ancillary telecommunication services, prepaid and post-paid telecommunications services (including but not limited to prepaid calling cards); mobile telecommunications service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and value-added non-voice data service. For purposes of this section, "private telecommunication service" means any dedicated telephone communications service that entitles a user to exclusive or priority use of communications channels. Telephone Communication Service does not include charges for access to the internet or digital downloads, such as downloads of books, music, ringtones, games and similar digital products or the provision of television signals by satellite dish or other wireless means.

l) 'Telephone corporation,' 'electrical corporation,' 'gas corporation,' 'water corporation,' and 'cable television corporation' shall have the same meanings as defined in Section 234, 218, 222, 241, and 215.5, respectively, of the Public Utilities Code of the State of California, as said sections existed on January 1, 1969. Electrical corporation and water corporation, shall be construed to include any City-franchised organization or agency and any municipality or agency engaged in the selling or supplying of electrical power or water to a service user."

Section 2. *Code Amendment.* Section 225.1.3 of the Torrance Municipal Code is hereby amended to read as follows:

"SECTION 225.1.3 TELEPHONE COMMUNICATIONS SERVICES TAX

a). There is imposed a tax upon every person, other than a telephone corporation, who uses telephone communication services in the city, including intrastate, interstate, and international telephone communication services, to the extent permitted by federal and state law. The telephone users tax is intended to, and does, apply to all charges within the city's tax jurisdiction, such as charges billed to a telephone account having a situs in the city as permitted by the Mobile Telecommunications Sourcing Act of 2000, 4 U.S.C. § 116 et seq. The tax imposed by this section shall be at the rate of 6½ percent. The tax shall apply to all charges made for such telephone communication services and shall be collected from the service user by the telephone communication services supplier or its billing agent. There is a rebuttable presumption that telephone communication services billed to a billing or service address in the city are used, in whole or in part, within the city's boundaries, and that such services are subject to taxation under this chapter. There is also a rebuttable presumption that telephone communication services sold within the city that are not billed to a billing address or provided to a primary physical location, including, without limitation, calling card services, are used, in whole or in part, within the city's boundaries and that such services are subject to taxation under this chapter.

b) The tax imposed in this Section shall be collected from the service user by the person providing the telephone communication services. The amount of tax collected in one (1) month shall be remitted to the Director on or before the 20th day of the following month.

c) The following shall be exempt from the tax imposed by this section:

(1) Charges paid for by inserting coins in coin-operated telephones available to the public with respect to local telephone service, or with respect to long distance telephone service if the charge for such long distance telephone service is less than 25 cents; except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.

(2) Except with respect to local telephone service, on any charges for services used in the collection of news for the public press, or a news ticker service furnishing a general news service similar to that of the public press, or radio broadcasting, or in the

dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

(3) Charges for services furnished to an international organization or to the American National Red Cross.

(4) Charges for any long distance telephone service which originates within a combat zone, as defined in section 112 of the Internal Revenue Code, from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary of the U.S. Treasury may by regulations prescribe, is furnished to the person receiving such payment.

(5) Charges for any long distance telephone service to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.

(6) Amounts paid by a nonprofit hospital for services furnished to such organization. For purposes of this subsection, the term 'nonprofit hospital' means a hospital referred to in Internal Revenue Code section 170(b)(1)(A)(iii) which is exempt from income tax under Internal Revenue Code section 501(a).

(7) Charges for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.

(8) Charges paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this subsection, the term 'nonprofit educational organization' means an educational organization described in Internal Revenue Code section 170(b)(1)(A)(ii) which is exempt from income tax under Internal Revenue Code section 501(a). The term also includes a school operated as an activity of an organization described in Internal Revenue Code section 501(c)(3) which is exempt from income tax under Internal Revenue Code section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.

(9) Charges for maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as such section existed on October 1, 1967."

d) As used in this section, the term 'charges' shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the telephone communication services.

e) The Director may, from time to time, issue and disseminate to telecommunication service suppliers which are subject to the tax collection requirements of this chapter administrative rulings identifying those telecommunication services that are subject to

the tax of subsection A of this section. Such administrative rulings shall be consistent with legal nexus and laws pertaining to telephone communications services and shall not impose a new tax, revise an existing tax methodology, or increase an existing tax, except as permitted by California Government Code Section 53750(h) (2) and (3) or other law. The Director may consider state-wide interpretive rules and guidelines promulgated by any government agency or association of government agencies as a factor in determining the intent of voters adopting this section. To the extent that the tax administrator determines that the tax imposed under this section shall not be collected in full for any period of time, such an administrative ruling falls within the tax administrator's discretion to settle disputes. The tax administrator's exercise of prosecutorial forbearance under this Chapter does not constitute a change in taxing methodology for purposes of Government Code section 53750(h), and the city does not waive or abrogate its ability to impose the telephone users' tax in full as a result of issuing such administrative rulings and may suspend such rulings and recommence collection of the tax without additional voter approval."

Section 3. *Code Addition.* Section 225.1.23 of the Torrance Municipal Code is hereby adopted to read as follows:

"SECTION 225.1.23EFFECT OF STATE AND FEDERAL AUTHORIZATION

To the extent that the City's authorization to impose or collect any tax imposed under this chapter is expanded or limited as a result of changes in state or federal law, no amendment or modification of this chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the city's authorization up to the full amount of the tax imposed under this chapter."

Section 4. *Code Addition.* Section 225.1.24 of the Torrance Municipal Code is hereby adopted to read as follows:

"SECTION 225.1.24 INDEPENDENT AUDIT
The City shall annually verify that the taxes owed under this chapter have been properly applied, exempted, collected, and remitted in accordance with this chapter, and properly expended according to applicable law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of as to a service supplier where the cost of the verification is expected to exceed the tax revenues to be reviewed."

Section 5. *Utility Rates*. This Ordinance does not change the existing rate of any tax imposed under Chapter 25 of the Torrance Municipal Code.

Section 6. *Low-Income Senior and Disabled Persons Exemptions*. This Ordinance does not change the existing exemptions for low-income seniors and disabled persons from the any tax imposed under Chapter 25 of the Torrance Municipal Code as specified in Section 225.1.17 of that Chapter. Any change to those exemptions which constitutes a tax increase within the meaning of Government Code Section 53750(h) shall require a vote of the People of the City of Torrance.

Exhibit A

Section 7. *Amendment of Ordinance*. Chapter 25 of the Torrance Municipal Code as amended by this Ordinance may be repealed or amended by the City Council without a vote of the people except as follows: as required by Proposition 218, any amendment to that chapter that increases the amount or rate of tax beyond the levels authorized by this Ordinance may not take effect unless approved by a vote of the people. The City Council may impose the taxes authorized by that chapter in any amount or rate which does not exceed the rate approved by the voters of the City.

Section 8. *Severability.* If any section, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining sections, sentences, clauses, phrases, or portions of this ordinance shall nonetheless remain in full force and effect. The people of the City of Torrance hereby declare that they would have adopted each section, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable and, to that end, the provisions of this Ordinance are severable.

Section 9. *Majority Approval; Effective Date.* This Ordinance shall be effective only if approved by a majority of the voters voting thereon and shall go into effect ten (10) days after the vote is declared by the City Council.

Section 10. *Certification.* The Mayor is hereby authorized to sign where indicated below to certify to the adoption of this Ordinance.

PASSED, APPROVED and ADOPTED by the People of the City of Torrance this 3rd day of June 2008.

_____
Frank Scotto, Mayor

APPROVED AS TO FORM:
JOHN L. FELLOWS III, CITY ATTORNEY

By:_____
Ronald T. Pohl, Assistant City Attorney

ATTEST:

_____
Sue Herbers, City Clerk

ATTACHMENT B

URGENCY ORDINANCE NO. _____

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AUTHORIZING ALL SEVEN CITY COUNCIL MEMBERS TO SIGN AN ARGUMENT AND ANY AUTHORIZED REBUTTAL TO AN ARGUMENT SUBMITTED IN OPPOSITION TO ANY MEASURE THAT WILL BE SUBMITTED TO THE VOTERS AT THE JUNE 3, 2008 GENERAL MUNICIPAL ELECTION.

This ordinance is adopted with reference to the following facts:

A. Section 9282 of the California Elections Code provides that the City Council or any member or members of the City Council may file a written argument in for or against any city measure.

B. Section 9283 of the Elections Code limits the number of signatures that may appear on a ballot argument to five.

C. The Torrance City Council is composed of seven council members.

D. Section 500 of the City's Charter allows the City Council by ordinance to set forth its own procedures for the holding of City elections.

NOW, THEREFORE, the City Council of the City of Torrance does ordain as follows:

SECTION 1

That the City Council authorizes all seven Council members to sign an argument and any authorized rebuttal to an argument submitted in opposition to any measure that will be submitted to the voters at the election of June 3, 2008.

SECTION 2

Any provisions of the Torrance Municipal Code or its appendices, or any other ordinances of the City inconsistent with this ordinance, to the extent of the inconsistencies and no further, are repealed.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, the decision will not affect the validity of the remaining portions of the ordinance. The City Council declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

SECTION 4

This ordinance will take effect upon the date of final passage, which may not be less than five days following introduction and first reading. Within fifteen days following adoption, this ordinance or a summary of this ordinance, if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED AND APPROVED the _____ day of _____, 2008.

_____
Frank Scotto, Mayor

APPROVED AS TO FORM:
JOHN L. FELLOWS III, CITY ATTORNEY

By:_____
Ronald T. Pohl, Assistant City Attorney

ATTEST:

_____
Sue Herbers, City Clerk

ATTACHMENT C

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS.

WHEREAS, a General Municipal Election is to be held in the City of Torrance, California, on June 3, 2008, at which there will be submitted to the voters the following measure:

Shall an ordinance be adopted to ratify and update Torrance's existing telephone utility users' tax, to continue to maintain such essential city services as police, fire, street repair, parks, libraries, recreation programs and other services that are presently paid for from the city's general fund; provided that the present tax rate will not change; low-income seniors and disabled persons will remain exempt; and independent annual audits will be required.	**YES**
	NO

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

CHOOSE ONE SECTION 1

SECTION 1. That the City Council authorizes

_____ (Council Member in Favor)	_____ (Council Member Against)
_____ (Council Member in Favor)	_____ (Council Member Against)
_____ (Council Member in Favor)	_____ (Council Member Against)
_____ (Council Member in Favor)	_____ (Council Member Against)
_____ (Council Member in Favor)	_____ (Council Member Against)

members of that body, to file (a) written argument(s) regarding the City measure as specified above), accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.]

OR

[SECTION 1. That the City Council authorizes ALL seven (7) members of the City Council to file written arguments In Favor of or Against City measure(s), accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and City of Torrance Ordinance _____ adopted on March 4, 2008 and to change the argument until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.]

The arguments shall be filed with the City Clerk, signed, with 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. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument

SECTION 2. That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON _____, 2008.

_____
Frank Scotto, Mayor

APPROVED AS TO FORM:
JOHN L. FELLOWS III, CITY ATTORNEY

By:_____
Ronald T. Pohl, Assistant City Attorney

ATTEST:

_____
Sue Herbers, City Clerk

ATTACHMENT D

RESOLUTION NO. 2008-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR ANY CITY MEASURES SUBMITTED AT THE JUNE 3, 2008 GENERAL MUNICIPAL ELECTIONS

WHEREAS, § 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may be signed by all seven (7) Councilmembers per City of Torrance Ordinance ____ adopted on March 4, 2008.

The rebuttal arguments shall be filed with the City Clerk, signed, with 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, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on June 3, 2008, and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED ON _____, 2008.

_____
Frank Scotto, Mayor

APPROVED AS TO FORM:
JOHN L. FELLOWS III, CITY ATTORNEY

By:_____
Ronald T. Pohl, Assistant City Attorney

ATTEST:

_____
Sue Herbers, City Clerk