

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

**SUBJECT: Report of Legislative Ad Hoc Committee for the June 3, 2008
General Municipal Election Ballot Measures**

RECOMMENDATION

Recommendation of the Mayor's Legislative Ad Hoc Committee that City Council concurs with the June 3, 2008 ballot measure positions recommended by the Committee.

BACKGROUND/ANALYSIS

At the City Council meeting on May 6, 2008 the Mayor appointed an Ad Hoc Legislative Committee. It is the role of the Ad Hoc Committee to meet prior to elections to consider state, county and local measures. In reviewing the ballot measures, the committee applies the criteria listed below to determine the potential impact of these measures on the City of Torrance:

- Does the proposed measure affect local control?
- Does the proposed measure have a fiscal impact on the City?
- Does the proposed measure affect public safety?

There are two (2) State measures and one (1) local measure that will be presented to the electorate on the June 3, 2008 general municipal election ballot.

On May 13, 2008 the Legislative Ad Hoc Committee met to review the measures and take a position on each measure. The agenda included an overview of each ballot measure, the City's overall legislative strategy, Committee's position on each measure, and public comment (Attachment A). The handout materials for the Committee were organized by proposition number with materials explaining the individual proposition including a summary from the Legislative Analyst's Office and presented to the Committee. In order to obtain a better understanding of what affect a measure may have on the City, City departments were requested to complete an analysis of the proposition that would fall in their area of expertise.

Attached for Council's review is a copy of the California Quick Reference Guide issued by the Secretary of State (Attachments B & C). Also attached is the City Attorney's impartial analysis of Measure T (Attachment D).

After studying the background material on the individual measures and discussing the issues with staff, departments and the public, the Committee voted on the measures using the established criteria.

Positions of Other Organizations, City Departments and Committee's Recommended Positions

Below is a listing of the positions taken on the measures by the League of California Cities, the League of Women Voters, the Torrance Chamber of Commerce, the South Bay Council of Governments and City Departments' positions.

State Measures

Proposition	League of Women Voters	League of California Cities	Torrance Chamber of Commerce	South Bay Cities Council of Governments	City Department	Committee's Recommendation
98	Oppose	Oppose	Oppose	Oppose	Oppose	2 Oppose/ 1 Support
99	Support	Support	Support	Support	Support	Support

Local Measures

Measure	Torrance Chamber of Commerce	Nocelltax.com	Committee's Recommendation
Measure T	Support	Oppose	Support

Respectfully submitted,

CITY COUNCIL LEGISLATIVE AD HOC COMMITTEE

Hope Witkowsky

Councilmember Hope Witkowsky, Chair

Bill Sutherland

Councilmember Bill Sutherland, Member

Tom Brewer

Councilmember Tom Brewer, Member

Attachments:

- A. Agenda – May 13, 2008 City Council Ad Hoc Legislative Committee Meeting
- B. Prop.98 - California Quick Reference Guide for June 3, 2008 Primary Election
- C. Prop.99 - California Quick Reference Guide for June 3, 2008 Primary Election
- D. City Attorney's Impartial Analysis of Measure T

AGENDA

CITY COUNCIL AD HOC LEGISLATIVE COMMITTEE

DATE: Tuesday, May 13, 2008

TIME: 3:00 – 4:30 p.m.

PLACE: Torrance City Hall, City Manager’s Assembly Room, Third Floor

COMMITTEE

MEMBERS: Councilwoman Witkowsky, Chair
 Councilman Tom Brewer
 Councilman Bill Sutherland

STAFF: LeRoy J. Jackson, City Manager
 Mary Giordano, Assistant City Manager
 Eleanor B. Jones, Management Associate
 John Fellows, City Attorney
 Jeff Gibson, Community Development Director
 Eric Tsao, Finance Director
 Ken Flewellyn, Assistant Finance Director

SUBJECT: REVIEW OF BALLOT MEASURES

- | | | |
|------|---|-------------------------------|
| I. | Welcome and Introductions | Chair, Councilwoman Witkowsky |
| II. | Overview of Ballot Measures | Eleanor B. Jones |
| III. | Policy Issues: City’s Position on Measures | Committee |
| IV. | Discussion of City’s Overall Legislative Strategy | Committee |
| V. | Public Comment | |
| VI. | Direction from Committee | |
| VII. | Adjournment | |

CALIFORNIA STATEWIDE DIRECT PRIMARY ELECTION

TUESDAY, JUNE 3, 2008 ★ OFFICIAL VOTER INFORMATION GUIDE

[Home](#) [Secretary of State](#) [Elections](#) [Political Reform](#) [Audio/Large Print](#) [Feedback](#)

QUICK-REFERENCE GUIDE

PROP 98 EMINENT DOMAIN. LIMITS ON GOVERNMENT AUTHORITY. INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY

Put on the Ballot by Petition Signatures

Bars state and local governments from taking or damaging private property for private uses. Prohibits rent control and similar measures. Eliminates deference to government in property rights cases. Changes condemnation rules. Fiscal Impact: Increased costs to many governments due to the measure's restrictions. The net statewide fiscal effect, however, probably would not be significant.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: Government authority to take private property in order to transfer it to another private party would be greatly reduced. Rent control would be phased out.

NO A NO vote on this measure means: There would be no change to government's authority to take property. That is, government could take property for a public purpose if government paid the owner for its value. Government could continue to control rent increases.

ARGUMENTS

PRO Today government seizes private property to benefit politically connected developers and to get around Proposition 13 by dramatically increasing property taxes. Proposition 98 prohibits the seizing of homes, small businesses, farms, and places of worship for developers' profit and prohibits forcing owners to rent their homes below fair market value.

CON Wealthy landlords spent millions to get 98 on the ballot NOT to reform eminent domain, but to eliminate rent control and renter protections like fair return of deposits. 98 is deceptive, deeply flawed, and would lead to frivolous lawsuits and increased taxpayer costs. AARP, League of Women Voters: NO 98.

FOR ADDITIONAL INFORMATION

FOR

Yes on Prop. 98 –
Californians for Property
Rights Protection
921 11th Street, Suite 1201
Sacramento, CA 95814
(916) 556-1110
info@YesProp98.com

AGAINST

No on 98, Stop the
Landlords' Hidden
Agendas Scheme
1121 L Street #803
Sacramento, CA 95814
(888) 362-2337
www.NoProp98.org

CALIFORNIA STATEWIDE DIRECT PRIMARY ELECTION

TUESDAY, JUNE 3, 2008 ★ OFFICIAL VOTER INFORMATION GUIDE

[Home](#)

[Secretary of State](#)

[Elections](#)

[Political Reform](#)

[Audio/Large Print](#)

[Feedback](#)

QUICK-REFERENCE GUIDE

PROP 99 EMINENT DOMAIN. LIMITS ON GOVERNMENT ACQUISITION OF OWNER-OCCUPIED RESIDENCE. INITIATIVE CONSTITUTIONAL AMENDMENT.

SUMMARY

Put on the Ballot by Petition Signatures

Bars use of eminent domain to acquire an owner-occupied residence for conveyance to a private person or business entity. Creates exceptions for public works, public health and safety, and crime prevention. Fiscal Impact: No significant fiscal impact on state or local governments.

WHAT YOUR VOTE MEANS

YES A YES vote on this measure means: In a limited number of cases, government would no longer have the authority to take a single-family home.

NO A NO vote on this measure means: There would be no change to government's authority to take single-family homes. That is, government could take a home for a public purpose if government paid the owner for its value.

ARGUMENTS

PRO 99 prohibits government from taking homes for private development. 41 other states reformed eminent domain laws after the Supreme Court ruled it OK for government to take homes for private development. It's time for California to act. 99 is straightforward reform: no loopholes, no hidden agendas. Protect homes. Yes 99.

CON The nonpartisan Legislative Analyst states Proposition 99 "is not likely to significantly alter current government land acquisition practices." Meaning: "Proposition 99 protects nothing." Politicians and developers spent \$4,000,000.00+ on Proposition 99 to kill every Proposition 98 property protection. Proposition 99 was written to trick voters, and destroy 98's property protections.

FOR ADDITIONAL INFORMATION

FOR

Yes on 99, Protect Homeowners from Eminent Domain
1121 L Street #803
Sacramento, CA 95814
(888) 362-2337
www.YesProp99.org

AGAINST

Yes on Prop. 98 – Californians for Property Rights Protection
921 11th Street, Suite 1201
Sacramento, CA 95814
(916) 556-1110
info@YesProp98.com

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE T

Measure T is submitted to the voters by the Torrance City Council to ratify and update the City's existing Utilities Users Tax ("UUT"), so that it can be applied equally to both older telephone technology and to newer telecommunications technology at the current tax rate of 6.5%, while continuing to exempt low-income seniors and disabled persons.

Background.

A UUT is a tax levied on each user of a utility within the City's boundaries. Since 1972 the City has imposed a telephone users' tax on persons using telephone service in the City. The tax is based on the telephone user's monthly usage, collected by the telephone provider and conveyed to the City. The current tax rate is 6.5% of the charges billed. Measure T will not increase the tax rate. UUT revenues are paid into the City's general fund to finance such services as police, fire, street repair, parks, libraries and recreation programs.

In past years, the City of Torrance, and most California cities with telephone UUTs, relied on federal law definitions to describe which specific telephone services are covered by the City's UUT. These definitions have been changed by the federal government and no longer reflect the City's original intent.

Since 1972 telephone technology has changed greatly. Telephone companies have introduced cell phone service and many other new services and features. It is expected that telephone companies will continue to develop new forms of telecommunications technology in the future.

Measure T

Measure T would ratify an ordinance previously adopted by the Torrance City Council, which removes references to the federal law definitions from the City's telephone UUT. The measure would also replace older definitions with new definitions that address new technology. The new language treats all telephone customers the same for local tax purposes.

Measure T would not apply to digital downloads, such as books, music, games and similar products, or cable or video television services that are instead subject to State and Federal franchise fees.

Measure T does not increase the current tax rate of 6.5%. The tax applies to all telephone services regardless of the technology used. Voter approval is required for any future tax increase.

Measure T maintains existing exemptions for low-income seniors and disabled persons.

Measure T also requires annual audits to confirm the tax is properly collected and spent by the City according to the requirements of Measure T and other laws. The audit will be performed by a qualified independent third party. The results of these audits will be available to the public.

Measure T requires approval of a majority of voters. A "yes" vote for Measure T will approve the modifications described above and maintain the existing tax. A "no" vote against Measure T will leave in place the City's existing UUT ordinance.

JOHN L. FELLOWS III
City Attorney