



DATE: September 11, 2023

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Patrick Carter, Assistant to the City Manager

SUBJECT: Resolution Approving Issuance of a Letter of Support for ACA 13 (Ward)
Voting Thresholds

RECOMMENDATION

It is recommended that the City Council adopt the attached Resolution Approving Issuance of a Letter of Support for ACA 13 (Ward) Voting Thresholds.

BACKGROUND

Existing law provides for the approval of any state ballot measure with a simple majority vote. However, some local ballot measures are subject to different vote thresholds. For example, a special tax (proceeds restricted for a specific purpose) proposed by a local government body must be approved by a two-thirds vote of the electorate. In contrast, a general tax (proceeds designated for general purposes) proposed by a local government body can be approved with a majority vote, and recent court rulings have determined that the two-thirds vote requirement for special taxes imposed by a local government does not apply if the special tax is enacted by local initiative. In other words, a special tax proposed by voters who gather enough signatures to qualify a local initiative measure can be approved by majority vote.

Under current law, a simple majority of voters (50% + 1 vote) may vote to require a supermajority (for example, 66%) voter approval for future action. This framework has given disproportionate power to a small number of voters; little more than one-third of voters can prevent the enactment of laws that a majority of voters agree upon.

Across the state, it has been difficult to pass revenue measures dedicated to critical services, such as homelessness and housing, fire, public safety, and roads. For example, from 2001-2018, city revenue measures with a two-thirds vote requirement have enjoyed only a 51% passage rate, compared to a 70% passage rate of all local revenue measures over the same period. The status quo has prevented other cities from providing desperately needed services.

DISCUSSION

ACA 13 (Ward) is a measure that would, if approved by voters, 1) require an initiative measure to amend the Constitution to increase the voter approval requirement for a state or local measure to receive a proportion of favorable votes equal to or greater than the highest voter approval requirement the initiative measure would impose for the adoption of that state or local measure, 2) authorize, at any election, a local governing body to hold an advisory vote concerning any issue of governance so voters within the jurisdiction can voice their opinions on that issue, and 3) specifies an advisory question is approved only if a majority of votes cast on the question are in favor, but that the results are in no manner controlling on the local governing body.

ACA 13 addresses the voting threshold disparity issue by causing any initiative that enhances a voter requirement to pass by that same voter requirement. The League of California Cities, in its requests for members to support this legislation, states that “ACA 13 is a fair, good government proposal that protects the principles of democracy and majority rule.”

The attached resolution authorizes the staff to send a letter of support to the appropriate legislative representatives.

PUBLIC OUTREACH

This agenda item was placed on the City’s agenda document for the 9/11/2023 City Council meeting on 9/6/2023.

ENVIRONMENTAL REVIEW

Adoption of this Resolution is exempt from the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3), which establishes the general rule for projects concerning which it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

FINANCIAL IMPACTS

There are no financial impact resulting from the issuance of a letter of support for ACA 13.

ATTACHMENTS

1. Resolution
2. Exhibit A - Letter of Support for ACA 13