



GETTING TO YES! Ballot Box Strategies to Protect or Generate Local Funding

Presented by:






*Sponsored by: League of California Cities
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Meet Your Panelists

- *City of National City: City Manager
Ms. Leslie Deese, Presiding Officer*
- *The Lew Edwards Group
Catherine Lew, Esq. - President & CEO*
- *FM3 Research
John Fairbank, Partner*
- *Burke, Williams & Sorensen, LLP
Alexandra Barnhill, Partner*






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The National City Experience



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The National City Experience

2004: Proposition S –\$12M G.O. Bond Measure for public safety facilities
FAILED

2005: \$4.0M General Fund structural deficit
2006: \$6.7M General Fund structural deficit

- Property Tax?
- Parcel Tax?
- Utility Users Tax?
- District Sales Tax? 
 - Service costs created by visitors and residents
 - Both pay sales tax



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The National City Experience

Proposition B

- November 2005 Ballot
- 1% general purpose sales tax
- No sunset clause
- Independent Oversight Committee
- Internally driven
- Undue confidence
- Simple majority required
- Rejected by 59% of voters



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The National City Experience

After Failure of Prop. B



Why did we lose our Services?

- 20% cuts, wage and hiring freeze, reduced library / recreation hours
- Imminent closure of a fire station
- Possible layoffs, including public safety
- Consolidated Neighborhood Councils
- Reduced code enforcement and graffiti abatement
- Reduced watering at parks
- No ball field lighting
- CIP projects suspended

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The National City Experience

Proposition B

- November 2005 Ballot
- 1% general purpose sales tax
- No sunset clause
- Independent Oversight Cmte.
- Internally driven
- Undue confidence
- Simple majority required
- Rejected by 59% of voters



Proposition D

- June 2006 Ballot
- 1% general purpose sales tax
- 10-year sunset clause
- Independent Oversight Cmte.
- Citizen driven
- More realistic
- Simple majority required
- Passed by 59% of voters



"It ain't over 'till it's over"

- California law allows a measure to be placed back on the ballot
- Repeal of Proposition D Sales Tax on November 2008 Ballot
- Same people that signed ballot argument against Proposition D
- Only 409 signatures required to place on ballot
- Repeal rejected by 57% of voters



Strategies

- Council acted on budget cuts
- Sunset clause built credibility
- Grassroots effort
- Maintaining Trust
- Political Courage
- Pick Your Ballot
- Outreach and education
- Surveys and polling
- Forums and workshops
- Price Tag on Services
- Professional campaign
 - Hire consultants (pollster, special counsel, etc.)
 - Community leaders as spokespersons
 - Political Action Committee





The National City Experience

Survived Repeal; Fast Forward...

- Great Recession
- More State Takeaways
- Redevelopment Dissolved
- Millions Lost to State
- Despite best efforts, National City continues to need dedicated source of local funding that cannot be taken by State
- Unanimous approval by City Council to place measure on November 2014 ballot



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The National City Experience

*Proposed Ballot Measure –
Extension of Proposition D*

- November 2014 Ballot
- 1% general purpose sales tax
- 20 year sunset clause
- Independent Oversight Committee
- Simple majority required



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*Can the city spend public
resources on these efforts?*



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Legal Guidelines

- **Before** a measure qualifies for the ballot, the use of public resources is less restricted.
- City may hire a political consultant and/or pollster to survey voter support.
- City may propose, draft, or identify a sponsor for a ballot measure.

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Legal Guidelines

- **After** a measure qualifies for the ballot, the use of public resources is restricted.
- **Framework for analysis:**
 - Expressly Authorized Activities,
 - Impermissible Campaign Activities, or
 - Unclear Activities that require “Style, Tenor & Timing” Analysis

(Vargas v. City of Salinas (2009) 46 Cal. 4th 1)

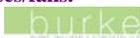
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Legal Guidelines

- **Expressly Authorized Activities:**
 - Council may order a report on the probable effects of a measure.
 - Any Councilmember(s) may file an argument for/against a city measure.
 - Council may adopt a resolution supporting/opposing a measure in an open & public meeting.
 - Council may adopt a resolution identifying the services/programs to be cut if the measure passes/fails.

(E.C. § § 9212, 9282, Vargas)

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Legal Guidelines

- **Impermissible Campaign Activities:**
 - Producing campaign materials.
 - Disseminating literature prepared by proponents/opponents of a measure.
 - Engaging in campaign activities during work hours or using City resources.

(Vargas; Stanson v. Mott)

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Legal Guidelines

- **Unclear Activities that require a “Style, Tenor & Timing” Analysis**

More Likely Permissible	More Likely Impermissible
Conveys facts & analysis	Conveys opinions, arguments, or rhetoric
Info passively available	Info actively distributed
Sent to all residents	Sent to target audience
Sent long before election	Sent shortly before election
Normal commo pattern/timing/style	Abnormal commo pattern/timing/style
No call to political action	Call to political action

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Practice Tips

- **Create a Ballot Measure Team:**
 - Ensure the City Attorney / Special Counsel reviews all ballot-related info and activities.
 - Keep detailed records and track the time and use of public vs. private resources.
 - Develop talking points for staff to respond to ballot inquiries.
- The more fair and balanced the info, the less likely a challenge will be filed.

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Practice Tips

IMPERMISSIBLE	PERMISSIBLE
Work on the campaign during paid work hours.	Work on the campaign during personal time.
Use City's website to link to campaign websites.	Use City's website to link to official ballot materials, resolutions and reports.
Make public appearances during paid work time urging political action.	Make public appearances during personal time urging political action.
Solicit a campaign contribution or attend a fundraiser on paid work time.	Make a campaign contribution or attend a fundraiser with personal funds / time.

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Preparing for a Successful Revenue Measure

Step One: Conducting Public Opinion Research

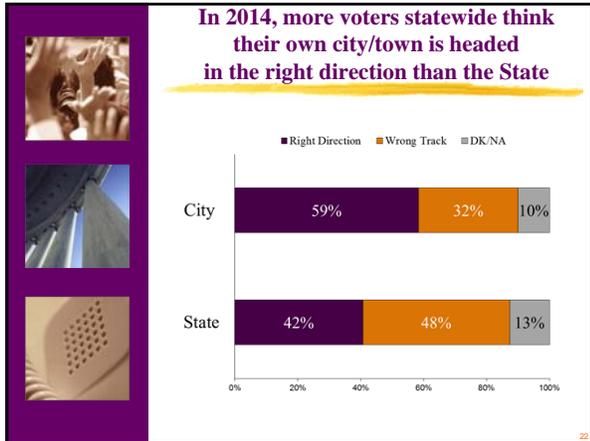
Fairfield
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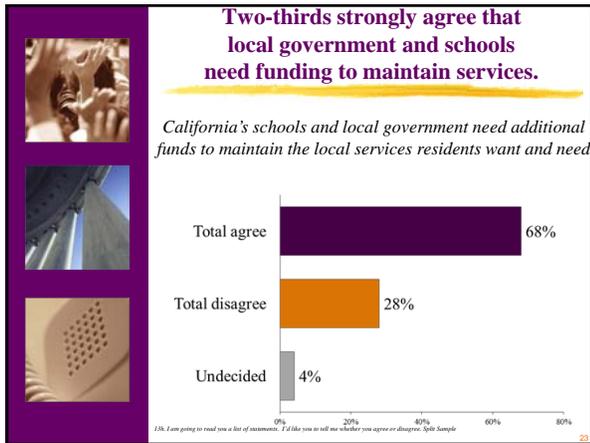


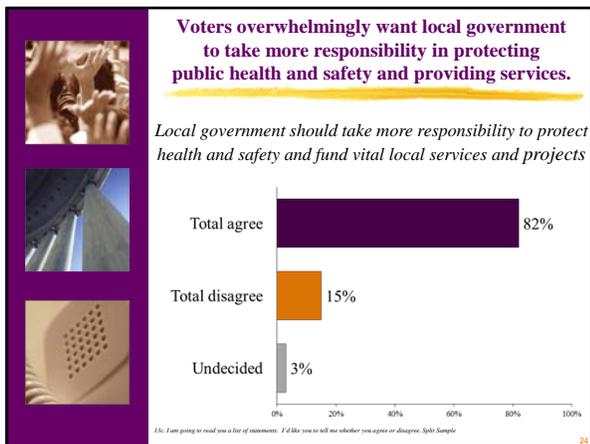
THE MOOD OF CALIFORNIA VOTERS

Fairfield
Mason
Merrill
Merrill
Merrill
Merrill











II. Uses of Opinion Research for Local Governments

- Assessing voters' attitudes towards local government and satisfaction with public services – both generally and specifically
- Determining which services are the highest priorities to voters
- Gauging initial vote preferences on proposed ballot measures, given draft ballot language
- Testing alternative structures for a ballot measure (including general and specific taxes, different funding mechanisms, level of taxation and annual cost)
- Determining which components of a ballot measure – particularly potential uses of revenue – voters view most favorably
- Identifying the most effective fiscal accountability provisions (audits, special exemptions, sunsets, oversight committees, public expenditure reports, etc.) to directly address voters' concern about wasteful spending.

Facilities, Media, Meet & Discuss 25



Uses of Research for Public Finance Measures (Cont.)

- Assessing demographic patterns of support for a ballot measure: base supporters, base opponents, and swing voters
- Gauging reactions to various pro (e.g.: state cutting funding for local services) and con arguments (e.g.: bad economy, shouldn't raise taxes) and their impact on the vote
- Testing whether variations in language and emphasis lead to different reactions (maintaining service levels vs. preventing cuts)
- Determining which election date will give a ballot measure the greatest chance of success
- Overall goal: to identify numerous ways of tailoring the structure and presentation of the measure to maximize public support.

Facilities, Media, Meet & Discuss 26



City of Rohnert Park Sales Tax Continuation Measure Ballot Language:

Rohnert Park Continuation of Essential City Services Funding Measure. To preserve the safety and character of Rohnert Park, and maintain/protect general City services, including 911 emergency response; fire protection; neighborhood police patrols; gang/sex offender enforcement; disaster preparedness; street paving/pothole repair; park maintenance; and other essential services, shall the City of Rohnert Park continue a voter-approved 1/2 cent sales tax, subject to annual audits and public review, keeping money from Sacramento, and without raising existing tax rates?

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The survey tests the effectiveness of various informational statements about the measure for building support...



(QUALITY OF LIFE) Rohnert Park was founded in 1962 to create a safe, middle-class community with easy access to neighborhood parks and pools, and recreational activities. This measure is needed to maintain our quality of life and keep Rohnert Park a safe place to live, work and raise a family.

(NO INCREASE) This measure does not create a new tax. It simply continues an existing tax – one previously passed by a majority of voters – that the City has relied upon to maintain essential services. It is not a property tax and won't raise current tax rates.

(LOCAL CONTROL) Sacramento takeaways reduced Rohnert Park's budget by \$1.5 million in the past year alone. This measure ensures that our city continues to have a guaranteed source of local funding that cannot be taken by Sacramento and requires that our tax dollars are spent locally for Rohnert Park residents.

■ Very Conv. ■ Somwt. Conv.

Statement	Very Conv.	Somwt. Conv.	Total
(QUALITY OF LIFE)	39%	39%	78%
(NO INCREASE)	40%	36%	76%
(LOCAL CONTROL)	43%	31%	74%

If I am going to read you some statements from people who oppose this ballot measure. Please tell me whether you find it very convincing, somewhat convincing, or not convincing at all in support of such a measure. (See Part of Split Sample)

...as well as the impact of oppositional statements.



(PENSIONS/SALARIES/WASTE) The only reason this measure might be placed on the ballot is to pay for the expensive retirement benefits of former city employees and new high paid staff, including many who earn more than \$100,000 per year. Instead of raising taxes to pay excessive retirement benefits and salaries, the City should just cut unnecessary spending.

(NO SUNSET/TOO EARLY) This sales tax was established in 2010 and the City promised it would be temporary. Now they are trying to renew it early and want to make it permanent. Passing a temporary tax for a few years as we pull ourselves out of the recession is one thing, but the City is now being too greedy and we should vote "no" on this tax that will last forever.

(TAX INCREASES/ECONOMY) It seems like in every election the state or some government agency is asking voters to raise their taxes. Given that the state just increased its income and sales taxes, and many local families are still struggling to make ends meet, we simply can't afford this measure.

■ Very Conv. ■ Somwt. Conv.

Statement	Very Conv.	Somwt. Conv.	Total
(PENSIONS/SALARIES/WASTE)	30%	29%	59%
(NO SUNSET/TOO EARLY)	29%	26%	54%
(TAX INCREASES/ECONOMY)	28%	28%	56%

If I am going to read you some statements from people who oppose this ballot measure. Please tell me whether you find it very convincing, somewhat convincing, or not convincing at all in support of such a measure. (See Part of Split Sample)

Support for the measure is tracked after residents hear each piece of information.

If there were an election today, do you think you would vote "yes" in favor of this measure or "no" to oppose it?



Initial Vote After Positive Messages After Negative Messages

Total Yes: 69% (Initial) → 76% (After Positive) → 68% (After Negative)

Total No: 29% (Initial) → 22% (After Positive) → 29% (After Negative)

Undecided: 3% (Initial) → 2% (After Positive) → 3% (After Negative)

Final Election Results: 67% YES

04/9/11



Getting to Yes!



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Informational Tools Available to your City

- Budget analyses, City Council updates, staff reports and dual budget adoption
 - A Fiscal Impact Report should be developed which clearly and simply identifies services that can be maintained and/or are at risk
 - EMBEDDING Key Facts and Information in the City budget or official documents months prior to placement of a measure on the ballot is a key practice utilized on behalf of our cities
- Additional City Attorney/Staff Items
 - Ballot Question and Impartial Analysis
 - Council Resolution
- Other City communications vehicles
 - City website, Cable Scroll, City Newsletter, Twitter, Facebook, Vimeo
 - Informational Community Mailings



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Examples of City Informational Materials



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Example of Alternative Termination to Sunset Provision



SECTION 1: AMENDMENT. Section Chapter 3.21.150 of Chapter 3.21 (Transaction and Use Tax) of the Rohnert Park Municipal Code shall be amended to read as follows:



3.21.150 Termination Date

The authority to levy the tax imposed by this ordinance shall not expire, unless terminated by a unanimous vote of the City Council.





Informational Practices Utilized by Other Cities



- Clearly identify and prioritize the services at risk of being cut, or those that will be maintained
- Have your City Council adopt two budgets—one that includes existing revenue, and one that does not. Also embed a simple Fiscal Impact Report into your Budget document.
- With the review of your City Attorney and the assistance of experts, utilize all permissible communications avenues, including informational presentations to the community about your budget and your services
- Assume scrutiny and deploy accordingly





How do Political Messages differ from Information?



NO-ON-P
WHAT'S THE DANGER BEHIND MEASURE P?

PUBLIC SAFETY

- Measure P cuts 20% from city services.
- Measure P cuts \$600,000 from police, fire and rescue.

REDUCED QUALITY OF LIFE

- Measure P closes Civic Auditorium and teen programs.
- Measure P eliminates school crossing guards.
- Measure P cuts senior and youth programs, Parks and Recreation.

VOTE NO ON P TUESDAY, NOV. 5 - PROTECT OUR CITY
For full report on the City's potential cuts, visit www.community.org.




WHAT WOULD MEASURE P DO?

FACTS Measure P would immediately cut nearly 20% from the City of Santa Cruz general fund—on top of \$3 million already cut from this year's budget.

FACTS It would force cuts in city services, including:

- Paramedics and marine rescue
- Police patrols downtown and at the beach
- Anti-drug, anti-gang youth programs
- School crossing guards
- Civic Auditorium, Loudin Nelson Center
- Pothole and street repairs
- Flood control bridge repair storm drains
- Senior programs

FACTS These services aren't "nice"—they are part of the quality of life Santa Cruz residents rely on every day.

WHO OPPOSES MEASURE P?

BUSINESS LEADERS	PUBLIC SAFETY	YOUTH
• Downtown Association	• Police Officers Association	• Big Brothers, Big Sisters
• Marine West Area Association	• Santa Cruz Firefighters Association	• Boys and Girls Club of Santa Cruz
COMMUNITY	COMMUNITY	• Santa Cruz Neighborhood School Council
• Friends of Del Mar Plaza	• Mountain East Alliance	WOMEN
• Friends of Santa Cruz Public Library	• Community Bridges	• Santa Cruz Women's Center
• Joint Society of Santa Cruz	• Diversity Center	LABOR UNIONS
• Santa Cruz Measure Association	• Parkville in Paradise	• Monterey Bay Labor Council, AFL-CIO
EDUCATION	WOMEN'S ISSUES	• Santa Cruz Local 411
• Santa Cruz City School Board	WOMEN'S ISSUES	COMMUNITY MEMBERS
WOMEN'S ISSUES	• Friends of Parks and Recreation	• Barry Levin
NO-ON-P	• Santa Cruz Youth Soccer League	• Larkspur Wilson
CONSIDER THE FACTS AND VOTE NO ON P!		• Sam Marley

In an Emergency...

...Seconds Count

"Seconds are the difference between life and death. Yes on U will improve 9-1-1 response times and save lives."
 Frank Ortiz, Retired Fire Chief

JUNE 5 - VOTE YES ON U FOR SANTA MARIA

Paid for by: Yes on Save Essential Services Measure U - 2151 S. College Drive, Ste. 101 Santa Maria, CA 93455 FPFC #1344111



DO YOU WANT TO BE PLACED ON HOLD WHEN YOU CALL 9-1-1?

IF NOT, VOTE YES ON MEASURE E!

"Tracy's \$5 million structural budget deficit leaves public safety vulnerable to service reductions. Help us protect you and the quality of life we enjoy in Tracy."

Jim Tracy Miller
 Mayor of Sacramento Enhancement Trust

Learn more at www.SaveEssentialServices.com

YES ON E
 Save Essential Services

Photo by Steve Damstra/Spectrum. Contribution for Tracy on Measure E. © 2012

Legal Guidelines

- **Top Ballot Measure Questions for City Attorneys:**
 - Can I use my official City title when drafting letters for/against the measure?
 - Can I wear my uniform while expressing my views about a ballot measure?
 - Can the City facilities be used for a political forum?
 - What are the penalties for violating the law?

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Contact Us!

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