

**Resolution No. 2016-81**

**RESOLUTION ORDERING AN ELECTION FOR A MEASURE  
WHICH IF APPROVED BY A MAJORITY OF THE ELECTORS IN  
THE CITY OF MARINA WOULD AMEND THE CITY'S CHARTER,  
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,  
AND REQUESTING CONSOLIDATION OF THE ELECTION**

---

**City of Marina**

**WHEREAS**, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election; and

**WHEREAS**, the resolution of the governing body of the city or district shall specify the services requested; and

**WHEREAS**, pursuant to Elections Code Section 10002, the city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

**WHEREAS**, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

**WHEREAS**, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

**WHEREAS**, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

**WHEREAS**, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

**WHEREAS**, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2016;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT THE** governing body of the City of Marina hereby orders an election be called and consolidated with any and all elections also called to be held on November 8, 2016, insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Marina, and the City of Marina requests the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10400 and 10403.

---

**BE IT FURTHER RESOLVED AND ORDERED** that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting a mail ballot election and agrees to pay for said services in full, and

**BE IT FURTHER RESOLVED AND ORDERED** that Monterey County Elections Department shall conduct the election for the following measure to be voted on at the November 8, 2016 election:

---

**CITY OF MARINA CHARTER MEASURE \_\_\_\_**

Shall Section 1.04 be added to the Charter to provide for the direct election of the mayor to serve a term of four years, commencing with the 2018 general municipal election?

YES \_\_\_\_\_  
NO \_\_\_\_\_

---

**BE IT FURTHER RESOLVED AND ORDERED THAT** Monterey County Elections Department is requested to print the full measure text (**Exhibit A**) exactly as filed or indicated on the filed document in the Voter Guide for the November 8, 2016 election. Cost of printing and distribution of the measure text will be paid for by the City of Marina.

In addition, the full text will be available at the following web site address: [www.ci.marina.ca.us](http://www.ci.marina.ca.us).

**BE IT FURTHER RESOLVED AND ORDERED THAT**

1. Voter approval requirement is a majority. In the event a majority of the electors voting on the measure vote in favor, the Charter of the City of Marina shall be amended to read in accordance with the text corresponding to the Amendment as set forth in Exhibit A.
2. Arguments for and against the ballot measure may be filed consistent with Elections Code Section 9282, *et seq.* The last day for submission of direct arguments for or against the ballot measure shall be by 5:00 P.M. on August 19, 2016. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.
3. Rebuttals to arguments for and against the ballot measure may be filed. The last day for submission of rebuttal arguments for or against the ballot measure shall be by 5:00 P.M. on August 29, 2016. Rebuttal arguments shall not exceed two hundred-fifty words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the direct arguments.
4. Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare by August 19, 2016, an impartial analysis of the ballot measure
5. The Mayor Pro Tem is hereby authorized to prepare written arguments in favor of the ballot measure, not to exceed three hundred words, on behalf of the City Council. At the Mayor Pro Tem's discretion, the argument may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote. In the event an argument is filed against the ballot measure, the Mayor Pro Tem is also authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations or by individual voters who are eligible to vote.

6. The Deputy City Clerk hereby is designated as the Elections Official and is directed to do all things required by law to effectuate the Regular Municipal Election and to present the charter amendment submitted herein to the electorate, including, but not limited to, required publications, postings, noticing and filings. Further, the Deputy City Clerk is hereby directed to forward a copy of this resolution to the City Attorney for preparation of impartial analyses of the charter amendment submitted. Pursuant to Election Code section 9285, when the Deputy City Clerk has selected the arguments for and against the ballot measure, which will be printed and distributed to voters, the Deputy City Clerk shall send copies of the arguments in favor of the ballot measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. 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.

7. The Deputy City Clerk is hereby directed to submit forthwith a certified copy of this resolution to the Board of Supervisors, to the Registrar of Voters and to the County Clerk of the County of Monterey. The Deputy City Clerk shall certify as to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

8. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Sections 15061(b)(3) and 15378(a), that this resolution is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt under the definition of "Project" in Section 15378(b)(3) in that it concerns general policy and procedure making. The Council therefore directs that a Notice of Exemption be filed.

**PASSED AND ADOPTED** by the City Council of the City of Marina this 7<sup>th</sup> day of June 2016, by the following vote:

AYES, COUNCIL MEMBERS: Brown, Morton, O'Connell

NOES, COUNCIL MEMBERS: Amadeo

ABSTAIN, COUNCIL MEMBERS: Delgado

ABSENT, COUNCIL MEMBERS: None

---

Bruce C. Delgado, Mayor

ATTEST:

---

Anita Sharp, Deputy City Clerk

**EXHIBIT "A" TO RESOLUTION NO. 2016-81**

**PROPOSED AMENDMENT  
TO THE CHARTER OF THE CITY OF MARINA**

The proposed amendment to the Charter, to be added to Article 6, is set forth below.

**A. CITY OF MARINA CHARTER MEASURE \_\_**

Shall Section 1.04 be added to the Charter to provide for the direct election of the mayor to serve a term of four years, commencing with the 2018 general municipal election?

YES \_\_\_\_\_

NO \_\_\_\_\_

**Section 1.04.** Elected Mayor to Serve a Four Year Term. Commencing with the 2018 general municipal election, the directly elected Mayor shall serve a four-year term.

May 27, 2016

Item No. **11a**

To: Honorable Mayor and Members  
of the Marina City Council

City Council Meeting  
of June 7, 2016

From: Deborah Mall, Assistant City Attorney

**CITY COUNCIL CONSIDER PLACING A CHARTER AMENDMENT ON  
THE BALLOT FOR THE NOVEMBER 8, 2016 GENERAL MUNICIPAL  
ELECTION, WHICH WILL ALLOW FOR A FOUR YEAR TERM FOR  
THE MAYOR**

**REQUEST:**

It is requested that the City Council consider:

1. Adopting Resolution No. 2016-, to submit to the voters of the City at a General Municipal Election on November 8, 2016, a Charter Amendment to provide for the Mayor to serve a four-year term.

**BACKGROUND:**

Marina is a charter city and is governed by the terms of its Charter, which was approved by the voters on June 2, 1998. The charter is the “Constitution” for the City and provides legal guidelines for the form and function of its government. In a charter city, the charter may determine the procedures for selecting a mayor and such charter provisions override any conflict in general law. Marina has an elected Mayor, who serves a two year term. There is a procedure in the Government Code for establishing the office of Mayor with either a two or four year term. This matter was put on the ballot in 1977 and a two year term was chosen by the citizens of Marina. On February 2, 2016, the City Council directed staff to take steps to place a matter on the ballot to increase the term of the Mayor to four years, so that the Mayor could better serve the City, without directing time and resources to re-election, every two years.

**FISCAL IMPACT:**

There will be no direct fiscal impact, since this measure will be put on the ballot and consolidated with the general November election. Some staff time may be saved in the future, if staff only has to provide orientation to a new mayor every four years, or whenever a new mayor is elected.

**ANALYSIS:**

The Charter was amended in 2000 to address various issues related to the election of office holders and related to office holder terms. The Charter, however, does not address the term of the Mayor. The City Code does not address the term of the Mayor. The term for the Mayor should be codified in a place where it is logical and readily available to the public. A Charter amendment will supersede any conflicting law and it would be logical and usual to include the term of the Mayor in the Charter, especially when similar issue are already addressed in the Charter. As such, a Charter amendment is proposed. The proposed form is found in the attached Resolution, which must be adopted to put a Charter Amendment on the ballot.

**CONCLUSION:**

If the City Council wishes to increase the term of the Mayor to a four year term, the attached Resolution should be approved, which will allow the matter to be put to a vote of the electors at the November Municipal election.

Respectfully submitted,

                  //ss//                    
Deborah Mall  
Assistant City Attorney