

RESOLUTION NO. 2016-101

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
AMENDING RESOLUTION NO. 2016-81 BY CHANGING THE DUE DATES FOR
SUBMISSION OF PRIMARY AND REBUTTAL ARGUMENTS FOR AND
AGAINST, AND FOR THE IMPARTIAL ANALYSIS BY THE CITY ATTORNEY
FOR A MEASURE WHICH WOULD AMEND THE CITY'S CHARTER TO
PROVIDE FOR A FOUR-YEAR MAYORAL TERM

WHEREAS, ON June 7, 2016, the City Council adopted Resolution No. 2016-81 ordering submission to the voters at the General Municipal Election to be held on Tuesday, November 8, 2016, of a ballot measure which if approved by a majority of the electors in the City of Marina would amend the City's Charter to provide for a four-year mayoral term commencing with the 2018 General Municipal Election; and

WHEREAS, Resolution 2016-81 is attached as Exhibit A; and

WHEREAS, the County's Registrar of voters has now established dates different from those established in Resolution 2016-81 for last day to file primary and rebuttal arguments, and for the impartial analysis of the measure to be prepared by the City Attorney; and

WHEREAS, matching the dates established by the Monterey County Election Department will better insure consistency, help expedite production of the voter guide and should avoid confusion concerning the required public review period for the measure.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Marina that:

1. Section 2 of Resolution 2016-81 is hereby amended to change the due dates for primary arguments for and against the ballot measure proposed to provide for a four-year mayoral term as follows:

“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 18, 2016. Direct arguments shall not exceed three hundred words and shall be signed by not more than five persons.”

2. Section 3 of Resolution 2016-81 is hereby amended to change the due dates for rebuttals to arguments for and against the ballot measure proposed to provide for a four-year mayoral term as follows:

“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 25, 2016. Rebuttal arguments shall not exceed two hundred-fifty words and shall be signed by not more than five persons; if authorized in writing by the author(s) of the direct argument those persons may be different persons than the persons who signed the direct argument.”

3. Section 4 of Resolution 2016-81 is hereby amended to change the due date for the City Attorney's impartial analysis of the ballot measure proposed to provide for a four-year mayoral term as follows:

“Pursuant to Election Code Section 9280, the City Council hereby directs the City Attorney to prepare by August 18, 2016, an impartial analysis of the ballot measure.”

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on July 6, 2016, by the following vote:

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

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

**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.

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 7th 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.

DEBORAH A. MALL
ROBERT W. RATHIE
GEORGE C. THACHER
ROBERT R. WELLINGTON

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July 7, 2016

MEMO TO: Mayor and Council Members

FROM: Robert Rathie, Asst. City Attorney

RE: Resolution to Amend Resolution 2016-81; changing the due dates for primary and rebuttal arguments for and against a ballot measure which, if approved by a majority of the electors of the City at the November 8, 2016 General Municipal Election, would amend the City Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election; and for the City Attorney's impartial analysis of the measure.

On June 7, 2016, the City Council adopted Resolution 2016-81 (**EXHIBIT A**) ordering submission to the voters at the November 8, 2016 general municipal election of a measure which if approved by a majority of the electors would amend the City's Charter to allow for a four-year mayoral term commencing with the 2018 General Municipal Election.

On June 14, 2016, the County's Registrar of voters provided an update to the dates previously established in Resolution 2016-81 for last day to file primary and rebuttal arguments, and for the impartial analysis of the measure to be prepared by the City Attorney. The reason given for updating and changing those dates is to allow the County Elections Department to be consistent with other counties and to help expedite the production of the voter guide.

Adoption of the Resolution submitted with this memo would amend Resolution 2016-81 to change the due dates for primary arguments for and against the measure, and for the impartial analysis of the measure, to conform to the updated calendar published by the County. A certified copy of the Resolution amending Resolution 2016-81 will then be provided to the County's Election Department and the primary and rebuttal arguments for and against the measure and the impartial analysis would be due on the dates established therein.

- R.W.R.