

RESOLUTION NO. 18-093

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
CALLING AN ELECTION RELATING TO THE OFFICE OF CITY CLERK

WHEREAS, currently the position of city clerk of the City of El Paso de Robles is elective; and

WHEREAS, Government Code Sections 36508-36510 provide that the position of city clerk may be made appointive rather than elective upon approval of the voters at a regular or special election; and

WHEREAS, the City’s next general municipal election will be held on November 6, 2018, and the City wishes to submit to the voters, at that election, the question of whether the city clerk should be made an appointive position.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of El Paso de Robles as follows:

Section 1. Pursuant to California Government Code Section 36508 and Resolution No. 18-091, the City Council has called for a general municipal election to be held on November 6, 2018, and orders that the following question be submitted to the voters at such election:

<b><u>MEASURE # : APPOINTIVE CITY CLERK</u></b>	Yes
Shall the Office of City Clerk be Appointive?	No

Section 2. In the event the proposition receives approval by a majority of the votes cast, the proposition is adopted and the City Council shall appoint such officer at the expiration of the term of the officer then in office, or upon a vacancy in such office. The City Council may by ordinance vest in the City Manager its authority to appoint such officer.

Section 3. Pursuant to Elections Code Sections 10002 and 10403 and other applicable authority, the City Council hereby requests the San Luis Obispo County Board of Supervisors and the San Luis Obispo County Clerk to: (a) consolidate the election on this City proposition with, and place it upon the same ballot as that provided for, the regular statewide election scheduled for Tuesday, November 6, 2018; and (b) perform election services relating to the vote on the City proposition in accordance with City of El Paso de Robles Resolution No. 18-091 requesting election services on behalf of the City for the November 6, 2018 election, which resolution was adopted by the City Council on June 20, 2018 and is being forwarded to the County. This resolution supplements, and does not supersede, Resolution No. 18-091.

Section 4. The City Clerk is hereby authorized and directed forthwith to file certified copies of this resolution with the San Luis Obispo County Board of Supervisors and the San Luis Obispo County Clerk.

Section 5. That pursuant to Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Ordinance to the City Attorney to prepare an impartial analysis of the Ordinance which shall not exceed 500 words in length.

Section 6. That pursuant to Elections Code Section 9282, the City Council may file a written argument in favor of the Ordinance in accordance with Article 4, Chapter 3, Division 9 of the Elections Code and may change the argument as allowed by law.

Section 7. That pursuant to Elections Code Section 9287, if more than one argument for or more than one argument against the Ordinance is submitted to the City Clerk within the time prescribed by law, he or she shall select one of the arguments in favor and one of the arguments against the Ordinance for printing and distribution to the voters, giving preference in such selection in the following order:

1. The City Council, or a member or members of the City Council authorized by the City Council.
2. Bona fide associations of citizens.
3. Individual voters who are eligible to vote on the Ordinance.

Section 8. That pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Ordinance which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the Ordinance to the author or authors of the argument against, and copies of the argument against the Ordinance to the author or authors of the argument in favor. The author or authors may submit a rebuttal argument to the direct argument not exceeding 250 words. Rebuttal arguments shall be printed in the same manner as the direct arguments and shall immediately follow the direct argument which it seeks to rebut. All previous resolutions providing for the filing of rebuttal arguments for City measures are repealed, and this Section shall only apply to the election on the Ordinance to be held on November 6, 2018.

Section 9. In accordance with Section 10002 of the Elections Code, the Board of Supervisors of San Luis Obispo County is hereby requested to consent to the Registrar of Voters rendering election services to the City as may be requested by the City Clerk of said City, the County of San Luis Obispo to be reimbursed in full for such services as are performed. The Board of Supervisors of San Luis Obispo County is also requested to consent and agree to the consolidation of the General Election with any other election occurring on November 6, 2018, and the City hereby consents to any such consolidation.

Section 10. The election services which the City requests of the Registrar of Voters, or such other official as may be appropriate to perform, and which such officer is hereby authorized and directed to perform if the said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards, the establishment or appointment of precincts, polling places, and election officers, opening and closing of polling places, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places, the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk, and the performance of such other election services as may be requested by said City Clerk.

Section 11. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to California Elections Code Section 10242 and Section 14212, except as provided in California Elections Code Section 14401 or any other provision of law.

Section 12. All persons qualified to vote at municipal elections in the City on the day of the election herein provided for shall be qualified to vote on the Ordinance hereby submitted at the General Municipal Election.

Section 13. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding general municipal elections in the City.

Section 14. Notice of the time and place of holding the General Municipal Election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

Section 15. The City Clerk shall receive the canvass as it pertains to the General Municipal Election, and shall certify the results to this City Council, as required by law.

Section 16. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

Section 17. Pursuant to California Elections Code section 9295, this Resolution and the attached Ordinance will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the sample ballot. The examination period will end on the day that is seventy-five (75) days prior to the date set for the election.

Section 18. This Resolution shall take effect immediately upon its adoption by a majority vote of all of the members of the City Council.

Section 19. The City Clerk of the City of El Paso de Robles is hereby directed to certify to the passage and adoption of this Resolution and to file a certified copy of this Resolution with the Board of Supervisors of San Luis Obispo County and the Registrar of Voters of San Luis Obispo County at least eighty-eight (88) days before the date of the election.

Section 20. The City Clerk and other City officers and employees are hereby authorized and directed to take all other actions that are necessary to have the City's proposition properly submitted to the City voters at the November 6, 2018 election.

PASSED AND APPROVED by the City Council of the City of El Paso de Robles on this 20th day of June, 2018, by the following votes:

AYES: Hamon, Strong, Gregory, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:



Attest:

  
Kristen L. Buxkemper, Deputy City Clerk