

DATE SUBMITTED 05/31/2018
 SUBMITTED BY City Clerk
 DATE ACTION REQUIRED 06/06/2018

Agenda Item No F-3
 CITY COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (X)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS *(Signature)*

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018 – POSITION OF CITY TREASURER	
<ol style="list-style-type: none"> 1. APPROVAL OF RES. 2018-20, CALLING FOR HOLDING OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018, AND THE SUBMISSION OF QUESTION RELATING TO THE POSITION OF CITY TREASURER. 2. APPROVAL OF RES. 2018-21 REQUESTING TO CONSOLIDATE WITH STATEWIDE GENERAL ELECTION 3. APPROVAL OF RES 2018-22, SETTING PRIORITIES FOR WRITTEN ARGUMENT AND DIRECTING CITY ATTORNEY TO PREPARE IMPARTIAL ANALYSIS. 4. APPROVAL OF RES 2018-23, FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURE. 	
DEPARTMENT INVOLVED: <i>City Clerk</i>	
BACKGROUND/SUMMARY: Please see separate staff report.	
FISCAL IMPACT: Estimated amount \$34,000.	
STAFF RECOMMENDATION: City Council approves the four Resolutions presented.	
MANAGER'S RECOMMENDATION:	MANAGER'S INITIAL _____
MOTION:	
SECONDED: AYES: NAYES: ABSENT:	APPROVED () REJECTED () DISAPPROVED () DEFERRED () REFERRED TO:



staff report

To: City of Imperial City Council
From: Debra Jackson, City Clerk
Date: June 6, 2018
Subject: **GENERAL MUNICIPAL ELECTION FOR NOVEMBER 6, 2018 – POSITION OF CITY TREASURER**

Background and Summary

The City of Imperial will hold a general municipal election November 6, 2018 for the purpose of filing elective offices for three City Councilmember seats. The City of Imperial will also pursue a ballot measure for the November 2018 election asking whether the City Treasurer position should be elective or appointive.

State law requires general law cities to include the positions of City Clerk and City Treasurer, which may be either elected or appointed. Currently these offices are elected in the City of Imperial.

The Government Code sets out the process for placing a ballot measure before the voters asking whether the City Treasurer and City Clerk positions should be elective or appointive.

Government Code § 36508. At any municipal election, or a special election held for that purpose, the city council may submit to the electors the question whether the elective officers, or any of them except councilmember, shall be appointed by the city council; provided, however, that the city council shall not submit such question to the electors more often than once in an 11-month period.

Government Code § 36510. If a majority of the votes cast on the measure is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers.

There are several steps to be completed in order to get a ballot measure on this election date, including Council approval of a resolution calling for a ballot measure election. Steps are as follows:

1. Approval of the ballot question that will be presented to Imperial voters;
2. Amendments to the Municipal Code to incorporate the proposed change.
3. The process for submission of the ballot argument for the measure; and
4. Authorizing the City Attorney to prepare the impartial analysis.

The State Elections Code requires the ballot measure to be printed in the ballot pamphlet in the form of a "yes or no" ballot question. The ballot question may not exceed 75 words, and should be presented in clear and concise fashion so that it is clearly understandable to the electorate. The proposed ballot question is as follows:

"Shall the office of the city treasurer be appointive?"

Yes or No

The proposed complete text of the measure is included as Exhibit A to Resolution 2018-21.

The State elections code provides for the filing of ballot measure arguments. If submitted, one argument "For" and one argument "Against" the measure, of no more than 300 words each, will be printed with the sample ballot. The arguments can be authored by a maximum of five eligible voters. The City Clerk will set a date for the submittal of ballot arguments based on the time reasonably necessary to prepare and print the arguments and sample ballots and to permit the required public examination period. The resolution also provides for rebuttal arguments. Additionally, the State Elections Code provides that the City Attorney may be directed to prepare an impartial analysis of the measure, which is not to exceed 500 words. Direction to prepare such an analysis is included in the resolution.

Recommendation

Staff recommends that the Council **APPROVE** the four Resolutions presented.

Respectfully Submitted,

Debra Jackson
City Clerk

RESOLUTION NO. 2018-20

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 FOR THE SUBMISSION TO THE VOTERS A QUESTIONS RELATING TO THE POSITION OF CITY TREASURER

WHEREAS, under the provisions of the laws relating to general law cities in the State of California a General Municipal Election shall be held on November 6, 2018; and

WHEREAS, California Government Code § 36508 provides that the City Council may submit to the electors the question whether the elective position of City Treasurer shall be appointed by the City Council; and

WHEREAS, the City Council desires to submit to the voters the question of whether the elective position of City Treasurer shall be appointed by the City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

CITY OF IMPERIAL MEASURE

Shall the office of the city treasurer be appointive?	YES	
	NO	

SECTION 2. that the proposed complete text of the measure submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority of the votes cast.

SECTION 4. that the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to coordinate with the County of Imperial Registrar to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to property and lawfully conduct the election.

SECTION 6. 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 Election Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter in into the book of original Resolutions.

SECTION 9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED AND ADOPTED ON June 6, 2018.

Geoff Dale, Mayor

ATTEST:

Debra Jackson, City Clerk

ORDINANCE NO. _____

**AN ORDINANCE AMENDING THE CODIFIED
ORDINANCES OF THE CITY OF IMPERIAL RELATING TO
THE POSIITON OF CITY TREASURER**

The City Council of the City of Imperial does ordain as follows:

SECTION 1: Section 2-37 2 of Article VI, Chapter 2 of the Imperial Municipal Code is hereby amended to read as follows:

Section 2-37 2. *Control of city officers and employees.*

To control, order and give directions to all heads of departments, subordinate officers and employees of the city, except the city clerk, ~~city treasurer~~ and city attorney; to transfer employees from one department to another; and to consolidate or combine offices, positions, departments or units under his direction.

SECTION 2: Section 2-37 3 of Article VI, Chapter 2 of the Imperial Municipal Code is hereby amended to read as follows:

Section 2-37 3. *Appointment and removal of city officers and employees.*

To appoint and remove any officers and employees of the city, except the city clerk, ~~city treasurer~~ and city attorney. Effective upon the end of the current term of office of city treasurer in November of 2020 or the earlier vacancy in the office of city treasurer, the elected position of city treasurer will thereafter be an at will employment position to be filled by the city council. At such time as the position of city treasurer is to be filled by appointment, the city council delegates and vests in the city manager its authority to appoint, dismiss and control the position of city treasurer and make the position of city treasurer exempt from the personnel rules and regulations now in force or hereinafter amended or adopted.

SECTION 3: Section 2-37 4 of Article VI. Chapter 2 of the Imperial Municipal Code is hereby amended to read as follows:

Section 2-37 4. *Control of governmental departments.* To exercise control over all departments of the city government and over all appointive officers and employees thereof, except the city clerk, ~~city treasurer~~ and city attorney.

SECTION 4: Effective Date. This ordinance shall take effect and shall be in force thirty (30) days after the date of adoption, and prior to the expiration of fifteen (15) days from the passage thereof, shall be published at least once in a newspaper of general circulation printed and published in the County of Imperial, together with the names of the members of the City Council voting for and against the same.

PASSED, ADOPTED AND APPROVED by the City Council of the City of Imperial, this ____ day of _____, 2019.

Mayor of the City of Imperial

ATTEST:

City Clerk

RESOLUTION NO. 2018-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Imperial called a General Municipal Election to be held on November 6, 2018; and

WHEREAS, the City Council is submitting to the voters the questions relating to the position of City Treasurer; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Imperial canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirement of § 10403 of the Elections Code, the Board of Supervisors of the County of Imperial is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 6, 2018 for the questions relating to the position of the City Treasurer.

SECTION 2. That a measure is to appear on the ballot as follows:

Shall the office of the city treasurer be appointive?	YES	
	NO	

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached as Exhibit A.

SECTION 4. That the vote requirement for the measure to pass is a majority of the votes cast.

SECTION 5. That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election.

SECTION 6. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 7. That the City of Imperial recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 8. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Imperial.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON June 6, 2018.

Geoff Dale, Mayor

ATTEST:

Debra Jackson, City Clerk

RESOLUTION NO. 2018-22

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT(S)
REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO
PREPARE AN IMPARTIAL ANALYSIS**

WHEREAS, a General Municipal Election is to be held in the City of Imperial, California on November 6, 2018 at which there will be submitted to the voters the following measure:

Shall the office of city treasurer be appointive?	YES	
	NO	

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS
FOLLOWS:**

SECTION 1. that the City Council authorizes the following members of its body.

Member(s) Geoff Dale
Robert Amparano
Darrell Pechtl
Betty Sampson
James Tucker

to file (a) written argument(s) not exceeding 300 words regarding the City measure as specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitted it in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

The arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

SECTION 2. that the city council directs the City Clerk to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected.

- a. The city attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the city clerk shall prepare the impartial analysis.

- b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.
- c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the voter information guide, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Ordinance or Measure. If you desire a copy of the ordinance or measure, please call the election official's office at 760-355-3334 and a copy will be mailed at no cost to you."
- d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON June 6, 2018.

Geoff Dale, Mayor

ATTEST:

Debra Jackson, City Clerk

RESOLUTION NO. 2018-23

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR
CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS**

WHEREAS, § 9282 of the Elections Code of the State of California provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and

WHEREAS, § 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS
FOLLOWS:**

SECTION 1. That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure (not exceed 300 words each) which will be printed and distributed to the voters, the elections official shall send a copy of the argument in favor of the proposition to the authors of any argument against the measure and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of any argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, not more than 10 days after the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

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.

SECTION 2. That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

SECTION 3. That the provisions of Section 1 shall apply only to the election to be held on November 6, 2018 and shall then be repealed.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED ON June 6, 2018.

Geoff Dale, Mayor

ATTEST:

Debra Jackson, City Clerk