

DATE SUBMITTED 1/14/2022
 SUBMITTED BY ACM
 DATE ACTION REQUIRED 1/19/2022

COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (x)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS em

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT: DISCUSSION/ACTION: RESOLUTIONS OF THE IMPERIAL CITY COUNCIL CALLING FOR A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 2022.

1. APPROVAL OF RESOLUTION 2022-08 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, CALLING FOR THE HOLDING A SPECIAL MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 2022 FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATION TO THE CITY CLERK; AND
2. APPROVAL OF RESOLUTION 2022- 09 THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION; AND
3. APPROVAL OF RESOLUTION 2022- 10 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL SETTING PRIORITIES FOR FILING A WRITTEN ARGUMENT(S) REGARDING A CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS; AND
4. APPROVAL OF RESOLUTION 2022-11 OF THE CITY COUNCIL OF THE CITY OF IMPERIAL PROVIDING FOR FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS.

DEPARTMENT INVOLVED: City Attorney/City Manager's Office

BACKGROUND/SUMMARY:
 As directed by the City Council during their regular meeting on July 21, 2021, staff has prepared the attached resolutions calling for a special municipal election on Tuesday, June 7, 2022 relating to the position of the City Clerk. Historically, the position of the City Clerk has been elected by a majority vote. In June of 2021, long time City Clerk Debra Jackson announced her retirement, thus vacating the seat. During Council's regular meeting on July 21, 2021, Dennis Morita (City Manager) was appointed to the vacant seat until such time as a special election could be called. Attached are the resolutions for your review and consideration.

FISCAL IMPACT: To be determined	ADMIN SERV INITIALS <u>AB</u>
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STAFF RECOMMENDATION: It is staff's recommendation to review and approve the resolutions as presented to participate in the spring special election.	DEPT. INITIALS <u>AB</u>
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MANAGER'S RECOMMENDATION: Agrees with Staff's recommendation	CITY MANAGER'S INITIALS <u>DM</u>
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MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REJECTED ()

DEFERRED ()

REFERRED TO:

RESOLUTION NO. 2022-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION ON TUESDAY, JUNE 7, 2022 FOR THE SUBMISSION TO
THE VOTERS OF A QUESTION RELATING TO THE
CITY CLERK**

WHEREAS, California Government Code § 36508 provides that the City Council may submit to the electors the question whether the elective position of City Clerk 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 Clerk 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. Pursuant to the laws of the State of California, a Special Municipal Election is hereby called and ordered to be held in the City of Imperial on June 7, 2022.

SECTION 2. That the City Council pursuant to its right and authority, does order submitted to the voters at the Special Municipal Election the following question and printed in substantially the following form:

"Shall the office of the City Clerk 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 ballots to be used at the election shall be in form and content as required by law.

SECTION 6. That the City Clerk is authorized, instructed, and directed to coordinate with the County of Imperial Registrar of Voters 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 properly and lawfully conduct the election.

SECTION 7. 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 8. 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 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter in into the book of original Resolutions.

SECTION 10. 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.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the ___ day of January, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

Exhibit "A"

ORDINANCE NO.

**AN INITIATIVE ORDINANCE OF THE CITY OF IMPERIAL CHANGING THE
OFFICE OF CITY CLERK FROM ELECTIVE TO APPOINTIVE**

THE PEOPLE OF THE CITY OF IMPERIAL DO ORDAIN AS FOLLOWS:

SECTION 1. The office of City Clerk shall be changed from elective to appointive pursuant to California Government Code section 36508.

SECTION 2. This ordinance shall take effect as provided in Section 9217 of the Elections Code of the State of California.

SECTION 3. The City Clerk shall publish this ordinance according to law.

PASSED, APPROVED, AND ADOPTED this 7th day of June, 2022.

RESOLUTION NO. 2022-09

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 SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 7, 2022 WITH THE STATEWIDE PRIMARY 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 Special Municipal Election to be held on June 7, 2022; and

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

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the 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 Special 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 Section 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 Special Municipal Election with the Statewide Primary Election on Tuesday, June 7, 2022 for the question relating to the position of the City Clerk.

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

Shall the office of the City Clerk 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 Special 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 associated with the consolidation of the statewide election with City's Special Municipal Election..

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.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the ___ day of January, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

Exhibit “A”

ORDINANCE NO.

**AN INITIATIVE ORDINANCE OF THE CITY OF IMPERIAL CHANGING THE
OFFICE OF CITY CLERK FROM ELECTIVE TO APPOINTIVE**

THE PEOPLE OF THE CITY OF IMPERIAL DO ORDAIN AS FOLLOWS:

SECTION 1. The office of City Clerk shall be changed from elective to appointive pursuant to California Government Code section 36508.

SECTION 2. This ordinance shall take effect as provided in Section 9217 of the Elections Code of the State of California.

SECTION 3. This is a City Council-sponsored initiative Ordinance which otherwise would only be subject to amendment by the voters of the City. However, pursuant to Elections Code Section 9217, the City Council shall have and retain the right and authority to amend the Ordinance to further its purposes and intent (including but not limited to amendment for more efficient administration as determined by the City Council).

SECTION 4. The City Clerk shall publish this ordinance according to law.

PASSED, APPROVED, AND ADOPTED this 7th day of June, 2022.

RESOLUTION NO. 2022-10

**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 Special Municipal Election is to be held in the City of Imperial, California on June 7, 2022 at which there will be submitted to the voters the following measure:

Shall the office of the city clerk 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) Karin Eugenio, Geoff Dale, Robert Amparano, Katherine Burnworth, and 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.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the ___ day of January, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2022-11

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, Section 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, Section 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 June 7, 2022 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.

APPROVED, PASSED AND ADOPTED at a regular meeting of the City Council held on the ___ day of January, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk