

City of Piedmont
COUNCIL AGENDA REPORT

DATE: March 5, 2018
TO: Mayor and Council
FROM: Paul Benoit, City Administrator
SUBJECT: Consideration of a Resolution Regarding Procedural Details for the Special Municipal Election of June 5, 2018

RECOMMENDATION

Should the Council approve the resolution placing amendments to the Charter of the City of Piedmont on the June 5, 2018 ballot, the Council should approve the attached resolution setting details of the Special Municipal Election of June 5, 2018, and taking other actions necessary to call and conduct the election.

BACKGROUND

Pursuant to the Elections Code, the City Council must establish procedures for the Special Municipal Election to be held on June 5, 2018. The attached resolution will request the services of the Alameda County Registrar of Voters to conduct this election, request that this election be consolidated with the Statewide Direct Primary Election of the same date, set the compensation for election officials, direct the City Attorney to prepare an Impartial Analysis of the Charter amendment measure which the Council placed on the ballot, set the deadlines for the submission of direct and rebuttal arguments, and establish other details related to the election.

The attached resolution has been reviewed by the City Attorney and satisfies the requirements of the City Charter and the California Elections Code.

By: John O. Tulloch, City Clerk

Resolution No. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PIEDMONT CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 5, 2018, REQUESTING THE CONSOLIDATION OF THE SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE DIRECT PRIMARY ELECTION, AND DIRECTING THAT A MEASURE BE ADDED TO THE BALLOT AMENDING THE CITY CHARTER MODIFYING TERM LIMITS FOR THE CITY COUNCIL, ELIMINATING THE 25% CAP ON THE GENERAL FUND RESERVE, AND AMENDING PROCEDURES RELATED TO THE FILLING OF VACANCIES ON THE CITY COUNCIL.

WHEREAS, by Resolution No. ____ adopted March 5, 2018, the City Council has previously directed that a measure amending the Charter of the City of Piedmont be placed on the ballot at a Special Municipal Election to be held on June 5, 2018; and

WHEREAS, it is necessary to determine a number of details relating to such Special Municipal Election and to request that the Alameda County Board of Supervisors consolidate such Special Municipal Election with the Statewide Direct Primary Election to be held on the same date; and

WHEREAS, the City Council desires to submit to the voters the question of whether the Charter of the City of Piedmont should be amended to modify term limits for the City Council, eliminate the 25% cap on the General Fund Reserve, and amend procedures related to the filling of vacancies on the City Council; and

WHEREAS, pursuant to Section 9.07 of the Charter of the City of Piedmont amendments to the Charter must be approved by a majority of the voters of the City;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Piedmont does hereby resolve, declare, determine and order as follows:

SECTION 1. Pursuant to the requirements of the Charter of the City of Piedmont, a Special Municipal Election is called and ordered to be held in the City of Piedmont, California on Tuesday, June 5, 2018 for the purpose of voting on a proposed amendment to the Charter of the City of Piedmont.

SECTION 2. Pursuant to §10002 and §10403 of the Elections Code, the City of Piedmont formally requests that the Special Municipal Election be consolidated with the Statewide Direct Primary Election to be held on June 5, 2018 and further requests the services of the Alameda County Registrar of Voters in carrying out the Special Municipal Election, including sending to the City's registered voters all required election materials, conducting the Special Municipal Election, canvassing the vote received, and taking all steps necessary and required for the holding of this election within the City of Piedmont.

SECTION 3. The City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code §10418.

SECTION 4. The compensation for election officers shall be based on the rates set by the Alameda County Board of Supervisors which are in effect at the time of the Special Municipal Election.

SECTION 5. The location of the central counting place for the ballots to be cast at the Special Municipal Election shall be the Alameda County Courthouse, 1225 Fallon Street, Oakland, California.

SECTION 6. The polling place rental fees shall be the same as the fees which are adopted by the Alameda County Board of Supervisors and which are currently in effect at the time of the Special Municipal Election.

SECTION 7. The City Clerk is directed to give notice of the election in the time, form, and manner as required by law.

SECTION 8. Pursuant to Section 8.03 of the City Charter and Government Code Section 34458, the following proposed measure, which shall be designated by letter by the Alameda County Registrar of Voters, shall be added to the ballot for the June 5, 2018 Special Municipal Election and thereby submitted to the voters of the City:

“Shall Sections 2.03, 2.05(c), and 4.03 of the Charter of the City of Piedmont be amended to modify term limits for the City Council, eliminate the 25% cap on the General Fund Reserve, and amend procedures related to the filling of vacancies on the City Council, as more specifically set forth in Resolution _____ which is on file with the Piedmont City Clerk?”

SECTION 9. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 10. The City Council directs the City Clerk to submit to the City Attorney a copy of the measure, and the City Attorney is hereby authorized and directed to prepare an impartial analysis of the ballot measure showing the effect of the measure on the existing law and operation of the measure. The impartial analysis shall be submitted by the City Attorney to the City Clerk on or before March 9, 2018 at 4:00 p.m., shall not exceed 500 words in length, and otherwise shall comply in all respects with the applicable provisions of the Elections Code of the State of California.

SECTION 11. The last day for filing direct arguments for or against the measure shall be March 16, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 300 words in length. The City Clerk, upon receipt of arguments and after the filing deadline, shall immediately transmit copies to any known opposing parties who may then submit rebuttals within the time period described in Section 12 below. Arguments received prior to the deadline shall be confidential until the deadline.

SECTION 12. The last day for filing rebuttal arguments for or against the ballot measure shall be March 23, 2018 at 4:00 p.m. and all such arguments shall be filed with the Piedmont City Clerk, 120 Vista Avenue, Piedmont, California and shall not exceed 250 words in length. Arguments received prior to the deadline are confidential until the deadline.

SECTION 13. Pursuant to Elections Code Section 9295, the ten (10) day public review period for direct arguments submitted pursuant to Section 11, above, shall open at 4:00 p.m. on March 18, 2016 and shall close at 4:00 p.m. on March 28, 2016. If a rebuttal argument is submitted pursuant to Section 12, above, the ten (10) day public review period shall open at 4:00 p.m. on March 25, 2016 and shall close at 4:00 p.m. on April 4, 2016.

SECTION 14. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 15. The City Clerk is authorized and directed to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

[END OF DOCUMENT]