

RESOLUTION NO. 2018-16

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PINOLE
ESTABLISHING JUNE 5, 2018 AS THE DATE FOR A MUNICIPAL ELECTION
ON A BALLOT MEASURE SEEKING VOTER AUTHORIZATION TO REPEAL
THE CITY'S EXISTING CITY COUNCIL MEMBER TERM LIMITS,
REQUESTING THAT THE CONTRA COSTA COUNTY REGISTRAR OF
VOTERS CONDUCT SUCH AN ELECTION, AND REQUESTING THE CITY
ATTORNEY TO PREPARE AND FILE AN IMPARTIAL ANALYSIS OF THE
BALLOT MEASURE**

WHEREAS, pursuant to Government Code Section 36502, the voters of a general law city may limit the number of terms a member of the City Council may serve on the City Council; and

WHEREAS, in November 2008, the voters of the City of Pinole adopted Measure N, adopting Pinole Municipal Code Section 2.08.030 to establish a limit on the number of successive terms an individual can serve as a member of the City Council; and

WHEREAS, Municipal Code Section 2.08.030 currently prohibits an individual from serving more than three successive terms on the City Council without taking a two year break; and

WHEREAS, the voters of the City of Pinole have the authority to amend or repeal the ordinance establishing Council member term limits; and

WHEREAS, on July 11, 2017, the City Council held a properly noticed special meeting during which the City Council discussed the possibility of repealing Council member term limits; and

WHEREAS, members of the public who spoke at the special meeting expressed support for the repeal of Council member term limits; and

WHEREAS, the City Council desires to give the voters of the City of Pinole the opportunity at the regularly scheduled June 2018 election to decide whether or not Council member term limits should be repealed.

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

Section 1. The foregoing recitals are true and correct and hereby incorporated by reference.

Section 2. The City Council is authorized to present a proposition to the voters for their consideration pursuant to Government Code Section 36502 and Elections Code Section 9222.

Section 3. The City Council hereby calls an election at which it shall submit to the qualified voters of the City of Pinole a measure that, if approved, will repeal the City's existing term limits for Council members, as authorized by California Government Code Section 36502. This measure shall be designated by letter by the Contra Costa County Registrar of Voters. Pursuant to Election Code Section 10400 *et seq.*, the election for this measure shall be consolidated with the established election to be conducted on June 5, 2018.

Section 4. The ballot language for the proposed measure shall be as follows:

Shall the City's ordinance limiting the number of successive terms of members of the Pinole City Council be eliminated? A "yes" vote will eliminate the City's existing term limits for Council members. A "no" vote will keep the City's existing term limits for Council members in effect.	YES	

Section 5. The full text of the proposed measure to be submitted to the voters is attached as Exhibit A (the "Measure") hereto. If the majority of qualified voters voting on the Measure vote in favor therefor, the Measure shall be deemed adopted and shall be in full force and effect ten days after the date the vote is declared by the City Council of the City of Pinole.

Section 6. The City Clerk is hereby directed to cause notice of the measure to be published once in a newspaper of general publication in the City, in accordance with Section 12111 of the Elections Code and Section 6061 of the Government Code.

Section 7. The City Council hereby requests that the Contra Costa County Board of Supervisors consolidate the election called by this resolution with the statewide election to be conducted on June 5, 2018 and order the election to be conducted by the Registrar of Voters. The election shall be held in all respects as if there were only one election. The City of Pinole acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The City of Pinole recognizes that the County will incur additional costs because of this consolidation and agrees to reimburse the County for those costs. The City Manager is hereby authorized and directed to expend the necessary funds to pay for the City's cost of placing the measure on the election ballot.

Section 8. The City Clerk is authorized, instructed and directed to work with the Office of the Registrar of Voters as needed in order to properly and lawfully conduct the election. The ballots to be used in the election shall be in form and content as required by law. The Office of the Registrar of Voters is authorized to canvass the returns of the general municipal election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections. The City Clerk is directed to file a certified copy of this resolution with the Board of Supervisors of Contra Costa County and the Registrar of Voters of Contra Costa County.

Section 9. The schedule and requirements for arguments and the City Attorney's impartial analysis is as follows:

- a. The last day for submission of primary arguments for or against the measure shall be by 5:00 p.m. on February 21, 2018.
- b. The last day for submission of rebuttal arguments for or against the measure shall be by 5:00 p.m. on March 5, 2018.
- c. Primary arguments shall not exceed three hundred (300) words and shall be signed by not more than five persons.
- d. Rebuttal arguments shall not exceed two hundred fifty (250) words and shall be signed by not more than five persons; those persons may be different persons than the persons who signed the primary arguments.
- e. Pursuant to California Elections Code Section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure, and file the impartial analysis with the City Clerk by February 21, 2018.
- f. Pursuant to California Elections Code Section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk shall send copies of the argument in favor of the 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 primary arguments. Each rebuttal argument shall immediately follow the primary argument, which it seeks to rebut.

Section 10. The jurisdictional boundaries of the City of Pinole have not changed since the last general municipal election.

Section 11. The approval of this resolution is exempt from the California Environmental Quality Act (Public Resources Code §§ 21000 et seq., "CEQA," and 14 Cal. Code Reg. §§ 15000 et seq., "CEQA Guidelines"), based on the general rule set forth in CEQA Guidelines Section 15061(b)(3) that CEQA applies only to projects which have the potential for causing a significant effect on the environment. This resolution places a measure on the ballot that, if approved,

would eliminate councilmember term limits; thus, it can be said with certainty that there is no possibility that this Ordinance will have a significant effect on the environment.

PASSED AND ADOPTED at a regular meeting of the Pinole City Council held on the 6th day of February 2018 by the following vote:

AYES: COUNCILMEMBERS: Banuelos, Murray, Swearingen
NOES: COUNCILMEMBERS: Toms
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Long

I hereby certify that the foregoing resolution was regularly introduced, passed, and adopted on this 6th day of February, 2018.



Rosa G. Acosta, City Clerk

APPROVED AS TO FORM:



Eric S. Casher
City Attorney



EXHIBIT A TO RESOLUTION 2018-16

TO BE INCLUDED IN THE VOTER PAMPHLET

1. The proposed Measure to Repeal Council member Term Limits shall be submitted to the voters on the ballot in the form of the following question:

MEASURE _____: APPROVAL OF REPEAL OF CITY COUNCIL TERM LIMITS		
Shall the City's ordinance limiting the number of successive terms of members of the Pinole City Council be eliminated? A "yes" vote will eliminate the City's existing term limits for Council members. A "no" vote will keep the City's existing term limits for Council members in effect.		YES
		NO

The full text of the proposed Ordinance shall be available for review at the Office of the City Clerk, 2131 Pear Street, Pinole, CA 94564,

The full text of the proposed Ordinance will also be available on the City of Pinole website at www.ci.pinole.ca.us