


DATE SUBMITTED 6/30/2021
SUBMITTED BY ACM
DATE ACTION REQUIRED 7/7/2021

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

IMPERIAL CITY COUNCIL AGENDA ITEM

SUBJECT: DISCUSSION/ACTION: SPECIAL MUNICIPAL ELECTION FOR QUESTION RELATING TO CITY CLERK

1. DISCUSSION ONLY: NEXT STEPS REGARDING ELECTED OFFICE OF THE CITY CLERK;
2. ADOPTION OF RESOLUTION NO. 2021- ___ CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2021 FOR THE SUBMISSION TO THE IMPERIAL VOTERS OF A QUESTION RELATING TO THE CITY CLERK; and
3. ADOPTION OF RESOLUTION NO. 2021- ___ REQUESTING BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A SPECIAL MUNICIPAL ELECTION BE HELD ON NOVEMBER 2, 2021 PURSUANT TO § 10403 OF THE ELECTIONS CODE.

DEPARTMENT INVOLVED: City Manager's Office/City Attorney

BACKGROUND/SUMMARY:

Government Code section 36508 provides for the process to change the positions of City Treasurer and City Clerk from elected positions to positions appointed by the city council. The process for such a transition begins first with submitting the question of whether either or both of the positions of the City Treasurer or the City Clerk shall be appointed by the city council to the electors of the city on the ballot at any municipal election, or a special election held for that purpose.

The City Council of the City of Imperial has previously placed the question of whether the City Treasurer should be an appointed position. On November 6, 2018 to citizens of Imperial passed Measure H electing to make the office of the City Treasurer an appointed position.

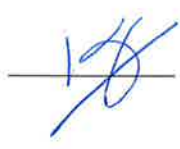
At the City Council meeting on June 16, 2021, Ms. Debra Jackson, current City Clerk, announced her retirement from the City effective July 31, 2021, after a successful career with the City. This announcement will require the City Council to make a number of considerations regarding the position of City Clerk and Ms. Jackson's successor in the coming weeks and months.

One consideration for the City Council is whether to place on the ballot for the citizens of Imperial whether this position, like the city Treasurer before it, should become an appointed position. If the City Council were inclined to place this matter on the ballot, it could do so at a regularly scheduled municipal election or to call for a special election. There is currently an election scheduled for certain entities in Imperial County on November 2, 2021. This is a possible date for a special election to have voters decide whether the City Clerk position should be appointed. If the November 2, 2021 date were chosen, this would be the only matter on the ballot for the voters of Imperial. Because this is not a regular municipal election and no other federal, state, or local entities have items on the ballot, the cost to the City could be as high as \$30,000.

Alternatively, the City could wait and call for a special election in the Spring of 2022 when other federal, state, or local entities have items on the ballot, resulting in the sharing of the cost of the election.

Both the November 2021 and June 2022 elections would occur prior to the successor to the current City Clerk having to run for election (November 2022).

FISCAL IMPACT: Potential Fiscal Impact \$30,000.00 of Unbudgeted Funds

ADMIN SERV INITIALS 

STAFF RECOMMENDATION: N/A

DEPT. INITIALS

AB

MANAGER'S RECOMMENDATION: City Manager's recommendation is for the City Council to consider all options relating to the office of the City Clerk.

CITY
MANAGER'S
INITIALS

JHM

MOTION:

SECONDED:

AYES:

NAYES:

ABSENT:

APPROVED ()

DISAPPROVED ()

REFERRED TO:

REJECTED ()

DEFERRED ()

RESOLUTION NO. 2021-__

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL
MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2021 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 November 2, 2021.

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 _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

Exhibit "A"

ORDINANCE NO.

**AN INITIATIVE ORDINANCE OF THE CITY OF BANNING 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 § 36508.

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

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

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2021.

_____, Mayor

City of Imperial

ATTEST:

_____, City Clerk

City of Imperial

RESOLUTION NO. 2021-__

**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 NOVEMBER 2, 2021 WITH ANY 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 November 2, 2021; 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 an election that may be held on the established date of November 2, 2021 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 Elections Code §10403, 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 an election that may be held on the established date of Tuesday, November 2, 2021 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.

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 _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

Exhibit "A"

ORDINANCE NO.

**AN INITIATIVE ORDINANCE OF THE CITY OF BANNING 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 § 36508.

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

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

PASSED, APPROVED, AND ADOPTED this ____ day of ____ 2021.

_____, Mayor

City of Imperial

ATTEST:

_____, City Clerk

City of Imperial

RESOLUTION NO. 2021-__

**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 November 2, 2021 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 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 _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk

RESOLUTION NO. 2021-__

**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, Elections Code § 9282 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, Elections Code § 9285 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 Elections Code § 9285 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 2, 2021 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 _____, 2021 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Mayor

ATTEST:

City Clerk