City of Chico Requests Consolidation of General Municipal Election with the November 6, 2018 General Election

The Chico City Council submits Resolution No. 41-18 (attachment 1) and 58-18 (attachment 2), calling for a General Municipal Election and requesting the Board of Supervisors to consolidate said election with the November 6, 2018 Statewide General Election. The purpose of consolidating this municipal election is for the election of three (3) Members of the City Council, each serving a term of four years and one (1) Chico City Charter amendment ballot measure question to be submitted to the voters addressing term limits. If a majority of the votes cast on the measure is "yes", the measure will be approved.

Costs incurred during the November 6, 2018 General Election are prorated on the basis of the level of services provided to each participating entity that is consolidated on the ballot. The expenditures and anticipated revenues are included in the 2018-19 fiscal year budget. The City will reimburse the County for costs.

No personnel impact.

Approve Consolidation.
RESOLUTION NO. 41-18

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO CALLING A GENERAL MUNICIPAL ELECTION ON NOVEMBER 6, 2018, FOR THE PURPOSE OF ELECTING THREE MEMBERS TO THE CITY COUNCIL AND REQUESTING CONSOLIDATION OF THAT ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 6, 2018

WHEREAS, the City Council of the City of Chico hereby calls a General Municipal Election to be held on November 6, 2018, for the purpose of electing three members to the City Council, each serving for a four-year term ending in 2022; 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 Butte 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 CHICO DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

1. Pursuant to Elections Code §10403, the Board of Supervisors of the County of Butte is requested to order consolidation of this General Municipal Election with the Statewide General Election to be held on November 6, 2018, in all precincts of the County of Butte within the incorporated territory of the City of Chico, and to authorize the County Clerk to cause all necessary ballots to be printed, appoint all necessary election officials, make arrangements for precinct polls, procure and furnish to election officials all necessary supplies and equipment, and perform all other acts required to conduct this election on behalf of the City of Chico.

2. Pursuant to Elections Code § 10002, the Board of Supervisors of the County of Butte is requested to authorize the County Clerk to cause all necessary ballots to be printed, prepare and distribute all sample ballot pamphlets and all absentee ballots, appoint all
necessary election officials, make arrangements for precinct polls, procure and furnish to
election officials all necessary supplies and equipment, and perform all other acts
required to conduct this election on behalf of the City of Chico.

3. Pursuant to Elections Code §10411, the Board of Supervisors of the County of Butte is
further requested and authorized to canvass the returns of this general municipal election.

4. The City Clerk is directed to transmit a certified copy of this resolution to the Board of
Supervisors and the County Clerk of the County of Butte.

The foregoing resolution was adopted by the City Council of the City of Chico at its meeting
held on the _____th day of June, 2018 ______ by the following vote:

AYES:  Coolidge, Fillmer, Ory, Schwab, Sorensen, Stone, Morgan

NOES:  None

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None

ATTEST:

[Signature]

Deborah R. Presson
City Clerk & Elections Officer

APPROVED AS TO FORM:

[Signature]

Vincent C. Ewing, City Attorney*

*Approved pursuant to The Charter of the
City of Chico § 906 (E)

[Signature]
Deborah R. Presson, MMC, City Clerk
RESOLUTION NO. 58-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHICO, CALIFORNIA, SUBMITTING A CHARTER AMENDMENT MEASURE TO THE CITY OF CHICO'S QUALIFIED ELECTORS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, AND AUTHORIZING RELATED ACTIONS INCLUDING DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE, AND AUTHORIZING ARGUMENTS AND REBUTTALS ON THE MEASURE.

WHEREAS, the Charter of the City of Chico ("Charter") currently does not impose term limits for members of the City Council;

WHEREAS, pursuant to Section 3 of Article XI of the California Constitution and Government Code Section 36502, the City Council may propose a Charter Amendment to limit City Council Member terms;

WHEREAS, pursuant to authority provided by Section 3 of Article XI of the California Constitution, Article V of the City of Chico’s Charter ("Charter"), and California Government Code Section 34458, the City of Chico’s City Council ("City Council") desires to submit a Charter Amendment to the qualified electors;

WHEREAS, on June 5, 2018, the City Council adopted Resolution No. 41-18, calling a General Municipal Election, and requesting consolidation of the General Municipal Election with the Statewide General Election to be held on November 6, 2018;

WHEREAS, the City Council desires to submit to the qualified electors at the November 6, 2018, General Municipal Election a Charter Amendment Measure to establish Council Member term limits;

WHEREAS, pursuant to Elections Code Section 9280, the City Attorney shall prepare an impartial analysis of the Charter Amendment Measure; and

WHEREAS, pursuant to Elections Code Section 9281 and 9285, the City Council authorizes arguments and rebuttals for and against the Charter Amendment Measure.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHICO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:
1. That the City Council finds and determines that the above recitals are true and correct.

2. That, pursuant to Section 3 of Article XI of the California Constitution, Article V of the City Charter, and State laws referenced above, the City Council hereby orders the following question to be submitted to the City's qualified voters at the General Municipal Election on November 6, 2018:

<table>
<thead>
<tr>
<th>MEASURE ___: CHICO CITY COUNCIL TERM LIMITS.</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shall Section 401 of the Chico City Charter be amended to limit the members of the Chico City Council to no more than three (3) consecutive terms?</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Charter Amendment Measure ("Measure") shall appear on the ballot substantially in the form presented immediately above. The full text of the proposed Charter Amendment shall be in the form attached as Exhibit 1 to this Resolution, which is hereby incorporated by reference.

3. That the ballots to be used at the November 6, 2018, election shall be in the form, and include the content, required by law.

4. That the Measure shall be consolidated with the election for three members of the City Council and any other measures to be submitted to the voters at said election. The Board of Supervisors of Butte County shall cause the precincts, polling places and elections officers for said election to be established and cause the returns of said election to be canvassed and to certify the same to the City Council of the City of Chico.

5. That only the City's qualified electors are entitled to vote at said election on the proposed Charter Amendment Measure, and the Measure shall pass upon approval by a majority of the votes cast on the Measure (50% plus 1)

6. That the City Clerk shall request a letter designation for the above-referenced Measure from the Register-Recorder / County Clerk of Butte County.

7. That the polls for the election shall be open at seven (7) o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight (8) o'clock p.m. on
the same day when the polls shall be closed pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

8. That the City Clerk shall transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code Section 9280. The impartial analysis shall not exceed 500 words showing the effect of the Measure on the existing law and the operation of the Measure. The analysis shall include a statement indicating that the Measure was placed on the ballot by the City Council. If the entire text of the Measure is not printed on the ballot, nor in 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 (insert phone number) and a copy will be mailed at no cost to you.” The impartial analysis shall be filed with the City Clerk in accordance with the deadline(s) established by law.

9. That, pursuant to Elections Code Section 9286, the City Clerk is authorized and directed to fix and determine a reasonable date prior to the election for the submission to the City Clerk of arguments in favor of or against the Measure. The arguments shall comply with Elections Code Sections 9282 and 9283.

10. That, if more than one argument in favor or more than one argument against a Measure is submitted within the time prescribed, then the City Clerk shall select one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters, in accordance with Elections Code Section 9287. Pursuant to Elections Code Section 9285, when the City Clerk has selected the arguments for and against the Measure which will be distributed to the voters, the City Clerk shall send copies of the arguments in favor of the Measure to the authors of the arguments against, and copies of the arguments against to the authors of the arguments in favor.

11. Rebuttal arguments shall comply with Elections Code Section 9285, and the City Clerk shall print and distribute such rebuttal arguments in the same manner as the direct
arguments, with each rebuttal argument printed immediately following the direct argument which it seeks to rebut.

12. That the City Council hereby authorizes any of its members to file a written argument not exceeding 300 words in support of the Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting the argument, pursuant to Elections Code Section 9282. No more than five signatures shall appear with any argument. If any argument is signed by more than five authors, then the signatures of the first five shall be printed. If more than one argument in favor or more than one argument against the Measure is submitted within the time prescribed, the City Clerk shall select one of the arguments in favor and one of the arguments against the Measure for printing and distribution to the voters, in accordance with Elections Code Section 9287.

13. That notice of the time and place of holding the election is hereby given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, manner, and substance as required by law, with such authority including but not limited to fixing and determining the date prior to the election for the submission to the City Clerk of arguments in favor of or against the Measure.

14. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions and is directed to transmit a certified copy of this Resolution to the Board of Supervisors and the County Clerk of the County of Butte.

15. That in all particulars not recited in this Resolution, the election hereby called shall be as provided by law for the holding of municipal elections in the City.

THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the City Council of the City of Chico held on the 3rd day of July, 2018 by the following vote:

AYES: Coolidge, Fillmer, Sorensen, Morgan

NOES: Ory, Schwab, Stone

ABSENT: None

ABSTAIN: None

DISQUALIFIED: None
ATTEST:

Deborah R. Presson, City Clerk

Approved as to form:

Vincent C. Ewing, City Attorney*

*Pursuant to The Charter of the City of Chico, Section 906(E)
Exhibit 1 to City Council Resolution Regarding Charter Amendments

Charter Amendment Measure No. ______

Section 1: TEXT OF AMENDMENT TO SECTION 401 OF THE CITY CHARTER

The Charter of the City of Chico is hereby amended as follows to add Subsection C to Section 401 (double underlining showing additions):

C. Term Limits.

i. A person is ineligible to hold office as a member of the city council if that person has served as a member of the city council, including any services as mayor, vice-mayor, or mayor pro tempore, for three (3) consecutive full terms. Nothing in this section shall act to bar any person from serving as a member of the city council after at least two (2) years have elapsed from the person’s last full term as a member of the city council.

ii. For the purpose of the term limits set forth in this section, a person who was appointed or elected to a vacant city council position for an unexpired term of more than one-half the original term shall be deemed to have served a full term. Any person who resigns or is removed from office during a term shall be deemed to have served a full term.

iii. The term limits established by this section shall apply prospectively, to those terms of office which commence on or after November 6, 2018. Only those terms of office commencing on or after November 6, 2018 shall be counted towards the term limit established by this Subsection 401.C.

Section 2: BALLOT DESCRIPTION

As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment Measure:

If approved, this Charter Amendment Measure will add Subsection C to Section 401 of the City Charter. Section 401 addresses elections. This Charter Amendment would
prohibit Council Members from serving more than three consecutive terms. This Charter Amendment does not give the City Council power to raise its compensation or that of other City officials without voter approval.

Section 3: SEVERABILITY

It is the intent of the people that the provisions of this Charter Amendment Measure are severable and that if any provision of this Charter Amendment Measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment Measure which can be given effect without the invalid provision or application.

Section 4: CONFLICTING MEASURES

If this Charter Amendment Measure and another measure or measures relating to the matters described herein appear on the same General Municipal Election ballot, the other measure or measures shall be deemed to be in conflict with this Charter Amendment Measure. In the event that this Charter Amendment Measure receives a greater number of affirmative votes, the provisions of this Measure shall prevail in its entirety, and the provisions of the other measure or measures shall be null and void. If this Charter Amendment Measure is approved by the voters but superseded in whole or in part by any other conflicting measure approved by the voters at the same election, and such other conflicting measure is later found held invalid, this Measure shall be self-executing and given full force and effect.

Section 5: EFFECTIVE DATE

This Charter Amendment Measure shall become effective in the manner allowed by law.