

RESOLUTION NO. 2019-__

**A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF MERCED, CALIFORNIA,
CALLING A SPECIAL MUNICIPAL ELECTION
FOR ORDERING THE SUBMISSION OF THREE
BALLOT MEASURES UPDATING THE CITY'S
CHARTER TO THE QUALIFIED VOTERS OF
THE CITY AT THE STATEWIDE PRIMARY
ELECTION TO BE HELD ON MARCH 3, 2020**

WHEREAS, the City Council has set a priority to review and update the City's Charter; and,

WHEREAS, the City Council to further the goal of reviewing and updating the City's Charter appointed a Citizens Advisory Charter Review Committee to develop and make recommendations for modification and update to the City's Charter; and,

WHEREAS, the Citizens Committee completed its Charge on August 22, 2019 and submitted its Final Report to the City Council at a regular meeting held on September 3, 2019; and,

WHEREAS, the City Council heard public comment on the proposed amendments and determined at its regular meeting of September 3, 2019 to place a Charter measure on the March Statewide Primary ballot, including, amendments to the Charter to repeal section 1112, add sections 713 and 714, and amendments to sections 400, 402, 604, 707, 711 and 1051; and,

WHEREAS, the City Council determined at its regular meeting of October 7, 2019 to place three Charter measures on the March 3, 2020 ballot, including the "Mayor's Term Amendment," the "Citizens' Stipend Setting Commission Amendment," and the "Finance Officer Requirements Amendment"; and,

WHEREAS, pursuant to article XI, section 3 of the California Constitution and sections 1415 and 9255 of the Elections Code, the City Council may propose on its own motion, a proposal to revise or amend the City Charter; and,

WHEREAS, Section 1001 of the City Charter provides for all other municipal elections that may be held by authority of this Charter, or of any law, shall be known as special municipal elections; and,

WHEREAS, Section 1003(A) of the City Charter provides that “. . . all elections . . . shall be held in accordance with the procedural provisions of the Elections Code of the State of California.”; and,

WHEREAS, the California Elections Code authorizes the filing of an impartial analysis and the filing of arguments for or against any ballot proposition and rebuttal arguments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MERCED DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to section 1001 of the City Charter, a special municipal election shall be, and is hereby ordered to be, held in and for the City of Merced on Tuesday, March 3, 2020, for the object and purpose of submitting to the qualified voters the measure set forth below.

SECTION 2. Said propositions, shall appear on the ballot for said election as set forth on Exhibit “A”.

SECTION 3. The text of the propositions Charter Amendment to be submitted to the voters is attached hereto as Exhibit “B”.

SECTION 4. The ballots to be used at the election shall be in form and content as required by law.

SECTION 5. The object and purpose of the proposed ballot measure is to update the City’s Charter.

SECTION 6. The proposition shall be submitted to the voters of the City of Merced as required by Article XI, § 3 of the California Constitution and section 1415 and 9255 of the Elections Code.

SECTION 7. The date for submission of primary arguments (for and against) for said proposition is hereby set for November 14, 2019; the date for submission of the City Attorney’s impartial analysis of said proposition

is hereby set for November 4, 2019; and the date for submission of rebuttal arguments to said primary arguments is hereby set for November 25, 2019.

SECTION 8. Pursuant to the requirements in Elections Code Sections 9280 and 9282, the impartial analysis shall not exceed 500 words in length, and the arguments shall not exceed 300 words in length.

SECTION 9. The City Attorney is directed to prepare all necessary documents, and the City Attorney and City Clerk are directed to take all further actions necessary for purposes of this election, including the preparation of an impartial analysis of the proposition showing the effect of the proposition on the existing law and the operation of the proposition.

SECTION 10. The City Clerk is directed to Elections Code Sections 9283 and 9287 to ensure statutory compliance governing the submission of ballot arguments and to further determine priority of the submitted ballot arguments.

SECTION 11. The special municipal election hereby called for March 3, 2020 shall be and is hereby ordered consolidated with the Statewide Primary to be held within the City on said date, and within the territory affected by the consolidation, all as required by and pursuant to law; and the election precincts, polling places and officers of election within the City of Merced for said municipal election hereby called shall be the same as those selected and designated by the Registrar of Voters of the County of Merced for said consolidated election and set forth in the notice of election officers and polling places for said consolidated election published or to be published by the Registrar of Voters of said County, as required by law, to which notice reference is hereby specifically made for a designation of the precincts, polling places, and election officers of the municipal election hereby called. The Registrar of Voters of said County is authorized to canvass, or cause to be canvassed, the returns of said special municipal election with respect to the votes cast in the City of Merced and to certify the results to this City Council.

SECTION 12. Said special municipal election hereby called shall be held and conducted, and the votes thereof received and canvassed, and the return thereof made, and the result thereof ascertained and determined in accordance with the special election laws of the State of California, except as herein provided or as otherwise provided for in the City Charter.

SECTION 13. All persons qualified to vote at municipal elections in the City of Merced shall be qualified to vote at said special municipal election.

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

SECTION 15. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 16. At the next regular meeting of this City Council occurring after the returns of said special municipal election have been canvassed by the Registrar of Voters of the County of Merced, and the certification of the results thereof to this City Council, or at a special meeting called thereafter for such purpose, this City Council shall cause to be spread upon its minutes a statement of the results of said special municipal election as ascertained by said canvass.

SECTION 17. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions, and to take other appropriate actions necessary to ensure the placement of said proposition before the voters of the City of Merced at said regularly scheduled Consolidated Election.

PASSED AND ADOPTED by the City Council of the City of Merced at a regular meeting held on the ____ day of _____ 2019, by the following called vote:

AYES: Council Members:

NOES: Council Members:

ABSTAIN: Council Members:

ABSENT: Council Members:

APPROVED:

Mayor

ATTEST:

STEVE CARRIGAN, CITY CLERK

BY: _____
Assistant/Deputy City Clerk

(SEAL)

APPROVED AS TO FORM

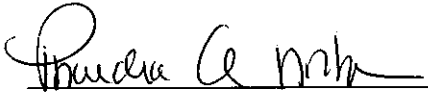
 12-14-19
City Attorney Date

EXHIBIT “A”

VOTE FOR ONE

“Measure _____:		
Mayor’s Term	YES	(+)
Shall the measure to amend the Merced City Charter to impose a four year term for Mayor be adopted?	NO	(+)

VOTE FOR ONE

“Measure _____:		
Citizens’ Stipend Setting Commission	YES	(+)
Shall the measure to amend the Merced City Charter to establish a Citizens’ Stipend Setting Commission to set, recommend, and limit the maximum stipend the City Council, including the Mayor, may adopt and receive be adopted?	NO	(+)

VOTE FOR ONE

“Measure _____:		
Finance Officer Requirements	YES	(+)
Shall the measure to amend the Merced City Charter to impose budget and reporting requirements by the Finance Officer to the City Council be adopted?	NO	(+)

Proposed Charter Amendments

We, the People of the City of Merced do hereby amend Sections 400, 402, 604 and 1051 of the City Charter to read as follows:

Sec. 400. - Number and term.

A. The City Council shall consist of a Mayor elected from the City at large and six City Council Members elected by single-member district election at the times and in the manner provided in this Charter.

B. The Mayor shall serve a term of ~~two (2)~~ four (4) years and until his/her successor is elected and qualified. The Mayor shall be limited to no more than two, ~~two-term~~ terms. For purposes of this subsection, a "term" shall be defined to include serving fifty percent plus one day of a term as Mayor, while service as Mayor for fifty percent or less of a term shall not constitute a term for purposes of term limits.

C. Individual City Council Members shall serve a term of four (4) years and until his/her successor is elected and qualified. Individual City Council Members shall be limited to no more than two, four-year terms. For purposes of this subsection, a "term" shall be defined to include serving fifty-percent plus one day of a term as a City Council Member, while service as a City Council Member for fifty percent or less of a term shall not constitute a term for purposes of term limits.

D. Once the Mayor or an individual City Council Member has served the two term maximum ~~number of terms~~ in that respective office, he/she shall be ineligible to be elected or appointed to that office again.

E. District boundaries shall be drawn by ordinance.

Sec. 402. – Compensation and Reimbursement.

A. The members of the City Council, including the Mayor, shall receive ~~no compensation~~ a monthly stipend for their services as such, ~~but shall receive reimbursement on order of the city council for council authorized traveling and other expenses when on official duty~~

and shall receive reimbursement for expenses incurred while performing official duties of their office. ~~In addition, each member shall receive the sum of twenty dollars per month, which amount shall be deemed to be reimbursement of other out of pocket expenditures and costs imposed upon him in serving as a city councilman.~~ Absence of a ~~councilman~~ council member, including the Mayor, from all regular and special meetings of the council during any calendar month shall render such ~~councilman~~ council member, including the Mayor, ineligible to receive such sum for such calendar month.

B. There shall be established a Citizens' Stipend Setting Commission consisting of seven (7) members to be appointed by the City Council from the qualified electors of the City. Six (6) members will be appointed by district and one (1) member will be appointed at large.

1. The Commission shall hold two (2) public hearings between March 1st and June 30th of every even-numbered year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly stipend which it deems appropriate for the members of the Council for the two (2) year period beginning January 1st of the next year. The amount recommended for each council member shall be the same.
2. The Commission shall hold two (2) public hearings between March 1st and June 30th of a Mayoral election year and shall recommend, by majority vote and in writing, to the Council the amount of the monthly stipend which it deems appropriate for the Mayor for his/her entire term beginning in January of the next year. The stipend recommended for the Mayor shall, at a minimum, be the same as the other council members; however, the Commission may recommend providing the Mayor with reasonable compensation beyond his/her stipend as a member of the City Council.

3. The Council shall, by resolution, adopt the stipends as recommended by the Commission, or in some lesser amount, but in no event may it increase the amount. Stipends of the council members and Mayor may be reduced at any time by two-thirds (2/3) vote of the Council. Stipends shall remain in effect until amended by a subsequent resolution adopted pursuant to the provisions of this section.

Sec. 604. - Finance officer—Powers and duties.

The Finance Officer shall have power and be required to:

- A. Have charge of the administration of the financial affairs of the City under the direction of the City Manager;
- B. Compile the budget expense and revenue estimates for the ~~City Manager~~ City Council, based upon the City Manager's proposed budget; and at the end of the fiscal year, prepare and submit a complete report on the finances of the City to the City Council in consultation with the City Manager;
- C. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to insure that budget appropriations are not exceeded; audit all purchase orders before issuance; audit and approve before payment, all bills, invoices, payrolls, demands or charges against the City government and, with the advice of the City Attorney, when necessary, determine the regularity, legality and correctness of such claims, demands or charges;
- D. Maintain a general accounting system for the City government and each of its offices, departments and agencies;
- E. Keep separate accounts for the items of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; require reports of the receipts and disbursements from each receiving and expending agency of the City government to be made daily or at such intervals as he/she may deem expedient;

F. Submit to the City Council and the City Manager a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City; and as of the end of each fiscal year, submit a complete financial statement and report;

G. Collect all taxes, assessments, license fees and other revenues of the City, or for whose collection the City is responsible, and receive all money receivable by the City from the county, state or federal government, or from any court, or from any office, department or agency of the City;

H. Have custody of all public funds belonging to or under the control of the City or any office, department, or agency of the City government, and deposit all funds coming into his/her hands in such depository as may be designated by Resolution of the City Council, or, if no such Resolution be adopted, by the City Manager, and in compliance with all of the provisions of the State Constitution and laws of the State, governing the handling, depositing and securing of public funds;

I. Supervise the keeping of current inventories of all property of the City by all City departments, offices and agencies;

J. Establish a centralized purchasing system for all City offices, departments and agencies; and,

K. Prepare rules and regulations governing the contracting for, purchasing, storing, distribution, or disposal of all supplies, materials and equipment required by any office, department or agency of the City government and recommend them to the City Manager and the City Council for adoption by Ordinance; and prepare administrative policies and procedures implementing this Section and recommend them for review and approval by the City Manager.

Section 1051 – Definitions.

For purposes of this Part, the words, terms, and phrases set forth below shall have the meaning as set forth below:

"Candidate" means any person running for the office of Mayor or City Council.

"Contribution" means a cash or in-kind payment, or provision of goods and services which is made to the candidate or the candidate's agent for the purpose of promoting the candidate's campaign. A "contribution" includes a "loan" as defined herein.

"Entity" means a proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, and any other organization or group of persons acting in concert, other than a single person as defined in this Part.

"Election Cycle" means as follows:

1. For purposes of a candidate for the office of Mayor of the City, the term "election cycle" means any ~~two-year~~ four-year period commencing on January 1 following a City election for the office of Mayor, and concluding on December 31 following the next succeeding City election for the office of Mayor.
2. For purposes of a candidate for the office of City Council, the term "election cycle" means any four-year period commencing on January 1 following a City election for the office of a City Council Member and concluding on December 31 following the next succeeding city election for that office.

"Loan" means the furnishing of cash, goods, or services to another party for temporary use with the agreement that it or its equivalent, with or without interest, will be returned. The term "loan" as used herein shall not include a candidate lending to his/her campaign from the candidate's personal resources—including obtaining a personal loan from a commercial lending institution, so long as the candidate is personally responsible for the repayment thereof.

"Person" means a single natural person.