

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 A
BALLOT MEASURE 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, 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 proposition, shall appear on the ballot for said election as set forth on Exhibit “A”.

SECTION 3. The text of the proposition 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 Board of Supervisors 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 County Clerk 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 Board of Supervisors 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. 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, and the election officers shall thereupon proceed to canvass the ballots cast there at.

SECTION 15. 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 16. The City Clerk is authorized, instructed, and directed 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 17. 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 18. At the next regular meeting of this City Council occurring after the returns of said special municipal election have been canvassed by the Board of Supervisors 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 19. 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

City Attorney

Date