



City of Carson Report to Mayor and City Council

November 7, 2012
Unfinished Business

SUBJECT: RESOLUTIONS PLACING BEFORE THE VOTERS AT THE MARCH, 2013, GENERAL MUNICIPAL ELECTION THE QUESTION OF WHETHER TO ELIMINATE A DIRECTLY ELECTED MAYOR, AND RETURN TO A ROTATING MAYOR SELECTED BY THE CITY COUNCIL

Submitted by William W. Wynder
City Attorney

Approved by David C. Biggs
City Manager

I. SUMMARY

At the October 2, 2012, the City Council directed preparation of the resolution(s) necessary to place before the voters during the March, 2013, general municipal election, the question of whether to eliminate the direct election of the Office of Mayor and return to a "rotating" Mayor selected by the members of the City Council pursuant to Government Code § 36801.

II. RECOMMENDATION

WAIVE further reading and ADOPT the following resolutions by title only:

Resolution No. 12-124, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON CALIFORNIA, CALLING FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELIMINATION OF A DIRECTLY ELECTED MAYOR AND A RETURN TO A ROTATING MAYOR" *and*

Resolution No. 12-125, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE RELATING TO ELIMINATION OF A DIRECTLY ELECTED MAYOR AND REESTABLISHING A ROTATING MAYOR SELECTED BY THE CITY COUNCIL AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS;" *and*

Resolution No. 12-126, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A CITY MEASURE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION OF 2013."

III. ALTERNATIVES

1. TAKE no action on this agenda item.
2. TAKE such other action as the City Council deems advisable consistent with the requirements of law.

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IV. BACKGROUND

Government Code § 34902 provides, in relevant part, as follows:

“(b) After an office of elective mayor has been established, the city council may subsequently submit to the electors the question of whether or not to eliminate the elective office of mayor If a majority of the votes cast on the proposition are in favor of the elimination of the office of elective mayor, the office shall be eliminated on the expiration date of the incumbent's term, and on the date the procedure of selection of the mayor by the city council shall be reestablished.”

At the October 2, 2012, Council meeting, Councilmember Gipson presented an item before the City Council setting forth his reasons for requesting the placing of the question of eliminating the directly elected Office of Mayor before the voters during the Council discussion of this item. A majority of the Council agreed with Councilmember Gipson and directed the preparation of the resolution(s) necessary to accomplish this task

If the attached resolution(s) are adopted and the proposed ballot measure is passed by the voters, pursuant to Government Code § 34902(b), the return to a Council selected rotating Mayor would be effective with the commencement of the 2017 Council elections.

Thereafter, selection of the Office of Mayor would be governed by the provisions of Government Code § 36801, which provides: “The city council shall meet at . . . the installation of elected officials, [and] choose one of its number as mayor, and one of its number as mayor pro tempore.”

V. FISCAL IMPACT

The City Clerk's preliminary estimate of added costs to place the matter on the ballot was discussed in the October 2, 2012 staff report and is not repeated here.

VI. EXHIBITS

1. Resolution No. 12-124. (pgs. 4-5)
2. Resolution No. 12-125. (pgs. 6-7)
3. Resolution No. 12-126. (pgs. 8-9)

Prepared by: William W. Wynder

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Development Services
Economic Development	Public Services

Action taken by City Council

Date_____ Action_____

RESOLUTION NO. 12-124

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CALLING FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO ELIMINATING THE DIRECTLY ELECTED MAYOR AND RETURNING TO A COUNCIL SELECTED ROTATING MAYOR

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on March 5, 2013, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to whether the voters wish to eliminate the direct election of Mayor and to return to a City Council selection of Mayor on a rotating basis.

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

SECTION 1. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

<i>Shall the City of Carson eliminate the direct election of mayor and reestablish selection of mayor by the city council on a rotating basis the same to be effective commencing in 2017?</i>	YES
	NO

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. 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.

SECTION 5. That pursuant to Elections Code § 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$80 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member to attend a training class. The rental for each polling place, where a charge is made, shall be the sum of \$25 for the election. When required, the compensation of the Custodian of a building shall be \$20 for the election.

SECTION 6. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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SECTION 7. That notice of the time and place of holding the election is given and the

EXHIBIT NO. 01



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 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. 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.

PASSED, APPROVED and ADOPTED on November 7, 2012, at Carson, California.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



RESOLUTION NO. 12-125

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING A CITY MEASURE RELATING TO ELIMINATION OF A DIRECTLY ELECTED MAYOR AND REESTABLISHING A ROTATING MAYOR SELECTED BY THE CITY COUNCIL AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

WHEREAS, a General Municipal Election is to be held in the City of Carson, California, on March 5, 2013, at which there will be submitted to the voters the following measure:

"Shall the City of Carson eliminate the direct election of mayor and reestablish selection of mayor by the city council on a rotating basis the same to be effective commencing in 2017?"

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE and ORDER AS FOLLOWS:

SECTION 1. That the City Council authorizes the following member(s) of it's body

_____	(Councilmember Favor)	in	_____	(Council Against)	Member
_____	(Councilmember Favor)	in	_____	(Council Against)	Member
_____	(Councilmember Favor)	in	_____	(Council Against)	Member

to file written argument(s) not exceeding 300 words regarding the City measure specified above, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, 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.

SECTION 2. That the city council directs the City Clerk to transmit a copy of the measure to the city attorney who 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. 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.

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EXHIBIT NO. 02



PASSED, APPROVED and ADOPTED on November 7, 2012, at Carson, California.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney



RESOLUTION NO. 12-126

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON,
CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A
CITY MEASURE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION OF 2013**

WHEREAS, a General Municipal Election is to be held in the City of Carson, California, on March 5, 2013, at which there will be submitted to the voters the following measure:

“Shall the city of Carson eliminate the elective office of mayor and thereby reestablish the procedure for selection of mayor by the city council on a rotating basis to be effective commencing in 2017?”

WHEREAS, Elections Code § 9285 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 CARSON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE and ORDER AS FOLLOWS:

SECTION 1. That pursuant to Elections Code § 9285, when the elections official has received the argument(s) for and against the above-referenced measure 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 author(s) of the argument(s) against the measure and a copy of an argument(s) against the measure to the author(s) of any argument(s) in favor of the measure immediately upon receiving the same.

The author(s) of an arguments relating to the above-referenced 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 (5) 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 the provisions of Section 1 shall apply only to the General Municipal Election to be held on March 5, 2013 and shall then be repealed.

EXHIBIT NO. 03



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.

PASSED, APPROVED and ADOPTED on November 7, 2012, at Carson, California.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause, CMC

APPROVED AS TO FORM:

City Attorney

