

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:

MEASURE ____: CHICO CITY COUNCIL TERM LIMITS.	YES	
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?	NO	

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

1 the same day when the polls shall be closed pursuant to Elections Code Section 10242,
2 except as provided in Section 14401 of the Elections Code of the State of California.

3 8. That the City Clerk shall transmit a copy of the Measure to the City Attorney, and the City
4 Attorney shall prepare an impartial analysis of the Measure in accordance with Elections
5 Code Section 9280. The impartial analysis shall not exceed 500 words showing the effect
6 of the Measure on the existing law and the operation of the Measure. The analysis shall
7 include a statement indicating that the Measure was placed on the ballot by the City
8 Council. If the entire text of the Measure is not printed on the ballot, nor in the voter
9 information guide, there shall be printed immediately below the impartial analysis, in no
10 less than 10-point type, the following: "The above statement is an impartial analysis of
11 Ordinance or Measure ___. If you desire a copy of the ordinance or measure, please call the
12 election official's office at (insert phone number) and a copy will be mailed at no cost to
13 you." The impartial analysis shall be filed with the City Clerk in accordance with the
14 deadline(s) established by law.

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

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

27 11. Rebuttal arguments shall comply with Elections Code Section 9285, and the City Clerk
28 shall print and distribute such rebuttal arguments in the same manner as the direct

1 arguments, with each rebuttal argument printed immediately following the direct argument
2 which it seeks to rebut.

3 12. That the City Council hereby authorizes any of its members to file a written argument not
4 exceeding 300 words in support of the Measure, accompanied by the printed name(s) and
5 signature(s) of the author(s) submitting the argument, pursuant to Elections Code Section
6 9282. No more than five signatures shall appear with any argument. If any argument is
7 signed by more than five authors, then the signatures of the first five shall be printed. If
8 more than one argument in favor or more than one argument against the Measure is
9 submitted within the time prescribed, the City Clerk shall select one of the arguments in
10 favor and one of the arguments against the Measure for printing and distribution to the
11 voters, in accordance with Elections Code Section 9287.

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

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

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

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

24 **AYES:** Coolidge, Fillmer, Sorensen, Morgan

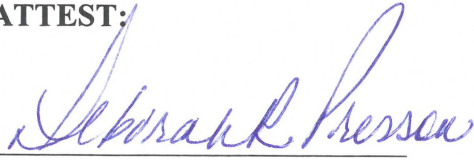
25 **NOES:** Ory, Schwab, Stone

26 **ABSENT:** None

27 **ABSTAIN:** None

28 **DISQUALIFIED:** None

1 **ATTEST:**

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3 _____
4 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)

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1 **Exhibit 1 to City Council Resolution Regarding Charter Amendments**

2 **Charter Amendment Measure No. _____**

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

4 The Charter of the City of Chico is hereby amended as follows to add Subsection C to Section
5 401 (double underlining showing additions):

6 C. Term Limits.

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

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

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

24 **Section 2: BALLOT DESCRIPTION**

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

27 If approved, this Charter Amendment Measure will add Subsection C to Section 401
28 of the City Charter. Section 401 addresses elections. This Charter Amendment would

1 prohibit Council Members from serving more than three consecutive terms. This
2 Charter Amendment does not give the City Council power to raise its compensation or
3 that of other City officials without voter approval.

4 **Section 3: SEVERABILITY**

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

10 **Section 4: CONFLICTING MEASURES**

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

20 **Section 5: EFFECTIVE DATE**

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