

RESOLUTION NO. 2020-49

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY, CALIFORNIA CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, TO ELECT A COUNCIL MEMBER TO FILL THE VACANT SEAT CAUSED BY REINETTE SENUM'S RESIGNATION, SUBMITTING TO THE ELECTORATE AT THAT ELECTION A BALLOT MEASURE RELATING TO THE OFFICES OF CITY CLERK AND CITY TREASURER, REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION WITH OTHER ELECTIONS TO BE HELD ON NOVEMBER 3, 2020, AND TAKING CERTAIN RELATED ACTIONS

WHEREAS, Government Code Section 36501 requires the City of Nevada City to have a City Clerk and a City Treasurer; and

WHEREAS, the office of City Clerk and the office of City Treasurer are currently elective offices; and

WHEREAS, Government Code Section 36508 authorizes the City Council to submit to the voters the question of whether the City Clerk and the City Treasurer should be instead appointed by the City Council; and

WHEREAS, the City Council desires to submit this question to the voters at a special municipal election on November 3, 2020 and to request that such election be administered by Nevada County and consolidated with the other elections to be held on that same date; and

NOW THEREFORE, BE IT RESOLVED, the City Council of Nevada City does hereby resolve, determine and order as follows:

Section 1. That there is called and ordered to be held in the City of Nevada City, California, on Tuesday, November 3, 2020, a Special Municipal Election.

Section 2. The voters shall elect a council member to fill the vacancy caused by Reinette Senum's resignation to serve for the balance of the term until July 2024.

Section 3. That the following question be submitted to the voters at the Special Municipal Election:

Shall the offices of City Clerk and City Treasurer be appointive?	YES	
	NO	

This measure requires a simple majority vote to pass.

Section 4. That pursuant to Elections Code Section, the Board of Supervisors of the County of Nevada is hereby requested to consent and agree to the consolidation of the Special Municipal Election with other elections on Tuesday, November 3, 2020.

Section 5. That pursuant to the provisions of Section 10002 of the Election Code of the State of California, the City Council requests the Board of Supervisors of the County of Nevada to permit the County Election Department to conduct the Special Municipal Election.

Section 6. That the County Election department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and one form of ballot shall be used.

Section 7. Pursuant to Elections Code section 10002, the City Council requests that the Nevada County Board of Supervisors authorize the Nevada County Registrar of Voters to provide any and all services necessary to conducting the election on November 3, 2020. The City agrees to pay for such services.

Section 8. That the City Clerk and/or the Deputy City Clerk is directed to forward a certified copy of this Resolution to the County Elections Department.

Section 9. The City Clerk and/or the Deputy City Clerk is directed, pursuant to Elections Code Section 9280, to transmit a copy of the measure to the City Attorney for the purpose of preparing an impartial analysis of measure, to be submitted no later than the final date for such analysis as established by the Nevada County Elections Official.

Section 10. The ballot question as set forth above is the full text of the measures. Pursuant to Elections Code Section 36510, if the majority of the votes cast for the ballot measure is for it, the City Council shall appoint the City Clerk and the City Treasurer upon the earlier of the expiration of the term of the officer now in office, or the existence of vacancy in such office.

Section 11. The City Council authorizes the Mayor, or in his or her absence, the Vice Mayor, on behalf of the City Council, to file the written primary argument in support of the ballot measure described above pursuant to Article 4 of Chapter 3 of Division 9 of the California Elections Code. Signatories to the argument shall be determined by the Mayor and may include the Mayor signing on behalf of the City Council. Pursuant to Elections Code Section 9282, arguments in support of the measure shall not exceed 300 words in length.

Section 12. The City Council authorizes the filing of rebuttal arguments. Pursuant to Elections Code Section 9285, rebuttal arguments against the ballot measure mentioned above shall not exceed 250 words in length, shall be filed with the City Clerk and/or Deputy City Clerk no later than 10 days after the final filing date for arguments in favor, shall be signed by no more than five persons, and shall be printed in the same manner as a direct argument and shall immediately follow the direct argument which it seeks to rebut.

Section 13. The City Clerk has fixed 5:00 p.m. on the last date established by the County Elections Official for receipt of arguments for or against the measures.


PASSED AND ADOPTED at a regularly scheduled meeting of the City Council of Nevada City held on the 8th day of July, 2020 by the following roll call vote:

AYES: FERNANDEZ, FLEMING, MINETT, STRAWSER

NOES:

ABSENT: SENUM

ABSTAIN:


Erin Minett, Mayor

ATTEST:


Niel Locke, City Clerk