



# **RESOLUTION No. 26-034**

## **OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA**

### **RESOLUTION APPROVING THE CITY OF NEVADA CITY ORDINANCE SETTING THE DATE OF ITS GENERAL MUNICIPAL ELECTION ON THE DATE OF THE CALIFORNIA STATEWIDE DIRECT PRIMARY ELECTION**

WHEREAS, the City of Nevada City wishes to align its general municipal elections with the dates of California statewide direct primary elections; and

WHEREAS, under Section 1301(b) of the Elections Code, a city council may enact an ordinance pursuant to Division 10 (beginning with Section 10000) of the Elections Code, which ordinance requires its general municipal election to be held on the day of the statewide direct primary election; and

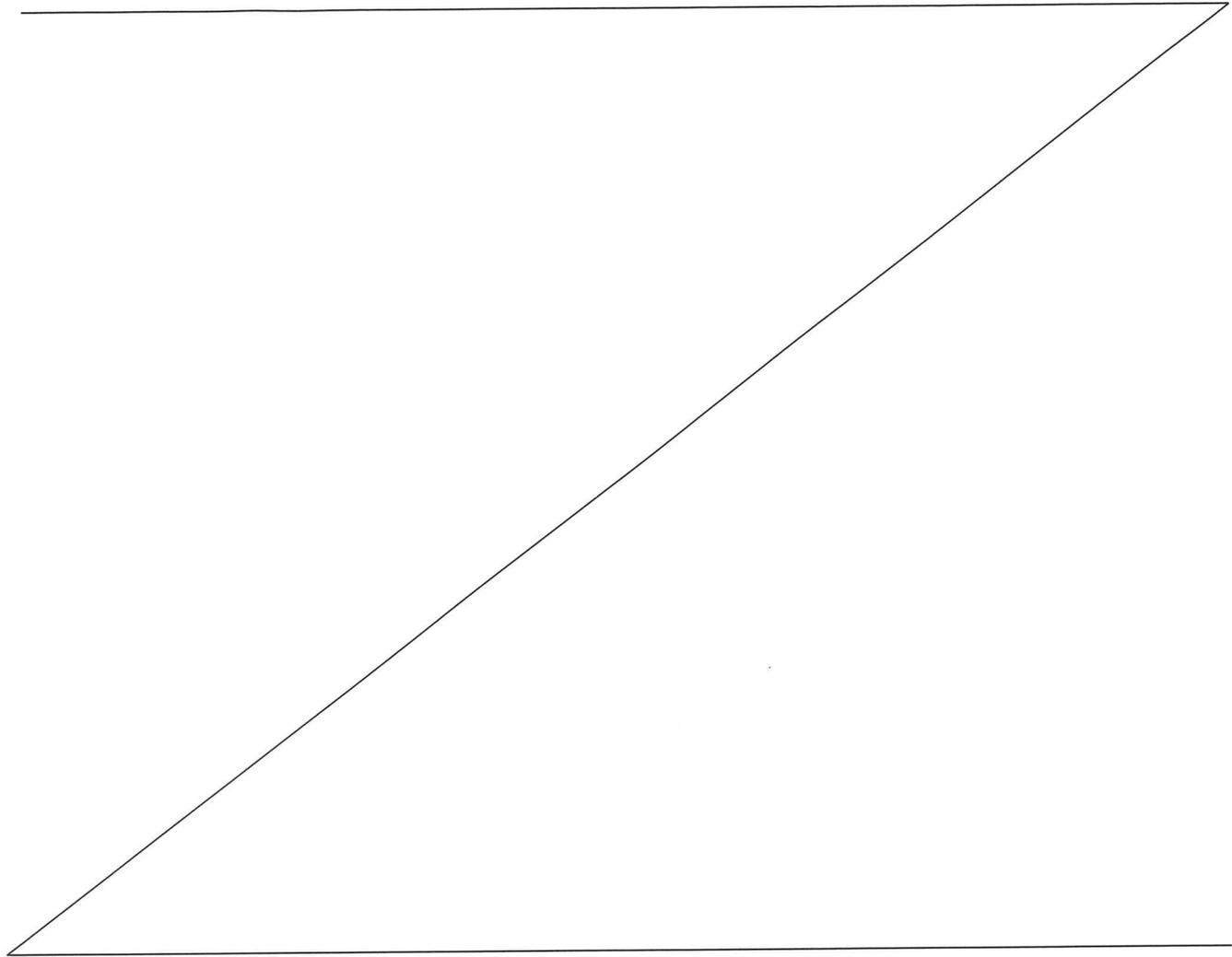
WHEREAS, Elections Code Section 1301(b) further provides that after its adoption, the ordinance becomes operative upon approval of the County Board of Supervisors; and

WHEREAS, on January 28, 2026, the City Council of the City of Nevada City adopted an ordinance ("Exhibit A") providing that the general municipal election of the City shall be held on the day of the statewide direct primary election; and

WHEREAS, the City of Nevada City has requested that the Nevada County Board of Supervisors approve Exhibit A; and

WHEREAS, Elections Code Section 10403.5(a) requires that the Board of Supervisors approve the ordinance unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Supervisors of the County of Nevada, State of California, that Exhibit A, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY, STATE OF CALIFORNIA, AMENDING SECTION 2.40.010 OF THE CITY OF NEVADA CITY MUNICIPAL CODE, RELATING TO DATE OF ELECTIONS," is hereby approved.

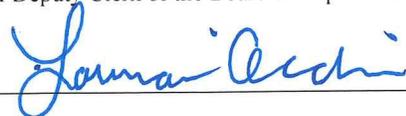


PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 10th day of February 2026, by the following vote of said Board:

- Ayes: Supervisors Heidi Hall, Robb Tucker, Lisa Swarthout, Susan Hoek, and Hardy Bullock.
- Noes: None.
- Absent: None.
- Abstain: None.
- Recuse: None.

ATTEST:

TINE MATHIASSEN  
Chief Deputy Clerk of the Board of Supervisors

By: 

  
Lisa Swarthout, Chair

CITY OF NEVADA CITY  
CITY COUNCIL STAFF REPORT

MEETING OF: January 28, 2026

Agenda Item No. 2

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**Subject:** Introduction and Consideration of Ordinance **Date:** January 23, 2026  
2026-2: An Ordinance of the City Council of the City  
of Nevada City, State of California, Amending  
Section 2.40.010 of the City of Nevada City  
Municipal Code, Relating to Date of Elections

Reviewed & Approved:  
City Manager: JLP

City Attorney:

**From:** Joan L. Phillipe, Interim City Manager

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**Recommended Action:** Hold second reading and adopt ordinance

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**ISSUE STATEMENT AND DISCUSSION:**

This ordinance was introduced for first reading at the January 14 regular city council meeting and was scheduled for second reading and adoption at this meeting. There was no public comment received at the first reading.

As noted in the prior staff report, adoption of this ordinance simply aligns the city with state law. The ordinance amends the city's existing ordinance as permitted by Election Code Section 1301(b)(1) to require its general municipal election be held on the day of the statewide direct primary election.. Elections Code Section 1201 sets this election date as "the first Tuesday after the first Monday in June of each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four." These are the municipal election dates Nevada City wishes to have.

The ordinance will be effective immediately upon its adoption—that is, after its second reading. Then, the City must take an additional step in order to make the ordinance operative: it must submit the ordinance to the County Board of Supervisors for approval.

The Board of Supervisors is required to approve the ordinance upon the City's request. A resolution has been prepared for submission to the County to facilitate the Supervisors' action.

**FINANCIAL AND/OR POLICY IMPLICATIONS:**

This action will align the City with State law and its desire to hold municipal elections in March of Presidential primary years and in June of other even-numbered years.

**STRATEGIC PLAN ALIGNMENT:**

This action does not pertain to the Strategic Plan.

**ENVIRONMENTAL CONSIDERATIONS:**

Adoption of this Ordinance is not a “project” within the meaning of Public Resources Code Section 21065 and CEQA Guidelines Sections 15060(b)(3) and 15378.

**ATTACHMENTS:**

Ordinance 2026-02

**ORDINANCE NO. 2026-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEVADA CITY,  
STATE OF CALIFORNIA, AMENDING SECTION 2.40.010 OF THE CITY OF NEVADA CITY  
MUNICIPAL CODE, RELATING TO DATE OF ELECTIONS**

**WHEREAS**, the City of Nevada City wishes to align its general municipal elections with the dates of California statewide direct primary elections; and

**WHEREAS**, under Section 1301(b) of the Elections Code, the city council may enact an ordinance pursuant to Division 10 (beginning with Section 10000) of the Elections Code, which ordinance requires its general municipal election to be held on the day of the statewide direct primary election; and

**WHEREAS**, Elections Code Section 1301(b) further provides that after its adoption, the ordinance becomes operative upon approval of the county board of supervisors; and

**WHEREAS**, Elections Code Section 10403.5(a) requires that the board of supervisors approve the ordinance unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled; and

**WHEREAS**, within thirty (30) days of the board of supervisors' approval, the city elections official must cause a notice to all registered voters informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed; and

**WHEREAS**, pursuant to Elections Code Section 1201, the statewide direct primary is held on the first Tuesday after the first Monday in June of each even-numbered year that is not evenly divisible by four; and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four; and

**WHEREAS**, the City of Nevada City, California, pursuant to the provisions of the California Environmental Quality Act ("CEQA") (Cal. Pub. Res. Code §§21000 and following) and State CEQA Guidelines (14 CCR §§15000 and following) has determined that this ordinance is not a project under CEQA pursuant to Title 14, Section 15378 (b)(5) of the California Code of Regulations;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEVADA CITY DOES HEREBY  
ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and incorporated into this ordinance.

**SECTION 2. Section 2.40.010 of the Nevada City Municipal Code is hereby amended to read as follows:**

**2.40.010 - Date held.**

The general municipal election of the city shall be held on the day of the statewide direct primary election.

**SECTION 3. ENVIRONMENTAL DETERMINATION.** The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be not a project under Section 15378 (b)(5) of the CEQA Guidelines.

**SECTION 4. INCONSISTENCIES.** Any provision of the Nevada City Municipal Code or appendices thereto inconsistent with the provisions of this ordinance, to the extent of such inconsistencies and/or further, is hereby repealed or modified to the extent necessary to affect the provisions of this ordinance.

**SECTION 5. SEVERABILITY.** If any provision or clause of this ordinance or the application thereof to any person or circumstances is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect other provisions or clauses or applications of this ordinance which can be implemented without the invalid provision, clause or application; and to this end, the provisions of this ordinance are declared to be severable.

**SECTION 6. EFFECTIVE DATE.** This ordinance shall come into being as existing law immediately upon its final adoption and shall be published once within fifteen (15) days in The Union, a newspaper of general circulation printed and published in the County of Nevada and circulated in the City of Nevada City and hereby designated for that purpose by the City Council.

**SECTION 7. CERTIFICATION.** The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner and form provided by law in The Union, a newspaper of general circulation printed and published in the City of Nevada City, State of California, which said newspaper is hereby designated for that purpose.

**SECTION 8. CLERK TO CONVEY ORDINANCE TO BOARD OF SUPERVISORS; OPERATIVE DATE.** The City Clerk shall convey this ordinance to the county board of supervisors together with a request for approval. This ordinance shall become operative on the date it is approved by the county board of supervisors. As of that date, the ordinance's directives shall be implemented.

**SECTION 9. ELECTIONS OFFICIAL TO PROVIDE NOTICE.** Within thirty (30) days of the board of supervisors' approval, the city elections official must cause a notice to all registered voters informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed

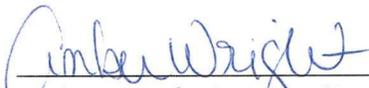
Introduced at a regular meeting of the City Council on the 14th day of January, 2026, by the following roll call vote:

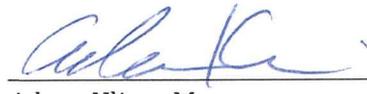
AYES: Kline, Ceci, Fernández, Fleming, Petersen  
NOES:  
ABSENT  
ABSTAINED

Passed and approved at the regular meeting of the City Council on the 28th day of January, 2025, by the following roll call vote:

AYES: Kline, Fernández, Petersen  
NOES:  
ABSENT: Ceci, Fleming  
ABSTAINED:

ATTEST:

  
Amber Wright, Deputy City Clerk

  
Adam Kline, Mayor

APPROVED AS TO FORM:

  
Dean J. Pucci, City Attorney