CITY COUNCIL **AGENDA REPORT**

MEETING DATE: June 15, 2022 **ITEM # 17**

SUBJECT:

CONSIDERATION OF RESOLUTION 22-85 CALLING AN ELECTION AND REQUESTING THE YOLO COUNTY BOARD OF SUPERVISORS TO PERMIT THE COUNTY CLERK OF YOLO COUNTY TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 8, 2022 IN CONSOLIDATION WITH THE GENERAL ELECTION

INITIATED OR REQUESTED BY:

[ ] Council [X] Staff

[ ] Other

REPORT COORDINATED OR PREPARED BY:

Jon Robinson, Deputy City Manager
City Manager's Office

ATTACHMENT [X] Yes [ ] No [ ] Information [ ] Direction [X] Action

OBJECTIVE

The purpose of this report is to facilitate Council consideration of a potential ballot measure to allow voters to decide whether the term of the City's mayor position will remain at its current duration of two years or be changed to four years.

RECOMMENDED ACTION

Staff recommends that the Council hear staff's presentation, hear public testimony, then:

If the Council wishes to proceed with a ballot measure to allow voters to determine whether the term of the city's mayor position should continue to be two years or whether it should change to four years:

1. Approve Resolution 22-85 authorizing the submission of a ballot measure for the November 2022 election allowing West Sacramento voters to determine the term of the position of mayor in West Sacramento, with the proviso that if the Yolo County Superior Court orders a change to the term of Mayor from two years to four years, that this approval is automatically rescinded; and

2. Authorize the City Manager or his designee to take any actions necessary to place the ballot measure authorized in Resolution 22-85 onto the ballot for the November 8, 2022 election, including but not limited to filing all necessary paperwork with Yolo County,

If the Council does not want to proceed with the ballot measure to allow the voters to determine the term of the mayor position, the Council may simply take no action, in which case the mayoral term would remain at its current two years unless altered by court action.

BACKGROUND

Since February 2022, the City has been working to transition from its current at-large election system to a district-based system.

At its meeting of May 18, the Council adopted a resolution formally selecting a final district map and conducted the first reading of Ordinance 22-17 that would officially transition the City from at-large to district elections. At this meeting, the Council also directed staff to return on June 1 with a workshop to facilitate a discussion about potentially allowing the voters to decide via ballot measure whether the mayoral term should continue to be two years, or whether it should be changed to four years.

One June 1, the Council conducted the second reading and adopted Ordinance 22-7. Therefore, the City is now prepared to submit all the necessary paperwork to effectuate district-based elections in time for the November 2022 Statewide General Election, subject to any relevant direction from the court.

In a separate agenda item on June 1, the Council also conducted a workshop on the issue of the proposed ballot measure. The consensus among Council members was that the draft ballot language presented in that staff report, which is the same as is included in Resolution 22-85 (see Attachment 1), was acceptable. The Council directed staff to return at its meeting of June 15 with a resolution to allow the Council to consider whether to proceed with the ballot measure.

ANALYSIS

Yolo County's deadline for the submission of resolutions requesting ballot measures is generally June 21. On June 3, the Yolo County Clerk-Recorder informed the City that he is willing to ask the Board of Supervisors to grant him special authority to approve requests for consolidated elections received no later than August 12. The Council could, therefore, delay this action and direct staff to request that the Clerk-Recorder make such a

request. We know of no reason why the Board of Supervisors would deny the request, however that is a matter within the Board of Supervisors' discretion. In the absence of action by the Board of Supervisors granting such authority to the Clerk-Recorder, this evening is the last regular meeting at which the Council can approve a resolution to submit a ballot measure allowing voters to determine the term of the mayor position in time for the November 2022 election.

An additional consideration concerns a hearing pending before the Yolo County Superior Court. Plaintiff's Council (in the matter of *LIRN et al. v. City of West Sacramento*) has asked the Court to order that the Mayor's term be extended from two to four years, without a vote, beginning with the November 2024 Mayoral election. Although the Parties asked for a hearing on June 10, the first available date for the Court was June 16. Given this hearing date, the City Attorney requests that if the City Council decides to approve Resolution 22-85, it make that approval contingent – if the Court orders a change in the Mayor term, Council's approval of Resolution 22-85 would be automatically rescinded. Staff's recommended action includes this automatic rescindment feature.

Staff does not have a recommendation as to whether the Council should proceed with the ballot measure. Should the Council wish to proceed with the ballot measure, staff recommends the actions noted as (1) and (2) in the Recommended Action section of this report. If the Council decides it does not wish to proceed with the ballot measure, it can simply take no action this evening.

Next Steps
Barring Council actions necessitated by the court's direction in the *LIRN, et al* case, this item represents the last legislative action required of the Council to effectuate district-based elections in West Sacramento. Staff will work with Yolo County to effectuate district elections for the November 2022 election, subject to any court-required actions, and will keep the Council apprised on this effort.

Environmental Considerations
This action is not a project that is subject to CEQA because it is not an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; CEQA Guidelines §§ 15060(c), 15378(a).)

Commission Recommendation
N/A

Strategic Plan Integration
N/A

Alternatives
The Council's primary alternatives are:

1. Approve Resolution 22-85 which would authorize the submission of a ballot measure for the November, 2022 election allowing West Sacramento voters to determine the term of the position of mayor in West Sacramento, with the contingency noted in the recommended action; and authorize the City Manager or his designee to take any actions necessary to place the ballot measure described in this report onto the ballot for the November, 2022 election, including but not limited to filing all necessary paperwork with Yolo County; or

2. Take no action, which would leave the mayoral term at two years barring intervention from the court.

Staff is prepared to effectuate Alternative 1 at the Council's direction. Alternative 2 does not require staff action.

Coordination and Review
This report was prepared by the City Manager's Office, in collaboration with the City Attorney.

Budget/Cost Impact
N/A

ATTACHMENTS
1. Resolution 22-85

RESOLUTION 22-85

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO CALLING AN ELECTION AND REQUESTING THAT THE YOLO COUNTY BOARD OF SUPERVISORS PERMIT THE COUNTY CLERK OF YOLO COUNTY TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL ELECTION TO BE HELD IN THE CITY ON NOVEMBER 8, 2022 IN CONSOLIDATION WITH THE STATEWIDE GENERAL ELECTION

WHEREAS, the City Council of the City of West Sacramento adopted Resolution 03-128 on November 19, 2003 placing a ballot measure on the ballot for a special election on March 2, 2004 asking voters to consider three questions regarding a directly elected mayor; and

WHEREAS, the voters of the City voted in favor of a directly elected mayor with a term of office of two years; and

WHEREAS, the City is currently transitioning from selecting its Council Members through at-large elections to selecting its Council Members by and from districts to further the purposes of the California Voting Rights Act; and

WHEREAS, the City Council finds that electing a directly elected mayor to a term of office of four years would further support the purposes of the California Voting Rights Act; and

WHEREAS, Government Code Section 34900 authorizes the City Council to submit to the voters the question of whether the term of office for the directly elected mayor should be changed from two years to four years; and

WHEREAS, the City Council finds that voters should consider the question of whether the term of the directly elected mayor should be changed from two years to four years; and

WHEREAS, the City is concurrently requesting that the Elections Division of the County Assessor/Clerk-Recorder/Elections Department for Yolo County (the "Elections Division") provide the City of West Sacramento with services necessary to conduct a municipal election, that the Yolo County Board of Supervisors permit the Elections Division to render the election services specified herein, and that the municipal election be consolidated with the Statewide General Election on November 8, 2022.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of West Sacramento does hereby resolve, declare, determine, and order as follows:

Section 1. The City Council of the City of West Sacramento respectfully requests the voters of the City of West Sacramento shall vote a ballot initiative to consider the question:

BALLOT MEASURE __ **Change in the Length of Term of Mayor of the City of West Sacramento** Shall the term of the office of mayor of the City of West Sacramento be changed from two years to four years beginning with the Statewide General Election on November 5, 2024?	Yes No

Section 2. The City Council of the City of West Sacramento respectfully requests that the Elections Division place the ballot initiative on the ballot of the consolidated Statewide General Election on November 8, 2022.

Section 3.

A. Pursuant to California Elections Code section 9282, on behalf of the City Council, the Mayor is hereby authorized to prepare a written argument in favor of the proposed measure, not to exceed three hundred (300) words. At the Mayor's discretion, the argument may also be signed by members of the City Council or bona fide associations, or by individual voters who are eligible to vote on the measure. In the event that an argument is filed against the measure, the Mayor is also authorized to prepare a rebuttal argument on behalf of the City Council, which may also be signed by members of the City Council or bona fide associations, or by individual voters who are eligible to vote on the measure.

B. Pursuant to California Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a certified copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed five hundred (500) words in length, showing the effect of the measure on the existing law and the operation of the measure, and transmit the impartial analysis to the Yolo County Registrar of Voters.

C. Pursuant to California Elections Code section 9285, when the City Clerk has selected the arguments for and against the measure, which will be printed and distributed to the voters, the City Clerk is directed to send copies of the argument in favor of the measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor.

Section 4. The City Council hereby authorizes reimbursement to Yolo County for services rendered related to this ballot initiative.

PASSED AND ADOPTED this 15TH day of June, 2022 by the following vote:

AYES:
NOES:
ABSENT:

_____
Martha Guerrero, Mayor

ATTEST:

_____
Jennifer Cusmir, City Clerk