RESOLUTION NO. 11-12-34

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUTTER CREEK CALLING FOR ELECTION REGARDING CREATION OF APPOINTIVE CITY CLERK POSITION

WHEREAS, a General Municipal Election has been called and is to be held in the City of Sutter Creek, California on Tuesday, November 6, 2012;

WHEREAS, no person ran for the elected City Clerk position in the 2010 General Election;

WHEREAS, the California Government Code requires each general law city to have a City Clerk;

WHEREAS, in the vast majority of California cities, the city clerk position is appointed, not elected;

NOW BE IT RESOLVED that the City Council resolves as follows:

SECTION 1. The following ballot measure shall be submitted to the voters at the General Municipal Election to be held on Tuesday, November 6, 2012:

"Shall the office of City Clerk be appointive?"

SECTION 2. If the voters approve converting this office into an appointed position, then the appointment will become effective in January 2013 because of the current vacancy in the office.

SECTION 3. The municipal election is hereby ordered consolidated with the general municipal election, which will be held within the City of Sutter Creek on Tuesday, November 6, 2012. The elections hereby consolidated shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 4. Pursuant to Section 10002 of the Elections Code, the City Council hereby request the Board of Supervisors of Amador County ("Board of Supervisors ") to permit the County Elections Official to render services necessary to place this measure on the ballot of the next general municipal election and to conduct the election of this ballot measure. The City Council recognizes that additional costs may be incurred by the County by reason of these services and agrees to reimburse the County for these costs.

SECTION 5. The election on this measure shall be held, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, the returns made, and a result ascertained and determined, and all other proceedings conducted in connection with the election, under the regulations of the Registrar of Voters of Amador County, in accordance with the provisions of the law governing general municipal elections in general law cities.

SECTION 6. Anyone may submit primary arguments on this ballot measure pursuant to Election Code Section 9280, et.seq. Such primary arguments shall not exceed 300 words in length and shall be submitted to the City Clerk no later than 5:00 p.m. on July 13, 2012. Anyone may submit rebuttal arguments to the primary arguments pursuant to Election Code Section 9285 subsection (a), the provisions of which are hereby adopted. Such rebuttal arguments shall not exceed 250 words in length and shall be submitted to the City Clerk no later than 5:00 p.m., on July 27, 2012. The 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 who is the author of the argument. No more than five signatures shall appear with any argument submitted.

SECTION 7. The City Attorney shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure pursuant to Election Code Section 9280, and submit it to the City Clerk no later than 5:00 p.m. on July 13, 2012.

SECTION 8. If, at the election, a majority of the votes cast on the measure are in favor of the measure, then the measure shall be deemed to have been accepted and approved by the votes upon the date that that vote is declared by the City of Sutter Creek and shall go into effect ten (10) days after that date, pursuant to Section 9217 of the Elections Code.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

The foregoing resolution was duly passed and adopted by the Sutter Creek City Council at a regular meeting on the 4th day of June 2012, by the following vote:

AYES: Council Member Anderson, Rianda, Swift and Wooten
NOES: None
ABSTAIN: None
ABSENT: Council Member Murphy

THE CITY OF SUTTER CREEK

Linda Rianda, Mayor

ATTEST:

Natalie Doyle, City Clerk