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AMADOR COUNTY ELECTIONS

RESOLUTION NO. 2024-10

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLYMOUTH, CALIFORNIA, SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF PLYMOUTH A MEASURE ADDING CHAPTER 2.80 (CITY CLERK) TO TITLE II (ADMINISTRATION) OF THE PLYMOUTH MUNICIPAL CODE TO CHANGE THE OFFICE OF CITY CLERK FROM AN ELECTED OFFICE TO AN APPOINTED OFFICE, AT A GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 5, 2024; AND SETTING RULES AND DEADLINES FOR THE SUBMITTAL OF ARGUMENTS FOR AND AGAINST THE MEASURE

WHEREAS, pursuant to California Government Code section 36501(c), the office of the Plymouth City Clerk is currently an elected office; and

WHEREAS, California Government Code sections 36508 and 36510 provide that:

"At any municipal election, or a special election held for that purpose, the city council may submit to the electors the question whether the elective officers, or any of them except council members, shall be appointed by the city council; provided, however, that the city council shall not submit such question to the electors more often than once in an 11-month period.

.....

If a majority of the votes cast on the proposition is for it, the city council shall appoint such officers at the expiration of the terms of the officers then in office, and on a vacancy in any such office. Such officers shall hold office during the pleasure of the city council and, notwithstanding [Government Code] Section 36502 to the contrary, are not required to be residents or electors in the city. The city council may by ordinance vest in the city manager its authority to appoint such officers."

WHEREAS, California Elections Code section 9222 authorizes the City Council to submit local measures to the voters; and

WHEREAS, the City Council desires to submit to Plymouth voters a measure that would change the office of City Clerk from an elected office to an appointed office; and

WHEREAS, the question of an appointed City Clerk has not been submitted to Plymouth voters within the last 11 months; and

WHEREAS, the City Council desires to consolidate the General Municipal election for the ballot measure described herein with the Statewide General Election to be held on November 5, 2024; and

WHEREAS, the City Council further desires to set rules and deadlines for the submittal of written arguments and rebuttals for and against the measure; and

WHEREAS, the specific terms of the measure are provided for in the ordinance to be considered by the qualified voters, attached hereto as Exhibit "A" (the "Ordinance" or "Measure") and by this reference made an operative part hereof, and in accordance with all applicable laws.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PLYMOUTH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The City Council of the City hereby finds and determines that the foregoing recitals are true and correct, are incorporated herein and by this reference made an operative part hereof.

SECTION 2. Submission of Ballot Ordinance/Measure. The City Council of the City, pursuant to its right and authority as contained in California Elections Code section 9222 and Government Code section 36508, hereby orders the Ordinance/Measure attached hereto as Exhibit "A" to be submitted to the qualified voters of the City at the General Municipal election to be held and consolidated with the Statewide General Election on Tuesday, November 5, 2024. The proposed Ordinance shall be in the form attached hereto as Exhibit "A" to this Resolution and is incorporated by this reference as if fully set forth herein.

SECTION 3. Ballot Question. The City Council, pursuant to its right and authority under California Government Code section 36509(b), does hereby order that the ballot question shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the election to be held at the General Municipal election to be consolidated with the Statewide General Election on Tuesday, November 5, 2024, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

"Shall the office of Plymouth City Clerk be appointive?"	YES	
	NO	

SECTION 4. Election Procedures/Request for Consolidation.

- A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 5, 2024, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418.
- B. The ballots to be used at the election shall be in the form and content as required by law.
- C. In accordance with Section 10403 of the Elections Code, the Board of Supervisors of Amador County is hereby requested to consent to consolidation of the election on this Measure with the Statewide General Election and all other elections being held in the same territory on November 5, 2024, and to having the Registrar of Voters render such election services to the City of Plymouth as may be requested by the City Clerk of said City, the County of Amador to be reimbursed in full for such services as are

performed.

- D. The election services which the City of Plymouth requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and guides; the establishment or appointment of precincts, voting centers, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Plymouth; and the performance of such other election services as may be requested by the City Clerk.
- E. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia, or cause such actions to be made, that may be necessary in order to properly and lawfully conduct the election.
- F. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Amador; and
- G. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.
- H. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.
- I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.
- J. The Amador County Registrar of Voters is hereby authorized to canvass the returns of said election.
- K. The City Clerk of the City of Plymouth shall receive the canvass as it pertains to the election on the measure, and shall certify the results to the City Council, as required by law.

SECTION 5. Arguments and Analysis.

- A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of such citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the City measure, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California and may change the argument until and including July 30, 2024 at 4:30 p.m. after which no arguments

for or against the measure may be submitted to the City Clerk. Arguments in favor of or against the measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include 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.

- B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters, and shall take all necessary actions to cause the selected arguments to be printed and distributed to the voters.
- C. Pursuant to Section 9280 of the Elections Code, the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law and the operation of the measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot measure as provided by law. The Impartial Analysis shall be filed by the deadline set for filing of this Resolution Requesting Consolidation (July 19, 2024). The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Ordinance or Measure ___. If you desire a copy of the ordinance or measure, please call the election official's office at (insert phone number) and a copy will be mailed at no cost to you."**

SECTION 6. Rebuttals.

- A. That pursuant to Section 9285 of the Elections Code of the State of California, when the Clerk has selected the arguments for and against the various City initiated measures which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the measures to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than August 12, 2024 at 4:30 p.m. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.
- B. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.
- C. That the provisions herein shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

SECTION 7. Placement on the Ballot. The full text of the Ballot Ordinance shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Section

9223 of the Elections Code advising voters that they may obtain a copy of this ordinance, the Ballot Ordinance and/or ballot measure, at no cost, upon request made to the City Clerk.

SECTION 8. Delivery of Resolution to County. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this Resolution, including the Ballot Ordinance attached hereto as Exhibit "A", to the Clerk of the Board of Supervisors of Amador County and to the Registrar of Voters of Amador County not later than 88 days prior to the General Municipal Election.

SECTION 9. Further Order. that the City Council of the City of Plymouth does hereby further order and (1.) Call for an Election to be held to elect four Council Member seats; 1 City Treasurer; and 1 City Clerk; (2.) Request that its Council Member Election to elect four Council Member seats, one City Treasurer and one City Clerk be Consolidated with the Presidential General Election scheduled for November 5, 2024 as heretofore established; (3.) File its Notice of Election with the Registrar of Voters specifying the elective offices to be filled; (4.) Submit a list of incumbents and terms of offices; (5.) Require that a Candidate's Statement, if desired, is to be paid by the Candidate; (6.) Certify the current boundary map is without change since the last election; (7.) Sets a coin-toss as its tie-breaking method for this election with procedures as previously established by the City of Plymouth City Council Resolution 2024-08 adopted in June 13, 2024; (8.) Authorizes Amador County Elections Department to conduct the election and canvass the returns; and (9.) Intends to reimburse Amador County for the actual costs of this election.

SECTION 10. CEQA. The City Council hereby finds and determines that the ballot measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, section 15378(b)(5).

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Resolution which can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council hereby declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion thereof.

SECTION 12. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Plymouth, California, at a regular meeting held on this 13th day of June, 2024.


Marianne Akerland
MAYOR

CERTIFICATION FOR RESOLUTION NO. 2024-10

I, Victoria McHenry, Deputy City Clerk of the City Council of the City of Plymouth, California, do hereby certify that the whole number of the members of the City Council is five (5); that the above and foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Plymouth on the 13th day of June, 2024, by the following vote:

AYES: Akerland, McLaughlin, Amoruso, Sim, White
NOES: None
ABSTAIN: None
ABSENT: None

ATTEST:


VICTORIA MCHENRY
DEPUTY CITY CLERK