

RESOLUTION NO. 20-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DIXON SUBMITTING AN INITIATIVE TO CITY VOTERS AT THE NEXT GENERAL MUNICIPAL ELECTION, REQUIRING THAT THE OFFICE OF THE CITY CLERK BE AN ELECTED POSITION, AND REQUESTING THAT THE COUNTY OF SOLANO BOARD OF SUPERVISORS CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION, TO BE CONDUCTED ON NOVEMBER 3, 2020

WHEREAS, an initiative petition entitled “Initiative Measure (To Require the Office of the City Clerk To Be an Elected Position)” (the “Initiative”) was filed with the Solano County Registrar of Voters (the “Registrar”) on August 12, 2019, to require that the City of Dixon (the “City”) adopt an ordinance to require that the office of the City Clerk be an elected position; and

WHEREAS, the Initiative was timely filed, in an appropriate format, and exceeded the minimum requisite threshold of signatures (submitting one thousand one hundred seventy-two (1,172) valid signatures where one thousand twenty-seven (1,027) were required); and

WHEREAS, the Registrar verified the signatures pursuant to Elections Code section 9211 and has submitted a certificate of sufficiency to the City; and

WHEREAS, The City’s elections official accepted the Registrar’s certificate of sufficiency and at the September 3, 2019 City of Dixon City Council (the “City Council”) meeting the City’s elections official certified the Initiative as sufficient to the City Council; and

WHEREAS, pursuant to Elections Code section 9215, the City Council must submit the Initiative to the City voters; and

WHEREAS, pursuant to Elections Code sections 9215 and 1405, the City Council desires to submit the Initiative to the City voters for the next general municipal election (the “Election”); and

WHEREAS, the next Election will be conducted on Tuesday, November 3, 2020, the date of the next statewide general election; and

WHEREAS, pursuant to Elections Code section 10400 et seq., the City Council is authorized to request an order from the County of Solano (the “County”) Board of Supervisors to consolidate the Election with the statewide general election; and

WHEREAS, it is desirable that the Election be consolidated with the statewide general election to be conducted on Tuesday, November 3, 2020.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Dixon as follows:

SECTION 1: Pursuant to California Elections Code sections 9215 and 1405, the City Council hereby calls and orders an Election be held in the City on Tuesday, November 3, 2020, for the purpose of submitting the following question to the voters at such election:

Shall the measure adopting an ordinance that changes the office of the City Clerk from an appointed position to an elected position be adopted?	Yes	No
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SECTION 2: The text of the ordinance submitted to the voters is attached as **Exhibit A**.

SECTION 3: Pursuant to Elections Code sections 10002 and 10403, the City Council hereby requests that the County Board of Supervisors consolidate the Election with the statewide general election, to be conducted on Tuesday, November 3, 2020 (the "Consolidated Election"). The City acknowledges that the Consolidated Election shall be held and conducted in the manner prescribed by Elections Code section 10418.

SECTION 4: Pursuant to Elections Code section 10002, the City Council hereby requests that the County Board of Supervisors authorize the Registrar to provide all services necessary to conduct the Consolidated Election.

SECTION 5: The City recognizes the additional costs that will be incurred by the County to conduct the Consolidated Election and agrees to reimburse the County for any costs to conduct the Consolidated Election, upon presentation of a bill as required by Elections Code section 10002.

SECTION 6: The City Council hereby directs the City Clerk, or designee, to file a certified copy of this Resolution with the County Board of Supervisors and the Registrar. The City Clerk, or designee, shall file a certified copy of this Resolution with the County Board of Supervisors and the Registrar on or before August 7, 2020.

SECTION 7: Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk, or designee, to transmit a copy of the Initiative to the City Attorney. The City Council hereby directs the City Attorney to prepare an impartial analysis of the Initiative pursuant to Elections Code section 9280 (the "Impartial Analysis"). The City

Attorney shall file the Impartial Analysis with the Registrar on or before August 12, 2020.

SECTION 8: The City Council authorizes a subcommittee of two (2) members of the City Council (the "Subcommittee") to file a written argument against the Initiative in accordance with Elections Code sections 9282 and 9283 (the "Argument") and to change the Argument until and including the date fixed by the City's elections official, or designee, after which no arguments for or against the measure may be submitted. The Subcommittee shall file the Argument with the Registrar on or before August 14, 2020.

SECTION 9: The City Council authorizes the Subcommittee to file a rebuttal argument against any argument submitted in favor of the Initiative in accordance with Elections Code section 9285 (the "Rebuttal"). The Subcommittee shall file the Rebuttal with the Registrar on or before August 18, 2020.

SECTION 10: The City Clerk and other City officers and employees are authorized and directed to take all other actions that are necessary to have the Initiative properly submitted to the City voters at the Election, to be conducted on Tuesday, November 3, 2020.

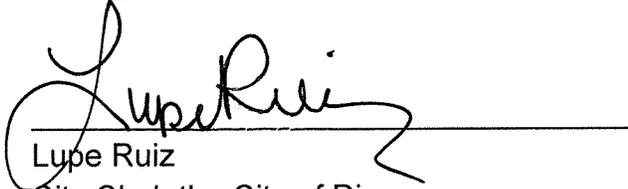
PASSED AND ADOPTED this 21st day of April 2020 by the following vote:

AYES: Bird, Ernest, Minnema, Pederson, Bogue
NOES: None
ABSENT: None
ABSTAIN: None
EXCUSED: None

APPROVED:


Thom Bogue
Mayor of the City of Dixon

ATTEST:


Lupe Ruiz
City Clerk the City of Dixon

March 13, 2019

City of Dixon Elections Official
City of Dixon
600 East A Street
Dixon, CA 95620

MAR 13 2019

RE: Initiative Measure to be Submitted to the Voters

Please find enclosed with this letter a copy of a proposed initiative measure and Notice of Intent to Circulate Petition for a special election within the City of Dixon. Please transmit the initiative measure to the City Attorney for a Title and Summary pursuant to California Elections Code Section 9203.

We are the Proponents of this measure and registered voters in the City of Dixon at the address shown on the attached, along with the signed proponent affidavit required by Section 9608 of the California Elections Code.

Sincerely,

s/ Michael Edward Marsh

Michael Edward Marsh
985 Monique Drive, Dixon CA 95620

s/ Ourania Riddle

Ourania Riddle
1680 Sequoia Way, Dixon CA 95620

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NOTICE OF INTENT TO CIRCULATE PETITION

CITY OF DIXON

NOTICE is hereby given by the persons whose names appear below of their INTENTION TO CIRCULATE AN INITIATIVE PETITION within the City of Dixon for the purpose of making the City Clerk a position elected by the voters by repealing the measure adopted April 11, 1950 making the position of City Clerk appointive.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

California law requires that all cities such as the City of Dixon have a City Clerk who resides in the City, who is registered to vote in the City, and who is elected by the city's voters, unless the city voters adopt a measure to allow the City Council to appoint the City Clerk.

On April 11, 1950, the following measure was submitted to the voters of the City of Dixon: "SHALL THE CITY COUNCIL HEREAFTER APPOINT THE CITY CLERK OF THE CITY OF DIXON? This measure was approved by a vote of 125 to 84.

Since the time of the election in 1950 the character of the City of Dixon and the operation of its city government has dramatically changed.

The City Clerk which is the chief elections officer of the City of Dixon, and which, after the city council, the California Government Code identifies as the principal officer of city government, is no longer responsible to residents of the City.

As an appointed City Clerk holds office only at the pleasure of the City Manager and City Council, the City Clerk is no longer an independent officer capable to carry out the statutory duties of the office without the supervision, direction and approval of the City Manager or City Council.

This has resulted in the following:

1. Out of town appointments made for short duration;
2. Interim appointments made to others who live, and otherwise work, in different parts of the State;
3. Interim appointments made to others related by blood and marriage to other officers of the City;
4. Temporary appointments made to complete one issue before the City Council;
5. Excessive compensation paid to these appointees;
6. As the chief elections officer of the city, this instability and lack of independence, has undermined public confidence in municipal elections, especially in relation to the initiative, referendum and recall;
7. It has undermined confidence in the ability of the Office of the City Clerk to enforce the statutory duty to protect the confidential protests made by petition or otherwise, by City residents against actions by the City Manager or City Council;

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8. It has destroyed the continuity of office necessary for a viable, functioning, and representative city government;

Finally, an elected City Clerk is an independent public officer directly responsible to all of the people. Elected city-wide, while the council is elected from districts, an elected City Clerk would represent all the people.

An elected City Clerk will offer better public service to all.

THE PEOPLE OF THE CITY OF DIXON DO ORDAIN AS FOLLOWS:

SECTION I: The Measure adopted at Municipal General Election held on April 11, 1950, by which the City Council shall appoint the City Clerk, is repealed.

SECTION II: Following the adoption of this Measure, the City Council shall call a special election, which may be consolidated with any other election as provided by law, to fill the office of City Clerk until the next succeeding regular Municipal General Election.

SECTION III: At the next succeeding regular Municipal General Election referenced in Section 2 of this Measure, the election for City Clerk shall be for a full four year term of office. The election of the City Clerk shall be held every four years thereafter at the time of the General Municipal election, as provided by law.

SECTION IV: Each provision of the ordinance is severable, and the invalidity of any section or part shall not affect the validity of its other provisions.

Michael Edward Marsh
s/ Michael Edward Marsh
Ourania Riddle
s/ Ourania Riddle

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AFFIDAVIT

I, Michael Edward Marsh, acknowledge that it is a misdemeanor under state law (Section 18650 of the elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed

Michael Edward Marsh Dated this 13th day of March, 2019
Michael Edward Marsh
985 Monique Drive, Dixon CA 95620

AFFIDAVIT

I, Ourania Riddle, acknowledge that it is a misdemeanor under state law (Section 18650 of the elections Code) to knowingly or willfully allow the signatures on an initiative petition to be used for any purpose other than qualification of the proposed measure for the ballot. I certify that I will not knowingly or willfully allow the signatures for this initiative to be used for any purpose other than qualification of the measure for the ballot.

Signed

Ourania Riddle Dated this 13 day of March, 2019
Ourania Riddle
1680 Sequoia Way
Dixon, CA 95620

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