

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-017

Introduced by Council Member Peixoto

RESOLUTION, PURSUANT TO AN INITIATIVE PETITION, SUBMITTING TO THE ELECTORS AT THE JUNE 7, 2016 GENERAL MUNICIPAL ELECTION, A PROPOSED CITY CHARTER AMENDMENT AND MUNICIPAL CODE AMENDMENT CHANGING THE CITY OF HAYWARD'S GENERAL MUNICIPAL ELECTION FROM JUNE OF EVEN-NUMBERED YEARS TO NOVEMBER OF EVEN-NUMBERED YEARS, AND IF APPROVED, EXTEND TEMPORARILY THE TERMS OF INCUMBENTS WHOSE TERMS EXPIRE IN 2018 AND 2020; CONSOLIDATING THE ELECTION WITH THE PRESIDENTIAL PRIMARY ELECTION; AND DIRECTING THE CITY CLERK TO PROVIDE FOR NOTICE AND PUBLICATION IN ACCORDANCE WITH THE LAW AND AUTHORIZING CERTAIN OTHER ELECTION ACTIVITIES

WHEREAS, the City Clerk has certified to the City Council that upon the examination of the initiative petition "Amending the City Charter and Municipal Code to change the City of Hayward's General Municipal Election from June of even-numbered years to November of even-numbered years, an if approved, to extend temporarily the terms of incumbents whose terms expire in 2018 and 2020" the petition is signed by the requisite number of registered voters; and

WHEREAS, in accordance with the California Elections Code, the Alameda County Registrar of Voters requires a resolution from the City Council to place the initiative on the ballot; and

WHEREAS, such action by the City Council is mandatory and ministerial and not a discretionary act and not a statement that the City council or its members are either for or against the initiative; now, therefore be it

RESOLVED: That the City Council hereby authorizes and directs the City Clerk, at least 88 days prior to June 7, 2016, to file with the Alameda County Board of Supervisors and the County Clerk certified copies of this resolution; and

BE IT FURTHER RESOLVED: That the Board of Supervisors of Alameda County is hereby requested to order the consolidation of the General Municipal Election of the City of Hayward with the Presidential Primary to be held on Tuesday, June 7, 2016; and

BE IT FURTHER RESOLVED: That the Board of Supervisors of Alameda County is requested to permit the Registrar of Voters of Alameda County to perform services in connection with the June 7, 2016 election at the request of the City Clerk; and

BE IT FURTHER RESOLVED: That the City Attorney shall prepare an impartial analysis of the measure pursuant to Elections Code Section 9280; and

BE IT FURTHER RESOLVED: That the City of Hayward does hereby submit to the voters at the June 7, 2016 General Municipal Election, a proposed charter amendment and municipal code amendment as provided in the text of Exhibit A; and

BE IT FURTHER RESOLVED: That the measure requires a simple majority (fifty percent plus one vote) voter threshold for passage; and

BE IT FURTHER RESOLVED: That in accordance with the Elections Code Section 9286, the City Clerk has fixed and determined the dates for submission of arguments for or against said proposed charter amendment and municipal code amendment; and

BE IT FURTHER RESOLVED: That in accordance with Section 9282 (a) of the Elections Code, the persons filing an initiative petition may file a written argument in favor of the charter amendment and municipal code amendment, and the legislative body may submit an argument against; and

BE IT FURTHER RESOLVED: That in accordance with the Elections Code, the City Clerk shall provide for notice and publication as to said proposed charter amendment and municipal code amendment in the manner provided by the law; and

BE IT FURTHER RESOLVED: That each ballot used at said municipal election shall have printed therein, in addition to any other matter required by law, the following:

Measure ____: Shall the charter and municipal code of the city of Hayward be amended to change general municipal elections from June of even-numbered years to November of even-numbered years, to be effective in 2018; and, if approved, to extend temporarily by five months the terms of the mayor and council members elected in 2014 and 2016, respectively, and whose terms expire in 2018 and 2020?	YES	
	NO	

and:

BE IT FURTHER RESOLVED: That the City Clerk and City Attorney are hereby authorized and directed to take any and all actions necessary under law to prepare for and conduct the June 7, 2016 election and appropriate all monies necessary, consistent with the law.

IN COUNCIL, HAYWARD, CALIFORNIA February 2, 2016

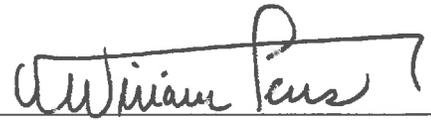
ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS: Zermeño, Mendall, Jones, Peixoto, Lamnin, Márquez  
MAYOR: Halliday

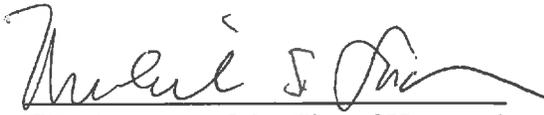
NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST:   
City Clerk of the City of Hayward

APPROVED AS TO FORM:

  
City Attorney of the City of Hayward

**City of Hayward – Initiative Charter Amendment**

Section 1. It is the intent of the people in enacting this charter amendment:

- (a) That this measure be submitted to City voters on the date of the next state primary election in 2016 if the measure qualifies for the ballot at least 88 days before that election;
- (b) Upon passage of this measure, City of Hayward General Municipal Elections will be held in even years on the first Tuesday after the first Monday in November unless and until the date of the State General Election is changed.
- (c) Elected officials in office at the time the measure passes shall continue to serve in office until their successors qualify for office following the November 2018 General Election.

Section 2. Section 400 of Article IV of the City of Hayward Charter is amended to read:

**SECTION 400. GENERAL MUNICIPAL ELECTIONS**

General municipal elections for the election of officers and for such other purposes as the Council may prescribe, shall be consolidated with the California State ~~Primary~~ General Election held in even numbered years.

Section 3. Section 2-1.15 of the City of Hayward Municipal Code is amended to read:

SEC. 2-1.15 TERMS OF OFFICE. When the general municipal election for the election of officers is consolidated with a California State ~~Primary~~ General Election held earlier in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term of office shall be shortened to the first Tuesday following the consolidated election or until his or her successor qualifies. When the general municipal election for the election of officers is consolidated with a California State ~~Primary~~ General Election held later in the calendar year than the last election for the seat occupied by an incumbent, the incumbent's term in office shall be lengthened to the first Tuesday following the consolidated election or until his or her successor qualifies.

Section 4. Effective Date.

This measure shall become operative immediately with the intent that it be in effect for the City's 2018 elections.