

F U L E D

JUL 22 2020

RESOLUTION NO. 2020 – 43R

FRESNO COUNTY CLERK
By *[Signature]*
DEPUTY

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CALLING AND GIVING NOTICE OF THE SUBMISSION TO THE ELECTORS OF THE CITY OF SELMA AT THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2020, A BALLOT MEASURE PROVIDING FOR THE ELECTION OF MEMBERS OF THE LEGISLATIVE BODY OF THE CITY OF SELMA BY DISTRICTS OF FIVE DISTRICTS AND REPEALING ORDINANCE NO. 2019-8 ADOPTED BY THE CITY COUNCIL PROVIDING FOR THE ELECTION OF MEMBERS OF THE LEGISLATIVE BODY BY DISTRICTS OF FOUR DISTRICTS WITH AN ELECTED MAYOR TO BE ELECTED ON A CITY-WIDE BASIS BY THE VOTERS OF THE ENTIRE CITY

WHEREAS, Government Code §34871 allows the legislative body of a city at any municipal election to submit to the registered voters an ordinance providing for the election of members of the legislative body in alternative ways including by elections by districts of five districts and, as used therein, the term “by districts” means and refers to the election of members of the legislative body by voters of the district alone of members of the legislative body who are residents of the district from which they are elected by the voters;

WHEREAS, on December 2, 2019, the legislative body, the City Council of the City of Selma adopted Ordinance No. 2019-8 which requires the members of the legislative body to be elected by district of four districts with an elected mayor to be elected on a city-wide basis by the voters of the entire city; and

WHEREAS, Elections Code §9200 provides that ordinances may enacted by or for an incorporated city pursuant to the provisions of Article 1 of Chapter 3 of Division 9 of that Code and §9222 of the Elections Code allows the legislative body of the City to submit to the voters, a proposition for the repeal, amendment or enactment of any ordinance to be voted on at any succeeding regular or special City election and if the proposition submitted receives a majority of the votes cast at the election, the ordinance shall be repealed, amended or enacted accordingly. Such propositions must be submitted to the Fresno County Clerk Registrar of Voters by ordinance or by resolution not less than eighty-eight (88) days prior to the date of the election; and

WHEREAS, when an ordinance for election of councilmembers is submitted to the voters pursuant to Government Code §34871 is to be submitted to the voters on the ballots in substantially the form in which it appears in §34876.5. If a majority of the voters voting on the proposed ordinance vote in favor of it, members of the legislative body shall be elected in the manner approved by the voters beginning at the first election following approval of the district boundaries. When the ordinance is passed by the voters pursuant to §34876.5, the legislative body shall, after the election prepare and adopt a map that describes the boundaries and numbers of districts for the legislative body; and

WHEREAS, the City Council desires to allow the voters to decide whether the legislative body, the City Council of the City of Selma shall be elected by district of five districts; or, whether

election of members of the legislative body shall be by districts of four districts with an elective mayor to be elected on a City-wide basis by the voters of the entire City.

NOW, THEREFORE, BE IT RESOLVED, as follows:

Section 1 Incorporation of Recitals.

The forgoing recitals are true and correct and are incorporated by reference.

Section 2 Calling Municipal Election. Pursuant to California Elections Code §9222 and Government Code §34871 the City Council of the City of Selma hereby orders and calls a Municipal Election to be held in the City of Selma on Tuesday, November 3, 2020 for the purpose of submitting the Proposed Ordinance No. 2020-4 attached as Exhibit A to this Resolution and incorporated by this reference to the qualified electors of the City, with said election to be held and consolidated with the Presidential Election on Tuesday, November 3, 2020. The full text of the Ordinance No. 2020-4, attached to this Resolution as Exhibit A shall be made available to the voters upon request made to the City Clerk. The Ordinance shall not be printed in full in the County Voter Information Guide, but a summary thereof shall be printed in the Voter Information Guide. The measure to be submitted to the voters shall appear and be printed on the ballot as follows:

Proposition ____; <u>City of Selma By-District Election Measure</u>	
Shall Ordinance No. 2019-8, providing for the legislative body of the City of Selma to be elected by districts in four districts with an elective mayor to be elected by the voters of the entire City be repealed and replaced by an ordinance requiring the members of the legislative body of the City of Selma be elected by five districts?	YES _____
	NO _____

Section 3 Introduction/Adoption of Ordinance. The City Council approved the introduction of Ordinance 2020-4, an ordinance amending Chapter 11 (Elections) of Title 1 (Administrative) of the City of Selma Municipal Code to establish election of members of the City Council by five districts on June 15, 2020. The City conducted a duly noticed public hearing on Ordinance No. 2020-4 on July 6, 2020, voted, by majority, to waive the Second Reading and adopt said Ordinance on July 6, 2020. The said ordinance provides and it shall not take effect unless and until approved by a vote of at least a majority of the voters voting on the question at the General Municipal Election on November 3, 2020.

Section 4 Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code §9280.

Section 5 Requesting Fresno County to Render Election Services: The Board of Supervisors of Fresno County is hereby requested to permit the County Registrar of Voters to render

services to the City of Selma related to the conduct of the November 3, 2020, General Municipal Election as follows:

- A. Distribute and file all papers submitted in connection with the proposed ordinance.
- B. Make all required publications.
- C. Prepare, print and mail to the qualified electors of the City of Selma sample ballots and voter pamphlets. Full text of the ballot measure will be made available upon request at the Selma City Clerk's Office.
- D. Provide vote by mail ballots for said municipal election for use by the qualified electors who may be entitled to vote by mail ballots in the matter provided by law.
- E. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
- F. Conduct and canvas the returns of the election and certify the votes cast for the proposed measure.
- G. Receive and process vote by mail voter applications.
- H. Prepare, print and deliver to the polling place supplies, including the official ballots and a receipt for said supplies.
- I. Recount votes, if requested in accordance with State law.
- J. Conduct all election duties in accordance with the Voters' Rights Act of 1975.
- K. Perform all other pertinent services required to perform said election other than requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the City Clerk.

Section 6 Miscellaneous. The Fresno County Board of Supervisors is requested to consolidate the election with the state-wide election on Tuesday, November 3, 2020. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed by Elections Code §10418. The City of Selma agrees to and shall pay the bill for the services performed by the Registrar of Voters of Fresno County. The City Manager or Acting City Manager is authorized to make changes to the language of this resolution, the measure, and the attached ordinance to conform to any requirement of the Fresno County Registrar of Voters, that does not alter the substantive terms of those enactments.

The City Clerk is hereby authorized and directed to transmit certified copies of this resolution to the Board of Supervisors and to the County Registrar of Voters. The City Clerk and City Attorney are hereby authorized to correct or revise the language of this Resolution and the attached Ordinance to correct any typographical, grammatical or other errors contained herein.

The foregoing resolution was duly approved by the Selma City Council at a regular meeting held on the 6th day of July 2020 by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: Avalos, Guerra, Trujillo, Robertson, Franco
NOES: 0 COUNCIL MEMBERS: None
ABSTAIN: 0 COUNCIL MEMBERS: None
ABSENT: 0 COUNCIL MEMBERS: None

Louis Franco, Mayor

ATTEST:

Reyna Rivera, City Clerk