

FILED

AUG 17 2016

BY  DEPUTY
REGISTRAR OF VOTERS

RESOLUTION NO. 2016-175

RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO CALLING A SPECIAL MUNICIPAL ELECTION ON A NEW PROPOSED CHARTER AND REQUESTING THAT SAID CITY OF SAN BERNARDINO'S SPECIAL MUNICIPAL ELECTION BE CONSOLIDATED WITH THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION CONDUCTED BY THE COUNTY OF SAN BERNARDINO.

BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN BERNARDINO AS FOLLOWS:

SECTION 1. Recitals.

a) In accordance with the Constitution of the State of California, the City of San Bernardino, a municipal corporation, has adopted a Charter.

b) The Mayor and Common Council of the City of San Bernardino desire to submit a new Proposed Charter to the electors.

SECTION 2. Special Municipal Election Called. A special municipal election is hereby called and will be held in the City of San Bernardino on Tuesday, November 8, 2016, for the purpose of submitting to the qualified electors of the City, for their approval or disapproval, the new Proposed Charter as set forth in Exhibit "A" attached hereto.

SECTION 3. Request for Consolidation of Elections. Pursuant to Section 10400 of the California Elections Code, the Mayor and Common Council of the City of San Bernardino request that the Board of Supervisors of the County of San Bernardino consolidate the City's special municipal election with the statewide general election to be held on November 8, 2016.

The polls for said election shall be open at 7:00 a.m. of the day of said election and shall remain open continuously from said time until 8:00 p.m. of the same day when said polls shall be closed, except as provided in Section 14401 of the California Elections Code.

1 **SECTION 4. Measure.** The measure to be voted on at the consolidated special
2 municipal election as it is to appear on the ballot shall be as follows:

3 MEASURE _____. Should the City of San
4 Bernardino adopt the new Charter?

Yes

No

6 The measure shall be designated on the ballot by a letter printed on the left margin of
7 the square containing the description of the measure as provided in the California Elections
8 Code.
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10 **SECTION 5. Canvass of Returns.** The Registrar of Voters of the County of San
11 Bernardino is hereby authorized to canvas the returns of the special municipal election in all
12 respects as if there were only one election with only one form of ballot. Results of said special
13 election shall be certified by the Mayor and Common Council of the City of San Bernardino.
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15 **SECTION 6. Notice of Election.** The City clerk is hereby directed to publish a notice
16 of the special municipal election which shall contain the following:
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18 A. The date of the election;

19 B. The hours the polls will be open;

20 C. That the last day for receipt of primary arguments for or against the measure has
21 been established as 5:00 p.m. on August 24, 2016 in the City Clerk's Office, Second
22 Floor, City Hall, 300 North "D" Street, San Bernardino, California;

23 D. That the last day for receipt of rebuttal arguments is 5:00 p.m. on September 6, 2016
24 in the City Clerk's Office at the above location.
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26 The City Clerk is directed to make arrangements to accept arguments and to arrange for
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1 sample ballots, which shall include the text of the proposed Charter, in accordance with the
2 California Elections Code. This notice may be combined with a notice of any other municipal
3 election to be held on the same date.

4 **SECTION 7. Conduct of Election.** The special municipal election so called shall be
5 held in such precincts and at such polling places as shall be determined by the Registrar of
6 Voters of the County of San Bernardino. The Board of Supervisors of the County of San
7 Bernardino is hereby requested to issue instructions to the Registrar of Voters to take all steps
8 necessary for the holding of the consolidated election. The City Manager is hereby authorized
9 to execute a contract for services necessary for conducting the special municipal election. The
10 City of San Bernardino recognizes that additional costs will be incurred by the County by
11 reasons of this consolidation and agrees to reimburse the County for any such costs.

12 **SECTION 8. Filing of Resolution.** The City Clerk of the City of San Bernardino is
13 directed to file a certified copy of this Resolution with the Board of Supervisors of the County
14 of San Bernardino and to file a copy of this Resolution with the Registrar of Voters.

15 **SECTION 9. Transmission of Proposed Charter.** Pursuant to the California Elections
16 Code, the City Clerk is hereby directed to transmit a copy of the Charter Ballot Measure, and all
17 other necessary documents, to Outside Counsel for purposes of preparation of an Impartial
18 Analysis.

19 **SECTION 10.** That the City Clerk is authorized to expend the funds necessary to
20 effectuate the purposes of this resolution.

21 **SECTION 11.** CEQA. The Mayor and Common Council of the City of San
22 Bernardino hereby find that the submission of this ballot measure to the voters is covered by the
23 general rule that CEQA applies only to projects which have the potential for causing a
24

1 significant effect on the environment. It can be seen with certainty that there is no possibility
2 that this project may have a significant effect on the environment, therefore, the activity is not
3 subject to CEQA under State CEQA Guidelines sec. 15061(b)(3).
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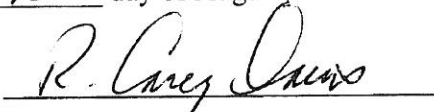
1 **RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE CITY OF SAN**
2 **BERNARDINO CALLING A SPECIAL MUNICIPAL ELECTION ON A NEW**
3 **PROPOSED CHARTER AND REQUESTING THAT SAID CITY OF SAN**
4 **BERNARDINO'S SPECIAL MUNICIPAL ELECTION BE CONSOLIDATED WITH**
5 **THE NOVEMBER 8, 2016 STATEWIDE GENERAL ELECTION CONDUCTED BY**
6 **THE COUNTY OF SAN BERNARDINO.**

7 I HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Mayor and
8 Common Council of the City of San Bernardino at a regular meeting thereof, held on the 15th
9 day of August, 2016, by the following vote, to wit:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
MARQUEZ	<u>X</u>	_____	_____	_____
BARRIOS	<u>X</u>	_____	_____	_____
VALDIVIA	<u>X</u>	_____	_____	_____
SHORETT	<u>X</u>	_____	_____	_____
NICKEL	<u>X</u>	_____	_____	_____
RICHARD	<u>X</u>	_____	_____	_____
MULVIHILL	<u>X</u>	_____	_____	_____

19 
20 Georgann Hanna, CMC, City Clerk

21 The foregoing Resolution is hereby approved this 16th day of August, 2016.

22 
23 R. Carey Davis, Mayor
24 City of San Bernardino

25 Approved as to form:
26 Gary D. Saenz, City Attorney

27 By: 
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