

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON  
CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON  
NOVEMBER 6, 2012 AND REQUESTING CONSOLIDATION OF THIS ELECTION WITH THE  
STATEWIDE GENERAL ELECTION**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California and the City of American Canyon's Municipal Code, a General Municipal Election shall be held on November 6, 2012 for the election of certain municipal officers; and

**WHEREAS**, pursuant to the California Elections Code, the City Council of the City of American Canyon calls and gives notice of the General Municipal Election; and

**WHEREAS**, it is desirable that the General Municipal Election be consolidated with the Statewide Election to be held on the same date, and that within the City, the precincts, polling places, and election officers of the two elections be the same, and that the County Elections Department of the County of Napa canvass the returns of the General Municipal Election and that this Election be held in all respects as if there were only one Election.

**NOW THEREFORE THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON DOES  
HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**Section 1.** Pursuant to the requirements of the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of American Canyon on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing a Mayor for a full two year term and two members of the City Council for full four year terms.

**Section 2.** Pursuant to California Elections Code section 9222, the City Council hereby orders that the following question shall be submitted to the qualified electors of the City of American Canyon at the election:

**Measure G : Term of Mayor's Office**

1. Shall the City of American Canyon approve an ordinance authorizing an increase in the term of the mayor's office from two (2) years to four (4) years, to be effective immediately for the elected mayor? (If this portion of the Measure fails, the elected mayor shall serve for a term of two (2) years as provided by Municipal Code section 2.02.030).

Yes ☐ No ☐

**Section 3.** The proposed Ordinance for the above-referenced Measure shall be in the form attached hereto as Exhibit A, and is hereby incorporated by reference into this Resolution.

**Section 4.** The ballots to be used at the election shall be in the form and content as required by law. The Measure shall be designated as Measure G on the ballots, unless it must be otherwise be designated to accommodate the consolidation of the City's General Municipal Election with the Statewide Election.

**Section 5.** The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously until 8:00 p.m. when the polls shall be closed pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code.

**ATTEST**

This document is a correct copy  
of the original on file in the office of the  
City Clerk of the City of American Canyon,  
County of Napa, State of California  
*(Signature)* 5/17/12

**Section 6.** 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.

**Section 7.** Pursuant to the requirement of Section 10403 of the Elections Code, the Board of Supervisors of the County of Napa is hereby requested to consent and agree to the consolidation of the City of American Canyon's General Municipal Election with the Statewide Election to be held on November 6, 2012.

**Section 8.** That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of a consolidated election.

**Section 9.** That the County Election Department is authorized and instructed to procure and furnish any and all official ballots, notices, printed matter and all supplies and equipment and other necessary items in order to properly and lawfully conduct the election.

**Section 10.** That the County Election Department is authorized to canvass the returns of the Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**Section 11.** That the City of American Canyon recognizes that additional cost will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs that are not reimbursed by the State.

**Section 12.** That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Napa.

**PASSED, APPROVED and ADOPTED** at a regular meeting of the City Council of the City of American Canyon held on the 15<sup>th</sup> of May, 2012 by the following vote:

|                            |            |
|----------------------------|------------|
| Mayor Garcia:              | <u>yes</u> |
| Vice Mayor Coffey:         | <u>yes</u> |
| Council Member B. Bennett: | <u>yes</u> |
| Council Member J. Bennett: | <u>yes</u> |
| Council Member Joseph:     | <u>yes</u> |

Leon Garcia  
Leon Garcia, Mayor

ATTEST:

Rebekah Barr  
Rebekah Barr, MMC, City Clerk

APPROVED AS TO FORM:

William D. Ross  
William D. Ross, City Attorney

**ATTEST**

This document is a correct copy  
of the original on file in the office of the  
City Clerk of the City of American Canyon,  
County of Napa, State of California

By Rebekah Barr MMC Date 5/17/12  
City Clerk

ORDINANCE # 2012-\_\_

**AN ORDINANCE OF THE CITY OF AMERICAN CANYON AMENDING CHAPTER 2.02 ENTITLED "MAYOR" BY MODIFYING SECTION 2.02.030 OF THE AMERICAN CANYON MUNICIPAL CODE INCREASING THE MAYOR'S TERM OF OFFICE FROM TWO YEARS TO FOUR YEARS EFFECTIVE NOVEMBER 2012**

**WHEREAS**, on November 6, 2012, the resident voters of the City of American Canyon ("City") considered Measure \_\_ providing for a change in the mayor's term of office from two years to four years; and,

**WHEREAS**, the approval of Measure \_\_ would require the four year term to commence on November 7, 2012; and,

**WHEREAS**, the City Council desires to further implement by Ordinance the provisions of Measure \_\_ in the manner provided herein; and,

**WHEREAS**, this Ordinance is not subject to environmental review under the California Environmental Quality Act of 1970, as amended ("CEQA"), because the submittal of a proposal to a vote of the people of the state or a particular community is not a "project" for purposes of CEQA pursuant to CEQA State Guidelines section 15378(a).

**THE PEOPLE OF THE CITY OF AMERICAN DO ORDAIN AS FOLLOWS:**

**SECTION I**

Chapter 2.02 of the American Canyon Municipal Code entitled "Mayor" is hereby amended by modifying section 2.02.030 to read as follows:

**"2.02.030 Term of office, the mayor.**

The mayor shall be elected to a term of four years. The candidate receiving the highest number of votes cast for all candidates for the office at the election shall be declared elected. The mayor shall continue in office until no later than the fourth Tuesday after the date of the General Municipal Election, and until their successors are elected and qualified."

**SECTION II**

The qualified voters of the City of American Canyon reserve the right to change the mayor's term herein enacted and imposed by this Ordinance. The City Council may modify this Ordinance without a vote of the people but not to increase or decrease the term of the mayor.

**SECTION III**

This Ordinance has been submitted to a vote of the people at the City's 2012 General Municipal Election and shall become valid and binding if confirmed by the election

official that a majority of the voters voting thereon vote in its favor at said election and shall be effective on the date following the election. If the provisions of Elections Code sections 9217 and 9222 are duly repealed or amended, or interpreted by the courts so that a vote of the people is not required for enactment of this Ordinance, then this Ordinance shall take effect as provided for all other City ordinances and may be amended in the same manner as all other City ordinances.

#### **SECTION IV**

If any section, subsection, part, clause, sentence or phrase of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, the validity of the remaining portions of this Ordinance, the application thereof, and the general taxes imposed shall not be affected thereby but shall remain in full force and effect, it being the intention of the voters to adopt each and every section, subsection, part, clause, sentence or phrase regardless of whether any other section, subsection, part, clause, sentence or phrase or the application thereof is held to be invalid or unconstitutional.

#### **SECTION V**

This Ordinance shall be in full force and shall take effect as provided by law.

#### **SECTION VI**

The mayor shall sign this Ordinance and the City Clerk shall attest and certify to the passage and adoption of this Ordinance if a majority of the voters voting in the City's General Municipal Election, approve the proposition asking whether the voters approve this Ordinance.