



Agenda Date: 2/28/2006
Agenda Placement: 6M

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Susan Ingalls for Robert Westmeyer - County Counsel
County Counsel

REPORT BY: Brandi Periera, Paralegal , 251-1090

SUBJECT: Consolidation of American Canyon special elections with the June 6, 2006 primary election for purposes of filling a vacancy on the City Council and for determining if the Office of Mayor should be an elected office.

RECOMMENDATION

County Counsel requests adoption of two resolutions authorizing consolidation of two special elections called by the City of American Canyon, with the statewide primary election to be held on June 6, 2006 for the following purposes:

1. Allow the voters of American Canyon to elect a Councilmember to fill a vacancy; and
2. Allow the voters of American Canyon to determine whether the Office of Mayor should be an elected position, and if so, whether the term should be two years or four years.

EXECUTIVE SUMMARY

On February 7, 2006, the City of American Canyon adopted Resolution No. 2006-25 calling a special election for the purpose of allowing the voters of American Canyon to elect a Councilmember to fill a vacancy. It also adopted Resolution No. 2006-26 asking the Board of Supervisors to consolidate the special election with the statewide primary election to be held on June 6, 2006.

On February 16, 2006, the City adopted Resolution No. 2006-34 calling a special election for the purpose of allowing the voters to determine whether the Office of Mayor should be an elected office and the length of term of said office. It also adopted Resolution No. 2006-35 asking the Board to consolidate that special election with the June 6, 2006 statewide primary election.

All four resolutions were filed timely with the Board of Supervisors, as authorized by Elections Code section 10403.

There are 2 separate resolutions before the Board. The first resolution consolidates with the June 6, 2006 statewide primary election, the special election called by the City on February 7, 2006 for the purpose of filling the

vacancy on the City Council. The second resolution consolidates the special election called by the City on February 16, 2006 for the purpose of determining whether the office of Mayor should be an elected position, and if so, whether the term should be two years or four years.

Staff recommends that the Board adopt these resolutions authorizing consolidation of the City special elections with the statewide primary election to be held on June 6, 2006.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	As provided in the City of American Canyon's (the "City") resolutions, all costs incurred by the Elections department will be fully reimbursed by the City.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The City does not wish to conduct its own election. Pursuant to the California Elections Code, the City is requesting the assistance of the County's Registrar of Voters.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	The City will be required to conduct the special elections at a cost greatly exceeding the cost of the County conducting the election in conjunction with the June 6, 2006 statewide primary election.

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable. [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

BACKGROUND AND DISCUSSION

On February 7, 2006, the City Council for the City of American Canyon adopted Resolution No. 2006-25 calling a special election for the purpose of allowing the voters of American Canyon to elect a Councilmember to fill a vacancy. It also adopted Resolution No. 2006-26, requesting that the Board of Supervisors consolidate the special election with the June 6, 2006 statewide primary election. Pursuant to Elections Code Sections 10400 and 10401, the City's special election may be consolidated with the statewide special election if ordered by the Board of Supervisors. The City timely filed these resolutions with the Clerk of the Board. Copies of Resolutions 2006-25 and 2006-26 are attached.

On February 16, 2006, the City adopted Resolution No. 2006-34 calling a special election for the purpose of determining whether the Office of Mayor should be an elected office and the length of term of said office. It also

adopted Resolution No. 2006-35, requesting that the Board consolidate that special election with the June 6, 2006 statewide primary election. The City timely filed these resolutions with the Clerk of the Board. Copies of Resolutions 2006-34 and 2006-35 are attached.

Elections Code section 10403 requires the City to file with the Board of Supervisors and the Registrar of Voters, at least 88 days prior to the election, a resolution requesting consolidation and setting forth the exact form of the question to be voted upon at the election. Government Code sections 34900 provides that a city may hold a special election for the purpose of submitting to the electors the question of whether the mayor shall be elected and whether the term shall be for two years or four years. Government Code section 34901 sets forth the exact form of the ballot questions in this regard.

Two resolutions are submitted to the Board for consideration. The first resolution consolidates the special election called by the City on February 7, 2006 with the June 6, 2006 statewide primary election, for the purpose of filling the vacancy on the City Council. The second resolution consolidates the special election called by the City on February 16, 2006 for the purpose of determining whether the office of Mayor should be an elected office, and if so, whether the term should be two years or four years. The ballot questions follow the form required by Government Code section 34901.

Staff recommends that the Board adopt these resolutions authorizing consolidation of the City special elections with the statewide primary election to be held on June 6, 2006.

SUPPORTING DOCUMENTS

- A . County Resolution Consolidating Special Election (Filling Vacancy)
- B . City Resolutions (Filling Vacancy)
- C . County Resolution Consolidating Special Election (Mayor)
- D . City Resolutions (Mayor)

CEO Recommendation: Approve

Reviewed By: Britt Ferguson