

RESOLUTION NO. 14-016

**RESOLUTION OF THE PACIFIC GROVE CITY COUNCIL
CALLING AND GIVING NOTICE OF THE GENERAL MUNICIPAL ELECTION
TO BE HELD NOVEMBER 4, 2014 AND SUBMITTING TO VOTERS
AN INITIATIVE TO RESCIND, AB INITIO, PACIFIC GROVE ORDINANCE NO. 02-18,
WHICH APPROVED AN AMENDMENT TO THE CITY'S CONTRACT
WITH THE CALIFORNIA PUBLIC EMPLOYEES RETIREMENT SYSTEM REGARDING
PUBLIC SAFETY EMPLOYEES**

WHEREAS, the City's elections officials have certified to the City Council that the "Initiative to Void Ordinance No. 02-18 Which Illegally Enacted a 3% at 50 Pension Benefit Increase to Public Safety Employees — City of Pacific Grove" (the "Initiative") bears sufficient, valid signatures to qualify for the ballot; and

WHEREAS, the Monterey Superior Court issued a writ of mandate dated February 20, 2014 which was served on the City of March 10, 2014 and which requires this Council to act within 30 days to place the Initiative on the November 4, 2014 ballot; and

WHEREAS, the City filed a cross-complaint alleging the Initiative is plainly invalid and cannot take effect if approved by the City's voters; this matter will be tried before the Monterey Superior Court on June 26, 2014; and

WHEREAS, the Court's writ does not require the City to make a return demonstrating its compliance with the writ until July 31, 2014; and

WHEREAS, the City Council wishes to consolidate the General Municipal Election with the Statewide General Election to be held November 4, 2014 and that the precincts, polling places and election officers of the two elections be the same within the City; and that the Monterey County Election Department canvass the returns of the General Municipal Election; and that the elections be held in all respects as if one election.

NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE DOES DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Each recital set forth above are adopted as findings of the City Council as though set forth fully herein.

SECTION 2. Pursuant to Articles 8 and 16 of the Pacific Grove Charter and the laws of the State of California relating to general law cities, there is called and ordered to be held in the City of Pacific Grove, California, on Tuesday, November 4, 2010, a General Municipal Election.

SECTION 3. Pursuant to Election Code section 9215 and the Superior Court writ identified above, the City Council hereby orders the Initiative to be placed on the ballot without alteration and orders the following question submitted to the voters at the General Municipal Election:

Measure __: The Pacific Grove Public Safety Pension Repeal Initiative.

<p>Shall an ordinance be adopted to repeal, retroactively to its approval on June 5, 2002, Ordinance No. 02-18, which ordinance amended the City’s contract with CalPERS to provide a 3% @ 50 pension to City public safety employees?</p>	<p><input type="checkbox"/> YES</p> <p><input type="checkbox"/> NO</p>
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SECTION 4. The text of the ballot measure is attached to this Resolution as Exhibit 1. The text of the measure, without its exhibit A, shall be printed in the ballot materials; a copy of the measure together with its exhibit A shall be available for public inspection in the City Clerk’s office at 300 Forest Avenue, Pacific Grove, and on the City’s website at www.ci.pg.ca.us.

SECTION 5. The City Council directs the City Clerk to transmit a copy of the measure to the City Attorney and directs the City Attorney to prepare an impartial analysis of the measure pursuant to Elections Code section 9280.

SECTION 6. The initiative measure shall pass only if a majority of the votes cast on the measure are “yes” votes.

SECTION 7. Pursuant to Elections Code section 10403, the Board of Supervisors of the County of Monterey is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 4, 2014.

SECTION 8. The Monterey County Election Department is authorized to canvass the returns of the General Municipal 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 9. The Board of Supervisors is requested to instruct the Monterey County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 10. The City of Pacific Grove recognizes that additional costs will be incurred by the County by reason of the consolidation of the two elections and agrees to reimburse the County for its costs to do so.

SECTION 11. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Monterey County Election Department.

SECTION 12. The ballots to be used at the election shall be in form and content as required by law.

SECTION 13. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices and printed matter and all supplies, equipment and paraphernalia that may be necessary to properly and lawfully conduct the election and to take all other necessary actions to place the measure on the November 4, 2014 ballot.

SECTION 14. In all particulars not recited in this resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.

SECTION 15. The notice of the time and place of holding the election is given and the City Clerk and the Monterey County Elections Department are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 16. The City Council finds that this is not a project under the California Environmental Quality Act by virtue of the State CEQA Guidelines, 14 Code of California Regulations section 15378, subdivision (b)(3) and, therefore, no environmental impact assessment is necessary.

SECTION 17. This Resolution shall take effect immediately following passage and adoption hereof.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove at the regular meeting held on the 2nd day of April 2014 on the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Huitt, and Lucius.

NOES: None.

ABSENT: Councilmember Miller.

APPROVED:

BILL KAMPE, Mayor

ATTEST:

DEBORA THOMSEN, Interim City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney