

RESOLUTION NO. 14-049

**RESOLUTION REPEALING RESOLUTION NO. 14-016,
WITHDRAWING THE ORDER OF ELECTION ON THE INITIATIVE TO VOID
PACIFIC GROVE ORDINANCE NO. 02-18 FROM THE NOVEMBER 4, 2014
GENERAL ELECTION, AND DIRECTING THE CITY CLERK TO GIVE NOTICE TO
THE MONTEREY COUNTY ELECTION DEPARTMENT**

WHEREAS, the City Council adopted Resolution No. 14-016 calling and giving notice of a general municipal election to be held on November 4, 2014 and submitting to the voters an initiative to void, 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 Council adopted Resolution No. 14-016 pursuant to a provisionally granted writ of mandate dated February 20, 2014, issued by the Monterey Superior Court in the case *Aberg v. City of Pacific Grove*, Case No. M123256;

WHEREAS, on June 26, 2014 the Monterey Superior Court issued a Statement of Decision, attached hereto as Exhibit A, and found that the City's adoption of Ordinance 02-18 was not void;

WHEREAS, the Court found that the initiative to void Ordinance 02-18 was invalid and the City is therefore not compelled to place the measure on the ballot

WHEREAS, the Court recalled its February provisional writ of mandate;

WHEREAS, because of the Court's recall of the February 20, 2014 provisional writ of mandate, the City Council wishes to repeal Resolution No. 14-016 and withdrawal the ballot measure from the November 4, 2014 ballot.

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 is adopted as a finding of the City Council as though set forth fully herein.

SECTION 2: The City Council hereby repeals Resolution No. 14-016.

SECTION 3: Pursuant to California Elections Code Section 9605 and the Superior Court recall of the provisional writ identified above, the City Council orders that the initiative to be placed on the ballot pursuant to Resolution No. 14-016 be withdrawn from the November 4, 2014 ballot in Monterey County.

SECTION 4: The City Council directs the City Clerk to file a certified copy of this Resolution with the Board of Supervisors of the County of Monterey and the Monterey County Election Department and to inform the Election Department of the City's withdrawal of the Initiative to Void Pacific Grove Ordinance No. 02-18.

SECTION 5: The City Clerk and City Manager are authorized, instructed and directed to take all actions necessary to withdraw the initiative from the November 4, 2014 ballot.

SECTION 6: 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 Regulation section 15378, subdivision (b)(3), and, therefore, no environmental impact assessment is necessary.

SECTION 7: This Resolution shall take effect immediately following passage and adoption.

PASSED AND ADOPTED by the City Council of the City Pacific Grove at the regular meeting held on the 16th day of July 2014 on the following vote:

AYES: Mayor Kampe, Councilmembers Cohen, Cuneo, Fischer, Huitt, Lucius, Miller

NOES: None

ABSENT: None

APPROVED:

BILL KAMPE, Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

DAVID C. LAREDO, City Attorney