

CITY COUNCIL RESOLUTION NO. 125-15

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RICHMOND SUBMITTING TO THE CITY OF RICHMOND ELECTORATE AN INITIATIVE ENTITLED “AMENDMENT TO THE RICHMOND MUNICIPAL CODE REQUIRING THE CITY MANAGER TO PUBLICIZE COMPENSATION PAID TO EXEMPT CITY SERVICE OFFICIALS AND EMPLOYEES, OBLIGATING THE CITY COUNCIL TO SET ANNUAL COMPENSATION FOR CITY EXEMPT SERVICE OFFICIALS AND EMPLOYEES AND PROHIBITING THE CITY COUNCIL FROM COMPENSATING THE CITY MANAGER IN EXCESS OF FIVE TIMES THE MEDIAN HOUSEHOLD INCOME FOR THE CITY”

WHEREAS, the Richmond City Council has determined to call a special election and submit to the voters at the June 7, 2016, statewide primary election, an initiative measure entitled “Amendment to the Richmond Municipal Code Requiring the City Manager to Publicize Compensation Paid to Exempt City Service Officials and Employees, Obligating the City Council to Set Annual Compensation for City Exempt Service Officials and Employees and Prohibiting the City Council From Compensating the City Manager in Excess of Five Times the Median Household Income for the City; and

WHEREAS, in accordance with the provisions of Section 10002 and 10403 of the Elections Code of the State of California, the Contra Costa County Clerk Recorder-Elections Division will be requested to consolidate the City of Richmond special municipal election with the statewide primary election to be held June 7, 2016; and

WHEREAS, the Council desires to submit this measure to be placed upon the ballot at said consolidated election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Richmond, as follows:

Section 1. The foregoing recitals are true and correct, and the City Council so finds and determines.

Section 2. A special election to be held in the City of Richmond on Tuesday, June 7, 2016, (the “Initiative Election”) is hereby called and consolidated with the statewide primary election to be held Tuesday, June 7, 2016, for the purpose of submitting the following initiative measure:

“Shall the ordinance to amend the Richmond Municipal Code requiring the City Manager to publicize compensation paid to exempt City service officials and employees, obligating the City Council to set annual compensation for City exempt service officials and employees and prohibiting the City Council from compensating the City Manager in excess of five times the median household income for the City be adopted?”

Section 3. The City Clerk of the City of Richmond is hereby ordered and directed to cause said proposed measure to be printed and to mail a copy of said measure to all registered voters in the City of Richmond with their sample ballots in substantially the form set forth in **Exhibit A**, attached hereto.

Section 4. (a) The City hereby requests the Board of Supervisors of the County of Contra Costa, State of California (the “County”) to consolidate the Initiative Election with the statewide primary election being conducted on the same date in the same territory or any territory which is in part of the same. Pending approval of such request, the Initiative Election will be consolidated with any election held by the County. In any event, the Initiative Election will be held on June 7, 2016, from the hour of 7:00 a.m. to the hour of 8:00 p.m., during which period of time the polls will remain continuously open. At 8:00 p.m. the polls will be closed, except as provided in Section 14401 of the Elections Code, and the officers of the Election shall thereupon proceed to canvass the ballots cast thereat.

(b) The City Clerk is ordered to have the full text of the measure available for review in the Office of the City Clerk and at the City of Richmond's webpage.

(c) The election precincts, polling places and voting booths within said City for said Initiative Election shall in every case be the same as the election precincts, polling places and voting booths established for the statewide primary election and the election officers for said Initiative Election shall be the same as those selected and designated or to be selected and designated for the statewide primary election.

(d) The Initiative Election shall be held and conducted, and the voters thereof canvassed, and the returns thereof made, all in accordance with the general election laws of the State of California and the Charter and ordinances of said City.

(e) All persons qualified to vote at municipal elections in said City shall be qualified to vote.

(f) The City Council shall meet forthwith after the canvass of the returns of the Initiative Election and shall state in the minutes of such meeting the results of the Initiative Election as ascertained by said canvass.

Section 5. The City Clerk of the City of Richmond is hereby authorized to sign a Notice of Measure To Be Voted On in substantially the following form:

NOTICE IS HEREBY GIVEN that the following measure is to be voted on at the special election (the "Initiative Election") to be held in the City of Richmond, on Tuesday, the 7th day of June 2016:

"Shall the ordinance to amend the Richmond Municipal Code requiring the City Manager to publicize compensation paid to exempt City service officials and employees, obligating the City Council to set annual compensation for City exempt service officials and employees and prohibiting the City Council from compensating the City Manager in excess of five times the median household income for the City be adopted?"

The Initiative Election has been consolidated with the [statewide primary election] to be held in the City of Richmond on June 7, 2016. The election precincts within the City of Richmond for the Initiative Election shall be the regular election precincts established for said statewide primary election, and the polling places and officers of the Initiative Election within the City of Richmond for the Initiative Election shall be the same as those selected and designated or to be selected and designated for said statewide primary election.

The polls will be opened between the hours of 7:00 a.m. and 8:00 p.m.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF RICHMOND.

Dated:


Clerk of the City of Richmond

(SEAL)

The Clerk of the City is hereby authorized and directed to publish said Notice of Measure To Be Voted On in the WEST COUNTY TIMES, a newspaper of general circulation circulated within the City of Richmond, in accordance with the provisions of Section 12114 of the Elections Code of the State of California.

Section 6. The Clerk of the City is hereby authorized and directed to cause to be delivered, no later than March 11, 2016, (which date is not fewer than 88 days prior to the date set for the statewide primary election), one copy of this Resolution to the Registrar of Voters of the County.

Section 7. This resolution shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED, that the text of the Initiative is set forth in **Exhibit B**, attached hereto and made a part hereof.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 15, 2015, by the following vote:

AYES: Councilmembers Bates, Beckles, Martinez, McLaughlin, Pimplé,
Vice Mayor Myrick, and Mayor Butt.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

PAMELA CHRISTIAN
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

TOM BUTT

Mayor

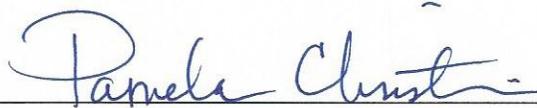
Approved as to form:

BRUCE GOODMILLER

City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 125-15**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 15, 2015.



Pamela Christian, Clerk of the City of Richmond

EXHIBIT A

Notice of Election and Measure To Be Voted On

CITY OF RICHMOND

**NOTICE OF SPECIAL MUNICIPAL ELECTION
AND MEASURE TO BE VOTED ON**

NOTICE IS HEREBY GIVEN that a Special Municipal Election will be held in the City of Richmond on Tuesday, June 7, 2016, at which time there will be submitted to the voters the following measure:

“Shall the ordinance to amend the Richmond Municipal Code requiring the City Manager to publicize compensation paid to exempt City service officials and employees, obligating the City Council to set annual compensation for City exempt service officials and employees and prohibiting the City Council from compensating the City Manager in excess of five times the median household income for the City be adopted?”

The Initiative Election has been consolidated with the Statewide Primary Election to be held in the City of Richmond June 7, 2016. The election precincts within the City of Richmond for the Initiative Election shall be the regular election precincts established for said Statewide Primary Election, and the polling places and officers of election within the City of Richmond for the Initiative Election shall be the same as those selected and designated or to be selected and designated for said Statewide Primary Election.

NOTICE IS FURTHER GIVEN pursuant to Article 4, Section 9282 of the Elections Code of the State of California, the legislative body of the City of Richmond, or any member or members of the legislative body authorized by the body, or any individual voter who is eligible to vote on the measure or bona fide association of citizens, or any combination of voters and associations, may file a written argument, not to exceed 300 words in length, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, for or against the City measures.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and sample ballots for the election, the City Clerk has fixed Wednesday, March 23, 2016, during normal office hours, 8:30 a.m. to 5:00 p.m., as the date after which no arguments for or against the City measures may be submitted to the Clerk for printing and distribution to the voters as provided in Article 4. Arguments shall be submitted to the City Clerk, accompanied by the printed name(s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument, at the Richmond City Hall, 450 Civic Center Plaza, Suite 300, Richmond, California. No more than five signatures may appear on the argument.

NOTICE IS FURTHER GIVEN that the City Council of the City of Richmond has determined that rebuttal arguments, not to exceed 250 words in length, as submitted by the authors of the opposing direct arguments, may be filed with the City Clerk by Monday, March 28, 2016, during normal office hours, 8:30 a.m. to 5:00 p.m., accompanied by the printed names (s) and signature(s) of the person(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers. No more than five signatures may appear on the rebuttal.

NOTICE IS FURTHER GIVEN that any ordinance, impartial analysis, or direct argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's office from March 29, 2016, to April 11, 2016. Any rebuttal argument filed under the authority of the Elections Code will be available for public examination in the City Clerk's Office from March 29, 2016, to April 11, 2016.

The polls will be open on Election Day June 7, 2016, between the hours of 7:00 a.m. and 8:00 p.m.

Pamela Christian
Clerk of the City of Richmond
City Elections Official

NOTA:

Si desea obtener la version en Espanol de este aviso legal, puede solicitar una copia de la misma llamando al Departamento de Elecciones, 1(925) 335-7800.

Dated:
Publish:

EXHIBIT B

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

Provided under separate cover

The people of the city of Richmond do ordain as follow:

Chapter 2.66 is added to Article II of the Municipal Code to read as follows:

2.66.010 – Compensation of City Officials

(a) The City Manager shall continuously publicize the compensation paid to all City exempt service officials and employees of the City, as designated by section 3(a) of article XIII of the City Charter (e.g., all officers elected by the people; all members of the several boards; the City Manager; the Clerk; the City Attorney and his legal assistants; and persons employed to render professional, scientific, technical or expert service of an occasional and exceptional character), on the City's website as follows:

(1) The total amount of compensation, including pension, health, or any other financial benefit, paid by the City to, or for the benefit of, each designated official and employee in the immediately preceding calendar year:

(2) The total amount of compensation, including pension, health, or any other financial benefit, expected to be paid by the City to, or for the benefit of, each designated official and employee in the current calendar year.

(b) The City Council shall set the annual compensation, including pension, health, or any other financial benefit, paid to, or for the benefit of, all City exempt service officials and employees of the City, as designated by section 3(c) of Article XIII of the City Charter, by resolution, as the council shall from time to time determine.

(c) Notwithstanding subdivision (b), the City Council shall not set or agree to pay annual compensation, including pension, health, or other financial benefit to, or for the benefit of, the City Manager that would exceed the following limit:

(1) Five times the most currently reported median household income provided by the U.S. Census Bureau (based on data derived from Population Estimates, American Community Survey, Census of Population and Housing, County Business Patterns, Economic Census, Survey of Business Owners, Building Permits, Census of Governments) for the City.

(d) The following shall apply to this section, adopted by initiative:

(1) Pursuant to Elections Code Section 9217 or any successor statute, the City Council may only amend or repeal this ordinance upon a vote of the people.

(2) If any provision of this measure, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected, but shall remain in full force and effect, and to this end the provisions of this measure are severable. This section is not intended to and shall not be interpreted to invalidate or interfere with an employment contract executed prior to the adoption of this measure, however, no such contract may be extended or new contract executed that would exceed the limitation provided in this section.

(3) This measure is intended to be comprehensive. It is the intent of the People that in the event this measure or measures relating to the same subject shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to be in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and all provisions of the other measure or measures shall be null and void.

Fred King
