

ORDINANCE NO. 11-2012

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ELK GROVE AMENDING ELK GROVE MUNICIPAL CODE CHAPTER 1.02 REGARDING MUNICIPAL ELECTIONS TO IDENTIFY THE TWO-YEAR TERM FOR THE OFFICE OF THE DIRECTLY ELECTED MAYOR

WHEREAS, Elk Grove Municipal Code (EGMC) Chapter 1.02 regarding Municipal Elections was created by Ordinance No. 16-2008, establishing the date of the general municipal election, setting a candidate filing fee, and denoting a four-year term of office for elected officers; and

WHEREAS, on December 8, 2010 the City Council adopted Resolution No. 2010-249 reciting the facts of the General Municipal Election held on November 2, 2010, and confirmed that Measure K, creating the elective office of Mayor, was approved by a majority of the voters, and confirmed that Measure L, establishing a two-year term of office for the elective office of Mayor, was approved by a majority of the voters; and

WHEREAS, EGMC Chapter 1.02 regarding Municipal Elections requires an amendment to clarify the terms of office for elected officials, identifying a two-year term of office for Mayor, and confirming four-year terms of office for Council Members.

NOW, THEREFORE, the City Council of the City of Elk Grove does ordain as follows:

Section 1: Purpose.

The purpose of this ordinance is to amend Elk Grove Municipal Code Chapter 1.02 regarding Municipal Elections to clarify the terms of office for elected officials, identifying a two-year term of office for Mayor, and confirming four-year terms of office for Council Members.

Section 2: Amendment to EGMC Chapter 1.02 Municipal Elections.

EGMC Chapter 1.02 titled "Municipal Elections" is hereby amended as follows:

Chapter 1.02 MUNICIPAL ELECTIONS

Sections:

- 1.02.010 Date of general municipal election.
- 1.02.020 Candidate's filing fee.
- 1.02.030 Council Member Term of office.
- 1.02.040 Directly Elected Mayor Term of office.

1.02.010 Date of general municipal election.

General municipal elections of the City of Elk Grove are to be consolidated with the

statewide general elections to be held on the first (1st) Tuesday after the first (1st) Monday in November of each even-numbered year, in accordance with provisions of the California Elections Code.

1.02.020 Candidate's filing fee.

Pursuant to Section 10228 of the Elections Code there is imposed a filing fee proportionate to the costs of processing a candidate's nomination papers in the amount of Twenty-Five and no/100^{ths} (\$25.00) Dollars to be paid upon the filing of such nomination papers.

1.02.030 Council Member Term of office.

The term of an elected Council Member is four (4) years unless otherwise designated at nomination. Elected officers shall continue in office until the election results are certified by the Sacramento County Registrar of Voters and submitted to the City Council for adoption.

1.02.040 Directly Elected Mayor Term of office.

The term of the directly elected Mayor is two (2) years unless otherwise designated at nomination. The elected officer shall continue in office until the election results are certified by the Sacramento County Registrar of Voters and submitted to the City Council for adoption.

Section 3: No Mandatory Duty of Care.

This ordinance is not intended to and shall not be construed or given effect in a manner that imposes upon the City or any officer or employee thereof a mandatory duty of care towards persons and property within or without the City, so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4: Severability.

If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 5: Savings Clause.


The provisions of this ordinance shall not affect or impair an act done or right vested or approved or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take affect; but every such act done, or right vested or accrued, or proceeding, suit or prosecution shall remain in full force and affect to all intents and purposes as if such ordinance or part thereof so repealed had remained in force. No

offense committed and no liability, penalty or forfeiture, either civilly or criminally incurred prior to the time when any such ordinance or part thereof shall be repealed or altered by said Code shall be discharged or affected by such repeal or alteration; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance or part thereof had not been repealed or altered.

Section 6: Effective Date and Publication.

This Ordinance shall take effect immediately pursuant to Government Code Section 36937. In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage, a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the City Council and a certified copy shall be posted in the Office of the City Clerk, pursuant to Government Code section 36933(c)(1).

ORDINANCE: 11-2012
INTRODUCED: May 9, 2012
ADOPTED: May 23, 2012
EFFECTIVE: May 23, 2012



JAMES COOPER, MAYOR of the
CITY OF ELK GROVE

ATTEST:

APPROVED AS TO FORM:



JASON LINDGREN, CITY CLERK



JONATHAN HOBBS,
INTERIM CITY ATTORNEY

Date signed: May 30, 2012

**CERTIFICATION
ELK GROVE CITY COUNCIL ORDINANCE NO. 11-2012**

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO)
CITY OF ELK GROVE) ss

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing ordinance, published and posted in compliance with State law, was duly introduced on May 9, 2012 and approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on May 23, 2012 by the following vote:


AYES : **COUNCILMEMBERS:** *Hume, Davis, Detrick, Scherman*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *Cooper*

A summary of the ordinance was published pursuant to GC 36933(c) (1).



Jason Lindgren, City Clerk
City of Elk Grove, California