

RESOLUTION 2015-01

A RESOLUTION OF THE CITY OF VISALIA TO REQUEST COUNTY OF TULARE CONFIRMATION OF THE CHANGE OF VISALIA CITY COUNCIL ELECTIONS FROM ODD TO EVEN YEARS, POSTPONING THE 2015 ELECTION TO 2016 AND EXTENDING THE TERMS OF EXISTING COUNCILMEMBERS BY ONE YEAR

WHEREAS, the Visalia City Charter incorporates the Education Code for the purpose of establishing the election date for Visalia City Councilmembers, and Education Code section 35105 sets forth the general rule that Governing Board members serve staggered terms and are elected in odd numbered years; and

WHEREAS, pursuant to the above provisions of the Visalia City Charter and the Education Code, elections for Visalia City Councilmembers are currently scheduled for November of odd-numbered years; and

WHEREAS, the City of Visalia has previously requested that elections for Visalia City Councilmembers be consolidated to the countywide November election in odd-numbered years, and as a result of this request, a Councilmember election is currently scheduled for the first Tuesday after the first Monday in November, 2015; and

WHEREAS, pursuant to Court Judgment dated February 7, 2014, Tulare County Superior Court Case No. VCU254528, the City of Visalia has been directed to convert from odd-numbered election years to even-numbered election years commencing with the 2016 elections, and to extend the terms of office for current Councilmembers. As a result of the aforementioned Court Judgment, the Councilmember elections currently scheduled for November 2015 are not required to proceed, and instead are required to be held in November 2016; and

WHEREAS, a Governing Board may adopt a resolution to establish Board member elections to occur on the same day as the statewide direct primary election or the statewide general election pursuant to Elections Code section 1302 subdivision (b) (1), resulting in elections in even-numbered years; and

WHEREAS, if a Governing Board takes this action to establish Board member elections to occur on the same day as the statewide direct primary election or the statewide general election, the terms of all board members are extended by one year pursuant to Elections Code 10401.5, subdivision (g); and

WHEREAS, the Visalia City Council desires to consolidate Visalia City Councilmember elections with the primary/general election cycle on even-numbered years for the purpose of reducing election costs and allowing for Councilmember elections to occur when the

largest number of voters generally participate in the election, and for the purpose of complying with the Judgment as entered in Tulare County Superior Court Case No. VCU254528; and

WHEREAS, the result of such actions would be to have staggered Councilmember elections in even-numbered years, commencing with the next City Council election in November 2016 and the next City Council election thereafter in November 2018.

WHEREAS, the City of Visalia's resolution must be submitted to the Board of Supervisors no later than 240 days prior to the next regularly scheduled election.

NOW, THEREFORE, THE VISALIA CITY COUNCIL HEREBY FINDS AND RESOLVES AS FOLLOWS:

1. The Visalia City Council is legally required to comply with the Judgment entered in Tulare County Superior Court Case No. VCU254528, which among other things requires that the City of Visalia hold elections for Councilmembers in even-numbered years;
2. The City of Visalia requests the Tulare County Board of Supervisors affirm changing Visalia City Councilmember elections from odd-numbered to even-numbered year elections, establishing the first Tuesday after the first Monday in November of each even-numbered year as the City's regular election cycle;
3. The City of Visalia requests the Tulare County Board of Supervisors to act before March 6, 2015, to take all legally required steps to cancel the November 2015 Visalia City Councilmember election, and to establish the date for the City of Visalia's next Councilmember election in November, 2016;
4. The City of Visalia authorizes the payment of required fees to the County to notify the electorate of the change in election dates;
5. The City of Visalia acknowledges that, by operation of law and consistent with the provisions of the Judgment in Tulare County Superior Court Case No. VCU254528, the terms of all current members of the Visalia City Council shall be extended by one year;
6. The City of Visalia authorizes the City Clerk or his designee to forward this Resolution to the Tulare County Board of Supervisors;
7. The City of Visalia authorizes the City Clerk or his designee to take any other actions necessary to fulfill the intent of this Resolution.

PASSED AND ADOPTED: February 2, 2015

MICHAEL OLMOS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Michael Olmos, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2015-01 passed and adopted by the Council of the City of Visalia at a regular meeting held on February 2, 2015.

Dated: February 3, 2015

MICHAEL OLMOS, CITY CLERK



By Michelle Nicholson, Chief Deputy City Clerk