

**RESOLUTION NO. 19-\_\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Ordering The Submission To The Qualified Electors Of The City Of Emeryville A Measure To Vote On A Referendum Submitted Against Ordinance No. 19-007, An Amendment To Chapter 37 Of Title 5 Of The Emeryville Municipal Code, “Minimum Wage, Paid Sick Leave, and Other Employment Standards”**

**WHEREAS**, on May 21, 2019, the City Council approved the first reading and introduction of Ordinance No. 19-007 (the “Ordinance”) to amend Chapter 37 of Title 5 of the Emeryville Municipal Code, “Minimum Wage, Paid Sick Leave, and Other Employment Standards”; and

**WHEREAS**, the Ordinance was subsequently adopted by the City Council after its second reading on May 29, 2019 and attested by the City Clerk on May 30, 2019; and

**WHEREAS**, following adoption of the Ordinance, a referendum petition against the ordinance was circulated and timely submitted to the City Clerk on June 25, 2019; and

**WHEREAS**, following a prima facie review of the signatures by the City Clerk and a full check of the signatures as compared to the official records of voter registration performed by the Alameda County Registrar of Voters, the City Clerk as the City’s Elections Official, certified the referendum petition as sufficient at a regular meeting of the City Council on July 9, 2019; and

**WHEREAS**, pursuant to Elections Code §9237, following certification of the petition by the Elections Official, the effective date of the Ordinance is suspended, and the City Council must reconsider the Ordinance; and

**WHEREAS**, the City Council reconsidered the Ordinance at its regular meeting on July 9, 2019; and

**WHEREAS**, pursuant to California Elections Code §9241, after reconsideration of the ordinance against which a petition has filed, if the legislative body does not entirely repeal said ordinance in its entirety, the legislative body shall submit the ordinance to the voters at either the next regular municipal election occurring not less than 88 days after the order, or at a special election called for the purpose; and

**WHEREAS**, pursuant to Emeryville Municipal Code §2-2.214, the City of Emeryville General Municipal Elections are held in November of even numbered years, and the next General Municipal Election will be held on Tuesday, November 3, 2020 for the election of three at-large seats City Council seats; and

**WHEREAS**, Elections Code §10002 provides that the governing body of a City may by resolution request the Board of Supervisors of the County to permit the County elections official to render special services to the City relating to the conduct of elections; and

**WHEREAS**, it is the desire of the City Council of the City of Emeryville that the Alameda County Elections Department be permitted to render specified services to the City of Emeryville relating to its conduct of the November 3, 2020 election and consolidate said election being held by other jurisdictions within the City of Emeryville on November 3, 2020; now therefore, be it

**RESOLVED**, that pursuant to the requirements of the laws of the State of California, there is called and ordered to be held in the City of Emeryville, California, on Tuesday, November 3, 2020, a general municipal election for the purpose of electing three members of the City Council of the City of Emeryville for the full term of four years and to submit to the voters consideration of the referendum against Ordinance No. 19-007; and

**BE IT FURTHER RESOLVED**, that the City of Emeryville hereby requests the Board of Supervisors of the County of Alameda to consolidate the Municipal Election and the Statewide General Election on November 3, 2020 which may be held in whole or in part of the territory of the City of Emeryville as provided in Elections Code §§ 10400, 10402 and 10403; and

**BE IT FURTHER RESOLVED**, pursuant to Elections Code §10002, the City of Emeryville hereby requests the Alameda County Board of Supervisors to permit the Alameda County Elections Department to render to the City of Emeryville the services relating to the conduct of the General Municipal Election of November 3, 2020, and to consolidate said election with other elections being held by other jurisdictions within the City of Emeryville; and

**BE IT FURTHER RESOLVED**, the City Clerk of the City of Emeryville is hereby authorized and directed to forward a certified copy of this resolution to the Alameda County Board of Supervisors and upon notification of the granting of such permission, supply the County Elections Department with any and all other information that may be necessary in connection with the conduct of said election; and

**BE IT FURTHER RESOLVED**, for and in consideration of the election services to be rendered by the Alameda County Elections Department, the City of Emeryville agrees to pay to Alameda County the City's proportionate share of the reasonable expenses of said election, said share to consist of all expenses directly related to the conduct of the City of Emeryville's Municipal Election and also the City of Emeryville's proportionate share of expense for election services rendered by Alameda County that are being shared equally with other jurisdictions, if any, in the City of Emeryville on November 3, 2020; and

**BE IT FURTHER RESOLVED**, by the City Council of the City of Emeryville that, pursuant to Elections Code §9241, the following proposed measure shall be added to the ballot for the November 3, 2020 General Municipal Election and thereby submitted to the voters of the City:

**MEASURE TO BE SUBMITTED TO THE VOTERS**

A consolidated general municipal election, to be held on Tuesday, November 3, 2020, has been called by City of Emeryville Resolution No. 19-xx, adopted July 9, 2019. The City Council of the City of Emeryville desires to call an election regarding whether to approve the referendum of Ordinance No. 19-007, an Amendment to the Minimum Wage Ordinance, to the qualified electors of the City of Emeryville.

The City Council hereby orders that the following question to be submitted to the voters on the November 3, 2020 ballot as follows:

“Shall the City of Emeryville repeal in its entirety Ordinance No. 19-007, entitled “An Ordinance Of The City Of Emeryville Amending Sections 5-37.01 And 5-37.02 Of Chapter 37 Of Title 5 Of The City Of Emeryville Municipal Code With Respect To The Minimum Wage For Employees Of Small Independent Restaurants”.

\_\_\_\_\_ YES                      \_\_\_\_\_ NO

**BE IT FURTHER RESOLVED**, by the City Council of the City of Emeryville that in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections and that the City Clerk is authorized to transmit a certified copy of this resolution to the Alameda County Board of Supervisors and the Alameda County Registrar of Voters.

**ADOPTED**, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 9, 2019, by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_

APPROVED AS TO FORM:  
  
\_\_\_\_\_

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Calling an Election on November 3, 2020/Consolidating with Alameda County  
City Council Meeting | July 9, 2019  
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CITY CLERK

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CITY ATTORNEY