

RESOLUTION NO. 19-102

Resolution Of The City Council Of The City Of Emeryville Accepting Certification of The Results Of A Full Check Of Signatures On A Referendum Petition As Performed By The Alameda County Registrar Of Voters Using Official Voter Registration Records

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 submitted to the City Clerk on June 25, 2019; and

WHEREAS, in order to meet the requirements of California Elections Code §9237, the petition must be signed by not less than 10% of the registered voters of the City, according to the Alameda County Registrar of Voters' ("Registrar") last official report of registration and be submitted within 30 days of the date the ordinance in question is attested by the City Clerk; and

WHEREAS, for the City of Emeryville, that number, reported by the Registrar as of the drafting of this resolution, was 6,653, of which 666 signatures constitute 10%; and

WHEREAS, the referendum petition was timely submitted within 30 days of attestation of the Ordinance; and

WHEREAS, following a prima facie review of signatures by the City Clerk, the Registrar performed a full check of signatures as compared to the official records of voter registration; and

WHEREAS, the Registrar, having compared the petition signatures to the official records of voter registration, certified on July 3, 2019, a full, true and correct Registrar of Voters Certificate To Petition, attached hereto as Exhibit A; and,

WHEREAS, pursuant to Elections Code §§ 9237, 9240, and 9114, the City Clerk as the City's Elections Official hereby certifies that the petition proponent has gathered enough signatures on the referendum petition to require Council to reconsider the Ordinance and thereafter to either repeal the Ordinance in its entirety, or to place the Ordinance on the ballot for a vote of the people; now, therefore be it

RESOLVED, by the City Council of the City of Emeryville accepts said certification by the City Clerk as the City's Elections Official of the requisite number of signatures on the referendum petition; and be it further

RESOLVED, pursuant to Elections Code §9237, the City Council shall reconsider the Ordinance.

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

AYES:	<u>5</u>	Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	


MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

ATTACHMENTS

- Alameda County Registrar of Voters Certificate To Petition

REGISTRAR OF VOTERS CERTIFICATE TO PETITION

I, Tim Dupuis, Registrar of Voters for the County of Alameda, State of California, hereby certify that:
A Referendum Petition 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. Petition was filed with the City Clerk of Emeryville within the statutory time limit and forwarded to this office for verification on June 25, 2019; and

The petition contained 885 unverified signatures; and

Pursuant to California Elections Code section 9215, in order to be sufficient, the petition must have been signed by 666 qualified registered voters of the City of Emeryville, that number being equal to ten percent of the total registered voters of the City at the last Report of Registration to the Secretary of State; and

I have examined, or caused to be examined, signatures on the petition pursuant to California Elections Code sections 9211 and 9114; and

Have determined that the petition contained 871 valid signatures of qualified registered voters in the City of Emeryville based on the line by line examination set forth in Section 9114 of the California Elections Code: and

That this number represents the total number of signatures needed to qualify the initiative therefore;

The petition is found to be sufficient to require the City Council of the City of Emeryville to take the appropriate action specified in the California Elections Code.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this **3rd** day of **July 2019**.



Tim Dupuis
Registrar of Voters
County of Alameda
State of California