



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Cover Memo

File #: CONS 16-054, **Version:** 1

DATE: February 2, 2016

TO: Mayor and City Council

FROM: City Clerk

SUBJECT

Council Action on an Initiative Petition: "Amending the Charter and Municipal Code of the City of Hayward to change the City's General Municipal Election from June of even-numbered years to November of even-numbered years, and, if approved, to extend temporarily the terms of incumbents whose terms expire in 2018 and 2020"

RECOMMENDATION

That the City Council adopts a resolution, pursuant to an initiative petition, submitting to the electors at the June 7, 2016 General Municipal Election, a "City charter amendment and municipal code amendment changing the City of Hayward's general municipal election from June of even-numbered years to November of even-numbered years, and if approved, extend temporarily the terms of incumbents whose terms expire in 2018 and 2020"; consolidating the election with the presidential primary election; and directing the City Clerk to provide for notice and publication in accordance with the law and authorizing certain other election activities.

BACKGROUND

An initiative petition, "Amending the Charter and Municipal Code of the City of Hayward to change the City's General Municipal Election from June of even-numbered years to November of even-numbered years, and, if approved, to extend temporarily the terms of incumbents whose terms expire in 2018 and 2020" was filed with the City Clerk on September 17, 2015.

The proponent of the petition, Ms. Angela Osayande, via her authorized representative, submitted 13,168 prima facie signatures, on January 11, 2016, which was within 180 days from the date of receipt of the title and summary. [Pursuant to Elections Code 9255 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9255-9269>](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9255-9269), a successful initiative petition to amend a City charter must include valid signatures of at least fifteen percent (9,321) of the registered voters of the city.

The Alameda County Registrar of Voters verified the signatures by conducting a random sampling in accordance with the [California Elections Code sections 9211 and 9115 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9200-9226>](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9200-9226) and the formula prescribed by the California Secretary of State. The statistical sampling found 446 valid signatures, which is 125% of the total number of signatures needed to qualify the initiative. Therefore, the petition was certified by the Registrar of Voters as being sufficient on January 21, 2016. The Registrar of Voters Certificate to

Petition is included as Attachment II.

Pursuant to the Elections Code, if an initiative petition has been found to have a sufficient amount of signatures, the City Council shall submit the initiative to the voters of the city. The City Council's action is mandatory and ministerial and not a discretionary act and not a statement that the City Council is either for or against the initiative. The City Council would direct the City Clerk, at least eighty-eight days prior to June 7, 2016, to file with the Alameda County Board of Supervisors and the County Clerk certified copies of the approved resolution.

The City Clerk, in accordance with the [Elections Code Section 9286 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9280-9287>](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=elec&group=09001-10000&file=9280-9287), has fixed and determined the dates for submission of arguments for or against said proposed charter amendment and municipal code amendment; and has added the information to key dates and deadlines of Attachment III.

FISCAL IMPACT

The cost of the election, based on additional ballot measure, is estimated at \$310,715. The signature verification cost is approximately \$8,864. The budget for the consolidation of the Hayward's General Municipal Election is \$249,000, which means that the election's budget will need to be adjusted accordingly during the FY 2016 mid-year review.

PUBLIC CONTACT

The Notice of Election will be published in the Hayward Daily Review on February 9, 2016, as prescribed by Section 12111 of the California Elections Code.

The City's website - Election page - will be updated to reflect information related to the initiative petition. <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/CITY-CLERK/index.shtm?tab=1>

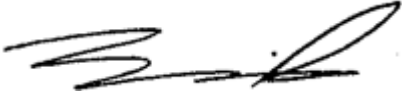
NEXT STEPS

The City Attorney will draft the impartial analysis of the measure for submittal to the Registrar of Voters pursuant to the California Elections Code. The City Clerk and City Attorney will work closely to submit all of the required documentation to the Alameda County Registrar of Voters by the March 11 and March 28, 2016 deadlines.

Prepared by: Miriam Lens, City Clerk

Recommended by: Miriam Lens, City Clerk

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Registrar of Voters Certificate of Petition
Attachment III	Key dates and deadlines