



January 27, 2022

Neha Hoskins, Clerk of the Board of Supervisors  
County of Napa Executive Office  
1195 Third Street, Suite 310  
Napa, CA 94559

Re: Consolidation of City of American Canyon June 7, 2022, Statewide Primary Election

Dear Ms. Hoskins,

Enclosed is a certified copy of Resolution 2021-R102, including the Ordinance as Exhibit A, requesting consolidation of the City of American Canyon with the Statewide Primary Election on June 7, 2022 and requesting the services of Napa County and the Registrar of Voters in conducting this election.

Included in the above noted resolution is the placement of one measure on the ballot for the June 7, 2022, Statewide Primary Election.

An electronic copy of this resolution has been transmitted to you this week.

Please contact me via e-mail at [cityclerk@cityofamericancanyon.org](mailto:cityclerk@cityofamericancanyon.org) or phone, (707) 647-4369, if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Taresa Geilfuss".

Taresa Geilfuss  
City Clerk

Enclosures – Resolution #2021-R102

cc: John Tuteur, Assessor-Recorder-Clerk



**ATTEST**

This document is a correct copy  
of the original on file in the office of the  
City Clerk of the City of American Canyon,  
County of Napa, State of California

**RESOLUTION NO. 2021-R102**

By *[Signature]* Date 1/27/2022

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON, CALIFORNIA  
SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY AN ORDINANCE AMENDING THE AMERICAN  
CANYON MUNICIPAL CODE TO ADD SECTION 2.04.120 REGARDING MAYOR AND COUNCILMEMBER  
TERM LIMITS AT THE REGULAR STATEWIDE PRIMARY ELECTION TO BE HELD JUNE 7, 2022**

**WHEREAS**, the City of American Canyon is governed by an at large elected Mayor and four-member elected City Council, whose members are generally elected to staggered four-year terms on the first Tuesday after the first Monday of November of even-numbered years; and

**WHEREAS**, the American Canyon Municipal Code currently does not address term limits for the mayor and councilmembers; and

**WHEREAS**, pursuant to Government Code section 36502, subdivision (b) and Elections Code section 9222, the City Council is authorized and desires to submit to the voters a ballot measure to amend the Municipal Code by adding section 2.04.120 regarding councilmember term limits; and

**WHEREAS**, pursuant to Government Code section 36502, subdivision (b), a term limit measure must be approved by a majority of City voters at an election consolidated with either the statewide primary election or the statewide general election; and

**WHEREAS**, in 2022, per Elections Code section 1200, the statewide primary general election will be held June 7; and

**WHEREAS**, the City Council desires to consolidate the election for the ballot measure with the statewide primary election held on Tuesday, June 7, 2022; and

**WHEREAS**, the specific language of the ordinance to be considered by the voters is attached as Exhibit A and incorporated herein.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AMERICAN CANYON AS FOLLOWS:**

**Section 1. Recitals**

The City Council hereby finds and determines that the recitals of this resolution are true and correct and are incorporated herein.

**Section 2. Submission of Ballot Measure**

The City Council, pursuant to its authority under Elections Code section 9222, hereby orders that the ordinance attached hereto as Exhibit A be submitted to the qualified voters of the City at the statewide primary election held on Tuesday, June 7, 2022. The proposed ordinance shall be in the form attached as Exhibit A.

**Section 3. Ballot Measure**

The City Council, pursuant to its authority under Elections Code section 9222 and Government Code section 36502, subdivision (b), hereby orders that the ballot measure shall be presented and printed upon the ballot submitted to the qualified voters in the manner and form set forth in this section below. On the ballot to be submitted to qualified voters, there shall be printed substantially the following:

Shall an ordinance be adopted by the City of American Canyon to limit years of service by the Mayor to a combined total of three (3) four-year terms?	YES	
	NO	

Shall an ordinance be adopted by the City of American Canyon to limit years of service by a Councilmember to a combined total of three (3) four-year terms?	YES	
	NO	

**Section 4. Election Procedures**

A. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on Tuesday, June 7, 2022, and to hold and conduct the consolidated election in the manner prescribed in Election Code section 10418.

B. The ballots to be used at the election shall be in the form and content as required by law.

C. In accordance with Elections Code section 10002, the Board of Supervisors of Napa County is hereby requested to consent to having the Registrar of Voters render such election services to the City of American Canyon as may be requested by the City Clerk of said City, the County of Napa to be reimbursed in full for such services as are performed.

D. The election services which the City of American Canyon requests the Registrar of Voters, or such other official as may be appropriate, to perform and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots and polling place cards; the establishment or appointment of precincts, polling places, and election officers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths and other necessary supplies or materials for polling places; the canvassing of the returns of the election and the

furnishing of the results of such canvassing to the City Clerk of the City of American Canyon; and the performance of such other election services as may be requested by the City Clerk.

E. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

F. The polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, except as provided in Elections Code section 14401.

G. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections in the City.

H. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

I. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

J. The Napa County Registrar of Voters is hereby authorized to canvass the returns of said election.

K. The City Clerk of the City of American Canyon shall receive the canvass as it pertains to the election on the Measure, and shall certify the results to the City Council, as required by law.

#### **Section 5. Arguments and Impartial Analysis**

A. The City Council authorizes (i) the City Council or any member(s) of the City Council, (ii) any individual voter eligible to vote on the above measure, (iii) a bona fide association of citizens or (iv) any combination of voters and associations, to file a written argument in favor of or against the Measure, in accordance with Elections Code section 9280 et seq. and may change the argument until and including Friday, March 11, 2022 (unless the Registrar requires additional lead time), after which no arguments for or against the Measure may be submitted to the City Clerk. Arguments in favor of or against the Measure shall each not exceed 300 words in length. Each argument shall be filed with the City Clerk, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument. The arguments shall be accompanied by the "Form of Statement to be filed by Author(s) of Argument" as provided by the City Clerk.

B. The City Clerk shall comply with all provisions of law establishing priority of arguments for printing and distribution to the voters and shall take all necessary actions because the selected arguments to be printed and distributed to the voters.

C. Pursuant to California Elections Code section 9280, the City Council directs the City Clerk to transmit a copy of the Measure to the City Attorney. The City Attorney shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the Measure. The City Attorney shall transmit such impartial analysis to the City Clerk, who shall cause the analysis to be published in the ballot pamphlet along with the ballot Measure as provided by law. The impartial analysis shall be filed by the deadline set for filing of primary arguments as set forth in subsection A above. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following:

The above statement is an impartial analysis of Measure I. If you desire a copy of the ordinance, please call the election official's office at (707) 253-4321 and a copy will be mailed at no cost to you.

#### **Section 6. Rebuttals**

That pursuant to California Elections Code section 9285, when the Clerk has selected the arguments for and against the Measure which will be printed and distributed to the voters, the Clerk shall send copies of the argument in favor of the Measure to the authors of the argument against, and copies of the argument against to the authors of the argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the City Clerk not later than Monday, February 26, 2022 (unless the Registrar establishes an earlier date), accompanied by the "Form of Statement to be filed by Author(s) of Argument" as provided by the City Clerk. Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument which it seeks to rebut.

A. That all previous resolutions providing for the filing of rebuttal arguments for City measures are repealed.

B. That the provisions herein shall apply only to the election to be held on June 7, 2022 and shall then be repealed.

#### **Section 7. Placement on the Ballot**

The full text of the Ordinance/Measure shall be printed in the voter pamphlet, and a statement shall be printed in the ballot pursuant to Elections Code section 9223 advising voters that they may obtain a copy of this Ordinance/Measure at no cost, upon request made to the City Clerk.

#### **Section 8. Delivery of Resolution to Count**

The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions. The City Council directs the City Clerk to deliver copies of this resolution, including the Ordinance/Measure attached hereto as Exhibit "A", to the Clerk of the

Board of Supervisors of Napa County and to the Registrar of Voters of Napa County.

**Section 9. CEQA**

The City Council hereby finds and determines that the Measure relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines, Section 15378(b)(5).

**Section 10. Severability**

If any provision of this resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the resolution which can be given effect without the invalid provision or application, and to this end the provisions of this resolution are severable. The City Council hereby declares that it would have adopted this resolution irrespective of the invalidity of any particular portion thereof.

**Section 11. Effective Date of Resolution**

This resolution shall take effect immediately upon its adoption.

**PASSED, APPROVED AND ADOPTED** this 21<sup>st</sup> day of December, 2021.

DocuSigned by:

*Leon Garcia*

BA18B3340DAC47C...

Leon Garcia, Mayor

**ATTEST:**

DocuSigned by:

*Taresa Geilfuss*

8093478838C84DC...

Taresa Geilfuss, City Clerk

**APPROVED AS TO FORM:**

DocuSigned by:

*William D. Ross*

285D60133D03421...

William D. Ross, City Attorney

**ORDINANCE \_\_\_\_\_**

Adopted by American Canyon City Council

December 21, 2021

**An Ordinance of the City of American Canyon  
Amending the American Canyon City Code Adding Section 2.04.120  
to Establish Term Limits for the Mayor and  
Members of the American Canyon City Council**

**BACKGROUND**

1. On December 21, 2021, at a duly noticed meeting, the City Council considered and discussed the option of mayor and councilmember term limits for the City of American Canyon which included public comment.
2. On December 21, 2021, at a duly noticed meeting, the City Council directed the preparation of a ballot measure and related actions to establish term limits for the mayor and members of the city council.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

**Section 1. Term Limits**

Pursuant to Government Code section 36502, subdivision (b) and subject to the approval of a majority of the voters of the City of American Canyon, the American Canyon Municipal Code is hereby amended to add 2.04.120, Term Limits to read as follows:

**Section 2.04.120 - Term Limits**

- a. No person shall be eligible to serve as mayor for more than three (3) four-year terms following the adoption of this ordinance. The current incumbent is given credit for having served one term. Notwithstanding the foregoing, any person who is appointed or elected to fill a vacant office as mayor for the balance of a four-year term, but serves less than two years in that office, shall be eligible for nomination, and election for three (3) four-year terms thereafter.
- b. No person shall be eligible to serve as councilmember for more than three (3) four-year terms following the adoption of this ordinance. Current incumbents are given credit for having served one term. Notwithstanding the foregoing, any person who is appointed or elected to fill a vacant office as councilmember for the balance of a four-year term, but serves less than two years in that office, shall be eligible for nomination, and election for three (3) four-year terms thereafter.

- c. The three (3) four-year terms in office as mayor are not required to be consecutive and may be an aggregate of three (3) four-year terms. Any person who resigns or is removed from office during a term shall be deemed to have served a full term.
- d. The three (3) four-year terms in office as councilmember are not required to be consecutive and may be an aggregate of three (3) four-year terms. Any person who resigns or is removed from office during a term shall be deemed to have served a full term.
- e. The phrase “two years” as used in subsections A and B of this section shall mean the period between the date of the declaration of the results of any *primary election* held in June of an even-numbered year and the date of the declaration of the results of any *primary election* held in June of any immediately preceding or immediately succeeding even-number year, even though such period may be more or less than an actual period of two years.

**Section 2. Effective Date.** This Ordinance shall take effect immediately, upon approval by a simple majority of the voters voting on the question at the June 7, 2022 election and shall apply retroactively with the current incumbents credited for having already served one term.

**Section 3. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance 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. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

**Section 4. Publication.** The City Clerk of the City of American Canyon is hereby directed to publish this Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15) days after its passage in a newspaper of general circulation published in the City of American Canyon.

**Adopted by the City of American Canyon City Council on December 21, 2021 by the following vote:**

Ayes:

Notes:

Abstain:

Absent:

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**Leon Garcia, Mayor**

**APPROVED AS TO FORM:**



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**City Attorney**

**ATTEST:**

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**City Clerk**