

AUG 07 2008

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA
By SPB Deputy

ORDINANCE NO. 2008-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY, CALIFORNIA, REQUESTING CONSOLIDATION OF ITS GENERAL MUNICIPAL ELECTION DATE FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EVEN-NUMBERED YEARS

WHEREAS, the pursuant to the City's Charter, the City's General Municipal Election is now scheduled for the first Tuesday after the first Monday of November in odd-numbered years; and

WHEREAS, pursuant to the Charter of the City of Gilroy Section 1505 and Government Code section 34458, the City Council is authorized to propose amendments to the Charter and submit said amendments to the electors of this City for ratification; and

WHEREAS, the City Council has proposed an amendment to the Charter relating to the holding of general municipal elections in each even-numbered year; and

WHEREAS, the California Election Code sections 1301 and 10403.5 authorize the City to reschedule its General Municipal Election from the first Tuesday after the first Monday of November in each odd-numbered year to the first Tuesday after the first Monday of each even-numbered year; and

WHEREAS, the California Election Code section 10403.5 requires the Board of Supervisors to approve any consolidation request; and

WHEREAS, the existing Charter provision proposed for amendment is Section 1400.

THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

Section I. The City Council has proposed the herein described amendment to the Charter of the City of Gilroy by Resolution No. 2008-29, dated June 16, 2008, and duly submitted said resolution

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to the Registrar of Voters, and directed that the herein described amendment shall be duly submitted to the electors of said City for ratification at a special municipal election, said election to be consolidated with the general municipal election to be held on November 4, 2008.

Section II. The Charter is proposed to be amended as follows:

By amending Section 1400 so that Section 1400 of the Charter shall read in its entirety as follows:

Section 1400. General Municipal Election. A general municipal election shall be held on the regular election date established by the Elections Code of the State of California for the statewide General Election, as it now exists or may hereafter be amended, in each even-numbered year, commencing with the year 2010, for the election of officers and for such other purposes as the City Council may prescribe.

Notwithstanding Section 402 of this Charter, any City Councilmembers whose terms of office would have expired prior to 2010 shall continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31, 2010.

Notwithstanding Section 402 of the Charter, any City Councilmembers whose terms of office would have expired prior to 2012 shall continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31, 2012.

Section III. The City of Gilroy is a municipal corporation in the County of Santa Clara, organized and existing under and by virtue of the laws of the State of California, and operating under a Charter adopted pursuant to the provisions of the Constitution of the State of California. Pursuant to City Charter Sections 601 and 608, this Ordinance shall become effective immediately upon its adoption provided that, pursuant to Election Code section 10403.5, this Ordinance shall only become operative upon approval by the Santa Clara County Board of Supervisors.

Section IV. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

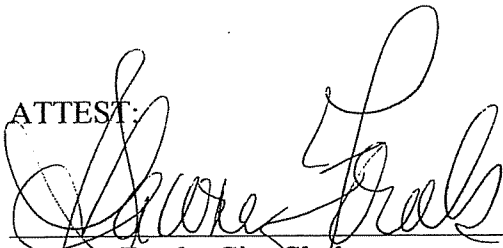
The foregoing ordinance was introduced and adopted at a regular meeting of the City Council held on August 4, 2008, by the following vote:

AYES: ARELLANO, BRACCO, TUCKER, and
PINHEIRO
NOES: DILLON, GARTMAN, WOODWARD
ABSENT: NONE



Al Pinheiro, Mayor
City of Gilroy

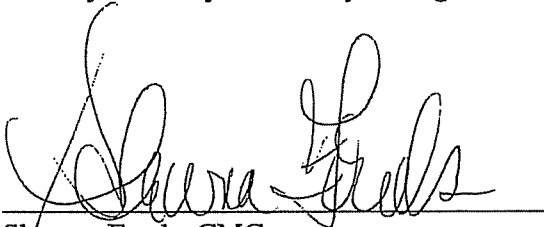
ATTEST:



Shawna Freels, City Clerk
City of Gilroy

I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2008-09 is an original ordinance, or true and correct copy of a city ordinance, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 4th day of August, 2008, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 5th day of August, 2008.

A handwritten signature in cursive script, reading "Shawna Freels", written over a horizontal line.

Shawna Freels, CMC
City Clerk of the City of Gilroy

(Seal)