

VOTER'S PAMPHLET
MEASURES, ANALYSES AND ARGUMENTS

(whichever is applicable to your ballot)
Arguments in support of, or in opposition to, the proposed laws are the opinions of the authors.

CITY OF WATSONVILLE

H Shall Section 406 of the City Charter be changed and subdivision (k) of Section 1503 be added to the City Charter to require a vacant (as defined) Council seat be filled only by voters at either a General Municipal Election or a Special Municipal Election rather than by Council election, required to be held within ninety (90) days after the vacancy (as defined) occurs?

FULL TEXT OF BALLOT INITIATIVE MEASURE H

**PROPOSED AMENDMENTS TO THE
CHARTER OF THE CITY OF WATSONVILLE
SPECIAL MUNICIPAL ELECTION
JUNE 3, 2014**

The Council of the City of Watsonville hereby submits to the registered and qualified electors of the City for their adoption or rejection, the following proposal to amend the Charter of the City of Watsonville:

Proposed Measure:

THE PEOPLE OF WATSONVILLE DO ORDAIN AS FOLLOWS:

PART 1: Proposed Amendments to City Charter

Be it enacted by the voters of the City of Watsonville that the following two (2) amendments to the Watsonville City Charter are to take effect immediately after the approval by the Watsonville City of the resolution confirming and approving the canvass of returns and result of the Election for this measure:

AMENDMENT 1: Article IV Section 406 is hereby repealed in its entirety (as noted in strikeout type below) and replaced with the following:

~~The provisions of Section 1770 of the Government Code of the State of California as they now exist or may hereafter be amended shall govern the existence of a vacancy. If a vacancy shall occur in the office of Councilman, the vacancy shall be filled by appointment by the Council, and the person appointed shall hold office until the first Tuesday following the next General Municipal Election, or until his successor qualifies. At the next General Municipal Election following any vacancy, a new member shall be elected to serve for the remaining period of any unexpired term. In the event the Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy.~~

SECTION 406. VACANCIES.

California Government Code Section 1770 as it now exist or may hereafter be amended lists the conditions, upon the occurrence of, create a vacancy. If a vacancy shall occur in the office of a Council Member, then the vacancy shall be filled only by the election of a new Council Member to be held at either a General Municipal Election or a Special Municipal Election which the Council must cause to be held no later than ninety (90) days from the date of the occurrence of the vacancy.

A Council Member elected to fill a vacancy shall serve for the remaining period of the unexpired term of office that the new Council Member was elected to fill.

AMENDMENT 2: Section 1503(k) is hereby added to Article XV of the Watsonville City Charter:

SECTION 1503(k). "Vacancy" means empty or unoccupied. A "vacancy" cannot begin or be in effect until there is no one in actual existence discharging the duties of the office.

PART 2: General Provisions

If any provision of this measure is found to be invalid by a Court, that invalidity shall not affect the remaining portions of this measure.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
MEASURE H**

Citizen Initiative - Charter Amendment.

Signatures were gathered to place Measure H on the June 3, 2014, ballot to ask Watsonville voters to approve a Charter amendment to define "vacancy" and require an election to fill a vacancy on the City Council. This measure would amend Section 406 and add subdivision (k) to Section 1503 of the Watsonville City Charter.

A city charter, is in effect a city's constitution. A city charter allows charter cities to have similar powers to the State, unless preempted by state law. The Watsonville City Charter was adopted in February 1960 and has been changed by the voters from time to time since.

Existing Section 406 of the Watsonville City Charter now says that California Elections Code Section 1770 "shall govern the existence of a vacancy on the City Council." Elections Code Section 1770 defines vacancy to include among many other things: death, moving out of the City and/or resignation from office.

This measure would also add a new subdivision (k) to Charter Section 1503 now defining "vacancy" as "empty or unoccupied."

The new Section 406 says Elections Code Section 1770, "lists the conditions, upon the occurrence of, create a vacancy" but makes no reference to the new definition of vacancy in subdivision (j) of Charter Section 1503.

Existing Section 406 requires the Council to appoint a successor within 30 days to serve until the next General Municipal Election (generally every two years in November) or the vacancy must be filled by an election "forthwith."

The new Section 406 does not allow the Council to appoint a successor to hold office until the next General Municipal Election. The new Section 406 requires an election actually be held "no later than 90 days from the date of the occurrence of the vacancy." Since State law establishes election dates, not every vacancy may be capable of being filled at an election held on a state election date. This may affect the cost to the City of the election, the ability to consolidate the election with County and State elections to facilitate election advertising and voter turnout, and provide candidates time to campaign and raise funds.

The measure would be permanent. It will remain in effect until or unless changed by the voters.

A "Yes" vote is a vote to approve the charter amendments and adopt this new definition and method of filling a City Council vacancy. A "No" vote would reject the change and maintain the present method.

This Measure would be approved if a majority (more than fifty percent) of those voting vote "yes."

A copy of the City Charter can be found at
<http://cityofwatsonville.org/city-government/city-clerk/city-charter>.

Additional election information may be found at the Santa Cruz County Elections Department Website: <http://www.votescount.com/jun14/lm.htm#meaj>

March 18, 2014

s/ Alan J. Smith
City Attorney

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ARGUMENT IN FAVOR OF MEASURE H

Let The People Vote – YES – on Measure H VOTE YES for HONESTY

- Restore the People's right to **FAIR** representation.
- Retain each District's hope for **EQUAL** opportunity.
- Rebuild trust in the election **PROCESS** for vacancies.

Thousands of Watsonville signatures were collected to allow each & every city voter the right to have their voices heard!

Measure H is the direct result of that grassroots effort. You now have the ability to take back your rights for fair treatment for **ALL** the **PEOPLE** of Watsonville:

- Vote **YES** on Measure H — for **HONESTY**
- Vote **YES** on Measure H — for **INTEGRITY**
- Vote **YES** on Measure H — for **JUSTICE**

Measure H creates an honest definition of the word "vacancy" in respect to a Council seat. As defined by Measure H a Council Seat will be considered truly "empty or unoccupied" upon death, resignation in office, or other qualifying event that creates a vacancy.

Measure **H** restores honesty to the democratic process. No longer will a small handful of politicians determine who will represent you on the Council. **Simply, it's your choice!**

Measure **H** empowers City residents of the seven Council Districts to decide who will best represent their interests through a direct election. Measure **H** will end the current controversial process and restore elected Council Members who are responsive to the needs of your neighborhoods.

Measure **H** is an important step in taking back our basic rights as City residents. Watsonville voters need to stay alert, engaged and vigilant over our local government.

PLEASE SUPPORT "Let The People Vote" efforts by
voting **YES on MEASURE H**
RESTORE HONESTY. Be an integral part of changing the
City of Watsonville for the better.

Let's work together for Honesty, Integrity and Justice!
VOTE YES for MEASURE H

s/ Rick Danna
City of Watsonville Planning Commissioner

s/ Ari A. Parker
Teacher, P.V.U.S.D.

s/ Greg Caput
Santa Cruz County Supervisor Dist 4

s/ Yolanda Ruiz-Danna
Watsonville Library Commissioner

s/ Georgia Acosta
Watsonville Business Owner

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE H

City of Watsonville Vacancies Filled by Election

Let's be honest.

If your city councilmember resigns, you should have the right to be represented immediately by a new appointed city councilmember. If you must wait for a new election, then your family and neighborhood would not have an advocate on the city council.

That's not fair.

Our current appointment process is only temporary to only allow someone to finish the remainder of an unfinished council term, and to not waste taxpayers' money on an unnecessary election.

All appointed candidates would have to run and be elected by the people at the immediate next election. That makes common sense and it's what almost every other city already does in California.

NO on Measure H — Protect Your Fair Voting Rights

NO on Measure H — Against Secret, Outside Groups Telling Us What to Do

NO on Measure H — To Save Our Taxpayers Dollars

NO on Measure H — For Good Local Government

Measure H will overturn what well-respected Santa Cruz County Superior Court Judge Timothy Volkmann has already ruled. Let's protect our constitutional rights.

Please vote NO on Measure H.

s/ Isaac Rodriguez
Community Volunteer

s/ Leah Sugarman
Educator/Mother

s/ Pedro Castillo
Retired University Professor

s/ Francisco Rodriguez
Educator

s/ Rev. Joseph R. Barndt
Pastor

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ARGUMENT AGAINST MEASURE H

City of Watsonville Vacancies Filled by Election

We respectfully ask you to vote "NO" on Measure H.

Measure H will leave city council districts vacant for up to 3 months until an election can be held. Meanwhile, you will be left without an advocate representing you on the city council on important matters.

Measure H will cost taxpayers thousands of dollars to hold an election unnecessarily.

Measure H will put us out of step with the rest of the state. The current city charter already parallels state law (Govt Code 36512(b)) that allows city councils to either temporarily appoint or call for an election. Our current charter also requires the council to appoint "within 30 days" to ensure that council districts will not be without representation for a significant time period. This would end under Measure H, and Watsonville would be the only city in the entire state with such bad policy.

Measure H undermines a 2012 Santa Cruz County Superior Court ruling that legally concluded that the Council could appoint for a vacancy and defined when a vacancy occurs. Some Measure H supporters did not win in court and now, they want to amend the charter to get their way. This is wrong.

Measure H is not a "volunteer" effort as claimed. Most signatures were collected by paid signature gatherers hired by a group based in Capitola. This secretly-funded, Capitola group is now trying to impose on Watsonville residents what it wants. The Fair Political Practices Commission is currently investigating this group regarding possible violations of campaign reporting and transparency laws.

Vote "NO" on Measure H.

Don't let outsiders change how we govern ourselves.

Let's save our scarce taxpayer dollars for more important needs.

s/ Isaac Rodriguez
Community Volunteer

s/ Leah Sugarman
Educator/Mother

s/ Pedro Castillo
Retired University Professor

s/ Francisco Rodriguez
Educator

s/ Rev. Joseph R. Barndt
Pastor

REBUTTAL TO ARGUMENT AGAINST MEASURE H

Let The People Vote – YES – on Measure H VOTE YES for HONESTY

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FACTS on MEASURE H

FACT: ONLY THE VOTERS ELECT replacement Council Members for vacant Council seats. No longer will Council Members resign from their seat and claim it is "vacant" and "occupied" at the same time. Measure H ensures that the outrageous practice of voting for your own replacement will be abandoned.

FACT: Costs for filling a vacant Council seat are minimal. Only a Council District where the vacancy occurs is affected. Opponents are hiding this important fact from you!

FACT: Watsonville is a Charter City that can empower the voters to decide how to fill vacancies on the City Council. Good government requires the participation of the People.

FACT: The City of Watsonville has repeatedly wasted thousands of taxpayers' dollars on costly lawsuits. The "vacancy" issue is still pending in State Appellate Court.

FACT: Signatures were collected by volunteers walking door-to-door, in our neighborhoods, at supermarkets, and in front of our places of worship. Community members signed these petitions at service clubs, sporting events, family celebrations at our parks and at the Watsonville Plaza.

*The People's dedication speaks for itself
Watsonville residents clearly believe in Measure H.*

Let's work together for Honesty, Integrity and Justice!

PLEASE VOTE YES on MEASURE H

s/ Trina Coffman-Gomez
Watsonville City Council Member

s/ Alex R. Solano
Former P.V.U.S.D. Trustee (8yrs), Community Volunteer/Father (55yrs)

s/ Rick Danna
Realtor/Watsonville Planning Commissioner

s/ Jesus Arellano
Business Manager/Father of 4 children

s/ Ari Parker
Teacher, P.V.U.S.D.