

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

AN INITIATIVE MEASURE PROPOSING TO CHANGE THE GROVER BEACH CITY ATTORNEY’S OFFICE FROM AN APPOINTIVE TO AN ELECTIVE OFFICE

Under current local law, the Grover Beach City Attorney’s Office is appointive, meaning that the City Attorney is appointed by the City Council and serves at the pleasure of the City Council until removed by them.

This initiative would amend section 2017(C) and add sections 2110 through 2115 to the Grover Beach Municipal Code to change the City Attorney’s Office from a Council-appointive office to an elective office, meaning that Grover Beach voters would directly elect the City Attorney. The initiative would provide as follows:

- The City Attorney would be elected to a four-year term at each General Municipal Election that coincides with the Statewide Gubernatorial Election (Nov. 2026, 2030, 2034);
- The elected City Attorney’s salary would be capped at no greater than 80% of the compensation received by the California Attorney General in the year prior to the City Attorney’s elected four-term term;
- The elected City Attorney would not receive any severance pay or compensation upon resignation, not seeking re-election, or another being elected as City Attorney;
- The elected City Attorney must represent the City exclusively and could not individually represent any other city, district or county; nor be employed by or be a partner in a firm that represents such other agencies;
- A City Attorney candidate must, prior to filing nomination papers, be a resident elector of the City and must have continuously been a licensed California attorney for 10 or more years and not have served as Grover Beach Acting City Attorney within 2 years of filing nomination papers; and
- The City Council may establish subordinate positions in the City Attorney’s Office, such as assistant city attorneys, paralegals and secretaries. The elected City Attorney would have the exclusive authority to hire and fire such subordinate employees;
- If a court holds that Grover Beach voters may not directly elect a City Attorney, the City Clerk shall accept nomination papers from qualified candidates, and the City Council must place an advisory measure on the ballot in the general election asking voters which nominated persons shall serve as City Attorney. Upon certification of the advisory vote, the City Council must immediately appoint the person receiving the highest number of votes in each such election for a four-year term;

- Within 30 days of adoption of this initiative measure, the City Council shall meet to temporarily fill the office of City Attorney with an Acting City Attorney to perform until the next General Municipal Election. The Acting City Attorney must have continuously been a licensed California attorney for 10 or more years prior to appointment, must be a resident of San Luis Obispo County and meet the fidelity and compensation requirements of this measure;
- This measure could not be amended, except upon future voter approval.

/s/ William J. “Jim” Priest, Special Legal Counsel Acting on behalf of the Grover Beach City Attorney

THE PEOPLE OF THE CITY OF GROVER BEACH DO ORDAIN AS FOLLOWS:

SECTION 1. The Office of the Appointed City Attorney is Terminated, for cause.

SECTION 2. Section 2107. (C) of the Grover Beach Municipal Code is amended, striking & inserting words, as follows: Powers of Appointment and Removal. It shall be the duty of the City Manager to appoint, remove, promote and demote any and all employees of the City, subject to applicable ordinances, rules and regulations, and directives of the City Council, except the City Attorney, who is appointed elected and removed directly by the City Voters Council.

SECTION 3. The following new sections are adopted and added to the Grover Beach Municipal Code:

Section 2110. Elected City Attorney: The City Attorney shall be elected by the Voters of the City of Grover Beach for a four year term in each even numbered year at the November General Election when the Governor is ordinarily elected. The City Attorney shall:

a) represent the City in all Judicial, Administrative, and other negotiations and proceedings;

b) owe primary loyalty to the Citizens of Grover Beach;

c) advise the City Council, Manager, Clerk and Department Heads, concerning the Laws and Constitutions of the United States of America and of California;

d) at the request of any two Council Members, or the Mayor and City Manager, the City Attorney shall draft and present resolutions and ordinances to be proposed and discussed in open City Council meetings.

Section 2111. Compensation for and Fidelity of the City Attorney: The City Attorney shall:

a) receive a monthly salary & benefits set by the City Council, which shall be capped at no greater than Eighty Percent [80%] of the compensation received by the California Attorney General in the year prior to the City Attorney’s four year term;

b) not receive any severance pay or compensation upon resignation or upon failure to seek reelection, or upon the voters of the City electing a different City Attorney;

c) not individually represent or provide advice and counsel to any other City, District or County, nor be employed by or be a partner in a firm that represents or provides advice and counsel to any other City, District or County.

Section 2112. Qualifications for City Attorney: A candidate for City Attorney must, prior to filing his or her nomination papers, be a resident elector (registered voter) of the City of Grover Beach who is, and has continuously been, a Licensed California Attorney for 10 or more years, and has not served as Grover Beach Acting City Attorney within two years of filing nomination papers. Nomination papers for City Attorney shall require valid signatures by 20 resident electors of the City of Grover Beach, accompanied by payment of a \$200 filing fee.

Section 2113. Exception to City Manager Control of Attorney: The City Council may establish subordinate positions in the Office of the City Attorney, such as secretaries, paralegals, assistant city attorneys, certified court reporters and investigators. The City Attorney shall have the exclusive authority to hire and fire subordinate employees authorized by the City.

Section 2114. Severance: In the event that any portion of Section 2107 (c), and of Sections 2110 through and including 2115, of the Municipal Code of the City of Grover Beach is held to be invalid, that section, or portion of a section, shall be severed from the rest of the provisions of the Municipal Code, and the remaining

provisions of said Sections shall be fully enforceable.

Section 2115. Savings Clause: Should any Court hold that the Voters of the City of Grover Beach are not authorized by the Statutes of the State of California to directly elect their City Attorney for the City of Grover Beach, the Clerk shall accept nomination papers from candidates for City Attorney otherwise qualified under Section 2112, above, and the City Council must place an advisory measure on the ballot by resolution in the general election, as provided in Section 2110, above, asking the voters of the City of Grover Beach which of the persons so nominated should serve as the City Attorney. Upon certification of the votes cast by the voters of Grover Beach on such advisory measure, the City Council shall and must immediately appoint the attorney receiving the highest number of votes in each such election as City Attorney for a four year term.

SECTION 4. This measure may not be amended, except upon voter approval.

SECTION 5. The City Council shall meet within thirty days of the adoption of this Measure to temporarily fill the office of City Attorney with an Acting City Attorney to perform in the Office complying with Section 2110, above, until the next succeeding General November Municipal Election. The Acting City Attorney must have continuously been a Licensed California Attorney for 10 or more years prior to appointment who is a resident of San Luis Obispo County, and meet the Compensation for and Fidelity of the City Attorney provisions of Section 2111, above.

SECTION 7. Each provision of this ordinance is severable, and the invalidity of any section or part thereof shall not affect the validity of its other provisions.

NOTICE IS HEREBY GIVEN by the persons whose names appear hereon of their intention to circulate the petition within the City of Grover Beach for the purpose to adopt an ORDINANCE TO CREATE THE OFFICE OF THE ELECTED CITY ATTORNEY.

A statement of the reasons for adoption of the proposed action by the petition is as follows:

The Grover Beach City Attorney should be part of our community and represent the Voters of Grover Beach, answer to Voters, and provide to the elected City Council, City Clerk, appointed City Manager and Department Heads independent advice and counsel faithful to California’s Constitution and Law. The City Attorney should not file any suit, writ or appeal without first being authorized by the City Council. Current contract city attorneys that represent multiple governments risk conflicts of interest and cannot keep faith exclusively with the Voters of Grover Beach.

The City Attorney is the one City official able to protect Voters’ rights to Open City Records, Open Public Meetings, and City action free from officials’ conflict of interest and corruption.

An Attorney serving a city population of less than 14,000 should not receive pay that exceeds the State Attorney General, who brings civil and criminal suits on behalf of 39 million Californians.

The appointed Grover Beach City Attorney firm, has violated the public interest by impairing access to city records, authorizing closed city council meetings, been complicit in impairing voters’ right to circulate and file petitions for recall in violation of California’s Constitution and Election Law, filed Appeal of a Superior Court ruling ordering certification of recall without prior City Council approval, has contracts with cities and districts all over California, and charges the City of Grover Beach for part-time civil work more than the State of California pays the Attorney General for full time representation in civil and criminal matters. The Voters find that the Office of Appointed City Attorney shall be immediately terminated for cause, as against the public interest.

An elected City Attorney should be, and must be a resident, be a City Elector (registered voter), and have continuously been an active licensed California Attorney for more than 10 years prior to filing nomination papers for the Office of City Attorney.

/s/ Debra Diane Peterson /s/ Lesley Marr /s/ Sharon Elaine Biddle
160 S 3rd St Grover Beach CA 93433 1465 Farroll Road Grover Beach 93433 900 Charles St Grover Beach 93433

Each of the undersigned states for himself/herself that he or she is a registered and qualified elector of the City of Grover Beach of Grover Beach, California.

NOTICE TO THE PUBLIC:

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OFFICIAL TOP FUNDERS. Valid only for April 2025 Petition circulation paid for by Grover H2O Latest Info: GroverH2O.com		
	1. Print Your Name: _____ Sign As _____ Registered To Vote: _____ City: _____ Zip: _____	Residence Address ONLY: _____
	2. Print Your Name: _____ Sign As _____ Registered To Vote: _____ City: _____ Zip: _____	Residence Address ONLY: _____
	3. Print Your Name: _____ Sign As _____ Registered To Vote: _____ City: _____ Zip: _____	Residence Address ONLY: _____
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	6. Print Your Name: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	Residence Address ONLY: _____
	7. Print Your Name: _____ Sign As Registered To Vote: _____ City: _____ Zip: _____	Residence Address ONLY: _____

DECLARATION OF PERSON CIRCULATING SECTION OF RECALL PETITION
(MUST BE IN CIRCULATOR'S OWN HANDWRITING)

I, _____, solemnly swear (or affirm) all of the following:

1. That I am 18 years of age or older.
2. That my residence address, including street number, is _____. (If no street or number exists, a designation of my residence adequate to readily ascertain its location is _____.)
3. That the signatures on this section of the petition form were obtained between _____, 20_____, and _____, 20_____; that I circulated the petition and I witnessed the signatures on this section of the petition form being written; and that, to the best of my information and belief, each signature is the genuine signature of the person whose name it purports to be.

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ at _____, California.

_____ Circulator's Signature	_____ Date
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