



CITY OF SALINAS COUNCIL STAFF REPORT

DATE: SEPTEMBER 9, 2025

DEPARTMENT: ADMINISTRATION
CITY ATTORNEY'S OFFICE

FROM: RENÉ MENDEZ, CITY MANAGER
CHRISTOPHER A. CALLIHAN, CITY ATTORNEY
PATRICIA M. BARAJAS, CITY CLERK
ALEXIS MEJIA, ASSISTANT CITY CLERK

TITLE: REFERENDUM AGAINST ORDINANCE NO. 2687;
CITY COUNCIL ACTION ON THE REFERENDUM
(ELECTIONS CODE SECTION 9241)

RECOMMENDED MOTION:

This Report presents the City Council with options to consider related to the Referendum Against Ordinance No. 2687:

1. Repeal Ordinance No. 2687 (the "Repeal Ordinance");
2. Submit Ordinance No. 2687 to the voters, at the next regular municipal election occurring not less than 88 days after the order of the City Council;
3. Submit Ordinance 2687 to the voters at a special election occurring not less than 88 days after the order of the City Council; or
4. Provide other direction to City staff.

Should the City Council choose to repeal the Repeal Ordinance, an ordinance to that effect is attached as Exhibit A.. Pursuant to City Charter section 11.3, an ordinance can be passed on the day of its introduction only upon the unanimous vote of the City Council. If the ordinance receives less than unanimous support, it may be introduced on September 9, 2025, and will return to the City Council on September 23, 2025, for adoption. In either case, the ordinance would become effective until thirty (30) days after the date of adoption.

EXECUTIVE SUMMARY:

On August 15, 2025, the Monterey County Registrar of Voters issued a Certificate of Signature Verification related to a Referendum Against Ordinance No. 2687 (the "Referendum"). With the

Referendum having met the minimum criteria established by Salinas Charter section 4.2 and California Elections Code, on August 15, 2025, the City Clerk certified the results, pursuant to Elections Code section 9114 and 9115, and presented to the City Council following receipt of the Registrar's Certificate of Signature Verification. Following receipt of a report from the City Clerk, on August 26, 2025, the City Council approved a Resolution accepting the Certificate of Signature Verification related to the Repeal Ordinance.

Following the City Council's approval of Resolution 23324 accepting the Certificate of Signature Verification and as required by Elections Code section 9241, the City Council must now consider and select from between two options: (1) adopt an ordinance repealing the Repeal Ordinance, or (2) submit the Repeal Ordinance to the voters of Salinas, either at the next regular municipal election on November or at a special election called for that purpose. The Elections Code does not provide a time frame by which the City Council must make its determination on those two options; however, the Council should not unnecessarily delay its consideration of this matter. The City Council could also provide additional direction to staff.

BACKGROUND:

Referendum Petition

On May 13, 2025, the City Council introduced an ordinance to repeal four rent-related ordinances previously adopted by the City Council (the Repeal Ordinance): Ordinance No. 2663 (Residential Rental Registration Program), Ordinance No. 2681 (Rent Stabilization), Ordinance No. 2682 (Tenant Protection and Just Cause Eviction), and Ordinance No. 2683 (Tenant Anti-Harassment). These four ordinances are collectively referred to in this Report as the "Ordinances." On June 3, 2025, the City Council adopted the Repeal Ordinance (Ordinance No. 2687) and it was attested to by the City Clerk on that same date.

The Repeal Ordinance was due to become effective thirty (30) days after its adoption on July 3, 2025, pursuant to Government Code section 36937. Within the thirty (30) day period prescribed in Elections Code section 9237, "Protect Salinas Renters 2026" (the "Proponents") submitted a referendum of the Repeal Ordinance to the City Clerk. Consistent with the obligations imposed by Elections Code sections 9239 and 9210, on July 3, 2025, the City Clerk determined that, based solely on a raw count, that the number of signatures affixed to the Referendum petition was in excess of the minimum number of signatures required and accepted the Referendum petition for filing. Upon the City Clerk's acceptance of the Referendum petition for filing, the effective date of Ordinance No. 2687 was automatically suspended by operation of law. (Elections Code section 9237)

On July 3, 2025, the City Clerk delivered the Referendum petition to the Monterey County Registrar of Voters ("Registrar") for a full check and examination of signatures; to verify the signatures affixed to the Referendum petition were from registered voters of Salinas and otherwise met the requirements of the Elections Code. The City's instructions to the Registrar requested examination of signatures and certification be accomplished by full check pursuant to Elections Code section 9114. Based on the Registrar's determination that valid signatures of more than 10% of the City's voter registration were present on the Referendum petition, on August 15, 2025 (thirty

(30) days after the date of filing, excluding weekends and holidays), the Registrar issued a Certificate of Signature Verification and was received by the City Clerk on that same day. On August 15, 2025, the City Clerk forwarded the Certificate of Sufficiency to the Proponents; the City Council was also informed of the results of the Registrar's signature verification.

In accordance with Elections Code sections 9114 and 9115, certification of the qualified Referendum petition was presented to the City Council for acceptance on August 26, 2025. Following receipt of a report from the City Clerk, on August 26, 2025, the City Council approved Resolution 23324 accepting the Certificate of Signature Verification related to the Repeal Ordinance.

With the City Council's acceptance of the Certificate of Signature Verification related to the Repeal Ordinance, pursuant to Elections Code section 9241 the City Council is thus presented with options:

1. Repeal the Repeal Ordinance; or
2. Submit the Repeal Ordinance to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the City Council, or at a special election called for that purpose, not less than 88 days after order of the City Council.

Repealing the Repeal Ordinance.

The City Council may choose to repeal the Repeal Ordinance. A draft ordinance to that effect is attached to this Report should the City Council choose that option. The ordinance may be introduced and passed at the September 9, 2025, meeting only upon the unanimous vote of the City Council, otherwise it may be introduced on September, 9, 2025, and may be adopted on September 23, 2025. In either case, the ordinance would not become effective until thirty (30) days after its adoption. (Charter Section 11.3).

Choosing to repeal the Repeal Ordinance would leave the four rent-related ordinances in place and effective thereby ending the referendum process. The City Council would be prohibited by Elections Code section 9241 from reconsidering the Repeal Ordinance for a period of twelve (12) months after adoption of the ordinance. During that period the City Council could, however, make amendments to the four rent-related ordinances.¹

Election Options.

Should the City Council not choose to repeal Ordinance No. 2687, as outlined above, the City Council must submit Ordinance No. 2687 to the voters, either at the next regular municipal election occurring not less than 88 days after the order of the City Council, or at a special election called for the purpose, not less than 88 days after the order of the City Council.

¹ Amendments to one or more of the four rent-related ordinances may be necessary to address issues with enforceability or implementation.

The election on the Referendum could be held on the following dates:

November 3, 2026 General Municipal Election

The City Council may choose to present the Repeal Ordinance to the voters at the next regular municipal election occurring on November 3, 2026, within no less than 88 days after the order of the City Council. The City Council will also need to request consolidation of said election as required by California Elections Code Division 10 which outlines the general provisions and procedures for the conduct of local and consolidated elections. Council will also be asked to consider ordering the election pursuant to California Elections Code section 10002, Salinas City Charter section 3.3, and request that it be consolidated with the regularly scheduled November 3, 2026, General Municipal Election.

June 2, 2026 Statewide Primary Election – Consolidated Special Municipal Election

The City may also submit the Repeal Ordinance to the voters at a special election called for that purpose not less than 88 days after the order of the legislative body. The County of Monterey is conducting a Statewide Primary Election on Tuesday, June 2, 2026. If the City Council decides to submit the Referendum to the voters during the Statewide Primary, the City Council will also need to request for consolidation of said election as required by California Elections Code Division 10.

April 16, 2026 Special Municipal Election – Standalone

The City Council may also submit the Repeal Ordinance to the voters at a special standalone election, called for that purpose not less than 88 days after the date of the order of election in accordance with Elections Code section 1410 and 1000(c). Election Code 1000(c) establishes the second Tuesday of April in each even-numbered year as a potential election date. An election in April is considered a special standalone election as there are no other elections scheduled for April 16, 2026.

Other Tuesday

Election Code section 1003(e) allows elections related to referendum and initiative petitions may be held on a date other than what is provided in Election Code 1000(c), provided that the requirements of Election Code 1100 are met which states that elections cannot be held on a Tuesday before, on or after a state holiday. As such, a standalone election may be held on any Tuesday not earlier than December 6, 2025 (88th day from September 9, 2025).

Should the City Council determine to present Ordinance No. 2687 to the voters, a Resolution to that effect is attached to this Report. City staff will need to return to the City Council with additional action items for consideration related to the election at a later date.

Projected Election Costs.

The City will incur costs associated with submitting Ordinance No. 2687 to the voters, whether that be at the next regular election (November 2026) or at a special election for that purpose.

Election costs are estimated based on historical average election costs including all districts in the county across all election types.

The estimated cost for a general municipal election can range between \$494,445 and \$706,350; \$7 to \$10 per registered voter for a total of 70,635 voters as of September 3, 2025.

The estimated cost for a special election can range between \$1,130,160 and \$1,695,240; \$16 to \$24 per registered voter for a total 70,635 voters as of September 3, 2025.

Attached to this report is guide prepared by the Monterey County Elections Department “Election Cost Estimates” to better understand how election cost range based on historical election costs are calculated and the variables impacting actual cost.

CEQA CONSIDERATION:

Not a Project. The City of Salinas has determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA) (CEQA Guidelines Section 15061(b)(3)). Additionally, the City Council’s adoption of this ordinance is exempt because it does not meet the definition of a “project” under CEQA, pursuant to CEQA Guidelines sections 15060(c)(1) and 15378(a), because it has no potential to result in a direct or reasonably foreseeable physical change in the environment.

CALIFORNIA GOVERNMENT CODE §84308 APPLIES:

No.

STRATEGIC PLAN INITIATIVE:

While not directly aligned with any of the goals or objectives of the City Council’s 2025 Strategic Plan, the City Council’s consideration of options related to the Referendum on the Repeal Ordinance may implicate the City Services goal as it relates to ensuring fiscal responsibility and financial management.

DEPARTMENTAL COORDINATION:

The City’s Administration Department—City Manager and City Clerk—coordinated with the City Attorney on this Report.

FISCAL AND SUSTAINABILITY IMPACT:

Fund	Appropriation	Appropriation Name	Total Appropriation	Amount for recommendation	FY 25-26 Operating Budget Page	Last Budget Action (Date, Resolution)
1000		80.8002- 63.6010- Other Outside Services	0		Unknown	N/A

There is no immediate impact to the City's General Fund associated with the City Council's determination between the two options; however, should the City Council choose to put the Repeal Ordinance to the voters at either the next regular municipal election or a special election, there will be an impact on the City's General Fund as outlined above.

As outlined above, it is important to summarize that the costs would range from \$494,445 to \$1,695,240. It is also important to understand that if the election is scheduled and held before June 30, 2026, a future item would be brought back to the Council to amend the budget to cover the costs. At a minimum, it would use up all the remaining resources available in the Budget Stabilization Contingency Fund (of \$605,714) and would require additional fund balance and/or use of reserves. Should the election be scheduled after July 1, 2026, the costs would be programmed in the FY 2026/27 City Budget.

ATTACHMENTS:

Ordinance

Resolution

Election Cost Estimates

ORDINANCE NO. _____ (N.C.S.)

AN ORDINANCE REPEALING ORDINANCE NO. 2687

WHEREAS, on June 3, 2025, the City Council adopted and the City Clerk attested to the adoption of Ordinance No. 2687 which was to have the effect of repealing Ordinance No. 2663, Ordinance No. 2681, Ordinance No. 2682, and Ordinance No. 2683; and

WHEREAS, prior to Ordinance No. 2687 becoming effective pursuant to Government Code section 36937, within the thirty (30) day period prescribed in Elections Code section 9237, on July 3, 2025, “Protect Salinas Renters 2026” submitted a referendum of Ordinance No. 2687 to the City Clerk; and

WHEREAS, consistent with the obligations imposed upon the City Clerk by Elections Code sections 9239 and 9210, on July 3, 2025, the City Clerk determined that, based solely on a raw count, the number of signatures affixed to the Referendum petition was in excess of the minimum number of signatures required and accepted the Referendum petition for filing; and

WHEREAS, upon the City Clerk’s acceptance of the Referendum petition for filing, the effective date of Ordinance No. 2687 was automatically suspended by operation of law pursuant to Elections Code section 9237; and

WHEREAS, on July 3, 2025, the City Clerk delivered the Referendum petition to the Monterey County Registrar of Voters for a full check and examination of the signatures affixed to the Referendum petition. Based on the Registrar’s determination that valid signatures of more than 10% of the City’s voter registration were present on the Referendum petition, on August 15, 2025, the Registrar issued a Certificate of Signature verification which was received by the City Clerk on that same date. On August 15, 2025, the City Clerk forwarded the Certificate of Sufficiency to the proponents of the referendum and informed the City Council of the results; and

WHEREAS, on August 26, 2025, in accordance with Elections Code sections 9114 and 9115, certification of the qualified Referendum petition was presented to the City Council for acceptance and following receipt of a report from the City Clerk, the City Council approved a Resolution accepting the Certificate of Signature Verification related to the Repeal Ordinance; and

WHEREAS, on September 6, 2025, having accepted the Certificate of Verification related to the referendum of Ordinance No. 2687, the City Council considered the options available to it under Elections Code section 9241 and determined to repeal Ordinance No. 2687.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS, AS FOLLOWS:

SECTION 1. Ordinance No. 2687 is hereby repealed in its entirety.

SECTION 2. All ordinances and parts of ordinances and all resolutions and parts of resolutions in conflict herewith are hereby repealed as of the effective date of this ordinance.

SECTION 3. Publication. The City Clerk shall cause a summary of this ordinance to be published once in a newspaper published and circulated in Salinas within fifteen (15) days after adoption. (Salinas Charter Section 11.9)

SECTION 4. CEQA Compliance. The City Council’s adoption of this ordinance is not a project subject to environmental review under the California Environmental Quality Act (CEQA Guidelines Section 15061(b)(3) because it would not have a significant effect on the environment. Additionally, the City Council’s adoption of this ordinance is exempt because it does not meet the definition of a “project” under CEQA, pursuant to CEQA Guidelines sections 15060(c)(1) and 15378(a), because it has no potential to result in a direct or reasonably foreseeable physical change in the environment.

SECTION 5. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City Council hereby declares that it would have passed this ordinance and each and every section, subsection, clause, and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 6. Effective Date. This ordinance will take effect thirty (30) days from and after its adoption.

INTRODUCED on the 9th day of September, 2025, and ADOPTED the ____ day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis Donohue, Mayor

APPROVED AS TO FORM:

Christopher A. Callihan, City Attorney

ATTEST:

Patricia M. Barajas, City Clerk

RESOLUTION NO. _____ (N.C.S.)

**A RESOLUTION OF THE SALINAS CITY COUNCIL DIRECTING THE CITY CLERK
TO SUBMIT ORDINANCE NO. 2687 TO THE VOTERS OF SALINAS**

WHEREAS, on June 3, 2025, the City Council adopted and the City Clerk attested to the adoption of Ordinance No. 2687 which was to have the effect of repealing Ordinance No. 2663, Ordinance No. 2681, Ordinance No. 2682, and Ordinance No. 2683; and

WHEREAS, prior to Ordinance No. 2687 becoming effective pursuant to Government Code section 36937, within the thirty (30) day period prescribed in Elections Code section 9237, on July 3, 2025, “Protect Salinas Renters 2026” submitted a referendum of Ordinance No. 2687 to the City Clerk; and

WHEREAS, consistent with the obligations imposed upon the City Clerk by Elections Code sections 9239 and 9210, on July 3, 2025, the City Clerk determined that, based solely on a raw count, the number of signatures affixed to the Referendum petition was in excess of the minimum number of signatures required and accepted the Referendum petition for filing; and

WHEREAS, upon the City Clerk’s acceptance of the Referendum petition for filing, the effective date of Ordinance No. 2687 was automatically suspended by operation of law pursuant to Elections Code section 9237; and

WHEREAS, on July 3, 2025, the City Clerk delivered the Referendum petition to the Monterey County Registrar of Voters for a full check and examination of the signatures affixed to the Referendum petition. Based on the Registrar’s determination that valid signatures of more than 10% of the City’s voter registration were present on the Referendum petition, on August 15, 2025, the Registrar issued a Certificate of Signature verification which was received by the City Clerk on that same date. On August 15, 2025, the City Clerk forwarded the Certificate of Sufficiency to the proponents of the referendum and informed the City Council of the results; and

WHEREAS, on August 26, 2025, in accordance with Elections Code sections 9114 and 9115, certification of the qualified Referendum petition was presented to the City Council for acceptance and following receipt of a report from the City Clerk, the City Council approved a Resolution accepting the Certificate of Signature Verification related to the Repeal Ordinance; and

WHEREAS, on September 6, 2025, having accepted the Certificate of Verification related to the referendum of Ordinance No. 2687, the City Council considered the options available to it under Elections Code section 9241 and determined to submit Ordinance No. 2687 to the voters of Salinas at a **special election for that purpose (DATE TBD)/the next regular election (November 2026)**.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF SALINAS that the City Clerk is hereby directed to submit Ordinance No. 2687 to the voters of Salinas at a **special election for that purpose (DATE TBD)/the next regular election (November 2026)** and to return to return to the City Council, as needed, for additional action required to meet the intent of this Resolution and to take whatever additional actions may necessary to meet the intent of this Resolution.

PASSED AND APPROVED this 9th day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Dennis Donohue, Mayor

ATTEST:

Patricia M. Barajas, City Clerk