ITEM 4.A

MOORPARK CITY COUNCIL
AGENDA REPORT

TO: **Honorable City Council**

FROM: **Deborah S. Traffenstedt, Administrative Services Director/City Clerk** DST

DATE: **November 21, 2008 (CC Meeting of 12/3/08)**

SUBJECT: **Consider City Council Resolution Reciting the Fact of the General Municipal Election Held on November 4, 2008, and Declaring the Election Results and Such Other Matters as Required by Law**

BACKGROUND

The City of Moorpark General Municipal Election was held on November 4, 2008. The City Council by adoption of Resolution No. 2008-2729 called the election and requested that the County Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election. City Council Resolution No. 2008-2730 authorized the Board of Supervisors to direct the County Clerk to canvass the election returns of the City's General Municipal Election.

DISCUSSION

The County Clerk is currently scheduled to complete the canvass of the election returns and provide a certification of election results by December 2, and a copy of the County Clerk's certification of the election results will then be incorporated into a revised election certification resolution and provided to the City Council in an addendum staff report. Section 10262 of the State Elections Code requires for a consolidated election that the city elections official (upon receipt of the results of the election from the elections official conducting the election) shall certify the results to the governing body. The City Clerk's certification will accompany the County Clerk's certification to be provided to the City Council for the December 3 regular meeting. Attached to this report is the draft resolution (without the final certifications).

Section 10263 of the Elections Code requires that upon the completion of the canvass and before installing the new officers, the governing body of the city shall adopt a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264. Section 10264 requires that as soon as the result of the election is declared, the elections official of the governing body shall enter on its records a statement of the result, which must show:

(a) The whole number of votes cast in the city.
(b) The names of the persons voted for.
(c) The measures voted upon.
(d) For what office each person was voted for.
(e) The number of votes given at each precinct to each person and for and against each measure.
(f) The number of votes given in the city to each person and for and against each measure.

The final resolution that is intended to be adopted by the City Council on December 3 will recite the fact of the General Municipal Election held on November 4, 2008, and declare the election results and such other matters as required by law.

Section 10265 of the Elections Code requires that the elections official shall immediately sign and deliver to each person elected a certificate of election. The elections official is also required to administer to each person elected the oath of office prescribed in the California Constitution. The certificate of election and the oath requirements will be accomplished at the December 3 meeting.

STAFF RECOMMENDATION

Adopt Resolution No. 2008-____ (as revised to incorporate the certified election results).

Attachment: City Council Draft Resolution

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, AND DECLARING THE ELECTION RESULTS AND SUCH OTHER MATTERS AS REQUIRED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Moorpark, California, on Tuesday, November 4, 2008, as required by law; and

WHEREAS, notice of the election was duly and regularly given in time, form and manner as provided by law, voting precincts were properly established, election officers were appointed, and in all respects, the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the Elections Code of the State of California for holding of elections in cities; and

WHEREAS, pursuant to City Council Resolution No. 2008-2730, adopted June 18, 2008, the County Clerk of Ventura canvassed the returns of the General Municipal Election held for the purpose of electing a Mayor for the full term of two years and electing two (2) Members of the City Council for full terms of four years; and the County Clerk has certified the results to this City Council and the results are received, attached and made a part hereof in Exhibit A; and

WHEREAS, pursuant to Section 10262 of the State Elections Code, the City Clerk's certification of the election results is attached and made a part hereof in Exhibit A.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOORPARK DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That the name of the person voted for at the General Municipal Election for Mayor for the full term of two years is as follows:

Janice S. Parvin

That the names of persons voted for at the General Municipal Election for two Members of the City Council for the full term of four years are in ballot order as follows:

Jose "Joseph" Magdaleno
Keith F. Millhouse
Roseann Mikos
Robert "Bob" Freeman

SECTION 2. That the whole number of precinct votes cast in the City was _____ and the whole number of absentee voter ballots cast was _____, making a total of _____ ballots cast at the Moorpark General Municipal Election.

That the number of votes given at each precinct and the number of votes given in the City to each such person named for the office for which the persons were candidates is as listed in Exhibit A, attached.

The City Council does declare and determine that:

Janice S. Parvin was elected as Mayor of the City Council of the City of Moorpark for a full two-year term; and Keith F. Millhouse and Roseann Mikos were elected as Members of the City Council, each for a full four-year term.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this Resolution and shall enter it into the book of original resolutions.

PASSED AND ADOPTED this 3rd day of December, 2008.

_____
Patrick Hunter, Mayor

ATTEST:

_____
Deborah S. Traffenstedt, City Clerk

Exhibit A: Certificate of the County Clerk
Statement of Votes by Precinct
Official Results Cumulative Totals Report
Certificate of the City Clerk

CERTIFICATE OF THE COUNTY CLERK
(Elections Code Sections 15372 and 10264)

CITY OF MOORPARK GENERAL MUNICIPAL ELECTION
NOVEMBER 4, 2008

TO BE INSERTED

COUNTY OF VENTURA STATEMENT OF VOTE
CONSOLIDATED GENERAL ELECTION
NOVEMBER 4, 2008

TO BE INSERTED

CONSOLIDATED GENERAL ELECTION
NOVEMBER 4, 2008
SUMMARY REPORT
COUNTY OF VENTURA
FINAL – 12/__/2008

TO BE INSERTED

CERTIFICATE OF THE CITY CLERK
Elections Code Section 10262

CITY OF MOORPARK
GENERAL MUNICIPAL ELECTION
November 4, 2008

STATE OF CALIFORNIA)
) ss.
COUNTY OF VENTURA)

I, DEBORAH S. TRAFFENSTEDT, City Clerk of the City of Moorpark, State of California, in compliance with Section 10262 of the Elections Code do hereby certify the results of the City of Moorpark General Municipal Election as provided in the Certificate of the County Clerk of the County of Ventura dated December _, 2008.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this ___ day of December, 2008.

_____
Deborah S. Traffenstedt, City Clerk
City of Moorpark