

**MOORPARK CITY COUNCIL  
AGENDA REPORT****TO: Honorable City Council****FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk** DST**DATE: November 24, 2008 (CC Meeting of 12/3/08)****SUBJECT: Consider Date of Special Election to Fill a Vacancy on the City Council, and a Resolution Calling and Giving Notice of the Holding of a Special Municipal Election for the Election of a Certain Officer of the City and a Resolution Requesting the Board of Supervisors of the County of Ventura to Permit the County Clerk to Render Services to the City of Moorpark for the Special Municipal Election and to Canvass the Returns****BACKGROUND AND DISCUSSION**

At the December 3, 2008, regular City Council meeting, the November 4, 2008, General Municipal Election results are scheduled to be certified. Following that certification and the issuance of the oath of office for the new Mayor, there will be a Councilmember position vacancy, as previously discussed at the City Council meetings on October 8 and November 5, 2008.

Section 2.04.050 of the Municipal Code requires the City Council to fill a vacancy by appointment within 30 days from the commencement of the vacancy. That appointment would be in effect only until the date of a special election (or certification of that election) to fill the remainder of the term. Staff is currently recruiting for an interim City Councilmember position, and there is a separate item on this agenda regarding the interviews to be scheduled for a December 10, 2008, special meeting. The decision that must now be made is the date of the Special Municipal Election. The City Attorney had previously provided the City Council with information regarding potential election dates. If the election is called on December 3, an all mail ballot election could be held as early as April 7, 2009, or another Tuesday in April or May (not following a Monday holiday). The other election date option previously discussed was the regular State designated election date of June 2, 2009.

After researching the potential election dates, staff is recommending the regular election date of June 2, 2009. Reasons for this recommendation include the following:

- If the State determines to hold an election in June (the potential for which is still unknown), the City would benefit from the reduction in our costs due to consolidation. If the State does call an election for June, the City would need to later amend the Council resolution calling the election to request consolidation.
- The County of Ventura Elections staff will be able to provide the election services for a June election, saving a lot of City staff time. The Assistant Registrar of Voters did not rule out their providing election services for an all mail ballot election; however, their response was not as affirmative, and they have not previously conducted an all mail ballot election for a City. Their rough estimate of cost for a June 2 election is \$100,000 or less. Their rough estimate for an all mail ballot election is approximately \$115,000. The reason for the higher cost is the additional postage and the staff time required to proof the signature on every vote-by-mail ballot. For a June 2 election, the County anticipates consolidation of polling places, reducing poll worker costs and supply costs.

Staff also received estimates of private election service provider costs if the City were to run the election for an all mail ballot election. These contract services cost estimates total approximately \$80,000, and that doesn't include the City staff costs. Based on our 2006 special election experience (with staff costs that totaled approximately \$85,000), the additional City staff costs to run our own 2008 special election, in combination with the private consultant costs, would exceed the County's cost estimates. An additional concern is that other City priorities would be impacted by the amount of time staff would need to spend running the special election.

- The filing period for nomination papers and candidate statements for a June 2, 2009, election would be from February 9 to March 6. In comparison, an election the first or second week in April would require the filing period to occur during the Christmas and New Year's holiday weeks (December 15-January 9 for an April 7 election, and December 22-January 16 for an April 14 election), with City Hall currently scheduled to be closed four and one half days during the Christmas and New Year's weeks, and potentially conflicting with vacation schedules and impacting collection of signatures on nomination papers.

The Martin & Chapman election calendars for the election dates of April 12 and June 2, 2009, are attached (see Attachments 1 and 2), and the County's June 2, 2009, election calendar is also attached (see Attachment 3). If the Council determines to have an April 7 or 14, 2009, all mail ballot election, the election resolutions should be adopted at the December 3, 2008, regular meeting (for example, on the attached schedule for the April 14 election, the suggested last date for the Council to adopt the election resolutions is December 8). If the Council determines to have a June 2, 2009 election, the deadline for adopting the resolutions (and filing with the County Clerk) is January 26, 2009.

Honorable City Council  
December 3, 2008, Regular Meeting  
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Attached to this report are the resolutions for calling a June 2009 election. The first resolution attached to this report calls the election (see Attachment 4). The second resolution attached to this report requests that the Board of Supervisors permit the County Clerk to render services in conducting the Municipal General Election (see Attachment 5). If the Council decides to move forward with a different election date, then the attached resolutions would need to be revised to incorporate the selected election date.

### **STAFF RECOMMENDATION**

1. Select date of June 2, 2009, for Special Municipal Election; and
2. Adopt Resolution No. 2008-\_\_\_\_\_ and Resolution No. 2008-\_\_\_\_\_.

#### Attachments:

1. Martin & Chapman April 14, 2009, Election Calendar
2. Martin & Chapman June 2, 2009, Election Calendar
3. County of Ventura June 2, 2009, Election Calendar
4. Draft Resolution Calling Election
5. Draft Resolution Requesting County of Ventura to Provide Election Services

# ATTACHMENT 1

## City Elections General Municipal Election April 14, 2009 Laws in effect in 2008

*(Calendar laws updated 10/2007)*

*Black = Consolidated City*

*Black & blue = Polling Place City*

*Black & blue = Polling Place City*

Date(s)	E minus	to E minus	Action
October 24	-172		Suggested Last Day to File Petitions Regarding Measure
December 8	-127		Suggested Last Day for Council to Adopt Resolutions
December 8 to December 22	-127	-113	Election Official to Publish Notice of Election - Candidates
December 15	-120		Last Day to Adopt Regulations for Candidates Statements
December 22 to January 16 or January 19	-113	-88	Filing Period for Nomination Papers and Candidate's Statements
		-85	<i>(if city is closed on Friday)</i>
December 23	-112		Suggested Last Day to Call Election For Ballot Measures
December 24	-111		Suggested Last Day to Post Notice of Deadline for Filing Arguments
January 6	-98		Suggested Last Day to File Arguments / Must Be 14 days after Council calls Election
January 16	-88		Suggested Last Day to File Rebuttal Arguments / 10 Days after Arguments
January 16	-88		Last Day to Call Election For Ballot Measures
January 16 or January 19	-88	-85	Last Day to File Nomination Papers
January 21	-83		Last Day to File Nomination Papers – Extended Filing Period
January 21	-83		Last Day to Withdraw Measure(s) from Ballot
January 22	-82		Secretary of State to Determine Order of Names on Ballot
January 29	-75		Time to Cancel Election – Insufficient Candidates
January 31			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement
February 12	-61		Suggested Last Day to Designate Polling Places
February 16 to March 31	-57	-14	Filing Period for Write-in Candidate
March 5	-40		Last Day to File Campaign Expenditure Statements - 1st Pre-election Statement
March 16	-29		Last Day to Designate Polling Places & Appoint Precinct Board Members
March 16 to April 7	-29	-7	Voters May Request Vote by Mail Ballots with Regular Applications
March 30	-15		Last Day to Register to Vote
March 31	-14		Last Day to File for Write-in Candidate
March 31	-14		Last Day to Prepare List of Precincts with Multi-lingual Precinct Board Members
April 2	-12		Last Day to File Campaign Expenditure Statements - 2nd Pre-election Statement
April 7	-7		Last Day for Election Official to Publish Notice of Nominees
April 7	-7		Last Day to Publish Notice of Polling Places
April 7	-7		Last Day to Post Notice of Polling Places & Precinct Board Members
April 8 to April 14	-6		Emergency/Late Vote by Mail Voting Period
April 13	-1		Last Day for Council to Adopt Procedures to Resolve Tie Vote
<b>April 14</b>	<b>0</b>		<b>ELECTION DAY</b>
No Later Than May 8	24		Declaration of the Results
April 20 to May 8			<i>(At same meeting as Declaration of Results and Installation)</i> Reorganize Council and Choose Mayor and Mayor Pro Tem
No Later Than May 12	28		Last Day to Post Notice of Precinct Board Members
April 1			Last Day to Submit Report on Measures to Secretary of State
May 20 to June 7			<i>(30 days after Assuming Office)</i> Last Day to File Statement of Economic Interests
July 31			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement

**City Elections**  
**General Municipal Election**  
**June 2, 2009**  
**Laws in effect in 2009**

*(Ordinance laws updated to 2008)*

Date(s)	E minus	to E minus	Action
December 12	-172		Suggested Last Day to File Petitions Regarding Measure
January 26	-127		Suggested Last Day for Council to Adopt Resolutions
January 26 to February 9	-127	-113	Election Official to Publish Notice of Election - Candidates
January 26			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement
February 2	-120		Last Day to Adopt Regulations for Candidates Statements
February 9 to March 6 or March 9	-113	-88	Filing Period for Nomination Papers and Candidate's Statements
		-85	<i>(if city is closed on Friday)</i>
February 10	-112		Suggested Last Day to Call Election For Ballot Measures
February 11	-111		Suggested Last Day to Post Notice of Deadline for Filing Arguments
February 24	-98		Suggested Last Day to File Arguments / Must Be 14 days after Council calls Election
March 6	-88		Suggested Last Day to File Rebuttal Arguments / 10 Days after Arguments
March 6	-88		Last Day to Call Election For Ballot Measures
March 6 or March 9	-88	-85	Last Day to File Nomination Papers
March 11	-83		Last Day to File Nomination Papers – Extended Filing Period
March 11	-83		Last Day to Withdraw Measure(s) from Ballot
March 12	-82		Secretary of State to Determine Order of Names on Ballot
March 19	-75		Time to Cancel Election – Insufficient Candidates
			Last Day to Submit Report on Measures to Secretary of State
April 2	-61		Last Day to Submit Precinct Consolidations to County
April 2	-61		Suggested Last Day to Designate Polling Places
April 2	-61		Suggested Last Day To Request Postage Check for Mailing of Sample Ballot Pamphlets
April 6 to May 19	-57	-14	Filing Period for Write-in Candidate
April 23	-40		Last Day to File Campaign Expenditure Statements - 1st Pre-election Statement
May 4	-29		Last Day to Designate Polling Places & Appoint Precinct Board Members
May 4	-29		First Day to Mail out Permanent Vote-by-Mail Voter Ballots
May 4 to May 26	-29	-7	Voters May Request Vote-by-Mail Ballots with Regular Applications
May 12	-21		Last Day to Mail Sample Ballots and Polling Place Notices
May 18	-15		Last Day to Register to Vote
May 19	-14		Last Day to File for Write-in Candidate
May 19	-14		Last Day to Prepare List of Precincts with Multi-lingual Precinct Board Members
May 21	-12		Last Day to File Campaign Expenditure Statements - 2nd Pre-election Statement
May 22	-11		First Day to Process Returned/Voted Vote-by-Mail Voter Ballots
May 23	-10		Publish Notice of Central Counting Place
May 26	-7		Last Day for Election Official to Publish Notice of Nominees
May 26	-7		Last Day to Publish Notice of Polling Places
May 26	-7		Last Day to Post Notice of Polling Places & Precinct Board Members
May 27 to June 2	-6		Emergency/Late Vote-by-Mail Voting Period
May 29	-4		Last Day to Post Notice – Vote-by-Mail Canvass
May 29	-4		Suggested Last Day to Post Notice of Manual Tally
June 1	-1		Last Day for Council to Adopt Procedures to Resolve Tie Vote
<b>June 2</b>	0		<b>ELECTION DAY</b>
June 2	0		Last Day to Receive Vote-by-Mail Voter Ballots
June 2	0		Election Official to Canvass Vote-by-Mail Voter Ballots
No Later Than June 26	24		Election Official to Canvass the Returns
No Later Than June 26	24		Declaration of the Results
June 8 to June 26			Reorganize Council and Choose Mayor and Mayor Pro Tem
			<i>(At same meeting as Declaration of Results and Installation)</i>
No Later Than June 30	28		Last Day to Post Notice of Precinct Board Members
July 8 to July 26			<i>(30 days after Assuming Office)</i> Last Day to File Statement of Economic Interests
			Last Day to File Campaign Expenditure Statements - Semi-Annual Statement

## County of Ventura Elections Division Calendar of Election June 2, 2009

December 12, 2008 (E - 172 days)	Last day to file petitions regarding measures and/or initiatives.
January 26, 2009 (E - 127 days)	Last day to request consolidation by delivering resolution for cities, schools and special districts for offices to be filled.
February 2, 2009 (E - 120 days)	Publish Notice of Election.
February 9, 2009 (E - 113 days)	Last day to request consolidation for measures by delivering resolutions from cities, schools and special districts, including ballot question text.
February 9, 2009 (E - 113 days)	Nomination period begins.
February 16, 2009 (E - 106 days)	Exact wording of measure, tax rate statement, and full text due to County Elections Office.
February 16, 2009 (E - 106 days)	Newspaper publication of Notice of Election and Synopsis of Measures with dates of Arguments/Rebuttals. (Public examination opens for 10 days immediately upon receipt of documents.)
February 17, 2009 (E - 105 days)	Measures to County Counsel (or City Attorney) for Impartial Analysis and Ballot Label.
Feb. 17 - 25, 2009 (E - 105-97 days)	Arguments filing period. Public exam Feb. 26 through March 7.
Feb. 26 - March 6, 2009 (E - 96-88 days)	Rebuttals filing period. Public exam March 7 through 16. 2008
March 6, 2009 (E - 88 days)	Last day of nomination period.
March 7 - 11, 2009 (E - 87 - 83 days)	Extension of nomination period.
March 12, 2009 (E - 82 days)	Random alpha drawing for names appearing on the ballot.
March 20, 2009 (E - 74 days)	Sample Ballot pages to printers.
April 23, 2009 (E - 40 days)	Mail Sample Ballots to voters.

**NOTE:** Resolutions requesting consolidation for measures received after February 9 will have shortened and/or NO Argument/Rebuttal periods.

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 2, 2009, FOR THE ELECTION OF A CERTAIN OFFICER OF THE CITY TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND THE CITY MUNICIPAL CODE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Special Municipal Election shall be held on June 2, 2009, for the election of a Municipal Officer.

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

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Moorpark, California, on Tuesday, June 2, 2009, a Special Municipal Election for the purpose of electing one member of the City Council to fill a Councilmember vacancy for a term to expire in November 2010.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day, when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 6. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give such further or additional notice of the election, in time, form, and manner required by law.

SECTION 8. That the City Clerk of the City of Moorpark is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Clerk of the County of Ventura.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

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

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Janice S. Parvin, Mayor

ATTEST:

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Deborah S. Traffenstedt, City Clerk

RESOLUTION NO. 2008-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA TO PERMIT THE COUNTY CLERK TO RENDER SERVICES TO THE CITY OF MOORPARK RELATED TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON JUNE 2, 2009, AND TO CANVASS THE RETURNS OF THE SPECIAL MUNICIPAL ELECTION

WHEREAS, a Special Municipal Election is to be held in the City of Moorpark, California, on June 2, 2009, for the purpose of electing a certain officer of the City to fill a vacancy on the City Council; and

WHEREAS, pursuant to Section 10002 of the Elections Code, the City of Moorpark wishes to have the County Clerk of Ventura County render specified services to the City relating to the conduct of the election; and

WHEREAS, the City of Moorpark authorizes the Board of Supervisors of Ventura County to direct the County Clerk to canvass the election returns of the Special Municipal Election to be held in the City of Moorpark on June 2, 2009.

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

SECTION 1. That pursuant to the Elections Code, the Board of Supervisors is requested to permit the County Clerk to render services with respect to the conduct of the Special Municipal Election, as shown on Exhibit A, attached hereto and made a part hereof; and that any and all other such services be rendered as may be necessary to complete the election.

SECTION 2. That the County Clerk of said County is hereby authorized to canvass the returns of said Special Municipal Election.

SECTION 3. That the City of Moorpark recognizes that additional costs will be incurred by the County by reason of these services being rendered, and agrees to reimburse the County for any such costs.

SECTION 4. That the City Clerk of the City of Moorpark is hereby directed to file a certified copy of this Resolution with the Board of Supervisors of the County of Ventura.

SECTION 5. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

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

\_\_\_\_\_  
Janice S. Parvin, Mayor

ATTEST:

\_\_\_\_\_  
Deborah S. Traffenstedt, City Clerk

Attachment: Exhibit A – Request for Specified Election Services

**EXHIBIT A**

**VENTURA COUNTY  
REQUEST FOR SPECIFIED ELECTION SERVICES**

TO: PHILIP J. SCHMIT, Ventura County Clerk and Recorder

FROM: MOORPARK DEBORAH S. TRAFFENSTEDT  
(City) (City Clerk)

ELECTION: SPECIAL MUNICIPAL DATE: June 2, 2009

**ITEM #1 PUBLICATIONS**

- X A. County elections official is requested to publish: Notice of Election of Measure, Offices, Nominees, Elections Officers and Polling Places.  
\_\_\_\_\_ B. City will publish.

**ITEM #2 CANDIDATE & MEASURE FORMS**

\_\_\_\_\_ County elections to provide one master set for copying.

**ITEM #3 CANDIDATE & MEASURE/INITIATIVE PROPONENT FILINGS**

- \_\_\_\_\_ County elections will check nomination petition signatures.  
\_\_\_\_\_ County elections to serve as filing official for all Measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.  
\_\_\_\_\_ A. City to be billed for costs of handling and printing of all measure materials. Pursuant to Elections Code Section 10002, City agrees to reimburse county elections official in full for the services performed upon presentation of a bill.  
\_\_\_\_\_ County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.  
\_\_\_\_\_ A. Random sample of 500 signatures.  
\_\_\_\_\_ B. Full check of all signatures submitted.

**ITEM #4 CANDIDATE STATEMENT**

- X A. Maximum number of words permitted for the Candidate's Statement will be 200 words.



**VOTE BY MAIL BALLOTS** – County elections official will handle all vote by mail ballots, including the checking of applications and ballot mailing. Applications and envelopes will be provided to City Clerks.

**POLLING PLACES/PRECINCTS ASSIGNMENTS** - County elections official will determine the number of polling places.

The undersigned requests the above election services to be performed by the County Elections Official, and pursuant to Elections Code Section 10002, agrees to reimburse the County in full for services requested upon presentation of a bill.

Name of City,  
School District,  
or Special District:: City of Moorpark

Signature & Title: \_\_\_\_\_ City Clerk

Date: December 4, 2008