

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: November 30, 2006 (CC Meeting of 12/6/06)

SUBJECT: Consider City Council Resolution Reciting the Fact of the General Municipal Election Held on November 7, 2006, 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 7, 2006. The City Council by adoption of Resolution No. 2006-2491 requested that the County Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election. City Council Resolution No. 2006-2492 authorized the Board of Supervisors to direct the County Clerk to canvass the election returns of the City's General Municipal Election.

DISCUSSION

As required by State law, the County Clerk will complete the canvass of the election returns by December 5, and a copy of the County Clerk's certification of the election results will be provided to the City Council on December 5 and then included as an exhibit to the final City Council's resolution declaring the election results (draft resolution is attached). 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 on December 5.

The attached draft resolution and the agenda for the December 6 regular meeting were prepared based on the unofficial election results last posted by the County as of November 24, 2006 (at which time 5,200 provisional ballots had yet to be counted for the entire County). An update of the election results is expected to be posted by the County on its Home Page on December 1, and County staff will then complete the election certification by December 5. A revised City Council election resolution will then be prepared, delivered to the City Council, and posted on the City Home Page on December 5. The final resolution that will be adopted by the City Council on December 6 will recite the fact of the General Municipal Election held on November 7, 2006, and declare the election results and such other matters as required by law.

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.

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 6 meeting.

STAFF RECOMMENDATION

Adopt Resolution No. 2006-____ (as revised on December 5, 2006).

Attachment: City Council Draft Resolution

RESOLUTION NO. 2006-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 7, 2006, 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 7, 2006, 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. 2006-2492, adopted June 21, 2006, 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 as "Exhibit A."

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:

Patrick Hunter

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:

Theresa Hagman Lawson
Bob Peskay
Janice S. Parvin
Mark Van Dam

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:

Patrick Hunter was elected as Mayor of the City Council of the City of Moorpark, for a full two-year term; and Janice S. Parvin and Mark Van Dam 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 6th day of December, 2006.

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