

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council
FROM: Deborah S. Traffenstedt, Administrative Services Director/City Clerk *DST*
DATE: March 9, 2006 (CC Meeting of 3/15/06)
SUBJECT: Consider City Council Resolution Reciting the Fact of the Special Municipal Election Held on February 28, 2006, and Declaring the Results and Such Other Matters as Provided by Law

BACKGROUND

The City of Moorpark Special Municipal Election was held on February 28, 2006. The City Council by adoption of Resolution No. 2005-2399 on October 5, 2005, called the Special Election and authorized the City Clerk to canvass the election returns.

DISCUSSION

The City Clerk has completed the canvass of the election returns, and the City Clerk's certification of the election results (Certificate of Canvass) is included as an exhibit to the attached draft City Council resolution. Section 10262 of the State Elections Code requires that the city elections official, upon completion of the canvass shall certify the results to the governing body, which shall no later than the fourth Friday after the election, comply with the applicable provisions of Section 10263 of the State Elections Code.

Section 10263 of the Elections Code requires that upon the completion of the canvass, 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 of the Elections Code 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. The statement shall 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.

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The attached City Council resolution recites the fact of the Special Municipal Election held on February 28, 2006, and declares the election results and such other matters as required by law.

STAFF RECOMMENDATION

Adopt Resolution No. 2006-_____.

Attachment: City Council Draft Resolution including City Clerk's Certificate of Canvass (Exhibit A) and Official Election Summary Report (Exhibit B)

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RESOLUTION NO. 2006-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD ON FEBRUARY 28, 2006, AND DECLARING THE RESULTS AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a Special Municipal Election was held and conducted in the City of Moorpark, California, on Tuesday, February 28, 2006, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law, that voting precincts were properly established, that election officers were appointed, and that 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 provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to City Council Resolution No. 2005-2399, adopted October 5, 2005, the City Clerk of the City of Moorpark canvassed the returns of the Special Municipal Election held for the purpose of consideration of a certain ballot measure; and the City Clerk has certified the results to this City Council and the results are received, attached, and made a part hereof as "Exhibit A";

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

SECTION 1. The following information and attached Exhibits A and B of this resolution are provided in compliance with Section 10264 of the Elections Code:

(1) That the measure voted upon at the Special Municipal Election held on February 28, 2006, is Measure A6, and the ballot question is as follows:

Shall the Ordinance approving the North Park Village and Nature Preserve Plan on 3,544 acres, including a General Plan Amendment, Specific Plan, Zone Change and Development Agreement, which together: amend the CURB Boundary; prohibit development on 434 acres of open space and a 2,160-acre nature preserve; permit 1,680 homes, a recreational lake, and 70,000 square feet of commercial buildings; and fund new schools, parks, and a fire station, among other things, be adopted?

(2) That the whole number of votes cast in the City is 8,091 (includes Precinct, Absent Voter, and Provisional ballots);

(3) That the whole number of Absent Voter ballots cast in the City is 3,789 and the whole number of Provisional ballots cast in the City is 302, making a total of 4,091 Absent Voter and Provisional ballots cast in the City;

(4) That the number of votes given at each precinct for and against Measure A6 is included in Exhibit A of this resolution; and

(5) The whole number of votes given in the City for Measure A6 is 1,986 (Yes votes), and the number of votes given in the City against Measure A6 is 6,099 (No votes).

SECTION 3. The City Council does declare and determine that:

As a result of the Special Municipal Election on February 28, 2006, a majority of the voters did not vote in favor of Measure A6, and that Measure A6 was not carried and shall not be deemed adopted and ratified.

SECTION 4. That the City Clerk shall enter on the records of the City Council of the City of Moorpark a statement of the results of the Special Election showing the information required by Section 10264 of the Elections Code.

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 15th day of March, 2006.

Patrick Hunter, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

Exhibit A: City Clerk's Certificate of Canvass and Official Election Summary Report
Exhibit B: Official Election Summary Report

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EXHIBIT "A"
CITY CLERK'S CERTIFICATE OF CANVASS

I, Deborah S. Traffenstedt, City Clerk of the City of Moorpark, State of California, do certify that I have canvassed the returns of the Special Municipal Election held on February 28, 2006, and find that the number of votes given at each precinct and the number of votes for (YES) and against (NO) Measure A6 were as follows:

PRECINCT NUMBERS	MEASURE A-6		Blank Voted	Over Voted	REGISTERED VOTERS	TOTAL VOTES (BALLOTS) CAST
	YES	NO				
Precinct 401	58	170	0	0	863	228
Precinct 402	67	284	0	0	1,298	351
Precinct 403/404*	27	127	0	0	1,030	154
Precinct 405/407*	118	304	0	0	1,963	422
Precinct 406	104	538	1	1	2,234	644
Precinct 408	60	299	0	0	1,710	359
Precinct 409	103	411	0	0	1,625	514
Precinct 413	171	575	0	1	3,099	747
Precinct 414	129	452	0	0	2,730	581
Absent Voter (Mailed)	981	2,513	2	1		3,497
Absent Voter (Polls)	89	203	0	0		292
Provisional	79	223	0	0		302
TOTALS:	1,986	6,099	3	3	16,552	8,091

* Consolidated Precincts

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 10th day of March, 2006.

Deborah S. Traffenstedt
Deborah S. Traffenstedt, City Clerk
City of Moorpark



EXHIBIT "B"

OFFICIAL ELECTION SUMMARY REPORT

**CITY OF MOORPARK
SPECIAL MUNICIPAL ELECTION
FEBRUARY 28, 2006**

City Ordinance Measure A6

YES Votes: 1,986 (24.5%)
NO Votes: 6,099 (75.4%)

Blank Voted Ballots: 3
Over Voted Ballots: 3

Precincts: 9
Citywide Registration: 16,552
Absent Voter Turnout: 3,789 (22.9%)
Precinct Turnout: 4,302 (26.0%)
Overall Voter Turnout: 8,091 (48.9%)