

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

DATE: February 26, 2009 (CC Meeting of 3/4/09)

SUBJECT: Consider: 1) Resolution Amending Resolution No. 2008-2775 Calling and Giving Notice of the Holding of a Special Municipal Election for the Election of a Certain Officer of the City to Change the Election Date from June 2 to May 19, 2009, and to Request Consolidation with the Statewide Special Election; 2) Resolution Amending Resolution No. 2008-2776 Requesting the Board of Supervisors of the County of Ventura to Permit the County Clerk to Render Services and Canvass the Returns for the Special Municipal Election to Change the Election Date; and 3) Change in Appointment Term for Interim City Councilmember to End Upon Certification of Election Results for May 19, 2009, Special Election

BACKGROUND AND DISCUSSION

On December 3, 2008, the City Council adopted two resolutions that called a Special Municipal Election for June 2, 2009, and requested the County of Ventura to provide the election services. On February 20, 2009, the Governor of California signed Senate Bill 19, which legislation calls for a Statewide Special Election to be held on May 19, 2009. The City is permitted by Senate Bill 19 to change our election date so as to permit consolidation with the State election. Changing the City's election date to coincide with the State election should result in significant cost savings. Staff has attached to this report (Attachment 1) a copy of the County of Ventura election calendar for the May 19 special election. The last day to request consolidation with the Statewide Special Election is March 6. The candidate filing period is not shown on the attached calendar, but will remain the same as the time period for the June 2 election date (through March 6 with an extension through March 11 if the incumbent does not file). Any election forms filed before the change in election date will not need to be revised; the County would just make the change in date automatically upon receipt of the attached resolutions. Staff would make the change in election date for any election papers distributed after the March 4 meeting, if the attached resolutions are adopted. Staff will also distribute the new election calendar to all persons that have pulled election papers.

Attached to this report are two resolutions that will amend the prior election resolutions adopted by the City Council. The first resolution attached to this report amends the date of the election and requests consolidation with the State election (see Attachment 2). The

second resolution attached to this report amends the election date in the prior resolution requesting that the Board of Supervisors permit the County Clerk to render services in conducting the Special Election (see Attachment 3). If adopted, staff would publish a new election notice to advise the residents of the change, and this information will also be included on the City's website and Channel 10.

On December 10, 2008, the City Council appointed Gary Lowenberg as interim City Councilmember with a term ending upon certification of the election results of a June 2, 2009, special election. If the Council decides to approve the change in election date, the term of appointment should be revised to coincide with the certification of the May 19, 2009, special election results.

The City Attorney has been consulted and concurs with the staff recommendation.

FISCAL IMPACT

Changing the Special Municipal Election date to May 19, 2009, to permit consolidation with the Statewide Special Election is expected to save the City money. The exact savings is not yet known. The County of Ventura had originally estimated that a stand-alone special election would cost the City over \$100,000. The cost for election services for the General Municipal Election in November 2008 was approximately \$11,062. By consolidating, the City's cost for the May 19 election should be closer to the cost of the November 2008 election.

STAFF RECOMMENDATION

1. Adopt Resolution No. 2009-____ amending Resolution No. 2008-2775;
2. Adopt Resolution No. 2009-____ amending Resolution No. 2008-2776; and
3. Approve a change in appointment term for interim City Councilmember Gary Lowenberg to end upon certification of the election results for the May 19, 2009, Special Election.

Attachments:

1. County of Ventura May 19, 2009, Election Calendar
2. Draft Resolution Amending Resolution No. 2008-2775
3. Draft Resolution Amending Resolution No. 2008-2776

**County of Ventura Elections Division
Calendar of Election
May 19, 2009**

Feb. 26, 2009 (E - 82 days)	Random alpha drawing for names appearing on the ballot.
March 6, 2009 (E - 74 days)	Last day to request consolidation with the Special Statewide Election. Resolution regarding a measure must be submitted to the Elections Division by 5:00 p.m. on March 6, 2009. If you wish to have the full text printed in the sample ballot pamphlet, the Elections Division will need to have the full text by March 6.
March 6, 2009 (E - 74 days)	Last day for Elections Division to receive the Direct Argument in Favor, the Direct Argument Against, and the City Attorney's Impartial Analysis.
March 10, 2009 (E - 70 days)	Newspaper publication of Notice of Election and Synopsis of Measures with dates of Arguments/Rebuttals.
March 7 - 16 2009 (E - 73 - 64 days)	Arguments public exam
March 16, 2009 (E - 64 days)	Last day for Rebuttal Arguments to be submitted to the Elections Division.
March 17-26, 2009 (E - 63 - 54 days)	Public exam for Rebuttal Arguments.
March 16, 2009 (E - 64 days)	Sample Ballot pages to printers.
April 9, 2009 (E - 40 days)	Mail Sample Ballots to voters.
April 20, 2009 (E - 29 days)	First day Vote By Mail ballots are available.
May 4, 2009 (E - 15 days)	Last day to register to vote.
May 12, 2009 (E - 7 days)	Last day to apply for a regular Vote By Mail ballot.
May 19, 2009 (E - 0 days)	Election Day. Polls open 7 a.m. to 8 p.m.
May 20, 2009 (E + 1 days)	Official Canvass begins.
June 16, 2009 (E + 28 days)	Election results certified on or before this date.

RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING RESOLUTION NO. 2008-2775 TO REVISE THE SPECIAL MUNICIPAL ELECTION DATE FROM TUESDAY, JUNE 2, 2009, TO TUESDAY, MAY 19, 2009, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA TO CONSOLIDATE SAID SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE SPECIAL ELECTION ON SAID DATE PURSUANT TO THE STATE ELECTIONS CODE AND SENATE BILL 19 APPROVED FEBRUARY 20, 2009

WHEREAS, pursuant to the requirements of the laws of the State of California relating to General Law Cities, Resolution No. 2008-2775 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 for a term to expire in November 2010; and

WHEREAS, on February 20, 2009, Senate Bill 19 was approved, which calls for a Statewide Special Election to be held on May 19, 2009; and

WHEREAS, Senate Bill 19 permits the City to consolidate its Special Municipal Election with the Statewide Special Election, and the City Council has determined to change the date of the City's Special Municipal Election from June 2, 2009, to May 19, 2009, and request consolidation with the Statewide Special Election.

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

SECTION 1. Resolution No. 2008-2775 is hereby amended to change the date of the City's Special Municipal Election from June 2, 2009, to May 19, 2009, and to include a request that the Board of Supervisors of the County of Ventura consent and agree to the consolidation of said Special Municipal Election with the Statewide Special Election on Tuesday, May 19, 2009.

SECTION 2. That all other provisions of Resolution No. 2008-2775 shall remain in effect and are not modified by this resolution.

SECTION 3. 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 4. 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 5. 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 6. 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 4th day of March, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

RESOLUTION NO. 2009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, AMENDING RESOLUTION NO. 2008-2776 TO REVISE THE SPECIAL MUNICIPAL ELECTION DATE FROM TUESDAY, JUNE 2, 2009, TO TUESDAY, MAY 19, 2009

WHEREAS, pursuant to Section 10002 of the Elections Code, on December 3, 2008, the Moorpark City Council adopted Resolution No. 2008-2776 requesting the County Clerk of Ventura County to render specified services to the City relating to the conduct of a Special Municipal Election on June 2, 2009 and canvass of election returns; and

WHEREAS, on February 20, 2009, Senate Bill 19 was approved, which calls for a Statewide Special Election to be held on May 19, 2009; and

WHEREAS, Senate Bill 19 permits the City to consolidate its Special Municipal Election with the Statewide Special Election, and the City Council has determined to change the date of the City's Special Municipal Election from June 2, 2009, to May 19, 2009, and request consolidation with the Statewide Special Election.

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

SECTION 1. Resolution No. 2008-2776 is hereby amended to change the date of the City's Special Municipal Election from June 2, 2009, to May 19, 2009, and all other provisions of Resolution No. 2008-2776 shall remain in effect and are not modified by this resolution.

SECTION 2. 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 3. 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 4th day of March, 2009.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk