

**MOORPARK CITY COUNCIL  
AGENDA REPORT**

**TO:** Honorable City Council

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

**DATE:** May 27, 2009 (CC Meeting of 6/3/09)

**SUBJECT:** Consider City Council Resolution Reciting the Fact of the Special Municipal Election Held on May 19, 2009, and Declaring the Election Results and Such Other Matters as Required by Law

**BACKGROUND**

The City of Moorpark Special Municipal Election was held on May 19, 2009. The City Council by adoption of Resolution No. 2009-2797 called the election and requested that the County Board of Supervisors consolidate the City's Special Municipal Election with the Statewide Special Election. City Council Resolution No. 2009-2798 authorized the Board of Supervisors to direct the County Clerk to canvass the election returns of the City's Special 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 June 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 June 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 June 3 will recite the fact of the Special Municipal Election held on May 19, 2009, 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 June 3 meeting.

**STAFF RECOMMENDATION**

Adopt Resolution No. 2009-\_\_\_\_ (as revised to incorporate the certified election results).

Attachment: City Council Draft Resolution

RESOLUTION NO. 2009-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, RECITING THE FACT OF THE SPECIAL MUNICIPAL ELECTION HELD ON MAY 19, 2009, AND DECLARING THE ELECTION RESULTS AND SUCH OTHER MATTERS AS REQUIRED BY LAW

WHEREAS, a Special Municipal Election was held and conducted in the City of Moorpark, California, on Tuesday, May 19, 2009, 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. 2008-2776, adopted December 3, 2008, the County Clerk of Ventura canvassed the returns of the General Municipal Election held for the purpose of electing one member of the City Council for a term to expire in November 2010; 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 names of persons voted for at the Special Municipal Election for one member of the City Council for a term to expire in November 2010 are in ballot order as follows:

Nathan Sweet  
David Pollock  
Thomas Pflaumer  
Jonathon Miller  
Jose "Joseph" Magdaleno  
James K. Hoffman III  
David K. Bagwell

SECTION 2. That the whole number of precinct votes cast in the City was \_\_\_\_\_ and the whole number of vote by mail ballots cast was \_\_\_\_\_, making a total of \_\_\_\_\_ ballots cast at the Moorpark Special 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 in Section 1 of this resolution for the office for which the persons were candidates is as listed in attached Exhibit A.

SECTION 3. The City Council does hereby declare and determine that: David Pollock was elected a Member of the City Council, for a term to expire in November 2010.

SECTION 4. 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 June, 2009.

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Janice S. Parvin, Mayor

ATTEST:

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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 SPECIAL MUNICIPAL ELECTION  
MAY 19, 2009

COUNTY OF VENTURA STATEMENT OF VOTE  
CONSOLIDATED SPECIAL ELECTION  
MAY 19, 2009

CONSOLIDATED SPECIAL ELECTION  
MAY 19, 2009  
SUMMARY REPORT  
COUNTY OF VENTURA FINAL – \_\_ / \_\_ / 2009

