

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

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

BY: Maureen Benson, Assistant City Clerk *mb*

DATE: June 7, 2010 (CC Meeting of 6/16/10)

SUBJECT: Consider Election Resolutions: 1) Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements, Determining Resolution of Tie Votes Pursuant to State Elections Code Section 15651(a), and Rescinding Resolution No. 98-1476; 2) Resolution Calling and Giving Notice of the Holding of the General Municipal Election to be Held on Tuesday, November 2, 2010, for the Election of Certain Officers of the City and Requesting the Board of Supervisors of the County of Ventura to Consolidate said Municipal Election with the Statewide General Election on said Date; and 3) 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 General Municipal Election and to Canvass the Returns of the General Municipal Election

DISCUSSION

Section 15651 of the State Elections Code requires that tie votes shall be determined by lot and that a special runoff election shall be held only if the legislative body chooses to adopt the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in the tie vote. The County of Ventura is requesting that the Moorpark City Council provide its direction regarding whether a tie vote for the City's General Municipal Election should be determined by lot or a special runoff election, with this determination to be provided along with the resolution calling the election and the completed request for the County to provide election services for the November 2, 2010, General Municipal Election. Given the cost of a special runoff election, staff is recommending that the City Council adopt its decision pertaining to Section 15651 of the Elections Code by incorporating the determination that tie votes shall be determined by lot into the standard election resolution that currently also includes the Regulations for Candidates for Elective Office Pertaining to Candidates' Statements (currently these Regulations are contained in Resolution No. 98-1476). Staff is recommending rescinding Resolution No. 98-1476 and combining the

Regulations for Candidates for Elective Office Pertaining to Candidates' Statements and the Elections Code Section 15651(a) determination for resolving a tie vote by lot into a new resolution (see draft resolution included as Attachment 1).

The General Municipal Election is scheduled for November 2, 2010, for the purpose of electing a Mayor and two members of the City Council. To request consolidation with the Statewide General Election to be held on the same day, the City Council must adopt a resolution calling the General Municipal Election and file a request with the County Board of Supervisors for consolidation (see draft resolution included as Attachment 2).

In conjunction with the calling of the Municipal General Election, and pursuant to Section 10002 of the Elections Code, the City can request that the Board of Supervisors permit the County Clerk to render services in conducting the Municipal General Election (see draft resolution included as Attachment 3).

The County's election calendar for the November 2 election identifies that the last day for the City Council to file with the County Board of Supervisors (with copy to the County Clerk) a Council resolution requesting consolidation of Municipal Election is June 28, 2010.

The candidate filing period for the November 2, 2010, General Municipal Election begins July 12 and ends at 5:00 p.m. on August 6. If an incumbent does not run for reelection, the filing period for that Council position would be extended to 5:00 p.m. on August 11.

STAFF RECOMMENDATION

Adopt Election Resolutions Nos. 2010-____, 2010-____, and 2010-_____.

Attachments: Draft Resolutions (3)

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION; DETERMINING RESOLUTION OF TIE VOTES PURSUANT TO STATE ELECTIONS CODE SECTION 15651(a); AND RESCINDING RESOLUTION NO. 98-1476

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a Municipal Election, including cost of the candidate's statement; and

WHEREAS, Section 15651(a) of the Elections Code provides if two or more persons receive an equal and the highest number of votes for an office to be voted for, the determination of tie votes will be determined by lot and that a special runoff election shall be held only if the City Council chooses to adopt the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in the tie vote; and

WHEREAS, the City Council has determined that resolution of a tie vote by lot is preferred pursuant to the provisions of Section 15651(a) of the Elections Code.

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

SECTION 1. CANDIDATE STATEMENT GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an election to be held in the City of Moorpark may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education, and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE AND PAYMENT POLICY. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language pursuant to the Federal Voting Rights Act of 1965, as amended, and applicable State law. The candidate shall be required to pay for the cost of printing the candidate's statement in English and in any required foreign language in the voter's pamphlet. The City Clerk shall estimate the total cost of translating, printing, handling, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the federal Voting Rights Act, and require each candidate filing a statement to pay in advance to the City his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election or after receipt of the election services provider billing.

SECTION 3. ADDITIONAL MATERIALS NOT PERMITTED. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 4. TIE VOTE. If at any election, two or more candidates receive an equal and the highest number of votes for an office, a tie vote shall be determined and resolved by lot pursuant to Section 15651(a) of the Elections Code of the State of California.

SECTION 5. CANDIDATES TO RECEIVE COPY OF RESOLUTION. That the City Clerk shall provide each candidate, or the candidate's representative, a copy of this resolution at the time nominating petitions are issued.

SECTION 6. That Resolution No. 98-1476, which previously established regulations for candidates for elective office pertaining to candidates statements, is hereby rescinded.

SECTION 7. That this resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 8. 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 16th day of June, 2010.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

RESOLUTION NO. 2010-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MOORPARK, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES; AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF VENTURA TO CONSOLIDATE SAID MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION ON SAID DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 2, 2010, for the election of Municipal Officers.

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, November 2, 2010, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years and two (2) Members of the City Council for the full term of four (4) years.

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 4. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Ventura is hereby requested to consent and agree to the consolidation of said Municipal Election with the Statewide General Election on Tuesday, November 2, 2010.

SECTION 5. That pursuant to the provisions of Elections Code Section 15651(a), a tie vote shall be resolved and determined by lot.

SECTION 6. That said Board of Supervisors is hereby requested to issue instructions to the County Clerk to take any and all steps necessary for the holding of said consolidated election.

SECTION 7. 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 8. 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 9. 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 10. 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 16th day of June, 2010.

Janice S. Parvin, Mayor

ATTEST:

Deborah S. Traffenstedt, City Clerk

RESOLUTION NO. 2010-_____

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 GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, AND TO CANVASS THE RETURNS OF THE GENERAL MUNICIPAL ELECTION

WHEREAS, a General Municipal Election is to be held in the City of Moorpark, California, on November 2, 2010, for the purpose of electing certain officers of the City; and

WHEREAS, pursuant to Section 10002 of the Elections Code of the State of California, 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 General Municipal Election to be held in the City of Moorpark on November 2, 2010.

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 General 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 General 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 16th day of June, 2010.

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: JAMES B. BECKER, Assistant County Clerk and Recorder

FROM: MOORPARK _____
City Name Signature of Authorization

ELECTION: GENERAL MUNICIPAL _____ DATE: November 2, 2010

ITEM #1 PUBLICATIONS

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

ITEM #2 CANDIDATE FORMS

_____ County elections to provide one master set for copying.

ITEM #3 CANDIDATE FILINGS

X County elections will check nomination petition signatures.

ITEM #4 CANDIDATE STATEMENT

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

X A. City to be billed for pro-rata cost of handling and printing Candidate Statements. Pursuant to Elections Code Section 10002, City agrees to reimburse County elections official in full for the services performed upon presentation of a bill.

ITEM #5 CAMPAIGN REPORTING MATERIALS

_____ County elections official to furnish one master set for copying.

ITEM #6 CANDIDATE CERTIFICATES AND OATHS OF OFFICE

- _____ A. County elections official is requested to furnish Certificates and Oaths of Office.
 - 1. _____ Blank forms only - number requested _____.
 - 2. _____ Forms filled in appropriately - number requested _____.
- X B. City will furnish Certificates and Oaths of Office.

ITEM #7 ELECTION DAY VOTER INFORMATION

- X CD of registered voters and a list of polling places.

ITEM #8 ELECTION NIGHT RESULTS

- X On-line results
- X FAX to 805-532-2525
Fax number to be used

Listed below are additional services provided only by the County for each election:

SPANISH TRANSLATIONS - County elections official will arrange for all translations pursuant to Elections Code Section 13307.

PRINTING OF SAMPLE BALLOTS - County elections official will arrange for all printing of Candidates Statements and arguments/analyses in the Sample Ballot for each election.

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 the City Clerk.

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: City of Moorpark

Signature & Title: _____ City Clerk

Date: June 17, 2010