

ITEM 9.B.

MOORPARK CITY COUNCIL AGENDA REPORT

TO: Honorable City Council

FROM: Maureen Benson, City Clerk *mb*

DATE: November 12, 2010 (CC Meeting of 11/17/10)

SUBJECT: Consider Agenda Scheduling for 2010 Municipal Election Certification and Installation of Newly Elected Mayor and Two Councilmembers

BACKGROUND

California Elections Code Section 10263 requires that upon the completion of the canvas of returns by the elections officials and before installing the newly elected officials, the governing body shall adopt a resolution reciting the fact of the election. The governing body will then declare elected the persons for whom the highest number of votes were cast for each office.

In the case of a consolidated election, which was the case for the November 2, 2010 election, the governing body shall meet no later than the next regularly scheduled City Council meeting following the presentation of the 28-day canvas of the returns, or at a special meeting called for this purpose, to declare the results and install the newly elected officers.

Staff is anticipating that the next regularly scheduled City Council meeting following the receipt of the canvas of returns will be December 1, 2010.

DISCUSSION

Incumbent Councilmember Pollock, who at the time of this writing appears to be the apparent winner of a new Council term, has indicated he is unable to attend the City Council meeting on December 1, 2010.

After consulting with the City Attorney for interpretation of the Elections Code in regard to scheduling a special meeting, staff offers the following options for Council consideration:

Option 1 – Call a special meeting, which would have to occur after the official canvas and prior to the December 1 regular meeting. This option may not be feasible unless the certified election results are obtained from the county prior to November 30th.

Option 2 – Schedule certification of the election results and the installation (oath of office) for the newly elected Mayor and two Councilmembers for the regular meeting of December 1, 2010. If the election results are received in time for the December 1 regular meeting, adopt the resolution certifying the election results and issue the oath of office for all newly elected officials in attendance. If any newly elected official is unable to attend the meeting at which the election certification and installation are scheduled, that official would be installed at the next regular meeting. If the election results are not available in time for the December 1 regular meeting for an unforeseen reason, the agenda items would be continued to the next regular meeting on December 15.

FISCAL IMPACT

There are sufficient funds budgeted to cover the additional cost to schedule Reel Life Pictures to record and broadcast a special meeting.

STAFF RECOMMENDATION

Direct staff as deemed appropriate.