ITEM NO. 23

OCEANSIDE CITY CLERK
MEMORANDUM

DATE: June 23, 2010

TO: Mayor and Councilmembers

FROM: Barbara Riegel Wayne, City Clerk

SUBJECT: ADOPTION OF RESOLUTIONS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010

SYNOPSIS

In accordance with the requirements of the California Elections Code, it is recommended that the City Council approve three resolutions to hold the General Municipal Election on Tuesday, November 2, 2010. The terms of 2 Councilmembers will expire.

BACKGROUND

On November 7, 2006, two Members of the City Council [Councilmembers Chavez and Kern] were elected by the voters to a four-year term of office. On December 18, 2009, Councilmember Chavez resigned to accept a State position (Undersecretary of Veterans' Affairs), resulting in a vacancy for one Council seat. As a result of the June 8, 2010 Special Municipal Election, one Member of the City Council was elected to fill the vacancy, which had an unexpired term ending in 2010. Since the terms for these two Members of the City Council will expire in November 2010, it is necessary for Council to place these issues before the voters at the scheduled General Municipal Election to be held on Tuesday, November 2, 2010.

ANALYSIS

Per the California Elections Code, the initial step in the election process is for the governing body of the City to: adopt a resolution calling the election, adopt a resolution requesting the Board of Supervisors of San Diego County to consolidate this election with the Statewide General Election, and adopt a resolution adopting regulations and costs for candidates.

FISCAL IMPACT

Based on the preliminary estimated costs of this election, funds in the amount of $51,266 have been included in the City Clerk's Elections and Political Reporting budget for 2010-11 to cover the costs of the November 2 election. No measures were included in the budgeted amount.

CITY ATTORNEY ANALYSIS

The referenced documents have been reviewed by the City Attorney and approved as to form.

RECOMMENDATION

It is recommended that the City Council adopt the following resolutions:

1) Calling and giving notice of the holding of a General Municipal Election to be held in said city on Tuesday, November 2, 2010, for the election of two members of the City Council as required by provisions of the laws of the State of California relating to General Law Cities;

2) Requesting the County Board of Supervisors to consolidate the General Municipal election with the Statewide Election to be held on Tuesday, November 2, 2010, pursuant to Section 10403 of the Election Code;

3) Adopting regulations for candidates for elective office, pertaining to materials submitted to the electorate and the costs thereof for the General Municipal Election.

Prepared by:

Holly Trobaugh
Assistant City Clerk

Submitted by:

Barbara Riegel Wayne
City Clerk

Attachments: Resolutions (3)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, 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 TWO MEMBERS OF THE CITY COUNCIL AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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 Tuesday, November 2, 2010, to elect Municipal Officers and to submit any authorized ballot measures to the voters.

NOW, THEREFORE, the City Council of the City of Oceanside DOES 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 Oceanside, California, on Tuesday, November 2, 2010, a General Municipal Election for the purpose of electing two (2) members of the City Council for the full term of four (4) years.

SECTION 2. That the City Council, pursuant to its right and authority, may also submit to the voters any ballot measure(s) that has been authorized by that body.

SECTION 3. That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 4. That the San Diego County Registrar of Voters is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. 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.

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SECTION 6. 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 7. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

Nov. 2010 Resolution – Calling for Election

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Oceanside has called a General Municipal Election to be held in the City of Oceanside, California, on Tuesday, November 2, 2010, for the purpose of electing two (2) Members of the City Council and for any ballot measure(s) that may be authorized by the City Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date; that the City precincts, polling places and election officers of the two elections be the same; that the Registrar of Voters canvass the returns of the General Municipal Election; and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of San Diego County is hereby requested to consent and agree to the consolidation of the General Municipal Election with the Statewide General Election on Tuesday, November 2, 2010, for the purpose of electing two (2) Members of the City Council and any ballot measure(s) which may be approved by the City Council.

SECTION 2. That the election shall be held in all respects as if there were only one election and only one form of ballot shall be used, and that the Registrar of Voters is authorized to canvass the returns of the General Municipal Election at the proper time.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

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SECTION 4. That the City of Oceanside recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for its reasonable share of these costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of San Diego County.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____day of _____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

John P. Mullen
_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

Nov. 2010 Resolution – Consolidating the Election

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE, PERTAINING TO MATERIALS SUBMITTED TO THE ELECTORATE AND THE COSTS THEREOF FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 2, 2010

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 costs of the Candidates Statement.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

SECTION 1. GENERAL PROVISIONS. Pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Oceanside on Tuesday, November 2, 2010, may prepare a Candidate Statement on the appropriate form provided by the City Clerk. Such 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. Such statement shall be filed in the Office of the City Clerk at the time the candidate's nomination paper is returned for filing.

Once submitted, such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 PM of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY. Pursuant to the Voting Rights Act of 1965 (as amended), the City is required to translate Candidate Statements into the mandated languages. Therefore, the City Clerk shall have all Candidate Statements translated and printed in the languages mandated by all applicable laws.

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SECTION 3. PAYMENT. The candidate shall be required to pay for the cost of printing the Candidate Statement in English and for the cost of translating and printing the Candidate Statement in the mandatory languages.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the Candidate Statements filed pursuant to this section, including costs incurred as a result of complying with the said Voting Rights Act, and require each candidate filing a statement to pay in advance to the City of Oceanside his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. This estimate is an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk may, on a pro rata basis, bill the candidate for additional actual expenses or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may 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 thirty (30) days of the election or as soon as the final amount is known from the Registrar of Voters.

SECTION 4. PAYMENT. The City Clerk estimates the total cost of printing, handling, and mailing the Candidate Statements filed pursuant to the Elections Code to be Seven Hundred Twenty-five ($725.00) Dollars, which includes the costs for translation into all mandatory languages. Each candidate who files a Candidate Statement shall pay in advance Seven Hundred Twenty-five ($725.00) Dollars as a condition of having his or her statement included in the voter's pamphlet.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. The City Clerk shall provide to each candidate or candidate's representative a copy of this Resolution at the time nominating papers are issued.

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SECTION 7. All previous resolutions establishing council policy on payment for Candidate Statements are repealed.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____, 2010, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

Nov. 2010 Resolution – Candidate regulations