



OCEANSIDE CITY CLERK

MEMORANDUM

DATE: June 28, 2006

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 7, 2006

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 7, 2006.

BACKGROUND

On November 5, 2002, two Members of the City Council were elected by the voters to a four-year term of office. On November 2, 2004, one of those Councilmembers was elected as Mayor, resulting in a vacancy for one Council seat. As a result of the June 7, 2005 Special Municipal Election, one Member of the City Council was elected to fill the vacancy, which had an unexpired term ending in 2006. Since the terms for these two Members of the City Council will expire in November 2006, it is necessary for Council to place these issues before the voters at the next General Municipal Election, which will be held on Tuesday, November 7, 2006.

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 certain regulations and costs for candidates.

FISCAL IMPACT

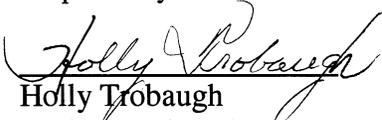
Based on the preliminary estimated costs of this election, funds have been included in the City Clerk's Elections and Political Reporting budget for 2006-07 to cover the costs for these 2 Councilmember seats for the November 7 election.

RECOMMENDATION

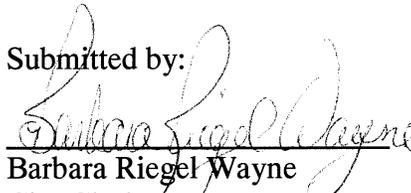
It is recommended that the City Council adopt the following resolutions:

- 1) Calling and giving notice of the holding of a General Municipal Election to be held in said city on Tuesday, November 7, 2006, 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 7, 2006, 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)

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE, CALIFORNIA, CALLING AND GIVING NOTICE
4 OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO
5 BE HELD ON TUESDAY, NOVEMBER 7, 2006, FOR THE
6 ELECTION OF TWO MEMBERS OF THE CITY COUNCIL AS
7 REQUIRED BY THE PROVISIONS OF THE LAWS OF THE
8 STATE OF CALIFORNIA RELATING TO GENERAL LAW
9 CITIES

10 WHEREAS, under the provisions of the laws relating to General Law Cities in the State of
11 California, a General Municipal Election shall be held on Tuesday, November 7, 2006, to elect
12 Municipal Officers and to submit any authorized ballot measures to the voters.

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

15 SECTION 1. That pursuant to the requirements of the laws of the State of California
16 relating to General Law Cities, there is called and ordered to be held in the City of Oceanside,
17 California, on Tuesday, November 7, 2006, a General Municipal Election for the purpose of
18 electing two (2) members of the City Council for the full term of four (4) years.

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

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

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

27 SECTION 5. That the polls for the election shall be open at seven o'clock a.m. of the day
28 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.

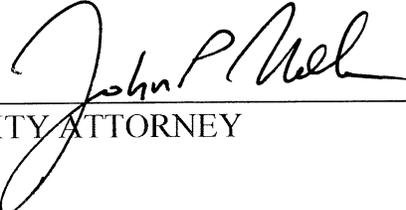
PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____, 2006, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

ATTEST:



CITY ATTORNEY

CITY CLERK

1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE, CALIFORNIA, REQUESTING THE BOARD OF
4 SUPERVISORS OF THE COUNTY OF SAN DIEGO TO
5 CONSOLIDATE THE GENERAL MUNICIPAL ELECTION WITH
6 THE STATEWIDE GENERAL ELECTION TO BE HELD ON
7 TUESDAY, NOVEMBER 7, 2006, PURSUANT TO SECTION
8 10403 OF THE ELECTIONS CODE

9 WHEREAS, the City Council of the City of Oceanside has called a General Municipal
10 Election to be held in the City of Oceanside, California, on Tuesday, November 7, 2006, for the
11 purpose of electing two (2) Members of the City Council and for any ballot measure(s) that may
12 be authorized by the City Council; and

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

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

20 SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of
21 the State of California, the Board of Supervisors of San Diego County is hereby requested to
22 consent and agree to the consolidation of the General Municipal Election with the Statewide
23 General Election on Tuesday, November 7, 2006, for the purpose of electing two (2) Members of
24 the City Council and any ballot measure(s) which may be approved by the City Council.

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

28 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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1 SECTION 4. That the City of Oceanside recognizes that additional costs will be incurred
2 by the County by reason of this consolidation and agrees to reimburse the County for its
3 reasonable share of these costs.

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

6 PASSED AND ADOPTED by the City Council of the City of Oceanside, California,
7 this _____ day of _____, 2006, by the following vote:

- 8 AYES:
- 9 NAYS:
- 10 ABSENT:
- 11 ABSTAIN:
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14 MAYOR OF THE CITY OF OCEANSIDE

15 APPROVED AS TO FORM:

ATTEST:

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17 _____
18 CITY ATTORNEY

19 _____
20 CITY CLERK

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24 2006 Resolution – Consolidating the Election
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1 RESOLUTION NO.

2 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
3 OCEANSIDE, CALIFORNIA, ADOPTING REGULATIONS FOR
4 CANDIDATES FOR ELECTIVE OFFICE, PERTAINING TO
5 MATERIALS SUBMITTED TO THE ELECTORATE AND THE
6 COSTS THEREOF FOR THE GENERAL MUNICIPAL
7 ELECTION TO BE HELD IN THE CITY ON TUESDAY,
8 NOVEMBER 7, 2006

9 WHEREAS, Section 13307 of the Elections Code of the State of California provides that
10 the governing body of any local agency adopt regulations pertaining to materials prepared by
11 any candidate for a municipal election, including costs of the Candidates Statement.

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

13 SECTION 1. GENERAL PROVISIONS. Pursuant to Section 13307 of the Elections Code
14 of the State of California, each candidate for elective office to be voted for at the General
15 Municipal Election to be held in the City of Oceanside on Tuesday, November 7, 2006, may
16 prepare a Candidate Statement on the appropriate form provided by the City Clerk. Such
17 statement may include the name, age and occupation of the candidate and a brief description of no
18 more than 200 words of the candidate's education and qualifications expressed by the candidate
19 himself or herself. The statement shall not include party affiliation of the candidate nor
20 membership or activity in partisan political organizations. Such statement shall be filed in the
21 Office of the City Clerk at the time the candidate's nomination paper is returned for filing.

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

25 SECTION 2. FOREIGN LANGUAGE POLICY. Pursuant to the Voting Rights Act of
26 1965 (as amended), the City is required to translate Candidate Statements into the mandated
27 languages. Therefore, the City Clerk shall have all Candidate Statements translated and printed in
28 the languages mandated by all applicable laws.

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

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

17 SECTION 4. PAYMENT. The City Clerk estimates the total cost of printing, handling,
18 and mailing the Candidate Statements filed pursuant to the Elections Code to be Six Hundred
19 Seventy (\$670.00) Dollars, which includes the costs for translation into all mandatory languages.
20 Each candidate who files a Candidate Statement shall pay in advance Six Hundred Seventy
21 (\$670.00) Dollars as a condition of having his or her statement included in the voter's pamphlet.

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

24 SECTION 6. The City Clerk shall provide to each candidate or candidate's representative a
25 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 _____, 2006, by the following vote:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:


CITY ATTORNEY

ATTEST:

CITY CLERK

2006 Resolution – Candidate regulations