ITEM NO. 11

STAFF REPORT

CITY OF OCEANSIDE

DATE: June 20, 2012

TO: Honorable Mayor and City Councilmembers

FROM: City Clerk Department

SUBJECT: **ADOPTION OF RESOLUTIONS FOR THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 6, 2012**

SYNOPSIS

In accordance with the requirements of the California Elections Code, it is recommended that the City Council approve three resolutions related to holding the General Municipal Election on Tuesday, November 6, 2012.

BACKGROUND

On November 4, 2008, the Mayor, two Members of the City Council, the City Clerk and the City Treasurer were elected by the voters to four-year terms of office. On December 22, 2010 in light of the elected City Treasurer's successful run for Council in November of 2010, the City Council appointed Gary Ernst to fill the unexpired term as City Treasurer ending November 2012.

Since these terms will expire in November 2012, 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 6, 2012.

ANALYSIS

The initial step in the election process is for the governing body of the City to adopt a resolution calling the election. Additionally, the California Elections Code requires that the governing body adopt a resolution requesting the San Diego County Board of Supervisors to consolidate this election with the Statewide General Election and 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 Elections and Political Reporting budget for 2012-13 to cover these costs. However, should any ballot measure be added by the City Council, it will be necessary to appropriate additional funding.

CITY ATTORNEY'S 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 Oceanside on Tuesday, November 6, 2012 for the election of one Mayor, two members of the City Council, one City Clerk and one City Treasurer as required by provisions of the laws of the State of California and the provisions of the Charter of the City of Oceanside;

2) Requesting the County Board of Supervisors to consolidate the General Municipal Election with the Statewide Election to be held on Tuesday, November 6, 2012, 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.

SUBMITTED BY:

Holly Trobaugh
Assistant City Clerk

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager

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 6, 2012, FOR THE ELECTION OF MAYOR, TWO MEMBERS OF THE CITY COUNCIL, CITY CLERK AND CITY TREASURER

WHEREAS, under the provisions of the laws in the State of California and the provisions of the Charter of the City of Oceanside, a General Municipal Election shall be held on Tuesday, November 6, 2012, 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 and the provisions of the Charter of the City of Oceanside, there is called and ordered to be held in the City of Oceanside, California, on Tuesday, November 6, 2012, a General Municipal Election for the purpose of electing one (1) Mayor, two (2) members of the City Council, one (1) City Clerk and one (1) City Treasurer 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.

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 June, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

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 6, 2012, 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 6, 2012, for the purpose of electing one (1) Mayor, two (2) Members of the City Council, one (1) City Clerk and one (1) City Treasurer 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 6, 2012, for the purpose of electing one (1) Mayor, two (2) Members of the City Council, one (1) City Clerk and one (1) City Treasurer 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.

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 June, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

_____
CITY ATTORNEY

ATTEST:

_____
CITY CLERK

Nov. 2012 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 6, 2012

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 Candidate 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 6, 2012, 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 One Thousand One Hundred ($1,100.00) Dollars, which includes the costs for translation into all mandatory languages. Each candidate who files a Candidate Statement shall pay in advance One Thousand One Hundred ($1,100.00) 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 June, 2012, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

MAYOR OF THE CITY OF OCEANSIDE

APPROVED AS TO FORM:

_____

CITY ATTORNEY

ATTEST:

_____

CITY CLERK

Nov. 2012 Resolution – Candidate regulations