

REPORT TO CITY COUNCIL

DATE: JUNE 10, 2009

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER

BY: KIMBERLY RODRIGUES, CITY CLERK/ELECTIONS OFFICIAL

SUBJECT: GENERAL MUNICIPAL ELECTION – NOVEMBER 3, 2009

The City of Agoura Hills conducts its municipal election in consolidation with the Las Virgenes Unified School District during odd-numbered years.

Pursuant to §36503 of the Government Code, all elective city offices shall be filled by the city electorate at a general municipal election. This year, three terms of office on the City Council will expire in December 2009. As such, it will be necessary to adopt the appropriate resolutions to commence the election procedure in conformance with the State of California's election laws.

In addition to adopting resolutions to call an election and to adopt regulations for candidates statements, pursuant to §10403 of the Elections Code, the City Council must also adopt a resolution requesting consolidation with the election.

The resolution requesting consolidation agrees to reimburse the County for the costs of the election services provided to the City for its portion of the consolidated election and includes the possible submission of a ballot measure.

Although there is no current plan to submit a ballot measure, this resolution preserves the option to do so, if the need arises between now and August 7, 2009, without having to go back to the County with another request for consolidation.

Following are three resolutions for City Council approval relating to the November 3, 2009, General Municipal Election:

1. Resolution No. 09-1529; Calling and Giving Notice of the Holding of a General Municipal Election to be held on Tuesday, November 3, 2009, for the Election of Certain Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and,
2. Resolution No. 09-1530; Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 3, 2009; and,

3. Resolution No. 09-1531; Requesting the Board of Supervisors of the County of Los Angeles to Consolidate a General Municipal Election to be held on November 3, 2009, with the Las Virgenes Unified School District Election to be held on said Date and to Render Specified Services to the City Pursuant to §10403 of the Elections Code.

Persons interested in running for office as a Member of the City Council must be a resident of the City of Agoura Hills and a registered voter in the City at the time nomination papers are issued and throughout the time the person is in office.

Nomination papers are available, through the Office of the City Clerk, during the nomination filing period beginning Monday, July 13, 2009, and ending Friday, August 7, 2009. The nomination filing period will be extended to August 12, 2009, if any incumbent does not file by the August 7, 2009, deadline.

RECOMMENDATION

Staff respectfully recommends the City Council adopt Resolution Nos. 09-1529, 09-1530, and 09-1531, and direct the City Clerk to file signed copies of the resolutions “calling the election” and “requesting consolidation” with the offices of the County of Los Angeles Board of Supervisors and the Registrar-Recorder/County Clerk, Election Coordination Section.

Attachments: Resolution Nos. 09-1529, 09-1530, and 09-1531

RESOLUTION NO. 09-1529

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009, FOR THE ELECTION OF CERTAIN OFFICERS 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 November 3, 2009, for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES RESOLVE, DETERMINE, AND ORDER 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 Agoura Hills, California, on Tuesday, November 3, 2009, a General Municipal Election for the purpose of electing three (3) Members of the City Council for the full term of four years.

SECTION 2: That the ballots to be used at the election shall be in the form and content as required by law.

SECTION 3: That the City Clerk 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 4: That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5: 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 6: 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.

SECTION 7: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED on this 10th day of June 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Denis Weber, Mayor
City of Agoura Hills

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk

RESOLUTION NO. 09-1530

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2009

WHEREAS, §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's statement:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS.

That pursuant to §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 Agoura Hills on November 3, 2009, may prepare a candidate 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 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 of 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 POLICY.

- a. Pursuant to the Voting Rights Act, the City is not required at this time to translate candidate statements into additional languages.
- b. Pursuant to State law, the candidate statement must be translated and printed in Spanish at the candidate's request.
- c. The City Clerk shall:
 1. Have translated only those statements into Spanish as requested by the candidate.
 2. Print Spanish translations, for candidates who request printing, in the Official Sample Ballot and Voter Information Pamphlet.

SECTION 3: PAYMENT.

- a. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the Official Sample Ballot and Voter Information Pamphlet.
- b. The candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language as specified in (a) and/or (b) above pursuant to State and/or Federal law.
- c. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language in the Official Sample Ballot and Voter Information Pamphlet.

The City Clerk ("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 Voting Rights Act of 1965 as amended, and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the Official Sample Ballot and Voter Information Pamphlet.

In the event the estimated payment is required, 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 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 Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the election.

SECTION 4: ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5: That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time the nominating petitions are issued.

SECTION 6: That all previous resolutions establishing City Council policy on payment for the candidate statement are repealed.

SECTION 7: That this Resolution shall apply only to the election to be held on November 3, 2009, and shall then be repealed.

SECTION 8: That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED on this 10th day of June 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Denis Weber, Mayor
City of Agoura Hills

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

RESOLUTION NO. 09-1531

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2009 WITH THE LAS VIRGENES UNIFIED SCHOOL DISTRICT ELECTION TO BE HELD ON SAID DATE AND TO RENDER SPECIFIED SERVICES TO THE CITY OF AGOURA HILLS, PURSUANT TO §10403 OF THE ELECTIONS CODE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, there has been called and ordered a General Municipal Election to be held in the City of Agoura Hills, California (“the City”) on November 3, 2009, for the election of three (3) Members of the City Council for the full term of four years (a copy of Resolution No. 09-1529 calling said election is attached hereto and incorporated herein by reference) and the possible submission of a ballot question or questions to the voters of the City; and

WHEREAS, the County of Los Angeles will conduct an election for the Las Virgenes Unified School District (“School District”) on the same day in territory that is in part the same; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the School District’s election to be held on the same date and that within the City the precincts, polling places, and election officers of the two elections be the same, that the Election Coordination Section of the County of Los Angeles 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 AGOURA HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Las Virgenes Unified School District election on Tuesday, November 3, 2009, for the purpose of the election of three Members of the City Council and the possible submission of a ballot question or questions to the voters of the City.

SECTION 2. That the Election Coordination Section of the County of Los Angeles is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the Election Coordination Section of the County of Los Angeles to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Agoura Hills recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a reasonably detailed invoice.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution forthwith with the Board of Supervisors and the Election Coordination Section of the County of Los Angeles.

SECTION 6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED, AND ADOPTED on this 10th day of June, 2009, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSTAIN: (0)
ABSENT: (0)

Denis Weber, Mayor
City of Agoura Hills

ATTEST:

Kimberly M. Rodrigues, MMC
City Clerk