

CITY OF DANA POINT
AGENDA REPORT

Reviewed By:	
DH	<u> X </u>
CM	<u> X </u>
CA	<u> </u>

DATE: JUNE 23, 2004

TO: CITY MANAGER/CITY COUNCIL

FROM SHARON STREET, DIRECTOR OF PUBLIC AFFAIRS/CITY CLERK

SUBJECT: GENERAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE NOVEMBER 2, 2004 STATEWIDE GENERAL ELECTION

RECOMMENDED ACTION:

That the City Council adopt the following resolutions:

1. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 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. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2004 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE; and
3. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

BACKGROUND:

The procedures for conducting a General Municipal Election are established by State law. Prior to June 28, 2004, the City Council of the City of Dana Point must adopt a resolution calling and giving notice of the November 2, 2004 General Municipal Election to elect two Council Members and requesting consolidation with the Statewide General Election. Prior to July 5, 2004 the Council must also adopt regulations for candidates' statements.

DISCUSSION:

The candidate filing period for the November 2, 2004 election will open on Monday, July 12, 2004, and close at 5:00 p.m. on Friday, August 6, 2004. If an incumbent does not file nomination papers by this deadline, the filing period for that office is extended five calendar days, until 5:00 p.m. on Wednesday, August 11, 2004, for candidates other than the incumbent to file.

It is optional for each candidate to submit a Candidate's Statement. If the candidate chooses to have a statement included in the Sample Ballot, the resolution stipulates that the costs involved are paid by the candidate at the time the nomination paper is filed. Based on an estimate from the Registrar of Voters, the deposit for printing each statement (maximum of 200 words) in the Sample Ballot is \$1259.

The attached resolutions have been prepared for Council consideration and adoption at this time.

NOTIFICATION AND FOLLOW-UP:

Notice of the election will be provided in accordance with Elections Code requirements. In addition, a Press Release will be sent to local newspapers, radio and television stations, and Cox Communications.

FISCAL IMPACT:

Based on cost estimates from the Registrar of Voters, \$30,000 was budgeted for this election.

ACTION DOCUMENTS:

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RESOLUTION NO. 04-06-23-

Action Document A

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004 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 Tuesday, November 2, 2004 for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, 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 Dana Point, California, on Tuesday, November 2, 2004, a General Municipal Election for the purpose of electing two (2) 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 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 Section 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.

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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 this 23rd day of June, 2004.

JOE SNYDER
MAYOR

ATTEST:

SHARON STREET
CITY CLERK

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, SHARON STREET, City Clerk of the City of Dana Point, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No.
04-06-23-_____ adopted by the City Council of the City of Dana Point, California, at
a regular meeting thereof held on the 23rd day of June, 2004, by the following vote:

AYES:

NOES:

ABSENT:

(SEAL)

SHARON STREET
CITY CLERK

RESOLUTION NO. 04-06-23-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 2, 2004 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Dana Point, California, called a General Municipal Election to be held on Tuesday, November 2, 2004 for the purpose of the election of two (2) Members of 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 and that within the City the precincts, polling places, and election officers of the two elections be the same, and that the County Election Department of the County of Orange 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 DANA POINT, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 2, 2004 for the purpose of the election of two (2) Members of the City Council.

SECTION 2. That the County Election Department 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 County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Dana Point recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

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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/Election Department of the County of Orange.

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 this 23rd day of June, 2004.

JOE SNYDER
MAYOR

ATTEST:

SHARON STREET
CITY CLERK

Resolution No. 04-06-23-
Page 3

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COUNTY OF ORANGE) ss
CITY OF DANA POINT)

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regular meeting thereof held on the 23rd day of June, 2004, by the following vote:

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NOES:

ABSENT:

(SEAL)

SHARON STREET
CITY CLERK

RESOLUTION NO. 04-06-23-

Action Document C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2004

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's statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER 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 an Election to be held in the City of Dana Point on November 2, 2004, may prepare a candidate's 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 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 for 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 required to translate candidates' statements into the following languages, in addition to English: Spanish, Vietnamese, Chinese, and Korean.
- b. The City Clerk shall cause the Orange County Registrar of Voters to have all candidates' statements translated into the languages specified in (a) above; these translations shall be made available upon request in the office of the Dana Point City Clerk.
- c. All translations of candidates' statements specified in (a) above shall be printed in the voter's pamphlet.

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SECTION 3. PAYMENT.

- a. The candidate shall be required to pay for the cost of printing the candidate's statement in English.
- b. The candidate shall be required to pay for the cost of translating the candidate's statement into Spanish, Vietnamese, Chinese, and Korean pursuant to State law.
- c. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidates' 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 voter's pamphlet. The 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 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 30 days after the election.

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

SECTION 5. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nomination petitions are issued.

SECTION 6. All previous Resolutions establishing Council Policy on payment for candidate's statements are repealed.

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

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Page 3

PASSED, APPROVED, AND ADOPTED this 23rd day of June, 2004.

JOE SNYDER
MAYOR

ATTEST:

SHARON STREET
CITY CLERK

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STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, SHARON STREET, City Clerk of the City of Dana Point, California, DO
HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No.
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(SEAL)

SHARON STREET
CITY CLERK