



## CITY COUNCIL STAFF REPORT

DATE: DECEMBER 2, 2009 SPECIAL ITEM

SUBJECT: PROPOSED RESOLUTION DECLARING THE RESULTS OF THE NOVEMBER 3, 2009, REGULAR MUNICIPAL ELECTION.

FROM: David H. Ready, City Manager

BY: James Thompson, City Clerk

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### SUMMARY

Pursuant to California Elections Code the City Council shall adopt a resolution declaring the results of the November 3, 2009, Regular Municipal Election.

### RECOMMENDATION:

Adopt Resolution No. \_\_\_\_\_ "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA RECITING THE FACT OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2009, DECLARING THE RESULT AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW."

### STAFF ANALYSIS:

At the direction of the City Clerk, the Riverside County Registrar of Voters canvassed the returns of the November 3, 2009, Regular Municipal Election, pursuant to City Council Resolution No. 22470. The Registrar of Voters has provided a Certification to the Results and Canvass of the Election Returns, pursuant to California Elections Code Section 10262.

Pursuant to California Elections Code Section 10263 the City Council shall adopt a Resolution declaring the results of the election.

The proposed Resolution declares Ginny Foat and Chris Mills elected to office of Member of the Palm Springs City Council for the term ending December, 2013.

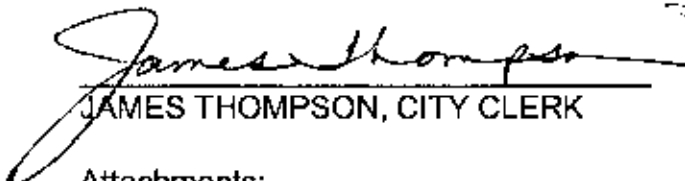
Additionally, the proposed Resolution deems Ordinance No. 1765, "AN ORDINANCE OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 3.32 OF THE PALM SPRINGS MUNICIPAL CODE TO (A) REDUCE THE TELEPHONE USERS TAX TO 4.5%; (B) MODERNIZE AND UPDATE THE TELEPHONE

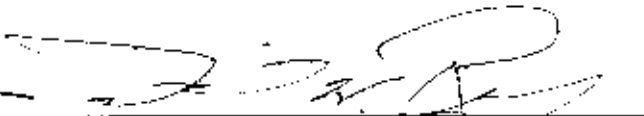
Item No. **1.A.**

USERS TAX; (C) ELIMINATE THE CURRENT EMERGENCY RESPONSE FEE AND ADOPT AN ACCESS LINE TAX IN LIEU AND EQUAL TO THE EMERGENCY RESPONSE FEE; (D) MAKE CONFORMING CHANGES IN CHAPTERS 3.32 AND 3.39 OF THE PALM SPRINGS MUNICIPAL CODE; AND (E) RATIFY PAST COLLECTION OF THE TELEPHONE USERS TAX AND THE EMERGENCY RESPONSE FEE;" (Measure "G") adopted and ratified.

FISCAL IMPACT:

None.

  
\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

  
\_\_\_\_\_  
DAVID H. READY, CITY MANAGER

Attachments:

Proposed Resolution  
Certification of Election Results

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA RECITING THE FACT OF THE REGULAR MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2009, DECLARING THE RESULT AND SUCH OTHER MATTERS AS ARE PROVIDED BY LAW.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, HEREBY FINDS AS FOLLOWS:

A. A Regular Municipal Election was held and conducted in the City of Palm Springs, California, on Tuesday, November 3, 2009, as required by law.

B. Notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the laws of the State of California, and the Charter of the City of Palm Springs.

C. Pursuant to §7 of Resolution No. 22490, adopted by the City Council on June 3, 2009, the Riverside County Registrar of Voters, at the direction of the City Clerk of the City of Palm Springs, canvassed the returns of the election and has certified the results to the City Council. The results are attached to this resolution as Exhibit A.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY DETERMINES, DECLARES, APPROVES, AND RESOLVES AS FOLLOWS:

SECTION 1: That the whole number of ballots cast in the precincts except vote-by-mail ballots was 2,822. That the whole number of vote-by-mail ballots cast in the City was 6,003, making a total of 8,825 ballots cast in the City [39.15% Voter Turnout].

SECTION 2: That the Regular Municipal Election was held for the purpose of electing two-members to the office of Member of the Palm Springs City Council, and the submission to the qualified voters an ordinance regarding the City's telephone users' taxes [Measure "G"].

SECTION 3: That the names of persons voted for at the election for the office of Member of the Palm Springs City Council for the term ending December, 2013 are as follows:

John Tymon  
David Carden  
Jim Osterberger  
Eloise Garcia-Mohsin

Michael A. Gallardo  
Mark D. Walthour  
Ginny Foat  
Alexander P. Dobrecevic  
Barbara Beaty  
Drew Sweatte  
Christopher "Chris" Mills  
Write-in Candidate Willie James Holland, Sr.

**SECTION 4.** That the City Council pursuant to its right and authority, ordered submitted to the qualified voters the following question and ordinance [Measure "G"]:

Shall an ordinance be adopted to: reduce the City's telephone users' tax from 5% to 4.5%; revise the method for calculating and collecting the telephone users' tax to reflect technological advances and changes in state and federal law; eliminate the emergency response fee and adopt an access line tax in an amount equal to the current emergency response fee; and ratify and approve past collection of the telephone users' tax and emergency response fee?	YES
	NO

**SECTION 5.** That the number of votes given at each precinct, the number of votes for each qualified candidate and Measure "G" are attached as Exhibit A.

**SECTION 6.** The City Council declares and determines that Ginny Foat and Christopher "Chris" Mills were elected to the office of Member of the Palm Springs City Council for the term ending December, 2013.

**SECTION 7.** The City Council declares and determines that as a result of the election, a majority of the voters voting on Measure "G" relating the City's telephone users' taxes did vote in favor of it, and that Measure "G" was carried, and shall be deemed adopted and ratified.

**SECTION 8.** The Mayor and City Clerk are hereby authorized and directed to execute Ordinance No. 1765, "AN ORDINANCE OF THE PEOPLE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING CHAPTER 3.32 OF THE PALM SPRINGS MUNICIPAL CODE TO (A) REDUCE THE TELEPHONE USERS TAX TO 4.5%; (B) MODERNIZE AND UPDATE THE TELEPHONE USERS TAX; (C) ELIMINATE THE CURRENT EMERGENCY RESPONSE FEE AND ADOPT AN ACCESS LINE TAX IN LIEU AND EQUAL TO THE EMERGENCY RESPONSE FEE; (D) MAKE CONFORMING CHANGES IN CHAPTERS 3.32 AND 3.39 OF THE PALM SPRINGS MUNICIPAL

CODE; AND (E) RATIFY PAST COLLECTION OF THE TELEPHONE USERS TAX AND THE EMERGENCY RESPONSE FEE;" and the City Clerk shall certify to the passage of Ordinance No. 1765, by the People of the City of Palm Springs, enter it into the book of original Ordinances, and cause such Ordinance to be codified in the Palm Springs Municipal Code.

SECTION 9. The City Clerk shall enter on the records of the City Council a statement of the results of the election, showing:

- a. The whole number of votes cast in the City;
- b. The qualified candidates voted upon;
- c. The measure voted upon;
- d. For what office each person was vote for;
- e. The number of votes given at each precinct to each to each qualified candidate, and for and against Measure "G";
- f. The total number of votes given in the City for each qualified candidate, and for and against Measure "G".

SECTION 10. That the City Clerk shall certify to the adoption of this resolution and enter it into the book of original resolutions.

ADOPTED THIS 2<sup>ND</sup> DAY OF DECEMBER, 2009.

\_\_\_\_\_  
David H. Ready, City Manager

ATTEST:

\_\_\_\_\_  
James Thompson, City Clerk

CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, hereby certify that Resolution No. \_\_\_\_\_ is a full, true and correct copy, and was duly adopted at a regular meeting of the City Council of the City of Palm Springs on 2<sup>nd</sup> day of December, 2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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James Thompson, City Clerk  
City of Palm Springs, California

**BARBARA DUNMORE**  
Registrar of Voters



2724 Gateway Drive  
Riverside, CA 92507-0918  
(951) 486-7200 • FAX (951) 486-7272  
www.voteinfo.net

**REGISTRAR OF VOTERS  
COUNTY OF RIVERSIDE**

**CERTIFICATE OF REGISTRAR OF VOTERS  
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California    )  
                                  ) ss.  
County of Riverside    )

I, BARBARA DUNMORE, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 15301, 15372, and 15374 of the California Elections Code, and the resolution adopted by the City Council, I did canvass the returns of the votes cast on November 3, 2009, as part of the Consolidated UDEL Election in the

**CITY OF PALM SPRINGS**

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes for each candidate for elective office and for and against each measure at said election, in said City, and in each precinct therein, and that the totals as shown for said election are full, true, and correct.

Dated this 10<sup>th</sup> day of November 2009.



*Barbara Dunmore*

BARBARA DUNMORE  
Registrar of Voters

RIVERSIDE COUNTY Statement of Vote  
CONSOLIDATED UDEL ELECTION

100015		NON PARTISAN PALM SPRINGS CITY COUNCIL MEMBER												
	Registration	Ballots Cast	Turnout (%)	JOHN TIMON	DAVID CARDEN	JIM OSTERBERGER	ELOISE GARCIA-HOFFMAN	MICHAEL A. GALLARDO	MARK D. WALTHOUR	SIMMY ROAT	ALEXANDER P. DORRKEVIC	BARBARA BEATT	DREW SWEATTE	CHRISTOPHER "CHRIS" MILLS
49005 PALM SPRINGS	2180	289	13.25	4	23	1	12	12	12	6	14	14	14	11
49005 - Vote by Mail Reporting	2180	289	13.25	15	23	1	12	12	12	6	14	14	14	11
49008 PALM SPRINGS	1812	542	29.85	1	96	8	53	13	130	4	126	31	1	
49008 - Vote by Mail Reporting	1812	520	28.70	8	146	52	8	26	44	260	15	161	14	217
49008 PALM SPRINGS	2350	253	10.77	1	79	18	6	26	19	111	2	90	25	84
49008 - Vote by Mail Reporting	2350	578	24.60	17	187	51	10	61	28	248	8	180	32	208
49013 PALM SPRINGS	2827	356	12.55	1	153	30	8	22	15	148	8	142	28	120
49013 - Vote by Mail Reporting	2827	890	31.48	17	317	102	9	49	53	420	11	284	54	353
49017 PALM SPRINGS	2297	319	13.89	2	137	49	6	30	164	7	86	19	82	
49017 - Vote by Mail Reporting	2297	554	24.12	9	230	60	21	54	22	246	8	181	27	200
49023 PALM SPRINGS	2332	254	10.89	12	67	28	4	11	18	119	6	91	15	108
49023 - Vote by Mail Reporting	2332	672	28.82	15	178	64	18	45	48	281	17	289	22	293
49025 PALM SPRINGS	1328	162	12.19	3	89	36	2	7	8	91	3	82	5	70
49025 - Vote by Mail Reporting	1328	338	25.45	5	153	37	3	24	16	166	6	165	27	205
49028 PALM SPRINGS	2418	12	0.49	7	74	34	6	30	113	5	130	14	147	
49028 - Vote by Mail Reporting	2418	859	35.52	17	157	62	22	40	63	268	12	208	35	329
49031 PALM SPRINGS	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
49031 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59000 PALM SPRINGS	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59000 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59001 PALM SPRINGS	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59001 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59002 PALM SPRINGS	2	1	50.00	Insufficient Turnout to Protect Voter Privacy										
59002 - Vote by Mail Reporting	2	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59003 PALM SPRINGS	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59003 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59006 PALM SPRINGS	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59006 - Vote by Mail Reporting	0	0	0.00	0	0	0	0	0	0	0	0	0	0	0
59011 PALM SPRINGS	1739	153	8.80	3	50	13	3	15	12	55	9	60	11	5
59011 - Vote by Mail Reporting	1739	344	19.78	4	133	41	7	28	13	152	9	100	20	108
59020 PALM SPRINGS	1799	213	11.84	3	66	22	5	17	20	76	5	76	20	83
59020 - Vote by Mail Reporting	1799	411	22.85	5	118	30	11	20	32	141	8	141	19	181
59021 PALM SPRINGS	1585	192	12.11	3	72	22	2	18	8	70	8	70	19	58
59021 - Vote by Mail Reporting	1585	407	25.68	15	113	57	11	40	28	181	12	122	20	144
Precinct Totals	22539	2822	12.52	51	864	292	45	211	152	1212	56	1075	202	1047
Vote by Mail Reporting Totals	22539	6009	26.65	114	1551	634	126	448	386	2641	119	2014	354	2457
Grand Totals	22539	8825	39.15	169	2798	886	171	657	538	3853	175	3089	532	3504
45th Congressional District	22539	8825	39.15	169	2798	886	171	657	538	3853	175	3089	532	3504
37th Senatorial District	22539	8825	39.15	169	2798	886	171	657	538	3853	175	3089	532	3504
80th Assembly District	22539	8825	39.15	169	2798	886	171	657	538	3853	175	3089	532	3504
4th SUPERVISORIAL DISTRICT	17414	7104	40.78	136	2246	681	132	519	425	3100	128	2521	393	2877
5th SUPERVISORIAL DISTRICT	5125	1721	33.58	33	550	205	39	138	113	753	47	558	109	627
City of Palm Springs	22539	8825	39.15	169	2798	886	171	657	538	3853	175	3089	532	3504



RIVERSIDE COUNTY Statement of Vote  
CONSOLIDATED UDEL ELECTION

NON PARTISAN G - PALM SPRINGS TELEPHONE TAX										
140025	Registration	Ballots Cast	Turnout (%)	YES	NO					
49005 PALM SPRINGS	2180	819	12.29	188	77					
49005 - Vote by Mail Reporting	2180	819	23.49	329	159					
49006 PALM SPRINGS		304	15.90	176	100					
49006 - Vote by Mail Reporting	1912	520	27.20	349	124					
49009 PALM SPRINGS	2350	253	10.77	145	83					
49009 - Vote by Mail Reporting	2350	578	24.60	379	188					
49013 PALM SPRINGS	2627	663	13.55	238	92					
49013 - Vote by Mail Reporting	2627	300	34.31	511	219					
49017 PALM SPRINGS	2288	345	13.79	199	104					
49017 - Vote by Mail Reporting	2288	554	24.42	358	151					
49023 PALM SPRINGS	2332	254	10.89	165	63					
49023 - Vote by Mail Reporting	2332	672	28.82	452	174					
49025 PALM SPRINGS	1328	203	12.29	140	59					
49025 - Vote by Mail Reporting	1328	450	33.96	270	130					
49026 PALM SPRINGS	2416	312	12.91	191	87					
49026 - Vote by Mail Reporting	2416	659	27.28	418	180					
49031 PALM SPRINGS	0	0	0.00	0	0					
49031 - Vote by Mail Reporting	0	0	0.00	0	0					
59000 PALM SPRINGS	0	0	0.00	0	0					
59000 - Vote by Mail Reporting	0	0	0.00	0	0					
59001 PALM SPRINGS	0	0	0.00	0	0					
59001 - Vote by Mail Reporting	0	0	0.00	0	0					
59002 PALM SPRINGS	2	1	50.00							
59002 - Vote by Mail Reporting	2	0	0.00	0	0					
59003 PALM SPRINGS	0	0	0.00	0	0					
59003 - Vote by Mail Reporting	0	0	0.00	0	0					
59008 PALM SPRINGS	0	0	0.00	0	0					
59008 - Vote by Mail Reporting	0	0	0.00	0	0					
59011 PALM SPRINGS	1739	153	8.80	96	48					
59011 - Vote by Mail Reporting	1739	344	19.78	258	70					
59020 PALM SPRINGS	1555	213	11.84	130	65					
59020 - Vote by Mail Reporting	1555	411	22.85	269	114					
59021 PALM SPRINGS	1555	192	12.11	112	56					
59021 - Vote by Mail Reporting	1555	407	25.68	263	112					
Pretotal Totals	22539	2822	12.52	1761	925					
Vote by Mail Reporting	22539	6009	26.66	3962	2071					
Grand Totals	22539	8825	39.15	5713	2426					
45th Congressional District	22539	8825	39.15	5713	2426					
37th Senatorial District	22539	8825	39.15	5713	2426					
80th Assembly District	22539	8825	39.15	5713	2426					
4th SUPERVISORIAL DISTRICT	17414	7104	40.79	4588	1959					
5th SUPERVISORIAL DISTRICT	5125	1721	33.58	1125	467					
City of Palm Springs	22539	8825	39.15	5713	2426					

Insufficient Turnout to Protect Voter Privacy

**BARBARA DUNMORE**  
Registrar of Voters



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**REGISTRAR OF VOTERS  
COUNTY OF RIVERSIDE**

**CONSOLIDATED UNIFORM DISTRICT ELECTION LAW (UDEL) ELECTION  
NOVEMBER 3, 2009  
OFFICIAL TALLY RESULTS OF QUALIFIED WRITE-IN CANDIDATES**

*November 10, 2009*

**COUNCIL MEMBER, CITY OF PALM SPRINGS**

WILLIE JAMES HOLLAND, SR. ----- 3

**MAYOR, CITY OF RIVERSIDE**

KENNETH L. STANSBURY ----- 60

TROY KENT ----- 14