



City Council Staff Report

DATE: June 1, 2011

CONSENT CALENDAR

SUBJECT: SECOND READING AND ADOPTION OF PROPOSED ORDINANCE NO. 1790, ESTABLISHING ELECTION REGULATIONS INCREASING THE NUMBER OF SIGNATURES NEEDED TO QUALIFY TO RUN FOR ELECTIVE OFFICE

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY:

The City Council will consider adoption of Ordinance No. 1790.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 1790, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS."

STAFF ANALYSIS:

The City Council, at its meeting on April 20, 2011, introduced Proposed Ordinance No. 1790, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS," amending Section 2.02.020(a) to provide for not less than 150 nor more than 210 voters, amending Section 2.02.030(a) to provide for 6 Sections with each Section of 35 signatures, and amending Section 5 of the Ordinance for an effective date of January 1, 2012; and directed staff to bring forth legislation that provides for proof of residency effective the current election cycle. **Motion Councilmember Foat, seconded by Councilmember Mills, and unanimously carried on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, Councilmember Mills, Mayor Pro Tem Weigel, and Mayor Pougnet.

NOES: None.

ITEM NO. 7.E.

At its May 4, 2011, meeting Proposed Ordinance No. 1790 was re-introduced for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS," amending Section 2.02.020(a) to provide not less than 80 nor more than 120 signatures, adding Section 2.02.020(c) to read "Not earlier than the 120th day nor later than the 88th day before a municipal election during normal office hours, as posted, the voters may nominate candidates for election by signing a nomination paper," amending Section 2.02.030(a) to provide for four (4) Sections to a nomination paper, and amending Section 2.02.035 to provide for filing fees of \$80 and \$40. **Motion Councilmember Foat, seconded by Councilmember Hutcheson, and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, and Councilmember Mills.

NOES: Mayor Pro Tem Weigel and Mayor Pougnet.

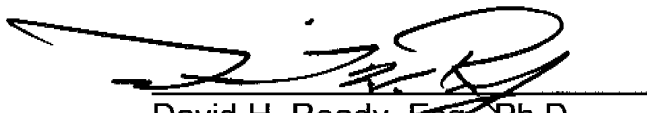
On May 18, 2011, Proposed Ordinance No. 1790 was re-introduced for first reading "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS," amending the Ordinance by deleting Section 2.02.035 Filing Fee. **Motion Councilmember Mills, seconded by Councilmember Hutcheson and carried 3-2 on a roll call vote.**

AYES: Councilmember Foat, Councilmember Hutcheson, and Councilmember Mills.

NOES: Mayor Pro Tem Weigel and Mayor Pougnet.

This report provides for the City Council to waive further reading and adopt the ordinance. The ordinance shall take effect on January 1, 2012.


James Thompson
City Clerk


David H. Ready, Esq., Ph.D.
City Manager

/kdh

Attachment: Ordinance No. 1790

PROPOSED ORDINANCE NO. 1790

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING CHAPTER 2.02 TO, REPEALING SECTIONS 2.04.080 AND 2.04.100 OF THE PALM SPRINGS MUNICIPAL CODE, AND REPEALING UNCODIFIED ORDINANCE NO. 1562, RELATING TO THE CONDUCT OF MUNICIPAL ELECTIONS.

City Attorney Summary

Currently the City has adopted Cal. Elections Code § 10220 requiring candidates to be nominated to run for the office of Mayor or Member of the City Council by obtaining signatures of not less than 20 nor more than 30 qualified voters in the City. This Ordinance increases the number of qualified voters to not less than 80 nor more than 120 to be nominated for elective office, extending the nomination period by seven days, and includes minor administrative actions.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS FINDS:

- A. Section 802 of Article VIII of the City of Palm Springs Charter provides the City Council may by ordinance enact procedures for the conduct of municipal elections.
- B. Section 5(b) of Article XI of the California Constitution allows Charter Cities to provide for the conduct of city elections and recognizes that regulations for the conduct of local elections is a matter of local concern.
- C. The City Council desires to increase the number of requisite signatures to be nominated for all city elective offices to further the electoral process from impropriety and/or the appearance of impropriety.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS HEREBY ORDAINS:

SECTION 1. Chapter 2.02 of Title 2 of the Palm Springs Municipal Code is hereby added to read as follows:

Chapter 2.02

MUNICIPAL ELECTIONS

- Section 2.02.010** General Municipal Elections.
- Section 2.02.020** Method of Nomination for Elective Office.
- Section 2.02.030** Signatures, Nomination Papers.
- Section 2.02.031** Affidavit of Circulator.

2.02.010 General Municipal Elections.

The Palm Springs general municipal elections shall be consolidated with established election dates and shall be held on the first Tuesday following the first Monday of November of each odd-numbered year.

2.02.020 Method of Nomination for Elective Office.

The provisions of Cal. Elections Code § 10220 shall apply to candidates for any of the elective offices in the City except as follows:

(a) Each candidate shall be proposed by not less than 80 nor more than 120 voters in the City, but only one candidate may be named in any one Nomination Paper.

(b) Only one person may circulate each Section of a Nomination Paper.

(c) Not earlier than the 120th day nor later than the 88th day before a municipal election during normal business hours, as posted, the voter may nominate candidates for election by signing a nomination paper.

2.02.030 Signatures, Nomination Papers.

The provisions of Cal. Elections Code § 10221 shall apply with respect to the signatures on Nomination Papers except as follows:

(a) The City Elections Official shall provide for four (4) Sections to a Nomination Paper. Each Section of a Nomination Paper shall provide for 30 signatures.

(b) Except as provided in subdivision (b) of § 10221 of Cal. Elections Code, the signatures to each Section of a Nomination Paper shall be appended on the same sheet of paper.

2.02.031 Affidavit of circulator.

The provisions of Cal. Elections Code § 10222 pertaining to the affidavit of circulator, shall apply to each Section of a Nomination Paper.

SECTION 2. Section 2.04.080 of the Palm Springs Municipal Code is repealed.

SECTION 3. Section 2.04.100 of the Palm Springs Municipal Code, pertaining to voluntary expenditure ceiling, is repealed.

SECTION 4. Ordinance No. 1562, suspending the provisions of Section 2.04.100 of the Palm Springs Municipal Code, is repealed.

SECTION 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be

published and posted pursuant to the provisions of law and this Ordinance shall take effect on January 1, 2012.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 18TH DAY OF MAY, 2011.

STEPHEN P. POUCKET, MAYOR

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, California, do hereby certify that Ordinance No. 1790 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 20th day of April, 2011, reintroduced at a regular meeting of the Palm Springs City Council on the 4th day of May, 2011, reintroduced at a regular meeting of the Palm Springs City Council on the 18th day of May, 2011, and adopted at a regular meeting of the City Council held on ___ day of _____, 2011 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California