CITY COUNCIL STAFF REPORT

DATE: JUNE 5, 2013   CONSENT CALENDAR

SUBJECT: PROPOSED RESOLUTIONS CALLING THE NOVEMBER 5, 2013, GENERAL MUNICIPAL ELECTION, ORDERING SERVICES AND ADOPTING REGULATIONS FOR CANDIDATE PROFILES (STATEMENTS)

FROM: David H. Ready, City Manager

BY: Office of the City Clerk

SUMMARY

The City Council will consider three resolutions that provide for the calling and giving notice of the general municipal election on November 5, 2013, requesting Riverside County Registrar of Voters to provide specified services, and adopting regulations for candidate profiles (statements).

RECOMMENDATION:

1.   Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA AND CITY CHARTER."

2.   Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013."

3.   Adopt Resolution No. _____, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES PROFILES (STATEMENTS) SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2013."

Item No. 2.J.

STAFF ANALYSIS:

Pursuant to Palm Springs Municipal Code Section 2.02.010, the City shall hold its general municipal election on Tuesday, November 5, 2013, for the election of two members of the City Council for the term ending in November, 2017.

Three routine and customary resolutions *have* been prepared by staff for the City Council to call the election.

The first resolution calls and gives notice of the election; directs the City Clerk to give further notice as provided for in the California Elections Code, and provides for the City Clerk or the Registrar of Voters to conduct and complete the canvass.

The second resolution requests the services from the County of Riverside to conduct the election, and provides for the payment of such services.

The third adopts rules and regulations for the submission of candidates profiles (statements) as required by Section 13307 of the California Elections Code, Palm Springs Municipal Code Section 2.02.035, and the required payment. The estimated deposit of the candidate statement is $750.

Pursuant to Palm Springs Municipal Code Section 2.02.020(a), the official period for a candidate to pull and file nomination papers is July 8 to August 9, 2013, and each candidate shall be proposed by not less than 80 nor more than 120 voters in the City. During these dates candidates may take out and file nomination papers. Additionally, if an incumbent does not file by the end of the nomination period, an extended nomination period will be effectuated, pursuant to the Elections Code Section 10225, and candidates other than the person who was the incumbent may file nomination papers for that office until August 14, 2013.

The provisions of Palm Springs Municipal Code Section 2.02.025 requiring proof of residency has been in effect since 2011.

Calling the election at this time, does not affect the City Council's authority to add a measure to the ballot at a later date. August 9, 2013, is the last day the City Council may add a measure to be submitted to the voters.

October 21, 2013, is the close of registration and is the last day to register or re-register for the November 5, 2013 election.

December 3, 2013, is the final day for the City Clerk and the Registrar of Voters to certify the election results.

The City Council shall no later than the next regularly scheduled meeting following presentation of the canvass, meet to declare the results and to install officers. Tentative date is Wednesday, December 4, 2013.

FISCAL IMPACT:

Approximately $80,000 to conduct the election has been budgeted in City Clerk's Department 001-1150-43860 (Elections). Additionally, a significant amount of staff time to plan and conduct the election will impact the City Clerk's Department.

KATHIE HART
CHIEF DEPUTY CITY CLERK

JAMES THOMPSON
CITY CLERK

DAVID H. READY
CITY MANAGER

Attachments:
Resolution Calling Election
Resolution Requesting Services
Resolution Candidate Profiles (Statements)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM
SPRINGS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE
HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD
ON NOVEMBER 5, 2013, FOR THE ELECTION OF CERTAIN
OFFICERS, AS REQUIRED BY THE PROVISIONS OF THE LAWS
OF THE STATE OF CALIFORNIA AND CITY CHARTER.

WHEREAS, pursuant to Palm Springs Municipal Code Section 2.02.010 a
regular General Municipal Election shall be held on Tuesday, November 5, 2013, for the
election of Municipal Officers; and

WHEREAS, Palm Springs Charter Section 802 requires that elections shall be
held in accordance with the provisions of the California Elections Code, unless
otherwise provided by ordinance.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY
RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the Palm Springs City Charter,
Palm Springs Municipal Code, and the laws of the State of California relating to
elections; there is called and ordered to be held in the City of Palm Springs, California,
on Tuesday, November 5, 2013, a General Municipal Election for the purpose of
electing two Members of the City Council, for the full term of four years.

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

SECTION 3. The City Clerk is authorized, instructed and directed to procure and
furnish any and all official ballots, notices, printed matter, supplies, and equipment that
may be necessary in order to properly and lawfully conduct the election.

SECTION 4. The Polls for the election shall be open at seven o'clock a.m. (7:00
AM) of the day of the election and shall remain open continuously from that time until
eight o'clock p.m. (8:00 PM) of the same day when the polls shall be closed, except as
provided in Section 14401 of the California Elections Code.

SECTION 5. In all matters not recited in this resolution, the election shall be held
and conducted as provided by law for holding municipal elections.

SECTION 6. 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. Pursuant to Section 10263 of the California Elections Code, the canvass of the General Municipal Election is ordered to be made by the City Clerk. The City Clerk may designate the Registrar of Voters of County of Riverside to conduct and complete the canvass.

SECTION 8. The City Clerk or designee shall cause the canvass to be completed for the General Municipal Election and shall certify the results to the City Council by December 3, 2013.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 5TH DAY OF JUNE, 2013.

_____
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 the 5th day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2013

WHEREAS, the City of Palm Springs, California, General Municipal Election will be held on November 5, 2013; and

WHEREAS, in the course of conducting the election it is necessary for the City to request services of the County of Riverside; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Palm Springs.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to the provisions of Section 10002 of the California Elections Code, the Palm Springs City Council requests that the Riverside County Board of Supervisors permit the County Registrar of Voters to prepare and furnish any and all supplies and services in order to properly and lawfully conduct the election.

SECTION 2. The City of Palm Springs shall reimburse the County of Riverside for all services performed when the work is completed and upon presentation to the City a properly approved bill.

SECTION 3. The City Clerk is directed to forward a certified copy of this resolution to the Registrar of Voters for the County of Riverside.

PASSED, APPROVED, AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 5TH DAY OF JUNE, 2013.

_____
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 the 5th day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
PALM SPRINGS, CALIFORNIA, ADOPTING
REGULATIONS FOR CANDIDATES FOR ELECTIVE
OFFICE PERTAINING TO CANDIDATES PROFILES
(STATEMENTS) SUBMITTED TO THE VOTERS AT THE
GENERAL MUNICIPAL ELECTION TO BE HELD ON
NOVEMBER 5, 2013.

WHEREAS, Section 13307 of the California Elections code provides that the
governing body of the local agency adopt regulations pertaining to materials prepared
by any candidate for a municipal election, including the costs thereof.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY
RESOLVE AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS.

Pursuant to Section 13307 of the California Elections Code each candidate for
elective office to be voted for at the City of Palm Springs General Municipal Election to
be held on November 5, 2013, may prepare a candidates profile (statement) on an
appropriate form provided by the City Clerk. The profile (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 Profile (Statement) shall not include party affiliation of the
candidate, nor membership or activity in partisan political organizations. Pursuant to
Section 13307(b) of the California Elections Code **bold font** is prohibited. The profile
(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 profile (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.

The City Clerk is NOT permitted to edit any material contained in candidate
profiles (statements). Candidates are responsible for proofreading spelling, punctuation
and grammar. Since the profile (statement) cannot be changed after it is submitted, **it
is important** for candidates to carefully prepare and proofread their profiles
(statements). Pursuant to the Palm Springs Municipal Code § 2.02.035, the City Clerk
shall not cause to be printed or circulated any profile (statement) which the City Clerk
determines does not comply with the provisions of the Elections Code. The City Clerk,
in his or her sole discretion, after first attempting to consult with the candidate, may
strike or modify the portion or portions of the candidate profile (statement) that is not in
compliance and thereafter cause to be printed and circulated the candidate's profile
(statement) as redacted or modified. (Ordinance No. 1820, adopted 05-15-2013)

SECTION 2. SPANISH LANGUAGE POLICY.

Pursuant to the Voting Rights Act of 1965 (as amended) the City is required to translate candidate profiles (statements) into Spanish. The City Clerk shall print all translations of all candidates profiles (statements) in the voters pamphlet.

SECTION 3. ADDITIONAL MATERIALS.

No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 4. PAYMENT.

The candidate shall be required to pay for the cost of printing the candidate's profile (statement) in English and Spanish.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's profiles (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 profile (statement) to pay in advance to the City, his or her estimated pro rata share as a condition of having the candidate profile (statement) included in the voter's pamphlet.

The estimate is just an approximation of the actual costs 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 profiles (statements).

The City Clerk shall bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost.

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

SECTION 6. All previous resolutions adopting regulations for candidates profiles (statements) are repealed.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 5TH DAY OF JUNE, 2013.

ATTEST:

_____
DAVID H. READY, CITY MANAGER

_____
JAMES THOMPSON, CITY CLERK

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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 the 5th day of June, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California

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