



CITY COUNCIL STAFF REPORT

DATE: JUNE 21, 2017

CONSENT CALENDAR

SUBJECT: PROPOSED RESOLUTIONS CALLING THE NOVEMBER 7, 2017, 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 7, 2017, 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 7, 2017, 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 7, 2017."
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 CANDIDATE PROFILES (STATEMENTS) SUBMITTED TO THE VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 7, 2017."

Item No. 1.E.

STAFF ANALYSIS:

Pursuant to Palm Springs Municipal Code Section 2.02.010, the City shall hold its general municipal election on Tuesday, November 7, 2017, for the election of two members of the City Council for the term ending in November, 2021.

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 candidate 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 \$800.

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 10 to August 11, 2017, 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 16, 2017.

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 11, 2017, is the last day the City Council may add a measure to be submitted to the voters.

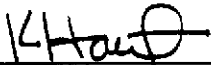
October 23, 2017, is the close of registration and is the last day to register or re-register for the November 7, 2017, election.

December 5, 2017, is the final day for the City Clerk and the Registrar of Voters to certify the election results.

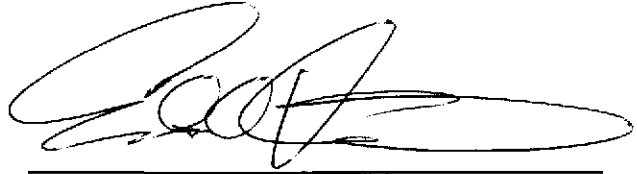
Pursuant to the Charter of the City of Palm Springs, Section 301, "*The term of each member of the city council shall commence no later than five days from the Certification of the election results by the City Clerk.*" The City Council shall tentatively schedule to receive the presentation of the canvass, declare the election results, and install the officers on Wednesday, December 6, 2017.

FISCAL IMPACT:

Approximately \$90,000 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 Office of the City Clerk.



Kathleen D. Hart, MMC
Interim City Clerk



Edward Z. Kotkin
City Attorney



David H. Ready, Esq., Ph.D.,
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 7, 2017, 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 7, 2017, for the election of Municipal Officers; and

WHEREAS, the Charter of the Palm Springs, 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. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Pursuant to the requirements of the Charter of the Palm Springs, 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 7, 2017, a General Municipal Election for the purpose of electing two Members of the City Council, for the full term of four years.

SECTION 3. The ballots to be used at the election shall be in form and content as required by law.

SECTION 4. 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 5. The Polls for the election shall be open at seven o'clock a.m. (7:00 a.m.) of the day of the election and shall remain open continuously from that time until eight o'clock p.m. (8:00 p.m.) of the same day when the polls shall be closed, except as provided in Section 14401 of the California Elections Code.

SECTION 6. In all matters not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. 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 8. 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 9. 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 6, 2017.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 21st DAY OF JUNE, 2017.

ATTEST:

DAVID H. READY, Esq., Ph.D.
CITY MANAGER

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

CERTIFICATION

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

I, KATHLEEN D. HART, Interim 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 21st day of June, 2017, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

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 7, 2017

WHEREAS, the City of Palm Springs, California, General Municipal Election will be held on November 7, 2017; 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. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. 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 3. 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 4. 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 CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 21st DAY OF JUNE, 2017.

ATTEST:

DAVID H. READY, Esq., Ph.D.
CITY MANAGER

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

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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. That the foregoing Recitals are true and correct and are incorporated herein by this reference.

SECTION 2. 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 7, 2017, 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 3. 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 4. ADDITIONAL MATERIALS.

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

SECTION 5. 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 6. 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 7. All previous resolutions adopting regulations for candidates profiles (statements) are repealed.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF PALM SPRINGS THIS 21st DAY OF JUNE, 2017.

ATTEST:

DAVID H. READY, Esq., Ph.D.
CITY MANAGER

KATHLEEN D. HART, MMC
INTERIM CITY CLERK

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