AGENDA REPORT

Meeting Date: October 14, 2008

Item Number: F-3

To: Honorable Mayor & City Council

From: Byron Pope, City Clerk

Subject: RESOLUTIONS OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA

A) CALLING AND GIVING NOTICE OF THE HOLDING OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES;

B) CONSENTING TO AN ELECTION CONSOLIDATION WITH THE CITY OF LOS ANGELES, INCLUDING THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE LOS ANGELES UNIFIED SCHOOL DISTRICT AND ORDERING THAT THE THREE (3) SEATS ON THE BOARD OF TRUSTEES OF THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE ONE (1) SEAT ON THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT APPEAR ON THE BALLOT OF THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009;

C) REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO DIRECT THE COUNTY REGISTRAR/RECORDER TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009; AND

D) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009

Attachments: Resolutions (4)

RECOMMENDATION

It is recommended that the City Council adopt the following resolutions: calling the March 3, 2009 election; consenting to an election consolidation with the City of Los Angeles; requesting the services of Los Angeles County, and adopting regulations for candidate statements.

INTRODUCTION

The proposed resolutions are provided in order to conduct the General Municipal Election to be held on March 3, 2009.

DISCUSSION

The Election Code requires the City Council to take formal action to call and give notice of an election, to consent to an election consolidation with the City of Los Angeles, and to request the services of the County for data processing, street index/roster preparation, precinct consolidation verification, and signature verification.

The March 3, 2009 General Municipal Election will be held to fill three (3) seats for the Beverly Hills City Council and the City Treasurer position presently held by Mayor Brucker, Vice Mayor Fenton, Councilmember Briskman and City Treasurer Finkel respectively.

The City Council of Los Angeles adopted a resolution dated September 19, 2008, requesting the City of Beverly Hills' consent to a consolidation with the Primary Nominating Election of the City of Los Angeles. The consolidation would include the Los Angeles Community College District and the Los Angeles Unified School District for the purpose of electing three (3) Members of the Board of Trustees for the Los Angeles Community College District in Districts 2, 4 and 6, and one (1) Member of the Board of Education of the Los Angeles Unified School District in District 4.

State law requires the translation of election material into Spanish. The City Council has directed staff to make Farsi translations also available upon request to residents. Therefore in furtherance of the goals of the Voting Rights Act, staff will prepare an English only sample ballot to be mailed to all Beverly Hills residents, and will send Spanish or Farsi translations to residents upon request. A resolution is attached for Council consideration in ordering the translations into Spanish and Farsi.

FISCAL IMPACT

Costs for the election have been budgeted in the City Clerk's Office operating budget and are estimated to be $85,000. An agreement with Martin & Chapman Company for the necessary election supplies and services is also on this evening's agenda for City Council approval. Except as provided in Beverly Hills Municipal Code Section 1-8-4(f), actual costs for printing Candidates Statements and translations will be borne by the candidates who choose to provide a statement.

The City of Los Angeles agrees to reimburse the City of Beverly Hills for a proportionate share of the costs of conducting a consolidated election. Martin & Chapman Company has estimated the City of Los Angeles will reimburse the City of Beverly Hills for approximately 50 percent of the total election costs, and any incremental costs that are incurred as a result of the consolidation, such as additional precinct supplies, sample ballot printing costs, etc.

Byron Pope BP
Approved By

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009, 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, the City Council is required to call and give notice of a Regular Municipal Election for the election of Municipal Officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, DOES 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 Beverly Hills, California, on Tuesday, March 3, 2009, a Regular Municipal Election for the purpose of electing three (3) Members of the City Council and one (1) City Treasurer, each for the full term of four years.

SECTION 2. That the ballots 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 material 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 seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock 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.

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.

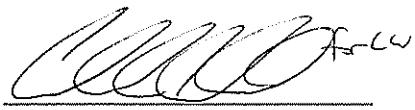
ADOPTED:

_____
BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:



LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

A RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, CONSENTING TO AN ELECTION CONSOLIDATION WITH THE CITY OF LOS ANGELES, INCLUDING THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE LOS ANGELES UNIFIED SCHOOL DISTRICT AND ORDERING THAT THE THREE (3) SEATS ON THE BOARD OF TRUSTEES OF THE LOS ANGELES COMMUNITY COLLEGE DISTRICT AND THE ONE (1) SEAT ON THE BOARD OF EDUCATION OF THE LOS ANGELES UNIFIED SCHOOL DISTRICT APPEAR ON THE BALLOT OF THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009

WHEREAS, a Regular Municipal Election will be held on Tuesday, March 3, 2009 and has been called by Resolution No. _____, adopted by the City Council of the City of Beverly Hills, California, on _____; and

WHEREAS, in accordance with the City of Los Angeles' Resolution, attached as Exhibit A, the City Council of the City of Beverly Hills has been requested to consent to the consolidation of the Primary Nominating Election of the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District, with the City's General Municipal Election scheduled to be held March 3, 2009 in that each of the aforementioned elections will be conducted within the boundaries of the City of Beverly Hills; and

WHEREAS, the City of Los Angeles has agreed to pay its proportionate share of the costs relating to the conduct of this election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, DOES 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, the City Council of the City of Beverly Hills hereby consents to consolidate the Primary Nominating Election of the City of Los Angeles, including the Los Angeles Community College District and the Los Angeles Unified School District for the purpose of electing three (3) Members of the Board of Trustees for the Los Angeles Community College District in Districts 2, 4 and 6 and one (1) Member of the Board of Education of the Los Angeles Unified School District in District 4 with the Regular Municipal Election of the City of Beverly Hills.

SECTION 2. In the event it appears at a later time that it would be in the best interest of the voters in the City of Beverly Hills to conduct these elections concurrently, instead of by consolidation, then only a verbal agreement between the two City Clerks is required to do so. A concurrent election is when each city conducts its own election separately, but using the same polling places and sharing election workers. Voters will walk in, sign a Roster and vote a City of Beverly Hills ballot, deposit it in the City of Beverly Hills ballot box, and then sign a second

Roster, vote a City of Los Angeles ballot and deposit it in the City of Los Angeles ballot box. The voters will get a sample ballot from each city, and will have to apply to each city for an absentee ballot from the respective city.

SECTION 3. In the event that the Regular Municipal Election to be held in the City of Beverly Hills should be cancelled pursuant to Elections Code Section 10229, then the City of Los Angeles will be responsible for the conduct of their election within the boundaries of the City of Beverly Hills.

SECTION 4. 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 5. That notice of time and place of holding of 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 6. That the City Clerk shall forward without delay, a copy of said resolution to the Los Angeles County Board of Supervisors, the Los Angeles County Registrar-Recorder/County Clerk, and to the City Clerk of the City of Los Angeles.

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.

ADOPTED:

_____
BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

_____
LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO DIRECT THE COUNTY REGISTRAR/RECORDER TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009

WHEREAS, a Regular Municipal Election is to be held in the City of Beverly Hills, California, on March 3, 2009; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request certain election-related services from the County of Los Angeles; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Beverly Hills;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County of Los Angeles to permit the County Registrar Recorded to prepare and furnish to the City for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and also furnish to the City printed indices of the voters to be used by the precinct board at the polling place; and will make available to the City additional election equipment and assistance according to state law and at the discretion of the City Clerk.

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

SECTION 3. That the City Clerk is directed to forward certified copies of this resolution without delay to the Board of Supervisors and to the County Election Department.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

ADOPTED:

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BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

[Signatures continue]

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

RESOLUTION NO. 08-R-

RESOLUTION OF THE COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT THE REGULAR MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2009.

WHEREAS, §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 candidates statement;
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BEVERLY HILLS, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. Pursuant to §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 Beverly Hills on March 3, 2009 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. In addition, a candidate's photograph may be included in the statement. The photograph must be recent (taken within six months of the candidate filing) and be of the head and shoulders only, submitted in digital format. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The 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 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.

Pursuant to the Federal Voting Rights Act and state law, the City may be required to translate candidates statements into any language at the candidates request and at the candidate's expense. In addition, the City Clerk is directed to make Spanish and Farsi translations of candidates' statements available on a "by request" basis. Unless requested by a candidate, that candidate's statement shall be printed in the main voter pamphlet in English only.

SECTION 3. PAYMENT.

A. Translations and Printing:

1. The candidate shall not be required to pay for the cost of translating the candidates statement into Spanish or Farsi for the "by request" translation established above.

2. Except as provided in Beverly Hills Municipal Code Section 1-8-4E, the candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.

3. Except as provided in Beverly Hills Municipal Code Section 1-8-4E, the candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet mailed to all voters.

B. Estimated Costs.

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, if any, as a result of complying with the Voting Rights Act of 1965 (as amended). If a candidate does not elect to file a statement of acceptance pursuant to Beverly Hills Municipal Code Section 1-8-4B the City Clerk shall require that candidate filing a statement to pay to the City at the time of filing his or her estimated pro rata share of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost 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 statements. Accordingly, the City 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 City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election. If the candidate alleges that he or she is indigent and unable to pay the costs, the provisions of Elections Code Section 13309 shall apply.

SECTION 4. 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 nominating petitions are issued.

SECTION 6. All previous resolutions establishing City Council policy on payment for candidates statements are repealed.

SECTION 7. This resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

ADOPTED:

_____
BARRY BRUCKER
Mayor of the City of
Beverly Hills, California

ATTEST:

_____(SEAL)
BYRON POPE
City Clerk

APPROVED AS TO FORM:

LAURENCE S. WIENER
City Attorney

APPROVED AS TO CONTENT:

_____
RODERICK J. WOOD
City Manager

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