CONSENT AGENDA

AGENDA ITEM 12.03
December 13, 2011

TO: Mayor and City Council

FROM: Bonnie Paige, City Clerk

SUBJECT: PRIMARY MUNICIPAL ELECTION—JUNE 5, 2012 AND GENERAL MUNICIPAL ELECTION—NOVEMBER 6, 2012

RECOMMENDATION

It is recommended that the City Council adopt two resolutions:

1) Authorizing the following actions:

   a) Calling for and consolidating the June 5, 2012 Primary Municipal Election and the November 6, 2012 General Municipal Election with the respective statewide direct primary and general elections;

   b) Authorizing a fee, as set by the San Joaquin Registrar of Voters, for the printing and handling of the Candidate's Statement of Qualifications;

   c) Coordinating the deadlines for the direct arguments and the rebuttal arguments with the dates, as set by the San Joaquin Registrar of Voters, taking into consideration the City Clerk's Office hours of operation as posted and as authorized by the City Council for both the primary and general elections;

   d) Authorizing the San Joaquin County Registrar of Voters to conduct the elections; and,

2) Authorizing execution of an agreement with San Joaquin County for conducting the consolidated elections.

Summary

Adoption of the recommended resolutions as required by the Elections Code will allow the City Clerk to proceed with election preparation. The Elections Code requires Candidate Statement regulations to be set before the opening of the nomination period. The election consolidation resolution and agreement also need to be adopted by the Council and filed with the San Joaquin County Board of Supervisors no later than 88 days before an election.
DISCUSSION

Background

On December 31, 2012, the terms of the Mayor and Councilmembers in Districts 2, 4, and 6 will expire. The Stockton City Charter Article VII, Section 700 provides that the elections for the nomination and election of persons of elective offices be consolidated with the statewide direct primary election. In addition, a general municipal election shall be held for the election of persons to the elective offices to be consolidated with the statewide direct general election.

Pursuant to the California Election Code, the charge to the candidate for printing and handling of the Candidate’s Statement of Qualifications are estimated by the San Joaquin Registrar of Voters and are set before the opening of the Council candidate nomination period on February 14, 2012. The Code also requires that the argument deadlines be set before the conduct of the elections.

The following filing policies are applicable to candidates. The policies were approved by Council Resolution 98-0052 and remain consistent with current provisions of the California Elections Code:

1. The filing fee for Mayoral and City Council candidates shall be $25 (the maximum allowed under the Elections Code).

2. Each Candidate’s Statement of Qualifications shall be limited to 250 words, and the candidates shall pay in advance the estimated pro rata share of costs for handling, printing, etc., at the time nomination papers are filed.

3. Exemption from advance payment for the candidate’s statement shall be provided for candidates proving indigence. Candidates proving indigence will be allowed additional time to pay for the candidate’s statement. Proof of indigence is based upon the candidate’s federal income tax report. Nonpayment at the specified time will cause the statement to be deleted before the voter’s pamphlet is printed.

Present Situation

Based on the foregoing, a series of actions as outlined above are necessary to allow the City Clerk to proceed with the City’s election preparation. These series of actions are captured in the following recommended resolutions as required by the Elections Code:

1. Resolution authorizing the following:
a) Calling for a Primary Municipal Election and General Municipal Election and requesting the Board of Supervisors of the San Joaquin County to provide for the consolidation of said elections with the State of California Primary Election of June 5, 2012 and General Election of November 6, 2012;

b) The charge as estimated by the San Joaquin Registrar of Voters for the printing and handling of the Candidate’s Statement of Qualifications based on the most recent Report of Registration provided by the Registrar (EC 13307);

c) Authorizing the San Joaquin County Registrar of Voters to conduct the elections;

d) Coordinating the deadlines for the direct arguments and the rebuttal arguments with the dates, as set by the San Joaquin Registrar of Voters, taking into consideration the City Clerk’s Office hours of operation as posted and as authorized by the City Council for both the primary and general elections (EC 9286); and

2. Resolution authorizing execution of an agreement with the County of San Joaquin for the purpose of conducting the primary election and the general election. The agreement is attached as Exhibit 1 to the resolution.

FINANCIAL SUMMARY

The June 2012 Primary Election is estimated to cost $300,000. Funds are available in account 010-0131-510.20-65 Non-Departmental Professional and Special Services account in the 2011-12 Budget. The November 2012 General Election is estimated to cost $400,000 and will be budgeted in the 2012-13 fiscal year.

Respectfully submitted,

Bonnie Paige

BONNIE PAIGE
CITY CLERK

The City Council of the City of Stockton, in San Joaquin County, State of California, is calling for a Primary Municipal Election in the City of Stockton to be held on Tuesday, June 5, 2012, to nominate candidates for Mayor and Councilmember in Council Districts 2, 4, and 6, and a General Municipal Election to be held on Tuesday, November 6, 2012, to conduct a runoff election to elect the Mayor and three (3) Councilmembers; and

A State of California Primary Election will be held on Tuesday, June 5, 2012, and a State of California General Election will be held on Tuesday, November 6, 2012, and it is the desire of the City Council that said Primary and General Municipal Elections be consolidated with the California Primary and General Elections; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. The City of Stockton’s Primary Municipal Election shall be consolidated with the State of California Primary Election to be held on Tuesday, June 5, 2012, to nominate a Mayor and candidates for Councilmembers in Council Districts 2, 4, and 6; and the City of Stockton’s General Municipal Election shall be consolidated with the State of California General Election to be held on Tuesday, November 6, 2012, to hold the runoff election to elect a Mayor and three (3) Councilmembers.

2. The City Council of the City of Stockton authorizes the estimated fee as set by the San Joaquin Registrar of Voters for the printing and handling of the Candidate’s Statement of Qualifications as follows:

City Atty
Review
Date December 7, 2011
June 5, 2012 Primary Election
Mayor (at large) $2,900
Council District #2 candidate (by District) $1,000
Council District #4 candidate (by District) $950
Council District #6 candidate (by District) $1,150

November 6, 2012 General Election (at large):
Mayor and Council District candidates $3,200

3. Deadlines will be coordinated for the direct arguments and the rebuttal arguments with the dates as set by the San Joaquin Registrar of Voters, taking into consideration the City Clerk’s Office hours of operation as posted and as authorized by the City Council for both the primary and general elections.

4. The San Joaquin County Registrar of Voters is authorized to conduct the elections.

5. The City Clerk is authorized and directed to certify the adoption of this Resolution and to transmit a certified copy to the Board of Supervisors of San Joaquin County and to file a certified copy of said Resolution with the County Registrar of Voters of San Joaquin County.

PASSED, APPROVED, and ADOPTED December 13, 2011.

ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton
RESOLUTION AUTHORIZING AN AGREEMENT WITH THE COUNTY OF SAN JOAQUIN FOR THE PURPOSE OF CONDUCTING A PRIMARY AND A GENERAL MUNICIPAL ELECTION

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON AS FOLLOWS:

1. The City Manager is authorized to execute an Agreement between the County of San Joaquin (County) and the City of Stockton (City) for the purpose of conducting a Primary Municipal Election on June 5, 2012, and a General Municipal Election on November 6, 2012. Said Agreement provides for the City to make use of certain services, facilities, and equipment of the County Registrar of Voters and the City will pay County for its cost.

2. A copy of said Agreement is attached as Exhibit 1 and incorporated by this reference.

PASSED, APPROVED, and ADOPTED December 13, 2011.

ANN JOHNSTON, Mayor
of the City of Stockton

ATTEST:

BONNIE PAIGE
City Clerk of the City of Stockton

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AGREEMENT

THIS AGREEMENT is entered into on _______________ between the COUNTY OF SAN JOAQUIN, a political subdivision of the State of California, hereinafter called “COUNTY,” and THE CITY OF STOCKTON, a municipal corporation, hereinafter called “CITY.”

WITNESSETH

WHEREAS, the City Council is calling for the consolidation of the June 5, 2012, primary municipal election and the November 6, 2012, general municipal election with the statewide direct primary and general elections; and CITY desires to make use of certain services, facilities, and equipment of the Registrar of Voters' Office of COUNTY and to pay COUNTY for the CITY'S proportion of the cost thereof, pursuant to the provisions of this Agreement;

NOW, THEREFORE, it is hereby agreed as follows:

1. COUNTY agrees to make no changes in precinct boundaries within eighty-eight (88) days of the June 5, 2012, primary election and the November 6, 2012, general election.

2. COUNTY agrees that the Registrar of Voters’ Office shall perform the following services for CITY:

   (a) Furnish the governing body of CITY, upon request of the City Clerk, with up to four (4) copies of the index of registration for each precinct contained in whole or part within the City of Stockton boundaries, not less than twenty-five (25) days prior to the election.

   (b) Furnish one map showing all regular precincts embraced in whole or part of the City of Stockton.

   (c) Address and mail voters’ pamphlets containing sample ballot, vote-by-mail information and any other election matter required to be mailed to the voters.

   (d) Prepare list of number of registered voters in each precinct.

   (e) Prepare index to precinct consolidation as to polling places.
(f) Prepare precinct consolidations, labels for sample ballots.

(g) Check and package official ballots for consolidated precincts.

(h) Package election supplies for delivery to precinct inspectors, it being understood COUNTY will arrange for delivery of same.

(i) Provide for delivery and return of ballot boxes, election booths, chairs, tables, etc., to polling places, it being understood that delivery and return will be made by COUNTY.

(j) Perform such other election-related services at the request of the City Clerk as may be required by law.

(k) Select the polling place and election officers and mail the Notice of Appointment to the election officers.

(l) Confirm the results of the elections for submission to the City Council as soon as possible and no later than the day required by the City Charter.

(m) Prepare and provide a billing spreadsheet in a format similar to Attachment A.

3. In performing its duties under this Agreement, COUNTY shall comply with all applicable Federal and State laws, including the Voting Rights Act of 1965.

4. The City agrees to:

(a) Pay its proportion of the costs of publications of the polling places and the election officers.

(b) Pay COUNTY its proportion of the costs for all services, facilities, and equipment furnished by COUNTY to CITY in connection with said Election upon receipt by CITY of a billing spreadsheet and statement from the Registrar of Voters setting forth the actual cost of COUNTY for services, facilities, and equipment so furnished. COUNTY will endeavor to keep all expenses to a minimum.
5. Indemnification:

COUNTY shall indemnify, defend, and hold CITY, its officers, agents, employees, and assigns, harmless from any claim, expense, payment, or for any injury, death, or damage to any person or property arising out of the COUNTY'S performance under this Agreement, including any violation of applicable Federal and State law, unless any such injury, damage, or liability arises by virtue of the negligence, as determined by a court of competent jurisdiction, on the part of CITY, its officers, agents, employees, or assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands

COUNTY OF SAN JOAQUIN,
a Political Subdivision of the
State of California

________________________
Chairperson
"COUNTY"

ATTEST: LOIS SAHYOUN
Clerk of the Board of Supervisors
Of the County of San Joaquin
State of California

BY _______________________

APPROVED AS TO FORM

BY: _______________________
County Counsel

ATTEST: CITY OF STOCKTON, A
Municipal Corporation

________________________
BONNIE PAIGE
CITY CLERK

________________________
BOB DEIS
CTY MANAGER
"CITY"

APPROVED AS TO FORM:

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JOHN M. LUEBBERKE
CITY ATTORNEY