



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: November 5, 1996 General Municipal Election

MEETING DATE: June 5, 1996

PREPARED BY: City Clerk

RECOMMENDED ACTION: It is recommended that the Lodi City Council adopt the following resolutions pertaining to the November 5, 1996 General Municipal Election:

- a) Resolution No. 96-65 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Calling And Giving Notice Of The Holding Of A General Municipal Election To Be Held In The City On Tuesday, November 5, 1996, For The Election Of Certain Officers Of The City As Required By The Provisions Of The Laws Of The State Of California Relating To General Law Cities";
- b) Resolution No. 96-66 entitled, "A Resolution Of The City Council Of The City Of Lodi, California, Adopting Regulations For Candidates For Elective Office Pertaining To Candidates Statements Submitted To The Voters At An Election To Be Held On Tuesday, November 5, 1996"; and
- c) Resolution No. 96-67 entitled, "A Resolution Of The Lodi City Council Determining That There Will Be No Filing Fee Charged For The Processing Of Candidates' Nomination Papers For The November 5, 1996 General Municipal Election".

BACKGROUND INFORMATION: The 1996 General Municipal Election for two Council seats will be held Tuesday, November 5, 1996. The terms of Council Members Davenport and Mann are expiring.

By State statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

- a) It will be necessary for the City Council to adopt a resolution calling and giving notice of the holding of a General Municipal Election in the City of Lodi on November 5, 1996.

On October 19, 1988, the City Council adopted Ordinance No. 1438 consolidating Municipal Elections with State-wide General Elections. This Ordinance was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

APPROVED: _____

H. Dixon Flynn -- City Manager

- b) The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter.

The law requires the Council to adopt a policy no later than seven days before the nominations period opens regarding the candidates' obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the voters' pamphlet mailing.

1. **Payment**

Elections Code Section 10012 allows the City to estimate the cost of the candidates' statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidates' statement may be borne by the City, the candidate, or the cost shared between them. (It should be noted that the City has in the past elected **not** to charge candidates for the cost of the candidates' statements.)

2. **Word Limit**

The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the City has in the past elected **not** to increase the word limitation to 400 words.)

3. **Spanish Language**

Federal law does not require Spanish translation in San Joaquin County. The City Council may wish to reflect State law which allows candidates to request Spanish candidates' statements.

Options that the City Council might consider are:

- Have translated and printed in the voters' pamphlet only the candidates' statements of those candidates who request translation and printing.
- Have all candidates' statements translated and printed in the voters' pamphlet.
- Have all candidates' statements translated and available upon request in the City Clerk's office.
- Have all candidates' statements translated but print only those statements which the candidate requests to be printed, others available upon request in the City Clerk's office.

(The City Council in the past has **not** charged candidates for these translations and has elected to allow candidates to request Spanish candidates statements.)

November 5, 1996 General Municipal Election
June 5, 1996
Page Three

- c) It will be necessary for the City Council to adopt a resolution determining whether or not there will be a filing fee for nomination papers.

Section 22843 of the Elections Code of the State of California provides that a filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the City Council and set by ordinance but not exceeding twenty-five dollars (\$25), may be imposed, to be paid upon the filing of such nomination papers.

California courts have ruled that you may not refuse to place a candidate's name on the ballot due to an inability to pay the filing fee. If the fee cannot be waived, an alternative must be provided. Court guidelines are similar to Election Code Section 6555 providing for the substitution of four additional signatures for each one dollar of the filing fee, or an additional one hundred signatures.

(In the past the City Council determined that there would be **no** filing fee for the processing of candidates' nomination papers.)

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

Attachments

RESOLUTION NO. 96-65

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY ON TUESDAY, NOVEMBER 5, 1996, FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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WHEREAS, under the provisions of the laws relating to General Law Cities in the State of California, a General Municipal Election shall be held on Tuesday, November 5, 1996 for the election of municipal officers;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, DOES HEREBY 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 within said State, there is called and ordered to be held in the City of Lodi, California, on Tuesday, November 5, 1996, a General Municipal Election for the purpose of electing the qualified two (2) members of the City Council of said City for the full term of four years.

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

SECTION 3. That the City Clerk of the City of Lodi is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct said 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 14301 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 such 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.

Dated: June 5, 1996

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Resolution No. 96-65
June 5, 1996
Page Two

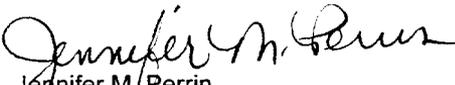
I hereby certify that Resolution No. 96-65 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Perrin
City Clerk

96-65

RESOLUTION NO. 96-66

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 1996

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WHEREAS, Section 10012 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 LODI, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 10012 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 Lodi on November 5, 1996, 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. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed 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. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidates' statements of those candidates who request translation and printing.

SECTION 3. ADDITIONAL MATERIAL. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 4. PAYMENT. No charge shall be levied to the candidates for the printing, handling, translation and mailing the candidates' statements filed pursuant to the Elections Code.

SECTION 5. That 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. That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 5, 1996 and shall then be repealed.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 5, 1996

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Resolution No. 96-66
June 5, 1996
Page Two

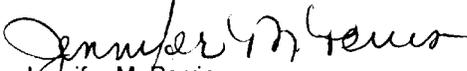
I hereby certify that Resolution No. 96-66 was passed and adopted by the City Council of the City of Lodi in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Perrin
City Clerk

96-66

RESOLUTION NO. 96-67

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A RESOLUTION OF THE LODI CITY COUNCIL DETERMINING THAT THERE WILL BE NO FILING FEE CHARGED FOR THE PROCESSING OF CANDIDATES' NOMINATION PAPERS FOR THE NOVEMBER 5, 1996 GENERAL MUNICIPAL ELECTION

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WHEREAS, Section 22843 of the Elections Code of the State of California provides that the City Council may impose a filing fee proportionate to the costs of processing a candidate's nomination papers, but not exceeding twenty-five dollars (\$25.00) to be paid upon the filing of such nomination papers;

NOW, THEREFORE, BE IT RESOLVED, that the Lodi City Council does hereby set forth the following regulations pertaining to the November 5, 1996 General Municipal Election:

- a) No filing fee will be imposed for the processing of candidates' nomination papers.

BE IT FURTHER RESOLVED, that each candidate or his or her representative shall be provided with a copy of this resolution by the City Clerk at the time he or she picks up nomination papers.

Dated: June 5, 1996

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I hereby certify that Resolution No. 96-67 was passed and adopted by the Lodi City Council in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Perrin
City Clerk

96-67



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Approve Entering Into Contract With County Of San Joaquin For The County Registrar Of Voters To Provide Certain Services For The November 5, 1996 General Municipal Election

MEETING DATE: June 5, 1996

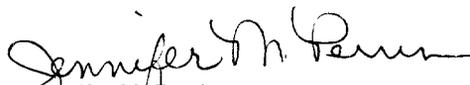
PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt Resolution No. 96-68 approving the City entering into a contract with the County of San Joaquin for the County Registrar of Voters to provide certain services for the November 5, 1996 General Municipal Election.

BACKGROUND INFORMATION: The City Council on October 19, 1988, adopted Ordinance No. 1438 entitled, "An Ordinance Of The Lodi City Council Consolidating Municipal Elections With State-Wide General Elections". This Ordinance was adopted pursuant to Section 36503.5 of the State of California Government Code. Ordinance No. 1438 was approved by the San Joaquin County Board of Supervisors on February 7, 1989.

It is necessary for the City of Lodi to enter into an Agreement with the County of San Joaquin to provide certain services in the conduct of the November 5, 1996 General Municipal Election. The City will reimburse the County for these services when the work is completed and upon presentation to the City of a properly approved bill.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

Attachment

APPROVED: _____

H. Dixon Flynn -- City Manager

RESOLUTION NO. 96-68

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA,
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN TO
RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A
GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 1996

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WHEREAS, a General Municipal Election is to be held in the City of Lodi, California, on November 5, 1996; and

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

WHEREAS, all necessary expenses in performing this service shall be paid by the City of Lodi.

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

SECTION 1. That, pursuant to the provisions of Section 22003 of the Elections Code of the State of California, this City Council requests the San Joaquin County Board of Supervisors to permit the County Registrar of Voters' office to prepare and furnish to the City of Lodi all materials, equipment and services as agreed upon by the County Registrar of Voters and the City Clerk for the conduct of the November 5, 1996 General Municipal Election.

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 without delay to the Board of Supervisors and the County Election Department, each a certified copy of this Resolution.

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.

Dated: June 5, 1996

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I hereby certify that Resolution No. 96-68 was passed and adopted by the Lodi City Council in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Perrin
City Clerk
96-68



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Establish Policy If No One, Or Only One, Person Is Nominated For An Elective Office In The November 5, 1996 General Municipal Election

MEETING DATE: June 5, 1996

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt Resolution No. 96-69 providing for the appointment to the offices of this City that were to be elected Tuesday, November 5, 1996 of the persons who have been nominated if there are not more candidates than offices to be elected.

BACKGROUND INFORMATION: Sections 22843.5 and 22844 of the Elections Code allow for one of the following courses of action to be taken by the City Council in the event there are not more candidates than offices to be elected, or if no one is nominated:

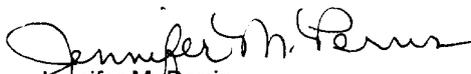
- Appoint to the office the person who has been nominated.
- Appoint to the office any eligible voter if no one has been nominated.
- Hold the election if either no one or only one person has been nominated.

Council may recall that a number of years ago only the incumbents were nominated for office at the General Municipal Election held in Lodi. State statute, at that time, mandated that the election be held. The City had to bear the cost of the election and the voter turnout was extremely low. State statutes have since been amended to allow for a number of courses of action which can be followed should this happen. However, the decision on which course of action is to be followed must be adopted by the City Council prior to the election.

The Provisions of this statute do not apply if, at the subject election, more than one person has been nominated to another City office to be elected on a City-wide basis or city measure has qualified to be placed on the ballot.

In the event that no nominations are received, this matter will be brought back to the Council following the close of nominations for Council to decide if it wishes to appoint eligible voters to the office or hold the election which would then allow for write-in candidates.

FUNDING: None required.


 Jennifer M. Perrin
 City Clerk

APPROVED: _____
 H. Dixon Flynn -- City Manager

RESOLUTION NO. 96-69

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, PROVIDING
FOR THE APPOINTMENT TO THE OFFICES OF THIS CITY THAT WERE TO BE ELECTED
TUESDAY, NOVEMBER 5, 1996 OF THE PERSONS WHO HAVE BEEN NOMINATED IF
THERE ARE NOT MORE CANDIDATES THAN OFFICES TO BE ELECTED**

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WHEREAS, Section 22843.5 and Section 22844 of the Elections Code of the State of California, allows for one of the following courses of action to be taken by the City Council if there are not more candidates than offices to be elected:

1. Appoint to the office the person who has been nominated;
2. Appoint to the office any eligible voter if no one has been nominated;
3. Hold the election if either no one or only one person has been nominated.

RESOLVED, that the Lodi City Council does hereby declare its intention to appoint to the office the person who has been nominated; and

BE IT FURTHER RESOLVED, that the Lodi City Council does hereby direct the City Clerk to proceed with the provisions of Sections 22843.5 and 22844 of the State of California Elections Code as they pertain to the General Municipal Election of November 5, 1996.

Dated: June 5, 1996

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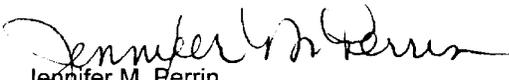
I hereby certify that Resolution No. 96-69 was passed and adopted by the Lodi City Council in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members -Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Ferrin
City Clerk
96-69



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Resolution Providing That The Determination Of A Tie Vote By Candidates Who Receive An Equal Number Of Votes And The Highest Number Of Votes For One Office In The November 5, 1996 General Municipal Election Will Be By Lot

MEETING DATE: June 5, 1996

PREPARED BY: City Clerk

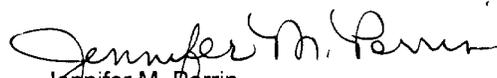
RECOMMENDED ACTION: That the City Council adopt Resolution No. 96-70 providing that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in the November 5, 1996 General Municipal Election will be by lot.

BACKGROUND INFORMATION: Section 20501 of the State of California Elections Code provided that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in an election to be either by lot or by the conduct of a special runoff election.

A special runoff election shall be held only if the legislative body adopts the provisions for the special election prior to the conduct of the election resulting in the tie vote.

Because of the time and cost involved in conducting a special runoff election, it is recommended that the tie vote be determined by lot which process would be conducted by the City Clerk at the City Council meeting immediately following the canvass of the subject General Municipal Election.

FUNDING: None required.


Jennifer M. Perrin
City Clerk

JMP

APPROVED: _____

H. Dixon Flynn -- City Manager ▼

RESOLUTION NO. 96-70

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, PROVIDING THAT THE DETERMINATION OF A TIE VOTE BY CANDIDATES WHO RECEIVE AN EQUAL NUMBER OF VOTES AND THE HIGHEST NUMBER OF VOTES FOR ONE OFFICE IN THE NOVEMBER 5, 1996 GENERAL MUNICIPAL ELECTION WILL BE LOT

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RESOLVED BY THE LODI CITY COUNCIL, that pursuant to Section 20501 of the State of California Elections Code, the Lodi City Council does hereby order that the determination of a tie vote by candidates who receive an equal number of votes and the highest number of votes for one office in the November 5, 1996 General Municipal Election will be by lot.

SECTION 1. That this Resolution shall apply only to the election to be held November 5, 1996 and shall then be repealed.

SECTION 2. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: June 5, 1996

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I hereby certify that Resolution No. 96-70 was passed and adopted by the Lodi City Council in a regular meeting held June 5, 1996 by the following vote:

Ayes: Council Members - Davenport, Mann, Pennino, Sieglock and Warner (Mayor)

Noes: Council Members - None

Absent: Council Members - None

Abstain: Council Members - None


Jennifer M. Perrin
City Clerk