

# REQUEST FOR COUNCIL ACTION



CITY COUNCIL MEETING DATE:

JUNE 5, 2018

TITLE:

**GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018; REQUESTING BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE CITY OF SANTA ANA GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION; AND SUBMISSION OF A PROPOSED CHARTER AMENDMENT REGARDING BY WARD ELECTIONS FOR VOTER CONSIDERATION (STRATEGIC PLAN NO. 5, 1)**

A handwritten signature in black ink, appearing to read "C. Gomez", is written over a horizontal line.

CITY MANAGER

CLERK OF COUNCIL USE ONLY:

APPROVED

- ☐ As Recommended
- ☐ As Amended
- ☐ Ordinance on 1<sup>st</sup> Reading
- ☐ Ordinance on 2<sup>nd</sup> Reading
- ☐ Implementing Resolution
- ☐ Set Public Hearing For \_\_\_\_\_

CONTINUED TO JUN 19 2018

FILE NUMBER \_\_\_\_\_

## RECOMMENDED ACTION

1. Adopt a resolution giving notice and requesting the Board of Supervisors of the County of Orange to consolidate the 2018 Statewide General Election on November 6, 2018 with the City of Santa Ana General Municipal Election for certain officers and proposed City Charter Amendment regarding By-Ward Based Elections.
2. Adopt a resolution establishing a charge for candidates' statements to be submitted to the electorate in the November 2018 General Municipal Election.
3. Adopt a resolution to approve title of Charter Amendment and proposed language for consideration by voters,
4. Adopt resolution authorize the filing of Arguments and Rebuttals.
5. Submittal of Impartial Analysis for voter consideration.
6. Direct Clerk of the Council to publish legal notices as required by law.

## DISCUSSION

In order to conduct an election, State law and the City Charter require the City Council to adopt a resolution calling for a general municipal election. The subject resolution establishes November 6, 2018 as the date for the election of the Mayor and Members of Wards 2, 4 and 6 of the City Council.

Pursuant to Section 10403 of the California Elections Code, the City Council is required to formally request consolidation of the City's General Municipal Election with the Statewide Election. The subject resolution fulfills this requirement by requesting that the Board of Supervisors of Orange County consolidate the general elections for the purpose of electing a Mayor and Councilmembers for Wards 2, 4 and 6 and proposed City Charter Amendment on Ward Based Elections to be held on November 6, 2018 and authorizes the Board of Supervisors to canvass the election returns.

Also, candidates for Mayor and the City Council may choose to have a candidate's statement mailed to each voter as part of the Voter Information Pamphlet. As an added option, the County of Orange Registrar of Voters Office offers a 200 and 400 word option and further have the option to print or simply post an electronic copy of the statement on their website. Candidate statements are produced at the candidates' option, not mandated, and the election code allows the Council to establish a charge to be levied against candidates in order to recover the cost of printing, handling and mailing these statements. The Orange County Registrar of Voters estimated cost for the Candidate Statement as follow:

Print in voter's pamphlet and electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$1,546.00
- 400 Words \$2,775.00

Electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$494.55
- 400 Words \$672.55

Additionally, the City Council directed staff to bring forth a Charter Amendment regarding ward-based elections. Said matter has been discussed recently by the City Council on February 20, 2018, and March 6, 2018. In summary, the City of Santa Ana currently utilizes an at-large election system, which allows electors from the entire City to elect each of the six (6) Councilmembers and the Mayor; the councilmembers must be nominated by electors in their respective ward. The proposed Charter Amendment proposes a Ward-Based Election System in which councilmember are both nominated and elected by electors in that Ward.

The California Elections Code requires the adoption of the attached resolutions in order to place a ballot measure before the voters at a special municipal election and must be submitted to the Registrar of Voters at least 88 days in advance of the election (refer to Exhibit 1).

In addition to calling for the election, a resolution may be approved to permit the filing of written arguments in favor of or against such measure by members of the City Council, any individual voter eligible to vote on the measure, a bona fide association of such citizens or any combination thereof, and establishes deadlines for submission of such arguments to the Clerk of the Council. The Elections Code specifies that members of the Council would be given preference and priority, if authorized by the City Council. The subject resolution would give that authorization to any member of the Council desiring to submit an argument.

The procedures for filing ballot arguments are detailed in the Elections Code. The Election Code procedures, as well as general guidelines for preparing arguments will be provided in a notice prepared by the Clerk of the Council and posted following final adoption of the resolution calling for the election.

Also, whenever a City measure qualifies to be on a ballot, the City Council may direct the City Attorney to prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure (Elections Code §9280). The analysis is printed in the Voter Information Pamphlet preceding the arguments for and against the measure. City Attorney had previously prepared the Impartial Analysis and will be submitted for inclusion in the ballot.

### **STRATEGIC PLAN ALIGNMENT**

Approval of this item supports the City's efforts to meet Goal #5 Community Health, Livability, Engagement & Sustainability, Objective #1 (Establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities).

### **FISCAL IMPACT**

The cost to consolidate the General Municipal Election for candidate and Charter Amendment measure is estimated to be \$275,000. Funds for these administrative costs are available in the Clerk of the Council, Contractual Services account no. 01107031 62300, FY 2018-2019.

APPROVED AS TO FUNDS AND  
ACCOUNTS:

  
\_\_\_\_\_  
Maria D. Huizar  
Clerk of the Council

  
\_\_\_\_\_  
Francisco Gutierrez  
Executive Director  
Finance and Management Services Agency

- Exhibits:
1. Resolution Calling Election & Consolidating
  2. Resolution with proposed Charter Amendment language
  3. Resolution Establishing Estimated Candidate Statement Cost
  4. Resolution authorizing the filing of Arguments and Rebuttals



RESOLUTION NO. 2018-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 6, 2018 TO ELECT CERTAIN MUNICIPAL OFFICERS AND FOR SUBMISSION TO THE VOTERS OF THE QUESTION OF WHETHER CITY CHARTER SECTION 400 SHALL BE AMENDED REQUIRING CITY COUNCILMEMBER ELECTION FROM HIS OR HER RESIDENCY WARD AND ONLY BY REGISTERED VOTERS OF THAT WARD, INSTEAD OF CITY COUNCILMEMBER ELECTION BY THE REGISTERED VOTERS OF THE ENTIRE CITY AND REQUESTING THE BOARD OF SUPERVISORS OF ORANGE COUNTY CONSOLIDATE THE CITY'S GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1: The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. A general municipal election of the City of Santa Ana will be held on November 6; 2018, for the purposes of electing the Mayor and Councilmembers from Wards 2, 4, and 6.
- B. The City Council adopted Resolution No. 2018-XXX submitting to the voters the question relating to a proposed amendment to the City Charter regarding changing from at-large election of City Councilmembers to a by-ward election of City Councilmembers.
- C. There will be a statewide general election held on November 6, 2018.
- D. It is desirable that the general municipal election of the City of Santa Ana on November 6, 2018 be consolidated with the statewide general election to be held on the same date and; that within the City of Santa Ana, the precincts, polling places and charter amendment be the same, and that the Board of Supervisors of the County of Orange canvass the returns of both elections, in all respects as if there were only one election.
- E. The Clerk of Council is authorized, instructed, and directed to give further notice of the election, in time, form and manner as required by law.

Section 2: That pursuant to the requirement of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Orange is hereby requested to consent to and order consolidation of the November 6, 2018 general municipal election of the City of Santa Ana for the purpose of electing the Mayor and Councilmembers from City Wards 2, 4, and 6 and the proposed Charter amendment with the statewide general election to be held on the same date. The election will be held and conducted in accordance with the provisions of law regulation the statewide election.

Section 3: The Board of Supervisors of the County of Orange is hereby authorized to canvass the returns of said special municipal election pursuant to Section 10411 of the Elections Code of the State of California.

Section 4: The City of Santa Ana recognizes the additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County of Orange for any such costs.

Section 5: The Clerk of Council is hereby directed to file a certified copy of this Resolution with the Board of Supervisors of the County of Orange and a certified copy of this Resolution with the Registrar of Voters of the County of Orange.

Section 6: This Resolution shall take effect immediately upon its adopting by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:

SONIA R. CARVALHO  
City Attorney

By: Laura A. Rossini  
Laura A. Rossini  
Senior Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
NOT PRESENT: Councilmembers \_\_\_\_\_

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2018-\_\_\_\_ to be the original resolution adopted by the City Council of the City of Santa Ana on June \_\_\_\_, 2018.

Date: \_\_\_\_\_  
\_\_\_\_\_  
Clerk of the Council  
City of Santa Ana





## RESOLUTION NO. 2018-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA SETTING FORTH THE LANGUAGE OF A BALLOT TITLE FOR A CITY CHARTER AMENDMENT REGARDING WHETHER CITY CHARTER SECTION 400 SHALL BE AMENDED REQUIRING CITY COUNCILMEMBER ELECTION FROM HIS OR HER RESIDENCY WARD AND ONLY BY REGISTERED VOTERS OF THAT WARD, INSTEAD OF CITY COUNCILMEMBER ELECTION BY REGISTERED VOTERS OF THE ENTIRE CITY TO BE INCLUDED ON THE BALLOT FOR THE 2018 GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. Changing from at-large City Councilmember elections to ward-based City Councilmember elections requires a Charter amendment approved by the voters.

Section 2. The City Council has considered the issue of changing from at-large City Councilmember elections to by-district City Councilmember elections and has determined that the voters of the City of Santa Ana should decide whether City Councilmembers should be elected using the by-ward voting method rather than the at-large voting method.

Section 3. There is a general municipal election scheduled for November 6, 2018.

Section 4. The California Elections Code directs that the City Council approve the form of the ballot question to be submitted to the voters and the City Council of the City of Santa Ana desires, on its own motion, to submit to the voters of the City a question relating to whether City of Santa Ana Charter section 400 shall be amended requiring City Councilmember election from his or her residency ward and only by registered voters of that ward, instead of City Councilmember elections by registered voters of the entire City,

Section 5. Under the provisions of the Charter of the City of Santa Ana and the California Elections Code, at the General Municipal Election to be held on November 6, 2018, the following proposed amendments to the City Charter shall be submitted to the voters:

Measure __ .....	YES
Shall City of Santa Ana Charter section 400 be amended requiring City Councilmember election from his or her residency ward and only by registered voters of that ward, instead of City Councilmember elections by registered voters of the entire City?	NO

Section 3. The text of the Charter amendment to Charter section 400 to be submitted to the voters is attached as Exhibit A and incorporated by reference.

Section 4. The vote requirement for the measure to pass is a majority (50% + 1) of the votes cast.

Section 5. The City Clerk is hereby directed to transmit a copy of the measure set forth in Section 2 above to the City Attorney, who shall prepare an **impartial analysis** of the measure in accordance with Section 9280 of the Elections Code. The impartial analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In addition, the Clerk of the Council is directed to fix a deadline for submission of arguments and rebuttals for or against the measure pursuant to Sections 9223 and 9285 of the Elections Code, the provisions of which are hereby adopted by the City Council.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_\_ day of June, 2018.

\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:

SONIA R. CARVALHO  
City Attorney

By: Laura A. Rossini  
Laura A. Rossini  
Senior Assistant City Attorney

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
ABSTAIN: Councilmembers: \_\_\_\_\_  
NOT PRESENT: Councilmembers: \_\_\_\_\_

#### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2018-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on June \_\_\_\_, 2018.

Date: \_\_\_\_\_

\_\_\_\_\_  
Maria D. Huizar,  
Clerk of the Council

Exhibit A-City of Santa Ana Charter Section 400

(Deleted language is stricken and new language is in red)

Sec. 400. - Number, selection and terms of members.

The City Council shall consist of seven (7) members elected at the times and in the manner provided in this charter, each of whom, except for the mayor, shall serve a term of four (4) years. The term of each member shall begin at 6:00 p.m. on the second Tuesday of December following certification of election results, and each shall serve except as otherwise provided for in this charter, until his or her successor is elected and qualified. Each office of councilmember shall be a separate office and one (1) of such offices shall be assigned to each of the wards of the City. Councilmembers shall be residents of their respective wards, and nominated and elected only by the voters of their respective wards. The Mayor shall be elected from the City at large. ~~Candidates for each office of councilmember other than the mayor shall be nominated from such ward by the electors of such ward and candidates for mayor shall be nominated by electors of the City, but all councilmembers shall be elected by the vote of the electors of the City at large.~~

## RESOLUTION NO. 2018-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ESTABLISHING A SYSTEM FOR CANDIDATES WHOSE STATEMENTS ARE SUBMITTED TO THE ELECTORATE IN THE 2018 GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 TO PAY THE PRO RATA SHARE OF THE COST OF INCLUSION OF THEIR STATEMENT IN VOTER PAMPHLETS AND/OR ELECTRONIC COPY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. Section 13307(d) of the Elections Code of the State of California authorizes the governing body of any local agency to require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet or electronically distributed.
- B. Prior to the period in which candidate statements may be filed, the Orange County Registrar of Voters Office estimates the total cost of translating, posting electronic copy on the Registrar of Voters website, printing, handling, and/or mailing the candidates' statements and determines the approximate cost of the pro rata share of each candidate filing a statement based upon such estimate, as follow:

Print in voter's pamphlet and electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$1,546.00
- 400 Words \$2,775.00

Electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$494.55
- 400 Words \$672.55

The payment in advance by each such candidate of his or her prorated share shall be a condition of having his or her statement included in the voter's pamphlet, and/or electronic posting.

Section 2. The City Council hereby approves the process whereby:

- A. Prior to the period in which candidates' statements may be filed, the Clerk of the Council shall prepare a written notice distributed to all candidates at the time of issuance of the nomination papers, informing them that payment of the pro rata share amount must be made at the same time as the candidate's nomination papers as prescribed by the California Elections Code.
- B. The Clerk of the Council's receipt for the payment shall include a written notice that 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 Clerk of the Council shall not be 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 Clerk of the Council may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk of the Council shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 3. The Clerk of the Council shall provide each candidate or the candidate's representative a copy of this Resolution at the time when nominating petitions are issued by the Clerk.

Section 4. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_ day of June, 2018.

\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini  
Laura Rossini,  
Senior Assistant City Attorney

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
ABSTAIN: Councilmembers: \_\_\_\_\_  
NOT PRESENT: Councilmembers: \_\_\_\_\_

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, MARIA D. HUIZAR, Clerk of the Council, do hereby attest to and certify that the attached Resolution No. 2018-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on June \_\_\_\_, 2018.

Date: \_\_\_\_\_

\_\_\_\_\_  
Maria D. Huizar,  
Clerk of the Council





RESOLUTION NO. 2018-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA AUTHORIZING WRITTEN ARGUMENTS FOR PROPOSED AMENDMENT TO THE SANTA ANA CHARTER REGARDING WHETHER CITY CHARTER SECTION 400 SHALL BE AMENDED REQUIRING CITY COUNCILMEMBER ELECTION FROM HIS OR HER RESIDENCY WARD AND ONLY BY REGISTERED VOTERS OF THAT WARD, INSTEAD OF CITY COUNCILMEMBER ELECTION BY REGISTERED VOTERS OF THE ENTIRE CITY

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1: The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

- A. A general municipal election of the City of Santa Ana will be held on November 6, 2018, at which there will be submitted to the qualified electors of the City a Charter Amendment measure related to whether the City of Santa Ana Charter section 400 shall be amended requiring City Councilmember election from his or her residency ward and only by registered voters of that ward instead of City Councilmember election by registered voters of the entire City.
- B. That pursuant to the requirements at Section 9282 of the Elections Code of the State of California, the legislative body may authorize any member(s) of the City Council to write arguments for or against any measure.

Section 2: The City Council, as the legislative body of the City of Santa Ana, hereby authorizes the Clerk of the Council to give preference and priority to any member or members of the City Council (up to five members), then to voters as set forth in California Elections Code section 9287, to file a written argument for or against the City measures set forth above, and to change said argument until and including the date fixed by the Clerk of the Council after which no arguments for or against said City measure may be submitted.

Section 3: This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this \_\_\_\_ day of June, 2018.

\_\_\_\_\_  
Miguel A. Pulido  
Mayor

APPROVED AS TO FORM:

SONIA R. CARVALHO  
City Attorney

By: Laura A. Rossini  
Laura A. Rossini  
Senior Assistant City Attorney

AYES: Councilmembers: \_\_\_\_\_  
NOES: Councilmembers: \_\_\_\_\_  
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Date: \_\_\_\_\_

\_\_\_\_\_  
Maria D. Huizar,  
Clerk of the Council