

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**



ITEM
2.6
(ID # 6535)

MEETING DATE:

Tuesday, March 13, 2018

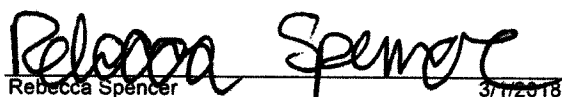
FROM : REGISTRAR OF VOTERS:

SUBJECT: REGISTRAR OF VOTERS: Approval of Election Services for the City of Rancho Mirage General Municipal Mail Ballot Election; District 4; [\$ 24,700 - Reimbursement from the City of Rancho Mirage to the General Fund].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Registrar of Voters to conduct election services for the April 10, 2018, City of Rancho Mirage General Municipal Mail Ballot Election.

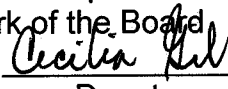
ACTION: Consent


Rebecca Spencer 3/17/2018

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Tavaglione, seconded by Supervisor Ashley and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Tavaglione, Washington, Perez and Ashley
Nays: None
Absent: None
Date: March 13, 2018
xc: ROV

Kecia Harper-Ihem
Clerk of the Board
By: 
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,
STATE OF CALIFORNIA**

FINANCIAL DATA	Current Fiscal Year	Next Fiscal Year	Total Cost	Ongoing Cost
COST	\$ 24,700	\$ 0	\$ 24,700	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS: City of Rancho Mirage			Budget Adjustment: No	
			For Fiscal Year: 18/19	

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

California Elections Code §§ 10002, 10402, and 10403 allow jurisdictions to request that the Board of Supervisors approve the Registrar of Voters to conduct elections by submitting a resolution requesting these services. The City of Rancho Mirage has complied with this requirement and has requested the Registrar of Voters to conduct its election. The department has the resources to provide these services. The County will receive reimbursements from the jurisdiction based on associated direct costs of conducting their election.

Impact on Residents and Businesses

Registered voters in the City of Rancho Mirage will have the opportunity to vote for three City Councilmembers.

Additional Fiscal Information

The County will receive reimbursements from the jurisdiction based on associated direct costs of conducting their election. Approximately \$ 24,700 of election costs will be reimbursed by the City of Rancho Mirage.

ATTACHMENTS:

ATTACHMENT A. RESOLUTION NO. 2017-45


Rahimi Dasika, Principal Management Analyst 3/5/2018

RESOLUTION NO. 2017-45

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RANCHO MIRAGE, CALIFORNIA, CALLING AND PROVIDING NOTICE OF AN ALL-MAIL BALLOT GENERAL MUNICIPAL ELECTION PURSUANT TO ORDINANCE NO. 982 TO BE HELD ON TUESDAY, APRIL 10, 2018, FOR THE ELECTION OF THREE RANCHO MIRAGE CITY COUNCILMEMBERS FOR THREE FOUR-YEAR TERMS

WHEREAS, the City of Rancho Mirage (the "City") is a charter city and a political subdivision of the State of California; and

WHEREAS, the City's Charter was filed with Secretary of State on December 25, 1997; and

WHEREAS, the opening of the Charter's Preamble provides as follows: "We the people of the City of Rancho Mirage declare our intent to restore our community to the historic principles of self-governance inherent in the doctrine of home-rule."; and

WHEREAS, Section 100, Municipal Affairs, of the City's Charter provides as follows: "That the City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions relating to municipal affairs, without limitation, which may be lawfully adopted, made, exercised, taken or enforced under the Constitution of the State of California. Without limiting in any manner the foregoing power and authority, each of the powers, rights, and responsibilities described in this Charter is hereby declared to be a municipal affair, the performance of which is unique to the benefit and welfare of the citizens of the City of Rancho Mirage."; and

WHEREAS, as set forth in California Constitution, Article XI, section 5, charter cities have plenary authority over "municipal affairs"; and

WHEREAS, the provisions of California Constitution, Article XI, section 5(a) provides that, the "home rule" provision, affirmatively grant charter cities supremacy over "municipal affairs," i.e., a city charter is subject only to conflicting provisions in the state or federal constitutions and preemptive state law on matters of statewide concern; and

WHEREAS, charter cities have the power to make and enforce all ordinances and regulations about municipal affairs, including those relating to the conduct of city elections, as set forth in California Constitution, Article XI, section 5 (b); and

WHEREAS, in 2009, the City Council adopted Ordinance No. 982, adding section 2.86.010, Mail Ballot Elections, to Title 2 of the Rancho Mirage Municipal Code ("RMMC") to allow the City's municipal elections to be conducted by mailed ballots only; and

WHEREAS, RMMC section 2.86.010, Mail Ballot Elections, authorized the City Council to conduct any special or general municipal election wholly by mailed ballots,

provided the election does not coincide with a statewide or federal election, unless otherwise required by any law applicable to charter cities, and that the City Council must determine whether an election will be conducted by mail at the time the election is called; and

WHEREAS, RMMC section 2.86.010, Mail Ballot Elections, provides that actions of the City Council pursuant to this section shall be set forth in a resolution approved at a regular or special meeting of the City Council, unless otherwise required by any law applicable to charter cities; and

WHEREAS, RMMC section 2.86.010, Mail Ballot Elections, also provides that elections authorized by this section shall be conducted in accordance with special provisions as may be adopted by resolution of the City Council and with the applicable provisions for mail ballot elections set forth in Elections Code section 4100 et seq., consistent with the provisions of RMMC section 2.86.010; and

WHEREAS, RMMC section 2.86.10 provides that the City Council is authorized to adopt a resolution calling for any special or general municipal election to be conducted entirely by mail ballot, provided the election does not coincide with a statewide or federal election or conflict with other laws applicable to charter cities; and

WHEREAS, the City Council desires to hold and conduct the City's General Municipal Election on April 10, 2018, for the election of three full four-year term City Council Members entirely by mailed ballots; and

WHEREAS, an April 10, 2018, general municipal election will not coincide with a statewide or federal election or conflict with other laws applicable to charter cities

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

Section 1. Recitals.

That the Recitals set forth above are true and correct.

Section 2. Mail Ballot Election.

That pursuant to Ordinance No. 982, codified as RMMC section 2.86.10, and the laws of the State of California, there is called and ordered to be held in the City of Rancho Mirage, California, on Tuesday, April 1, 2018, a General Municipal Election conducted by mail ballot only for the purpose of electing members of the City Council for three full four-year term seats, pursuant to Chapter 2 of Division 4 (commencing with Section 4100) of the California Elections Code only insofar as required by law, and consistent with the City Charter and Ordinance No. 982, codified as RMMC section 2.86.10.

Section 3. **Form and Content.**

That the form and content of the ballots to be used for the General Municipal Election shall be in accordance with all applicable laws.

Section 4. **Materials, Supplies and Equipment.**

That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all materials, supplies and equipment that may be necessary in order to properly and lawfully conduct the City's General Municipal Election by all mail ballot.

Section 5. **Submission of Ballots.**

That pursuant to the City of Rancho Mirage Municipal Code, and other applicable provisions of the City Charter and Ordinance No. 982, codified as RMMC section 2.86.10, said election shall be conducted by all mail ballot, pursuant to Chapter 2 of Division 4 (commencing with Section 4100) of the California Elections Code only insofar as required by law, and consistent with the City Charter and Ordinance No. 982, codified as RMMC section 2.86.10; and notwithstanding Elections Code Section 4103, ballots cast in the election shall be returned to the office of the Riverside County Registrar of Voters no later than 8 o'clock p.m. on Election Day. Only ballots received in the office of the Riverside County Registrar of Voters by 8 o'clock p.m. on Election Day shall be counted.

Section 6. **Conduct of Election.**

That in all other particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections, and consistent with the City Charter and Ordinance No. 982, codified as RMMC section 2.86.10.

Section 7. **Time and Place of Election.**

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 General Municipal Election, in time, form and manner as required by law.

Section 8. **Costs.**

That the City Council authorizes the City Clerk or designee to administer the General Municipal Election, and all reasonable and actual election expenses for any services, equipment or supplies shall be paid by the City upon presentation of a properly submitted bill.

Section 9. **Severability.**

That the City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court

action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

Section 10. **Repeal of Conflicting Provisions.**

That all the provisions heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

Section 11. **Effective Date.**

That this Resolution shall take effect immediately upon its adoption.

Section 12. **Certification.**

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


Section 13. **Copy of Resolution.**

That the City Clerk shall provide each General Municipal Election city council candidate or the candidate's representative a copy of this Resolution at the time the candidate's nomination papers are issued.


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PASSED, APPROVED AND ADOPTED this 16th day of November, 2017.


CITY OF RANCHO MIRAGE


Charles Townsend, Mayor

ATTEST:


Kristie Ramos, City Clerk

APPROVED AS TO FORM:


for Steven B. Quintanilla, City Attorney
Colin Davis Kirkpatrick
Deputy City Attorney

CERTIFICATION


STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE)

CITY OF RANCHO MIRAGE)

I, Kristie Ramos, City Clerk of the City of Rancho Mirage, California, do hereby certify that Resolution No. 2017-45 was duly adopted by the City Council of the City of Rancho Mirage, California, at a regular meeting thereof held on the 16th day of November 2017, by the following vote:

AYES: Hobart, Kite, Smotrich, Townsend, Weill.
NOES: None.
ABSENT: None.
ABSTAIN: None.



Kristie Ramos
Kristie Ramos
City Clerk