

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



ITEM: 2.10
(ID # 18505)

MEETING DATE:

Tuesday, March 08, 2022

FROM : REGISTRAR OF VOTERS:

SUBJECT: REGISTRAR OF VOTERS: Approval of Election Services for the City of Moreno Valley Special Vacancy Election, District 1. [\$70,000]; Reimbursement from the City of Moreno Valley to the General Fund.

RECOMMENDED MOTION: That the Board of Supervisors:

1. Approve the Registrar of Voters to conduct election services for the April 12, 2022, City of Moreno Valley Special Vacancy Election.

ACTION:Consent


Rebecca Spencer 3/27/2022

MINUTES OF THE BOARD OF SUPERVISORS

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

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: March 8, 2022
xc: R.O.V.

Kecia R. Harper
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	\$ 70,000	\$ 0	\$ 70,000	\$ 0
NET COUNTY COST	\$ 70,000	\$ 0	\$ 70,000	\$ 0
SOURCE OF FUNDS: Jurisdiction will reimburse the general fund			Budget Adjustment: No	
			For Fiscal Year: 21/22	

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 Moreno Valley 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 Moreno Valley will have the opportunity to vote for a Councilmember in District 1 listed on the attached resolution.

Additional Fiscal Information

The County will receive reimbursements from the jurisdiction based on associated direct costs of conducting their election. Approximately \$70,000 of election costs will be reimbursed by the City of Moreno Valley.

ATTACHMENTS:

ATTACHMENT A. RESOLUTION NO. 2021-82

ATTACHMENT B. RESOLUTION NO. 2021-83

Juan C. Perez, Chief Operating Officer

3/2/2022

RESOLUTION NO. 2021-82

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF MORENO VALLEY ON TUESDAY, APRIL 12, 2022, FOR THE ELECTION OF A COUNCIL MEMBER TO FILL A VACANCY, AS REQUIRED BY THE PROVISIONS OF THE LAW OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION WITH ANY ELECTION HELD ON THAT SAME DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, the office of City Council Member for District 1 became vacant as a result of the passing of Victoria Baca on October 6, 2021; and

WHEREAS, the remaining term of the late Council Member Baca expires and ends with the November 2024 General Municipal Election; and

WHEREAS, Government Code Section 36512(b) provides that if a vacancy occurs in an elective office provided, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy for the unexpired term of the former incumbent; and

WHEREAS, Government Code Section 36512(b) further provides that the special election shall be held on the next regularly established election date not less than 114 days from the call of the special election; and

WHEREAS, Elections Code Section 1000 provides that the "Regular Election Dates" include: (a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four. (b) The first Tuesday after the first Monday in March of each odd-numbered year. (c) The second Tuesday of April in each even-numbered year. (d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four. (e) The first Tuesday after the first Monday in November of each year; and

WHEREAS, since the special election to fill the vacancy must be held on the "next regularly established election date" that falls on or after the 114th day from the date the special election is called, the special election will have to take place on the second Tuesday in April, which is April 12, 2022; and

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council of the City of Moreno Valley wishes to call and order to be held in the City of Moreno Valley, California, on Tuesday, April 12, 2022,

a Special Municipal Election to consider the election of a municipal officer; and

WHEREAS, since the Special Municipal Election will be consolidated with other elections held on the same date, the precincts, polling places and election officers of the consolidate elections shall be the same, and that the Registrar of Voters of the County of Riverside shall canvass the returns of the Special Municipal Election, and that the elections be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, 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, including without limitation Government Code Section 36512, there is called and ordered to be held in the City of Moreno Valley, California, on Tuesday, April 12, 2022, a Special Municipal Election for the purpose of electing one (1) member of the City Council in District 1, for the balance of the term of office in which a vacancy was created as a result of the passing of Victoria Baca, which term shall expire with the November 2024 General Municipal Election.

SECTION 2. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Riverside is hereby requested to consent and agree to the consolidation of the City of Moreno Valley's Special Municipal Election with any other elections , which may be held on said day in whole or in part of the territory of the City, as provided in Elections Code Section 10400, for the purpose of electing one (1) member of the City Council in District 1, for the balance of the term of office in which a vacancy was created as a result of the passing of the late Victoria Baca, which term shall expire with the November 2024 General Municipal Election.

SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed to coordinate with the County of Riverside Registrar of Voters to procure and furnish any and all ballots, notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. on 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, pursuant to California Elections Code Section 10242, except as provided in Elections Code Section 14401.

SECTION 6. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections in the City.

SECTION 7. That the County of Riverside Registrar of Voters Office is authorized to canvass the returns of the City of Moreno Valley's Special Municipal Election, that the elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used, and that the City of Moreno Valley's Special Municipal Election shall be held and conducted in accordance with the provisions of law regulating the consolidated elections, including without limitation, Section 10418 of the Elections Code.

SECTION 8. That the Board of Supervisors is hereby requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 9. That the City of Moreno Valley recognizes that additional costs will be incurred by the County of Riverside by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a properly submitted invoice.

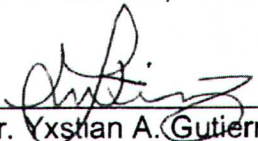
SECTION 10. That the notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 11. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Registrar of Voters of the County of Riverside.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

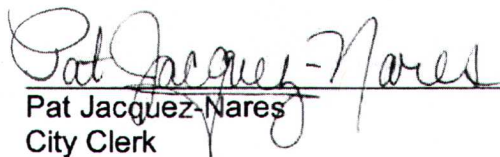
SECTION 13. That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this Resolution are hereby repealed.

APPROVED AND ADOPTED this 7th day of December, 2021.



Dr. Yxsthan A. Gutierrez
Mayor
City of Moreno Valley

ATTEST:



Pat Jaquez-Nares
City Clerk

APPROVED AS TO FORM:



Steven B. Quintanilla
Interim City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2021-82 was duly and regularly adopted by the City Council of the City of Moreno Valley at a special meeting thereof held on the 7th day of December, 2021 by the following vote:

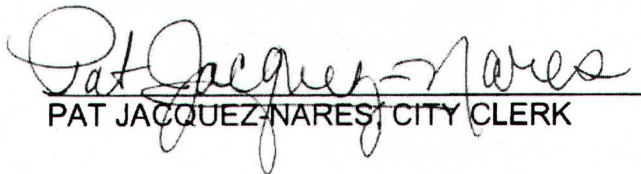
AYES: Council Member Delgado, Council Member Cabrera, and Mayor Gutierrez

NOES: None

ABSENT: None

ABSTAIN: Council Member Marquez

(Council Members, Mayor Pro Tem, Mayor)


PAT JACQUEZ-NARES, CITY CLERK

(SEAL)

RESOLUTION NO. 2021-83

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, ESTABLISHING REGULATIONS PERTAINING TO MATERIALS FOR CANDIDATES AND COSTS PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A CONSOLIDATED SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 12, 2022

WHEREAS, California Elections Code Section 13307 provides that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a Municipal Election, including the costs thereof;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. General Provisions. That pursuant to California Elections Code Section 13307, each candidate for elective office to be voted for at the Special Municipal Election to be held in the City of Moreno Valley on Tuesday, April 12, 2022, may prepare a candidate statement on an appropriate form provided by the City Clerk. Such statements may include the name, age and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself or herself. Since City Council offices are non-partisan, such statements shall not include party affiliation of the candidate, nor membership activity in any partisan political organizations. Pursuant to Elections Code Section 13307, such statements may not include a reference to any other candidate. Such statements shall be filed in the Office of the City Clerk at the time the candidate's nomination papers are filed. Such statements may be withdrawn, but not changed, during the period for filing nomination papers up until 5:00 p.m. of the next working day after the close of the nomination period.

Section 2. Foreign Language Policy. That pursuant to the Federal Voting Rights Act, the County shall translate candidate statements into Spanish, and a translation of the candidate's statement shall be included in the voter's pamphlet and mailed with the sample ballot to each registered voter in the City, who has requested a sample ballot in Spanish.

Section 3. Payment. That the candidate shall be required to pay for his or her pro rata cost of translating and printing the candidate statement as specified in Section 2 above. As determined by the County Registrar of Voters, the City Clerk shall require a candidate filing a statement to pay a deposit in advance to have his or her statement included in the voter's pamphlet or to have his or her statement posted electronically only on the Riverside County Registrar Recorder's website. The City Clerk shall bill each candidate for any cost in excess of the deposit and shall refund any unused portion of any deposit.

Section 4. Formatting. That the City Clerk shall allow italics, underlining, bullets, and capitalized words in candidate statements. Bold type is prohibited in candidate statements.

Section 5. State Standards. That the City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

Section 6. Additional Materials. That no candidate will be permitted to include additional materials to the sample ballot package.

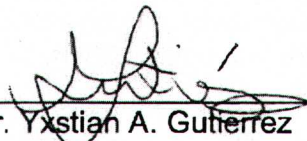
Section 7. Copies. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nomination petitions are issued.

Section 8. Repeal. That all previous resolutions establishing council policy on payment for candidate statements are repealed.

Section 9. Application. That this Resolution shall apply to the election to be held on November 2, 2021, and shall thereafter be repealed without any further action by the City Council

Section 10. Certification. That the City Clerk shall certify to the passage and adoption of this Resolution and shall enter the same into the book of original resolutions of the City of Moreno Valley.

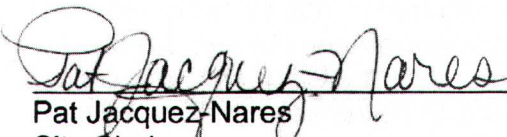
APPROVED AND ADOPTED this 7th day of December, 2021.



Dr. Yxstian A. Gutierrez
Mayor
City of Moreno Valley

ATTEST:

APPROVED AS TO FORM:



Pat Jacquez-Nares
City Clerk



Steven B. Quintarilla
Interim City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)

COUNTY OF RIVERSIDE) ss.

CITY OF MORENO VALLEY)

I, Pat Jacquez-Nares, City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2021-83 was duly and regularly adopted by the City Council of the City of Moreno Valley at a special meeting thereof held on the 16th day of March, 2021 by the following vote:

AYES: Council Member Delgado, Council Member Cabrera and Mayor Gutierrez

NOES: None

ABSENT: Council Member Marquez

ABSTAIN: None

(Council Members, Mayor Pro Tem and Mayor)


PAT JACQUEZ-NARES, CITY CLERK

(SEAL)