

December 1, 2005

Regular Council Meeting
December 13, 2005

Mayor and Members
of the City Council

**CONSIDERATION OF APPOINTMENT OR SPECIAL ELECTION
TO FILL THE ANTICIPATED VACANCY ON THE CITY COUNCIL**

RECOMMENDATION:

It is recommended that the City Council consider the alternatives available for filling the anticipated vacancy on the City Council resulting from Howard Fishman's announcement that he does not intend to be sworn into office, either by appointment or a special election, and take action as required by the California Elections Code.

BACKGROUND:

A vacancy on the City Council is anticipated to occur this evening by virtue of the announcement of Councilmember-elect Howard Fishman that he does not intend to be sworn into office or serve his term due to his wife's illness. The vacancy will exist upon the certification of the election results and the swearing in of the councilmembers-elect. Pursuant to Government Code Section 36512, the Council now has 30 days in which to take one of two possible actions to fill the vacancy – either by appointment or by calling a special election. A review of the alternatives follows:

APPOINTMENT:

An appointment may be made either this evening, at the meeting of January 10, 2006, or at any adjourned or special meeting within the 30-day period. The appointee must be a Hermosa Beach resident and a registered voter. Any person appointed would serve out the four-year term to which Mr. Fishman was elected. The appointment must be made by a majority of those voting.

- (A) If the Council appoints an individual this evening to fill the vacant seat, that person may be sworn in and seated immediately.
- (B) If the Council decides to have interested parties apply for the vacant seat, with appointment to take place at a subsequent meeting, applications would be made available in the City Clerk's office for that purpose. (I have attached for Council

review a sample application that was adapted from a recently used Torrance form.) If the Council pursues this alternative, it must also take the following actions tonight:

- (1) Set a filing deadline for the submittal of applications; and
- (2) Schedule a meeting (prior to the January 10 meeting) for the purpose of conducting interviews, if desired.

SPECIAL ELECTION:

A special "polling place" election must be held on the next regularly established election date not less than 114 days from the date of calling the election. Pursuant to Elections Code Section 1000, the next regularly established election dates for a polling place election are:

- (1) April 11, 2006 (the second Tuesday in April).
- (2) June 6, 2006 (the first Tuesday after the first Monday in June).

The April 11, 2006 date would be a stand-alone City election and would require Council action this evening in order to meet the 114-day threshold. Attached to this report are all of the required resolutions for adoption in order to conduct a special election on this date. This would be the most labor-intensive option for my department and would have the shortest lead-time, since the filing period for nomination papers would begin Monday, December 19, 2005 (and end Friday, January 13, 2006). It would, however, fill the vacancy two months sooner than a June election. Because the election would be conducted wholly by the City (rather than with the shared duties of a consolidated election), it would involve significant additional staff time to set up polling places and poll workers (including training), process absentee ballots, etc. The estimated total cost for this election is broken down as follows:

\$29,000	– Martin & Chapman services and supplies
2,400	– Poll workers and polling places (6 precincts)
1,300	– County services
2,400	– Sample ballot postage
600	– Absentee postage
11,626	– Additional staffing
<u>1,000</u>	– Publications, misc. costs
\$48,326	– TOTAL ESTIMATE

For comparison purposes, \$57,000 was the cost of the March 2005 (stand-alone) election in Manhattan Beach, with 24,039 registered voters (compared to 13,312 in Hermosa), which affects the postage/printing/precinct costs, but has little effect on the base cost of an election.

Please note that if the Council does not call a special election tonight, the April date will no longer be an option.

The June 6, 2006 date would provide the opportunity to request consolidation with the County primary election, which would require less additional City staffing since duties would be shared between the Clerk's office and the County. If this is the alternative selected, all required resolutions would be presented at the January 10 meeting for Council adoption. The total estimated cost for this consolidated election is broken down as follows:

\$35,000 – County services
813 – Martin & Chapman for election supplies
5,526 – Additional staffing
1,000 – Publications, misc. costs
\$42,339 – TOTAL ESTIMATE

IT IS IMPORTANT TO NOTE, however, that there is no guarantee that the County will approve our consolidation request for the June 6 election. Recent correspondence from the County strongly recommended that the City choose another alternative, and included the following excerpt from a document summarizing the Election Consolidation Policy of the Los Angeles County Board of Supervisors:

- “1) The County's voting system (InkaVote) does not have the capacity to include regularly-scheduled races for all jurisdictions within the County on either its Primary or General even-numbered year election.
- 2) There is no way to determine, in advance of the completion of candidate filings, which jurisdictions' candidates would fit on any given Primary or General Election ballot.
- 3) In fairness to the many cities and school districts within Los Angeles County, the Board of Supervisors has a long-established policy of denying requests for consolidation with Primary or General Election. The basis for this denial is Number 1) above, that is, the County's voting system lacks the capacity to include all jurisdictions' elections.”

If the decision is made to go with a June election, a worst-case scenario would put us in the unfortunate position of having to conduct a concurrent (stand-alone) election on that date, using the County's established polling places, but with our own separate voting tables, precinct officers, ballots and supplies, and then tabulating our own results, all of which would increase our cost to that of a stand-alone election and create voter confusion.

For comparison purposes, below are the costs of our most recent consolidated elections:

- (1) 11/04/03 regular municipal election – total cost was \$32,502 – for Clerk, Treasurer, two Council seats, and two measures (shared ballot with El Camino Community College District). Cost breakdown = \$25,369 to the County, \$1,000 to Martin & Chapman, \$5,183 for additional staffing, and \$950 for copy costs, publications, etc.
- (2) 11/06/01 regular municipal election – total cost was \$49,530 – for three Council seats and three measures (shared ballot with Hermosa Beach City School District). Cost breakdown = \$30,761 to the County, \$13,059 to Martin & Chapman (primarily for the supplemental voter pamphlet the City had to send out because the County pamphlet

had no room for our three measures), \$4,725 for additional staffing, and \$985 for publication, etc.

Again, for comparison purposes, please note the nearly identical County consolidation costs between the UDEL election and the primary election shown below:

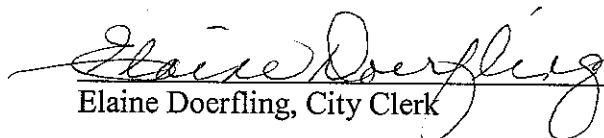
- (1) 11/07/95 regular municipal election – the County charged the City **\$24,706** for Clerk, Treasurer, two Council seats and four measures (shared ballot with El Camino Community College District).
- (2) 03/26/96 primary election – the County charged the City **\$26,242** for one measure (shared ballot included Superior Court judges, County District Attorney and Supervisor and 12 State measures).

An all-mail-ballot election is another possibility. Although our City normally would not qualify, Election Code Section 4006 provides that a “small city” (population of 100,000 or less) is eligible to conduct an all-mail ballot election if held to fill a Council vacancy. If the Council authorizes the use of mailed ballots, we would not be restricted to the established mailed ballot dates specified in Election Code Section 1500 since the election would be held to fill a Council vacancy, and would not be held on the same date as a statewide primary or general election or be consolidated with any other election. An all-mail ballot election is also not restricted to a Tuesday and may be held any day of the week. The selected date simply may not take place less than 114 days from the date of calling the election. The City Clerk’s office, with the assistance of Martin & Chapman, would count the returned ballots at the designated time and place.

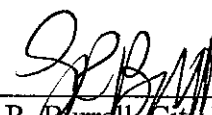
If an all-mail ballot election were called this evening, the date of the election may be held Tuesday, April 11, or any date thereafter, which would allow the vacancy to be filled sooner than the June option. Martin & Chapman has estimated the cost for a mailed ballot election to be about 5-percent less than for a polling-place election. The Council would have the option of paying postage for returned ballots (the City does have the required business reply permit), which would add an additional \$1,800 to the cost for a 33-percent return, which is typical in a City election. The City staffing requirement would be less for an all-mail ballot election because the need would be eliminated to establish polling places, recruit and train election officers, arrange for the election day set-up of voting booths and other supplies. The estimated cost for an all-mail ballot election is broken down as follows:

\$34,000	– Martin & Chapman services and supplies (including postage)
6,714	– Additional staffing
<u>1,000</u>	– Publications, misc. costs
\$42,514	– TOTAL ESTIMATE (if voters pay to return their ballots)
<u>1,800</u>	– City paid return postage
\$43,514	– TOTAL ESTIMATE (if the City pays for returned ballots)

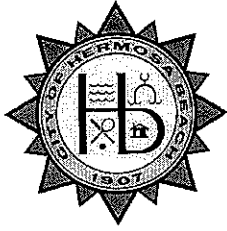
Attached to this report are all of the required documents for adoption if the Council decides to call an all-mail ballot election this evening to fill the vacancy (the election date would need to be filled in). If the Council defers action to the next meeting (January 10, 2006), the soonest date for an all-mail ballot would be May 4, 2006.


Elaine Doerfling, City Clerk

Noted:


Stephen R. Burrell, City Manager

Attachments:



City of Hermosa Beach APPLICATION APPOINTMENT TO CITY COUNCIL

All applicants must be residents and electors of the City of Hermosa Beach. The appointed Councilmember is required to file a Statement of Economic Interest pursuant to the Political Reform Act of 1974.

Applications must be returned by 6:00 p.m. (date)	City Clerk's Office 1315 Valley Drive Hermosa Beach, CA 90254
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Name: _____
(first) (middle) (last)

Home Address: _____

City: _____ ZIP: _____ Home Phone: _____

Years resided at above address: _____ Are you a registered voter? _____

Have you lived at any other address during the past year? No Yes

If yes, give previous address: _____

Occupation _____

I will accept the office if appointed: _____
(Signature)

Date: _____

Please type or print in black ink. Attach additional pages as necessary.

1	Education		
	School	Major	Graduation Date and Degree

RESOLUTIONS FOR THE COUNCIL TO ADOPT TO CALL AN APRIL 11, 2006 SPECIAL ELECTION

- 1. RESOLUTION NO. 05-_____.**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, APRIL 11, 2006
- 2. RESOLUTION NO. 05-_____.**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF AN A SPECIAL MUNICIPAL ELECTION ON TUESDAY, APRIL 11, 2006, FOR THE ELECTION OF A MEMBER OF THE CITY COUNCIL TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.
- 3. RESOLUTION NO. 05-_____.**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 11, 2006.
- 4. RESOLUTION NO. 05-_____.**
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, FIXING THE COMPENSATION TO BE RECEIVED BY THE CITY CLERK FOR THE SPECIAL MUNICIPAL ELECTION OF APRIL 11, 2006.

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, APRIL 11, 2006

WHEREAS, Section 13307 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' statements.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 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 Hermosa Beach on Tuesday, April 11, 2006, 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 typewritten form 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. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Voting Rights Act, the City may be required to translate candidates statements into one or more of the following languages: Chinese, Japanese, Korean, Spanish, Tagalog, Vietnamese.

1 B. Pursuant to State law, the candidate's statement must be translated and printed in the
2 voter's pamphlet in any language at the candidate's request.

3 C. The City Clerk shall have all candidates' statements translated into languages that
4 may be required by the Voting Rights Act as specified in A above. Pursuant to State law, the
5 City Clerk shall have translated into another language only those statements as requested by the
6 candidate and shall print translations of candidates who request such printing in the voter's
7 pamphlet as specified in B above.

8 **SECTION 3. PAYMENT.**

9 1. The candidate shall be required to pay for the cost of printing the candidate's
10 statement in English in the voter's pamphlet.

11 2. The candidate shall be required to pay for the cost of translating the candidate's
12 statement into any required foreign language as specified in A and/or B above, pursuant to State
13 and/or Federal law.

14 3. The candidate shall also be required to pay for the cost of printing the candidate's
15 statement in a foreign language in the voter's pamphlet.

16 The City Clerk shall estimate the total cost of printing, handling, translating, and mailing
17 the candidates' statements filed pursuant to this section, including costs incurred as a result of
18 complying with the Voting Rights Act of 1965 (as amended), and shall require each candidate
19 filing a statement to pay in advance to the City his or her estimated pro rata share as a condition
20 of having his or her statement included in the voter's pamphlet. The required estimated payment
21 is just an approximation of the actual cost that varies from one election to another election and
22 may be significantly more or less than the estimate, depending on the actual number of
23 candidates filing statements. Accordingly, the Clerk is not bound by the estimate and shall, on a
24 pro rata basis, bill the candidates for additional actual expense or refund any excess paid,
25 depending on the final actual cost. In the event of underpayment, the Clerk shall require the
26 candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall

1 prorate the excess amount among the candidates and refund the excess amount paid within 30
2 days of the election.

3 **SECTION 4.** ADDITIONAL MATERIALS. No candidate will be permitted to include
4 additional materials in the sample ballot package.

5 **SECTION 5.** The City Clerk shall provide each candidate or the candidate's
6 representative a copy of this resolution at the time the nominating petitions are issued.

7 **SECTION 6.** All previous resolutions establishing Council policy on payment for
8 candidates' statements are repealed.

9 **SECTION 7.** This resolution shall apply only to the election to be held on Tuesday,
10 April 11, 2006, and shall then be repealed.

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

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PASSED, APPROVED AND ADOPTED ON THIS 13TH DAY OF DECEMBER, 2005.

PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney



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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, APRIL 11, 2006, FOR THE ELECTION OF A MEMBER OF THE CITY COUNCIL TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, a vacancy in the office of Member of the City Council was created by the decision of Howard Fishman to not assume office on December 13, 2005; and

WHEREAS, the term of office in which the vacancy occurs ends in November, 2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES 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, there is called and ordered to be held in the City of Hermosa Beach, California, on Tuesday, April 11, 2006, a Special Municipal Election for the purpose of the election of a Member of the City Council to fill a vacancy created by the decision of Howard Fishman not to assume the office to which he was elected, the term of which ends in November 2009.

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 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 the election.

Section 4. That the polls 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 § 14401 of the Elections Code of the

1 State of California.

2 **Section 5.** That pursuant to Elections Code § 12310, a stipend for services for the
3 persons named as precinct board members is fixed at the sum of \$75 for each Inspector and \$55
4 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board
5 member to attend a training class and the sum of \$25 will be given to each inspector to pick up
6 the precinct supplies. The rental for each of polling place, where a charge is made, shall be the
7 sum of \$25 for the election. When required, the compensation of the Custodian of a building
8 shall be \$25 for the election.
9

10 **Section 6.** That in all particulars not recited in this resolution, the election shall be
11 held and conducted as provided by law for holding municipal elections.

12 **Section 7.** That notice of the time and place of holding the election is given and the
13 City Clerk is authorized, instructed and directed to give further or additional notice of the
14 election, in time, form and manner as required by law.
15

16 **Section 8.** That the City Clerk shall certify to the passage and adoption of this
17 resolution and enter it into the book of original resolutions.
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19 **PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF DECEMBER, 2005.**
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PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California
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24 ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney
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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 11, 2006

WHEREAS, a Special Municipal Election is to be held in the City of Hermosa Beach, California, on Tuesday, April 11, 2006; and

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

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Hermosa Beach.

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

Section 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council hereby requests the Board of Supervisors of the County of Los Angeles to permit the County Election Department to prepare and furnish to the City for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and to also furnish to the City printed indices of the voters to be used by the precinct board at the polling place; and to make available to the City additional election equipment and assistance according to state law.

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 hereby directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this resolution.

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1 **Section 4.** That the City Clerk shall certify to the passage and adoption of this
2 Resolution; shall enter the same in the book of original resolutions of said City; and shall make a
3 minute of passage and adoption thereof in the minutes of the meeting at which the resolution is
4 adopted.

5 **PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF DECEMBER, 2005.**

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PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach, California

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10 ATTEST:

APPROVED AS TO FORM:

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City Clerk

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City Attorney

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, FIXING THE COMPENSATION TO BE RECEIVED BY THE CITY CLERK FOR THE SPECIAL MUNICIPAL ELECTION OF APRIL 11, 2006

WHEREAS, the matter of the Special Municipal Election of April 11, 2006, as it relates to additional duties and staffing, was reviewed by the City Council on December 13, 2005.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That pursuant to Ordinance No. 78-603 of the City of Hermosa Beach, adopted December 14, 1978, the compensation of the City Clerk shall be fixed by resolution of the City Council.

SECTION 2. That the City Clerk shall receive an additional monthly salary equal to the Clerk's regular monthly salary for the four month election process, commencing December 16, 2005 through April 15, 2006, payable semi-monthly at the same time and in the same manner as the salaries paid to each of the officers and employees of the City.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 13th day of December, 2005.

PRESIDENT of the City Council, and **MAYOR** of the City of Hermosa Beach

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

DOCUMENTS FOR THE COUNCIL TO ADOPT TO CALL A SPECIAL ALL-MAIL BALLOT ELECTION

1. RESOLUTION NO. 05-_____.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON _____, 2006.

2. RESOLUTION NO. 05-_____.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON _____, 2006, TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES.

3. RESOLUTION NO. 05-_____.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON _____, 2006.

4. RESOLUTION NO. 05-_____.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, FIXING THE COMPENSATION TO BE RECEIVED BY THE CITY CLERK FOR THE SPECIAL MUNICIPAL ELECTION OF APRIL 11, 2006.

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON _____, 2006

WHEREAS, Section 13307 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' statements.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 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 Hermosa Beach on Tuesday, November 8, 2005, 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 typewritten form 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. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Voting Rights Act, the City may be required to translate candidates statements into one or more of the following languages: Chinese, Japanese, Korean, Spanish, Tagalog, Vietnamese.

1 B. Pursuant to State law, the candidate's statement must be translated and printed in the
2 voter's pamphlet in any language at the candidate's request.

3 C. The City Clerk shall have all candidates' statements translated into languages that
4 may be required by the Voting Rights Act as specified in A above. Pursuant to State law, the
5 City Clerk shall have translated into another language only those statements as requested by the
6 candidate and shall print translations of candidates who request such printing in the voter's
7 pamphlet as specified in B above.

8 **SECTION 3. PAYMENT.**

9 1. The candidate shall be required to pay for the cost of printing the candidate's
10 statement in English in the voter's pamphlet.

11 2. The candidate shall be required to pay for the cost of translating the candidate's
12 statement into any required foreign language as specified in A and/or B above, pursuant to State
13 and/or Federal law.

14 3. The candidate shall also be required to pay for the cost of printing the candidate's
15 statement in a foreign language in the voter's pamphlet.

16 The City Clerk shall estimate the total cost of printing, handling, translating, and mailing
17 the candidates' statements filed pursuant to this section, including costs incurred as a result of
18 complying with the Voting Rights Act of 1965 (as amended), and shall require each candidate
19 filing a statement to pay in advance to the City his or her estimated pro rata share as a condition
20 of having his or her statement included in the voter's pamphlet. The required estimated payment
21 is just an approximation of the actual cost that varies from one election to another election and
22 may be significantly more or less than the estimate, depending on the actual number of
23 candidates filing statements. Accordingly, the Clerk is not bound by the estimate and shall, on a
24 pro rata basis, bill the candidates for additional actual expense or refund any excess paid,
25 depending on the final actual cost. In the event of underpayment, the Clerk shall require the
26 candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall

1 prorate the excess amount among the candidates and refund the excess amount paid within 30
2 days of the election.

3 **SECTION 4.** ADDITIONAL MATERIALS. No candidate will be permitted to include
4 additional materials in the sample ballot package.

5 **SECTION 5.** The City Clerk shall provide each candidate or the candidate's
6 representative a copy of this resolution at the time the nominating petitions are issued.

7 **SECTION 6.** All previous resolutions establishing Council policy on payment for
8 candidates' statements are repealed.

9 **SECTION 7.** This resolution shall apply only to the election to be held on
10 _____, 2006, and shall then be repealed.

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

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15 **PASSED, APPROVED AND ADOPTED ON THIS 13TH DAY OF DECEMBER, 2005.**

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18 _____
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach

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20 **ATTEST:**

APPROVED AS TO FORM:

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23 _____
City Clerk

City Attorney

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RESOLUTION NO. -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON _____, 2006, TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, a vacancy in the office of Member of the City Council was created by the decision of Howard Fishman to not assume office on December 13, 2005, and

WHEREAS, the term of office in which the vacancy occurs ends in November of 2009.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, 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, there is called and ordered to be held in the City of Hermosa Beach, California, on _____, 2006, a Special Municipal Election conducted by all mail ballot for the purpose of the election of a Member of the City Council to fill a vacancy created by the decision of Howard Fishman not to assume the office to which he was elected, the term of which ends in November, 2009.

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 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 the election by all mail ballot.

Section 4. 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 5. That pursuant to the State Elections Code, the City of Hermosa Beach Municipal Code, and Ordinances of the City of Hermosa Beach, said Special Election shall be

1 conducted by all mail ballot, and shall be conducted pursuant to Chapter 2 of Division 4
2 (commencing with Section 4100) of the California Elections Code only insofar as required by
3 law, and only where not inconsistent with ordinances of the City of Hermosa Beach.
4 Notwithstanding Elections Code Section 4103, ballots cast in this Special Election shall be
5 returned to the office of the City Clerk no later than 6:00 p.m. on Election Day. Only ballots
6 received in the office of the City Clerk by six o'clock p.m. on Election Day shall be counted.

7 Section 6. That notice of the time and place of holding the election is given and the City
8 Clerk is authorized, instructed and directed to give further or additional notice of the election, in
9 time, form and manner as required by law.

10 **Section 7.** That the City Clerk shall certify to the passage and adoption of this
11 Resolution; shall enter the same in the book of original resolutions of said City; and shall make a
12 minute of passage and adoption thereof in the minutes of the meeting at which the resolution is
13 adopted.

14 **PASSED, APPROVED, AND ADOPTED THIS _____ DAY OF _____, 200__.**

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17 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

18 ATTEST:

APPROVED AS TO FORM:

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21 _____
City Clerk

21 _____
City Attorney

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD ON _____, 2006

WHEREAS, a all-mail ballot Special Municipal Election is to be held in the City of Hermosa Beach, California, on -----, 2006; and

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

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Hermosa Beach.

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

Section 1. That pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council hereby requests the Board of Supervisors of the County of Los Angeles to permit the County Election Department to prepare and furnish to the City for use in conducting the election the computer record of the names and addresses of all eligible registered voters in the City in order that the City may print labels to be attached to self-mailer sample ballot pamphlets; and to make available to the City additional election assistance according to state law.

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 hereby directed to forward without delay to the Board of Supervisors and to 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; shall enter the same in the book of original resolutions of said City; and shall make a

1 minute of passage and adoption thereof in the minutes of the meeting at which the resolution is
2 adopted.

3 **PASSED, APPROVED, AND ADOPTED THIS 13TH DAY OF DECEMBER, 2005.**

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6 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach, California

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8 ATTEST:

APPROVED AS TO FORM:

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10 _____
City Clerk

City Attorney

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RESOLUTION NO. 05-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, FIXING THE COMPENSATION TO BE RECEIVED BY THE CITY CLERK FOR AN ALL MAIL BALLOT SPECIAL MUNICIPAL ELECTION TO BE HELD _____, 2006

WHEREAS, the matter of the all-mail ballot Special Municipal Election of _____, 2006, as it relates to additional duties and staffing, was reviewed by the City Council on December 13, 2005.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. That pursuant to Ordinance No. 78-603 of the City of Hermosa Beach, adopted December 14, 1978, the compensation of the City Clerk shall be fixed by resolution of the City Council.

SECTION 2. That the City Clerk shall receive an additional monthly salary equal to one-half (50 percent) of the Clerk's regular monthly salary for the four-month election process, commencing _____, 200__, through _____, 200__, payable semi-monthly at the same time and in the same manner as the salaries paid to each of the officers and employees of the City.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 13th day of December, 2006.

PRESIDENT of the City Council, and **MAYOR** of the City of Hermosa Beach

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

December 6, 2005

625 Monterey Blvd.
Hermosa Beach, CA 90254

Hermosa Beach City Council
1315 Valley Dr.
Hermosa Beach, CA 90254

RECEIVED

DEC - 7 2005

Per.....

Dear City Council,

The issue of who should take Howard Fishman's place brought to mind a voting method that would solve this sort of situation. It's called Instant Runoff Voting and it's described on a website called Fairvote.org.

In elections such as ours, with a lot of candidates, the Instant Runoff idea allows you to vote for a first and second choice. The current system almost requires voters to strategize their single vote for one reason or another, rather than vote for the candidate they might actually prefer. With Instant Runoff, the true will of the people is more accurately reflected, and dilemmas such as our own would have a fairer solution.

I can only begin to explain the process here, but I strongly urge you to visit Fairvote.org and see for yourselves. I really believe this is the fairest way to hold an election, and I hope that you might agree. Thanks for your consideration.



Allan Mason