



CITY OF LONG BEACH

C-3

DEPARTMENT OF CITY CLERK

333 W. Ocean Blvd.

Long Beach, CA 90802

(562) 570-6101

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ELECTION BUREAU

December 8, 2009

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Recommendation to adopt the attached Resolutions relating to the City of Long Beach Primary Nominating Election on April 13, 2010.

DISCUSSION

It is recommended that the City Council adopt the attached Resolutions relating to the City of Long Beach Primary Nominating Election on April 13, 2010, titled as follows:

1. A Resolution ordering, proclaiming, calling and giving notice of a Primary Nominating Election in the City of Long Beach, California, on Tuesday, the 13th day of April, 2010, for the nomination and/or election of candidates for five (5) offices on the City Council, and four (4) city officials, each for a full term of four (4) years, commencing with the third Tuesday of July, 2010, and adopting provisions relating to the translations of and the charges for costs of candidate statements;
2. A Resolution of the City Council of the City of Long 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 Primary Nominating Election to be held on Tuesday, April 13, 2010, and a General Municipal Election to be held in the City on Tuesday, June 8, 2010;
3. A Resolution of the City Council of the City of Long Beach, California, consenting to requests from the Board of Education of the Long Beach Unified School District and the Board of Trustees of the Long Beach Community College District to consolidate Governing Board Member elections with the City of Long Beach Primary Nominating Election to be held on April 13, 2010.

Pursuant to the City Charter, on April 13, 2010, the City of Long Beach electorate will vote on the following City offices: Mayor, City Attorney, City Auditor, City Prosecutor, and Members of the City Council for Districts 1, 3, 5, 7, and 9. The nomination period for these offices is December 21, 2009 through January 15, 2010.

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In addition, pursuant to the City Charter, the State Education Code, and the State Elections Code, the Board of Education of the Long Beach Unified School District (LBUSD) and the Board of Trustees of the Long Beach Community College District (LBCCD) have requested consolidation of their governing bodies' elections with the City's Primary Nominating Election on April 13, 2010. Accordingly, the City Clerk Department is prepared to conduct the LBUSD Board of Education Election in LBUSD Districts 1, 3, and 5, and the LBCCD Board of Trustee Election in LBCCD Districts 1, 3, and 5.

FISCAL IMPACT

Monies have been budgeted for the conduct of the Primary Nominating Election and General Municipal Election in the 2009/10 City Clerk Budget. Long Beach Unified School District and Long Beach Community College District have agreed to reimburse the City for their pro rata share of election costs.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LARRY HERRERA
CITY CLERK

Attachments

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 RESOLUTION NO.

2
3 A RESOLUTION ORDERING, PROCLAIMING,
4 CALLING AND GIVING NOTICE OF A PRIMARY
5 NOMINATING ELECTION IN THE CITY OF LONG BEACH,
6 CALIFORNIA, ON TUESDAY, THE 13TH DAY OF APRIL,
7 2010, FOR THE NOMINATION AND/OR ELECTION OF
8 CANDIDATES FOR FIVE (5) OFFICES ON THE CITY
9 COUNCIL, AND FOUR (4) CITY OFFICIALS, EACH FOR A
10 FULL TERM OF FOUR (4) YEARS, COMMENCING WITH
11 THE THIRD TUESDAY OF JULY, 2010, AND ADOPTING
12 PROVISIONS RELATING TO THE TRANSLATIONS OF
13 AND THE CHARGES FOR COSTS OF CANDIDATE
14 STATEMENTS

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16 WHEREAS, the Long Beach City Charter requires that the City Council
17 shall, by resolution, order the holding of all municipal elections; and

18 WHEREAS, the City Charter mandates that the City's primary elections
19 shall be held on the second Tuesday in April in even-numbered years; and

20 WHEREAS, City Charter Section 1910 states that unless otherwise provided in the
21 Charter or by ordinance adopted by the City Council, all municipal elections shall be held
22 in accordance with the provisions of California Elections Code governing municipal
23 elections; and

24 WHEREAS, Elections Code Section 13307 provides that before a local
25 election nominating period opens, the local agency for that election shall make a
26 determination concerning the levy of the costs for candidate statements;

27 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
28 follows:

1 Section 1. Pursuant to the provisions of the laws of the State of
2 California and pursuant to the provisions of the Charter of the City of Long Beach
3 governing the holding of Primary Nominating Elections in the City, a Primary Nominating
4 Election is hereby ordered, proclaimed, declared, and called to be held in the City of Long
5 Beach between the hours of 7:00 a.m. and 8:00 p.m. on April 13, 2010, for the purpose of
6 nominating candidates for and/or electing persons for five (5) offices on the City Council,
7 namely, for the First, Third, Fifth, Seventh and Ninth Districts, respectively, and for four
8 (4) City Officials, namely, the Mayor, City Attorney, City Auditor and City Prosecutor,
9 each for a full term of four (4) years commencing with the third Tuesday of July, 2010;
10 and notice is given of the holding of this election and of the time and place of holding the
11 same.

12 Section 2. California Elections Code Section 13307 requires that a
13 candidate's statement must be translated in Spanish at the candidate's request. Further,
14 in accordance with the requirements of the federal Voting Rights Act of 1965 (PL 94-73)
15 all candidates' statements shall be translated into the languages thereby. Accordingly,
16 candidates' statements for all offices shall be translated into Spanish, Tagalog, Khmer
17 and Vietnamese. Any translations into the required languages shall be available in the
18 City Clerk's Department upon request. A candidate shall not be required to pay for the
19 cost of translating his or her candidate's statement into any foreign language required
20 pursuant to federal and/or state law. However, a candidate shall be required to pay for
21 the cost of printing the candidate's statement in a foreign language.

22 Section 3. Pursuant to Section 13307 of the California Elections Code, a
23 charge shall be levied against each candidate for the costs of the candidate's statement
24 sent to each voter. The City Clerk is directed and authorized to establish and implement
25 the charge for the costs of printing, handling, and mailing any candidate statements as
26 provided in Elections Code Section 13307. Any allegation of indigency or inability to pay
27 the requisite fee in advance shall be handled by the City Clerk in accordance with the
28 provisions of Elections Code Section 13309, and in such instances the candidate's

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statement shall only be published in the English language.

Section 4. No candidate will be permitted to include any additional materials in any sample ballot package.

Section 5. The City Clerk shall provide each candidate or the candidate's representative with a copy of this resolution at the time nominating papers are issued.

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

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of _____, 2010, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk