

City of Los Alamitos

Agenda Report **December 1, 2008** **Special Orders of the Day Item No: 9A**

To: **Mayor Kenneth C. Parker & Members of the City Council**

Via: **David L. Rudat, Interim City Manager**

From: **Susan C. Vanderpool, City Clerk**

Subject: **Certification of November 4, 2008 Election Results**

Summary: This report relates to the certified statement of the vote from the County of Orange Registrar of Voters regarding the General Municipal Election.

Recommendation: If the Registrar of Voters completes its canvass of the vote count for all precincts in Orange County, it is recommended the City Council adopt Resolution No. 2008-41, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULTS, AND SUCH OTHER MATTERS AS PROVIDED BY LAW".

Background

Pursuant to Resolution Nos. 2008-27, 2008-28 and 2008-29, a General Municipal Election was held on November 4, 2008, for two four-year terms on the City Council. The election was conducted and canvassed by the Orange County Registrar of Voters.

Discussion

On December 1, 2008, the Registrar of Voters expects to certify the results of the election. The outcome was the election of Marilynn Poe and Ken Stephens.

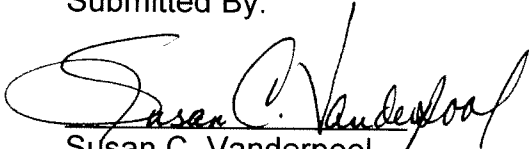
The California Elections Code Section 10263(b) states, "For a consolidated election, the governing body shall meet at its usual place of meeting no later than the next regularly scheduled city council meeting following presentation of the 28-day canvass of the returns, or at a special meeting called for this purpose, to declare the results and to install the newly elected officers."

December 1, 2008, is within the 28 day canvass period, provided for in the California Elections Code. The Orange County Registrar of Voters must complete the vote count for all precincts in the County during this period. As of the writing of this report, and the posting of the agenda, this information was not yet available.

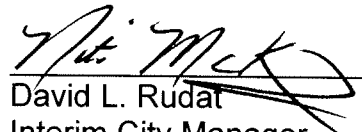
If the Registrar of Voters completes the canvass by 6:00 p.m., December 1, 2008, a revised staff report and related Resolution 2008-41 (with number of votes) will be made available at the City Council meeting and all attempts will be made to post said reports on the City's website. Should the reports not be completed by the Registrar for this meeting, then this report and Resolution will be acted upon at the next regularly scheduled meeting of the City Council on December 15, 2008.

Fiscal Impact: None

Submitted By:


Susan C. Vanderpool
City Clerk

Approved By:

for 
David L. Rudat
Interim City Manager

Attachment: 1) Resolution No. 2008-41

RESOLUTION NO. 2008-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 2008, DECLARING THE RESULTS, AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, a General Municipal Election was held and conducted in the City of Los Alamitos, California, on Tuesday, November 4, 2008, as required by law; and,

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in charter cities; and,

WHEREAS, pursuant to Resolution No. 2008-28, adopted July 7, 2008, the County Elections Department canvassed the returns of the election and has certified the results to this City Council; the results are received, attached and made a part hereof as "Exhibit A."

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

SECTION 1. That the whole number of ballots cast in the precincts except absent voter ballots was _____.

That the whole number of absent voter ballots cast in the City was ____; making a total of _____ ballots cast in the City.

SECTION 2. That the names of persons voted for at the election for Member of the City Council are as follows: Ken Stephens, Catherine Driscoll (withdrew candidacy October 7, 2008), Dave Emerson, Kenneth C. Parker and Marilynn Poe.

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in Exhibit "A" attached.

SECTION 4. The City Council does declare and determine that: Marilynn Poe was elected as a Member of the City Council for the full term of four years, and Ken Stephens was elected as a Member of the City Council for the full term of four years.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: (1) the whole number of ballots cast in the City; (2) the names of the persons voted for; (3) for what office each person was voted for; (4) the number of votes given at each precinct to each person, and (5) the total number of votes given to each person.

SECTION 6. That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7. 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 ON this 1st day of December, 2008.

Kenneth C. Parker, Mayor

ATTEST:

Susan C. Vanderpool, City Clerk

APPROVED AS TO FORM:

Dean Derleth, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF LOS ALAMITOS)

I, Susan C. Vanderpool, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Resolution was duly adopted by the City Council of the City of Los Alamitos on December 1, 2008, by the following vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Susan C. Vanderpool, City Clerk