

ORDINANCE NO. 08-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WILDOMAR, CALIFORNIA, CONSOLIDATING THE CITY'S GENERAL MUNICIPAL ELECTIONS WITH THE STATEWIDE GENERAL ELECTION AND ESTABLISHING THE DATE OF THE CITY'S FIRST GENERAL MUNICIPAL ELECTION.

WHEREAS, the City Council desires to establish the timing and schedule of the dates of the City's general municipal elections; and

WHEREAS, to date no general municipal election date has been set by the City Council or by operation of law; and

WHEREAS, under the provisions of California Elections Code Section 1301, a city's general municipal election must be set on an established elections date as set forth in Elections Code Section 1000; and

WHEREAS, Under California Elections Code section 1000 established election dates are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in June in each year.
- (d) The first Tuesday after the first Monday in November of each year.
- (e) The first Tuesday in February of each year evenly divisible by the number four.

WHEREAS, Section 1301(b) provides that notwithstanding other options for scheduling a city's general municipal election, a city council may enact an ordinance requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, on the day of school district elections as set forth in Section 1302, the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April in each year.

WHEREAS, the statewide general election is held on the second Tuesday following the first Monday in November of even numbered years; and

WHEREAS, in the case of *Ste.Marie v. City of Wildomar*, filed in the Riverside Superior Court in July of 2008, the court denied a petition to compel the City to hold its general municipal election in November of 2008 and in dicta stated that under the statutory framework, the earliest date that a general municipal election should reasonably be held in Wildomar is in June of 2009; and

WHEREAS, If that date were to be selected, the City would incur substantially increased costs associated with the election because it would be a stand-alone, off-year election that could not be consolidated with any other county-wide election; and

WHEREAS, Elections Code sections 1301(b) and 10403.5 state that the City may by ordinance, consolidate its general municipal election regardless of what other established election date it might have been held on with the statewide general election; and

WHEREAS, consolidation of the City's first general municipal election with the statewide general election in November of 2010 is expressly permitted under the provisions of Elections Code Sections 1301, 1000 and 10403.5; and

WHEREAS, in order to reduce election costs and generate higher voter participation the City Council has determined that its first general municipal election should be consolidated with the statewide general election to be held in November of 2010.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WILDOMAR DOES ORDAIN AS FOLLOWS:

SECTION 1. That the above recitations are true and correct.

SECTION 2. Pursuant to California Elections Code sections 1301(b), 1000 and 10403.5, beginning in November of 2010 and every even-numbered year thereafter, the City's general municipal election shall be consolidated with the statewide general election held on the second Tuesday following the first Monday in November.

SECTION 3. The City Manager is hereby directed to submit this ordinance to the Riverside County Board of Supervisors for approval by such body in accordance with Elections Code sections 1301(b) and 10403. This ordinance shall not become effective unless and until it is approved by resolution of the Board of Supervisors.

SECTION 4. In the event that this ordinance is approved by the Board of Supervisors, the City's first general municipal election shall be consolidated with the statewide election to be held in November of, 2010, at which time the seats of the two members receiving the lowest number of votes in the incorporation election shall be up for election. The seats of the remaining three Council Members shall be up for election at the second general municipal election, which shall be consolidated with the statewide election to be held in November of 2012.

SECTION 5. In the event that this ordinance is approved by the Board of Supervisors in accordance with Elections Code section 10403.5(e), the City Clerk shall cause a notice to be mailed to all of the City's registered voters within 30 days of the Board's action informing the voters of the City's first election date and that as a result of the consolidation of the City's general municipal election with the statewide general election that the terms of office of each of the current Members of the City Council will continue until their successors are elected and qualified.

SECTION 6. In the event that this ordinance is approved by the Board of Supervisors, the City's general municipal election shall be conducted in accordance with all of the applicable procedural requirements of the Elections Code pertaining to the statewide general election, and commencing in November of 2010, shall thereafter occur in consolidation with that election.

SECTION 7. The City Clerk shall certify the adoption of this ordinance and shall cause the same to be posted as required by law.

The foregoing Ordinance was introduced and placed upon it's first reading at a regular meeting of the City Council of the City of Wildomar held on the 13th day of August, 2008 and thereafter passed and adopted at the regular meeting of said City Council on the 27th ay of August, 2008 by the following roll call vote:

AYES: Mayor Cashman, Council Members Ade, Farnam, Moore, Swanson

NOES: None

ABSENT: None

ABSTAIN: None



Bob Cashman
MAYOR

ATTEST:



Sheryll Schroeder
INTERIM CITY CLERK

APPROVED AS TO FORM:



JULIE HAYWARD BIGGS
CITY ATTORNEY

I, Sheryll Schroeder, City Clerk for the City of Wildomar California, do hereby certify that I posted Ordinance No. 08-15, adopted on the 27th day of August, on the 5th day of September at the following locations:

City of Wildomar, 238873 Clinton Keith Road, Wildomar;
U. S. Post Office, 21392 Polomar Street, Wildomar
Mission Trail Library, 34303 Mission Trail Blvd., Wildomar

9-5-08
Date


Sheryll Schroeder
City Clerk
City of Wildomar, CA