


Office of the City Manager

ACTION CALENDAR

November 25, 2003

To: Honorable Mayor and
Members of the City Council

From:  Phil Kamlarz, Acting City Manager

Subject: Calling for a Consolidated Special Municipal Election for March 2, 2004

RECOMMENDATION

Adopt a Resolution 1) calling for a Special Municipal Election to be consolidated with the Statewide Direct Primary Election to be held in Berkeley on March 2, 2004; 2) requesting the Alameda County Board of Supervisors consolidate the City of Berkeley Special Municipal Election with the Statewide Direct Primary Election and 3) authorizing certain procedural and contractual actions.

FISCAL IMPACTS OF RECOMMENDATION

The City must pay actual costs of printing and translation of ballot materials including the measure text and arguments in three languages. This cost varies depending on the length of the measure, and is estimated at \$10,000 for each measure.

Alameda County also bills each city for its pro rata share of printing the ballots and administering the election. This cost varies depending on the number of jurisdictions participating in any given election. The more jurisdictions that consolidate for any given election, the more this cost can be shared among jurisdictions. The Alameda County Registrar of Voters has provided the City Clerk with an estimate of \$1 per registered voter for a March 2004 election and \$ 0.50 per registered voter for a November 2004 election. However these are merely estimates. Based on these estimates the cost for placing measures on the March 2004 ballot would be approximately \$80,000 plus the cost of each measure. Funding will come from City reserves.

CURRENT SITUATION AND ITS EFFECT

The City Council is considering placing one or more measures on the March 2, 2004 ballot. The enclosed resolution: 1) calls for a Special Municipal Election and requests the Alameda County Board of Supervisors accept consolidation of the City's Special Municipal Election with the Statewide Direct Primary Election on March 2, 2004 and 2) provides authority for the City Clerk to enter into any contracts necessary for election supplies and services, including the hiring of any temporary staff.

Calling for Special Municipal Election

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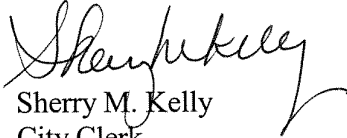
BACKGROUND

The City Charter, the state Election Code and Government Codes require adoption of a resolution requesting consolidation, and authorizing procedural, contractual and organizational actions in connection with the Special Municipal Election to be held on March 2, 2004. The City Attorney has advised that the urgent findings and two-thirds vote normally required to call a special election under Article III section 4(c) are not required in this case, because the election is being called under preemptive provisions of state law, which permit the calling of special elections in order to amend a charter. Nonetheless, in an abundance of caution, the City Attorney has added the Article III section 4(c) required findings to the resolution. Since the Council will likely adopt the resolution by a two-thirds vote, the insertion of such findings is intended to preclude any claim that the placement of the tax measure on the March ballot is inconsistent with the Charter's restrictions on the calling of special elections.

CONTACT PERSON:

Sherry M. Kelly, City Clerk 981-6900

Approved by:


Sherry M. Kelly
City Clerk

Enclosure

RESOLUTION NO. N.S.

CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE STATEWIDE DIRECT PRIMARY ELECTION ON MARCH 2, 2004; REQUESTING THE ALAMEDA COUNTY BOARD OF SUPERVISORS CONSOLIDATE THE CITY OF BERKELEY SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE DIRECT PRIMARY ELECTION; AND AUTHORIZING CERTAIN PROCEDURAL AND CONTRACTUAL ACTIONS

WHEREAS, a Special Municipal Election is to be held on Tuesday, March 2, 2004, in and for the City of Berkeley; and

WHEREAS, certain actions are required in connection with said election.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Special Municipal Election to be held in the City of Berkeley on March 2, 2004, is hereby called.

BE IT FURTHER RESOLVED, as follows:

1. The City Council hereby calls a special municipal election for March 2, 2004 for the consideration of proposed amendments to the Charter of the City of Berkeley.
2. At such election the City Council also proposes to place a special tax to fund the fire prevention and protection services.
3. The Council finds that there is an urgent necessity for the consideration of such special tax measure at a special municipal election because of the City's pressing budgetary problems that would otherwise have to be resolved by deep cuts in programs of critical importance to the Berkeley community before such tax could be considered at general municipal election.
4. In accordance with the provisions of Section 10403 of the Elections Code of the State of California, the Alameda County Board of Supervisors is requested to consolidate the City of Berkeley Special Municipal Election with the Statewide Direct Primary Election to be held March 2, 2004.
5. The Registrar of Voters of Alameda County is requested to perform services in connection with said election at the request of the City Clerk.
6. The Board of Supervisors of Alameda County is requested to include on the ballots and sample ballots, all qualified measures submitted by the City Council to be ratified by the qualified electors of the City of Berkeley.

7. The City Clerk is hereby directed to cause the posting, publication and printing of all notices or other election materials pursuant to the requirements of the Charter of the City of Berkeley and the Election and Government Codes of the State of California.
8. The City Clerk is hereby authorized to enter into any contracts necessary for election consulting services, temporary employment services, printing services, and any such other supplies and services as may be required by the statutes of the State of California and the Charter of the City of Berkeley for the conduct of the Special Municipal Election.