REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:
FEBRUARY 18, 2020

TITLE:

PRESENT CERTIFICATE OF SUFFICIENCY FOR PETITION TO RECALL COUNCILMEMBER CECILIA IGLESIAS; ADOPT RESOLUTION ACCEPTING THE CERTIFICATE AS TO VERIFICATION OF SIGNATURES AND THE CERTIFICATE OF SUFFICIENCY; EITHER ADOPT RESOLUTIONS CALLING FOR SPECIAL ELECTION AND ADOPTING A REGULATION FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS AND APPROVE APPROPRIATION ADJUSTMENT; OR DIRECT STAFF TO PREPARE RESOLUTIONS CALLING A SPECIAL ELECTION AT THE MARCH 3, 2020 CITY COUNCIL MEETING

CONTINUED TO

/s/ Kristine Ridge
CITY MANAGER

RECOMMENDED ACTIONS

1. Adopt a resolution accepting the certificate as to verification of signatures from the Orange County Registrar of Voters and the certificate of sufficiency from the Clerk of the Council; and

2. Approve an appropriation adjustment in the amount of $710,000 for the costs of the signature verification and the special election.

3. Select either Option 1 or Option 2 below:

OPTION 1:
Adopt resolutions calling for a special municipal election for the submission of (1) the question of the recall of Councilmember Cecilia Iglesias; (2) the election of candidates to fill the vacancy if the recall prevails; and (3) adopting Candidate Statement regulations for candidates pursuant to Elections Code section 13307.

OPTION 2:
Provide direction to staff to bring back at the March 3, 2020 Council meeting resolutions to call a special municipal election for the submission of: (1) the question of the recall of
Councilmember Cecilia Iglesias; (2) the election of candidates to fill the vacancy if the recall prevails; and (3) adopting Candidate Statement regulations for candidates pursuant to Elections Code section 13307.

DISCUSSION
A petition to recall Councilmember Cecilia Iglesias was approved for signature collection by the Clerk of the Council on August 15, 2019. Proponents filed the completed petition with the Clerk of Council on December 18, 2019. The initial count of the signatures by the Clerk of the Council found that there were sufficient signatures to send the petition to the Orange County Registrar of Voters ("ROV") for signature verification. The ROV verified the signatures on the petition and provided a certificate of verification to the Clerk of the Council on February 3, 2020.

In order for a recall petition in the City of Santa Ana to qualify for a recall election, the petition must contain signatures equal to ten percent (10%) of the registered voters. The required number of signatures for this recall petition was 10,865 signatures. After examination of the petition by the ROV, the ROV determined the following:

<table>
<thead>
<tr>
<th>Description</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of signatures filed</td>
<td>16,415</td>
</tr>
<tr>
<td>Number of signatures required</td>
<td>10,865</td>
</tr>
<tr>
<td>Number of signatures verified</td>
<td>15,682</td>
</tr>
<tr>
<td>Number of signatures found valid</td>
<td>10,870</td>
</tr>
<tr>
<td>Number of signatures found invalid</td>
<td>4,812</td>
</tr>
<tr>
<td>Invalid because of duplicate</td>
<td>141</td>
</tr>
</tbody>
</table>

Based upon the certificate as to verification of signatures on petition, the Clerk of the Council has prepared the certificate of sufficiency. Pursuant to California Elections Code Section 11240, the City Council shall issue an order within 14 days after the meeting at which it receives the certificate of sufficiency stating that a recall election shall be held to determine whether or not Councilmember Cecilia Iglesias shall be recalled.

OPTION 1: City Council calls for the special election at February 18, 2020 City Council Meeting
If the City Council calls for the special election on February 18, 2020, the possible special election dates are: May 19, June 2, June 9 or June 16.

OPTION 2: City Council calls for special election at March 3, 2020 City Council Meeting
If the City Council calls for the special election on March 3, 2020, the possible special election dates are: June 2, June 9, June 16, June 23 or June 30.

STRATEGIC PLAN
Approval of this agreement allows us to meet Goal #5 - Community Health, Livability, Engagement & Sustainability, Objective #1, (establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities).
FISCAL IMPACT
The cost for the County to verify 10,870 signatures is estimated to be $60,000, which has already been incurred. The cost of a special election is estimated to be $650,000, which will be incurred by June 30, 2020. An additional FY19-20 appropriation of $710,000 to cover both costs will be necessary. Staff recommends an appropriation from the General Fund balance to the Clerk of the Council, Contractual Services account no. 01107031 62300.

APPROVED AS TO FUNDS AND ACCOUNTS:

Daisy Gomez
Clerk of the Council

Kathryn Downs, CPA
Executive Director
Finance and Management Services Agency

Exhibits:
1. Resolution Accepting Certificate of Signature Verification and Certificate of Sufficiency
2. Resolution to Call a Special Municipal Election
3. Resolution to Adopt Candidate Statement Regulations
4. Election Calendars
WHEREAS, on June 26, 2019, the City Clerk received a copy of Notice of Intention to Circulate Recall Petition for Cecilia Iglesias, Councilmember; and

WHEREAS, on August 15, 2019, the Petition for Recall form was determined to meet the statutory requirements and, therefore, was approved for signature gathering; and

WHEREAS, pursuant Elections Code Section 11221(a)(5), the number of signatures required on the petition to qualify and trigger a recall election must be equal in number to not less than the following percent of registered voters in the electoral district: ten percent (10%) if the registration is 100,000 or above; and

WHEREAS, according the current Secretary of State report (dated February 10, 2019) at the time the Notice of Intention was filed, Santa Ana had 108,646 registered voters, and therefore, the number of verified signatures required was 10,865 for the petition; and

WHEREAS, on December 18, 2019, the proponents of a recall election filed the petition with the Clerk of Council’s Office in accordance with Elections Code Section 11220 and prior to the established deadline of January 22, 2019; and

WHEREAS, after completing a prima facie review of signatures, the Clerk of Council determined that the petition did, in fact, contain the minimum number of signatures, and, thereafter, provided the petitions to the County of Orange Registrar of Voters for examination and verification of signatures; and

WHEREAS, on February 3, 2020, the County of Orange Registrar of Voters provided a certificate as to verification of signatures on petition for the petition to recall Council Member Cecilia Iglesias, indicating the following, and attached as Exhibit A; and

WHEREAS, based upon the certificate as to verification of signatures from the County of Orange Registrar of Voters, the Clerk of Council issued a certificate of sufficiency for the petition to recall Council Member Cecilia Iglesias attached as Exhibit B.
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines, and declares as follows that the City Council hereby accepts the certificate as to verification of signatures on petition from the Orange County Registrar of Voters on the petition to recall Cecilia Iglesias, Councilmember and also accepts the Clerk of Council’s certificate of sufficiency.

Section 2. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 18th day of February, 2020.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Senior Assistant City Attorney

AYES: Councilmembers

NOES: Councilmembers

ABSTAIN: Councilmembers

NOT PRESENT: Councilmembers

#26723v1
Resolution No. 2020-XXX
Page 2 of 3
CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council do hereby attest to and certify the attached Resolution No. 2020-0XX to be the original resolution adopted by the City Council of the City of Santa Ana on February 18, 2020.

Date ____________________

________________________________
Daisy Gomez
Clerk of the Council
City of Santa Ana
EXHIBIT A
ORANGE COUNTY REGISTRAR OF VOTERS' CERTIFICATE AS TO VERIFICATION
OF SIGNATURES ON PETITION

65B-7
CERTIFICATE AS TO VERIFICATION OF SIGNATURES ON PETITION

State of California
County of Orange

I, Neal Kelley, Registrar of Voters of the County of Orange, do hereby certify that I am the county officer having charge of the registration of voters in the County of Orange, and I have examined, or caused to be examined, the petition submitted to the City of Santa Ana entitled "Petition to Recall Council Member Cecilia Iglesias".

I further certify that from said examination I have determined the following facts regarding this document:

Number of signatures filed: 16,415
Number of signatures required: 10,865
Number of signatures verified: 15,682
Number of signatures found valid: 10,870
Number of signatures found invalid: 4,812
Invalid because of Duplicate: 141

WITNESS my hand and Official Seal this 3rd day of February, 2020.

COUNTY OF ORANGE
CALIFORNIA

NEAL KELLEY
Registrar of Voters
Orange County
CERTIFICATE OF SUFFICIENCY OF RECALL PETITION

I, Daisy Gomez, Clerk of the Council for the City of Santa Ana, County of Orange, State of California, do hereby certify:

That proponents filed with my office on December 18, 2019 a petition to recall Cecilia Iglesias holding the office of Councilmember, Ward 6 in the City of Santa Ana, California. The petition was delivered to the Orange County Registrar of Voters on December 20, 2019 to verify the signatures.

That said petition consisted of 4,131 sections, and that each section contains signatures purporting to be 16,414 signatures of qualified electors of the City of Santa Ana, California. The petition is considered sufficient to qualify if signed by at least 10% of the 108,646 registered voters in the City of Santa Ana.

That attached to said petition at the time it was filed, was an affidavit purporting to be the affidavit of the person who solicited the signatures, and containing the dates between which the purported qualified electors signed this petition.

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that Section, that all of the signatures were made in his or her presence, and that to the best of his or her own information and belief, each signature to that section was the genuine signature of the person whose name it purports to be.

That the Registrar of Voters of the County of Orange has certified the results attached hereto as Exhibit A and incorporated by reference the signature verification of the following facts regarding this petition:

1. Recall sought Cecilia Iglesias as the named officer.
3. Total number of signatures required by law: 10,865
4. Total number of signatures on the petition: 16,415
5. Total number of valid signatures on the petition: 10,870
6. Number of signatures which were disqualified: 4,812

Based on this examination and in accordance with Elections Code Sections 11222, 11224, 11227 the recall petition is hereby acknowledged as sufficient to be submitted to the voters as a special election not less than 88, nor more than 125, days after the issuance of the order.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Santa Ana this 12th day of February, 2020.

Daisy Gomez
Clerk of the Council
City of Santa Ana
RESOLUTION NO. 2020-0XX


WHEREAS, A petition for the recall of City Councilmember Cecilia Iglesias was circulated for signatures and submitted to the Clerk of Council for the City of Santa Ana on December 18, 2019;

WHEREAS, on February 3, 2020, the Orange County Registrar of Voters issued a certificate as to verification of signatures on petition for the petition to recall Council Member Cecilia Iglesias finding that sufficient signatures had been verified to qualify the petition for the ballot;

WHEREAS, based upon the Registrar of Voters certificate as to verification of signatures, the Clerk of Council for the City of Santa Ana issued a certificate of sufficiency for the petition.

WHEREAS, the results of the Orange County Registrar of Voters’ certificate as to verification of signatures along with the certificate of sufficiency were presented to the Santa Ana City Council on February 18, 2020;

WHEREAS, Elections Code Section 11240 requires that the Santa Ana City Council issue an order stating that an election shall be held to determine whether or not the officer named in the petition shall be recalled within fourteen (14) days after the meeting at which it received the certificate of sufficiency; and

WHEREAS, the election shall be held not less than 88, nor more than 125 days after the issuance of the order pursuant to Elections Code Section 11242.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Ana, as follows:

SECTION 1: The City Council of the City of Santa Ana hereby finds, determines and declares as follows that pursuant to the requirements of the laws of the State of California, that there is called and ordered to be held in the City of Santa Ana California, on Tuesday, ___________ 2020 a Special Municipal Election for the purpose of submitting the question of the recall of City Councilmember Cecilia Iglesias and the election of a candidate to fill the vacancy in Ward Six (6) if the recall
SECTION 2: On the ballots to be used at the Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

<table>
<thead>
<tr>
<th>Shall Cecilia Iglesias be recalled (removed) from the office of Councilmember for Ward 6?</th>
<th>YES</th>
</tr>
</thead>
<tbody>
<tr>
<td>For Councilmember Ward 6</td>
<td>NO</td>
</tr>
<tr>
<td>To succeed Cecilia Iglesias if she is recalled. Term ending December, 2022.</td>
<td></td>
</tr>
<tr>
<td>Vote for ONE</td>
<td></td>
</tr>
<tr>
<td>(To be followed by the list of candidates qualifying for the office of Councilmember for Ward 6 and appropriately identified write-in space)</td>
<td></td>
</tr>
</tbody>
</table>

SECTION 3: The ballots to be used at the election shall be in a form and content as required by law.

SECTION 4: The polls for the election shall be open pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 5: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 6: Notice of the time and place of holding the election is given and the Clerk of Council is authorized, instructed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 7: That pursuant to the requirements of Section 10002 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to permit the Orange County Registrar of Voters to render specific services to the City relating to the conduct of the Special Municipal Election. The Board of Supervisors of the County of Orange is hereby authorized to canvass the returns of said special municipal election pursuant to Section 10411 of the Elections Code.
SECTION 8: Furthermore, pursuant to Elections Code Section 10002, the City of Santa Ana recognizes that additional costs will be incurred by the County due to providing election services and canvassing returns for this special municipal election and agrees to reimburse the County of Orange for any such costs.

SECTION 9: That the Clerk of Council is authorized, instructed and directed to coordinate with the County of Orange Registrar of Voters 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 10: The City Council directs the Clerk of Council to file a certified copy of this Resolution with the Orange County Registrar of Voters and the Orange County Board of Supervisors.

SECTION 11: This Resolution shall take effect immediately upon its adopting by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 18th day of February, 2020.

____________________________
Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

Sonia R. Carvalho
City Attorney

By: Laura A. Rossini
Senior Assistant City Attorney

AYES: Councilmembers

NOES: Councilmembers

#26725v2

Resolution No. 2020-XXX
Page 3 of 4

65B-13
ABSTAIN: Councilmembers

NOT PRESENT: Councilmembers

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council do hereby attest to and certify the attached Resolution No. 2020-XX to be the original resolution adopted by the City Council of the City of Santa Ana on February 18, 2020.

Date ______________

Daisy Gomez
Clerk of the Council
City of Santa Ana
RESOLUTION NO. 2020-0XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY __________, 2020 AND ESTABLISHING A SYSTEM FOR CANDIDATES WHOSE STATEMENTS ARE SUBMITTED TO THE ELECTORATE IN THE SPECIAL MUNICIPAL ELECTION ON __________, 2020 TO PAY THE PRO RATA SHARE OF THE COST OF INCLUSION OF THEIR STATEMENT IN VOTER PAMPHLETS AND/OR ELECTRONIC COPY

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 special municipal election, including costs of the candidate statement.

WHEREAS, Section 13307(d) of the Elections Code of the State of California authorizes the governing body of any local agency to require each candidate filing a candidate's statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet or electronically distributed.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a special election to be held in the City of Santa Ana on __________, 2020 may prepare a candidate statement on an appropriate form provided by the Clerk of Council and in compliance with the requirements of the Elections Code for the State of California.

Section 2. Foreign Language Policy. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Orange.
Section 3. Payment.

A. The Orange County Registrar of Voters Office has estimated the total cost of translating, posting an electronic copy on the Registrar of Voters website, printing, handling, and/or mailing the candidates' statements and has determined the approximate cost of the pro rata share of each candidate filing a statement, based upon such estimate, as follows:

Print in voter's pamphlet and electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:
- 200 Words $1,400.29
- 400 Words $2,601.10

Electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:
- 200 Words $324.48
- 400 Words $449.48

B. Payment in advance by each such candidate of his or her prorated share of the candidate statement costs shall be a condition of having his or her statement included in the voter's pamphlet, and/or electronic posting.

Section 4. Notice of Requirement to Pay Candidate Statement Costs; Obligation to Pay Actual Costs.

A. Prior to the period in which candidates' statements may be filed, the Clerk of the Council shall prepare a written notice distributed to all candidates at the time of issuance of the nomination papers, informing them that payment of the pro rata share amount must be made at the same time as the candidate's nomination papers are filed, as prescribed by the California Elections Code.

B. The Clerk of the Council's receipt for the payment shall include a written notice that the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk of the Council shall not be bound by the estimate and shall, as applicable, on a pro rata basis, bill the candidate for the additional necessary to cover the actual expense or refund any excess monies paid by the candidate, depending on the final actual cost. In the event of underpayment, the Clerk of the Council shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk of the Council shall prorate the excess amount among the candidates and refund the excess amount paid.

Section 5. The Clerk of the Council shall provide each candidate or the candidate's representative a copy of this Resolution at the time when nominating petitions are issued by the Clerk.
Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this 18th day of February, 2020.

____________________________
Miguel Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By ________________
Laura A. Rossini
Senior Assistant City Attorney

AYES: Councilmembers ____________________________

NOES: Councilmembers ____________________________

ABSTAIN: Councilmembers __________________________

NOT PRESENT: Councilmembers _______________________

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, Daisy Gomez, Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2020-XXX to be the original resolution adopted by the City Council of the City of Santa Ana on February 18, 2020.

Date: ____________________________

Daisy Gomez
Clerk of the Council
City of Santa Ana
Possible Election Dates if called February 18th

<table>
<thead>
<tr>
<th>Election Day</th>
<th>May 19th</th>
<th>May 26th</th>
<th>June 2nd</th>
<th>June 9th</th>
<th>June 16th</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nomination Period Opens</td>
<td>February 19th</td>
<td>HOLIDAY on Monday, May 25th</td>
<td>February 19th</td>
<td>February 19th</td>
<td>February 19th</td>
</tr>
<tr>
<td>Nomination Period Duration</td>
<td>15 days</td>
<td>29 days</td>
<td>36 days</td>
<td>43 days</td>
<td></td>
</tr>
<tr>
<td>Nomination Period Closes</td>
<td>March 5th</td>
<td>March 19th</td>
<td>March 26th</td>
<td>April 2nd</td>
<td></td>
</tr>
<tr>
<td>Campaign Period</td>
<td>90 days</td>
<td>104 days</td>
<td>111 days</td>
<td>118 days</td>
<td></td>
</tr>
<tr>
<td>Results Due</td>
<td>July 1st</td>
<td>July 14th</td>
<td>July 21st</td>
<td>July 28th</td>
<td></td>
</tr>
<tr>
<td>Receive Results &amp; Swearing-In of New Officer</td>
<td>July 7th</td>
<td>July 21st</td>
<td>August 18th</td>
<td>August 18th</td>
<td></td>
</tr>
</tbody>
</table>

Possible Election Dates if called March 3rd

<table>
<thead>
<tr>
<th>Election Day</th>
<th>June 2nd</th>
<th>June 9th</th>
<th>June 16th</th>
<th>June 23rd</th>
<th>June 30th</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nomination Period Opens</td>
<td>March 4th</td>
<td>March 4th</td>
<td>March 4th</td>
<td>March 4th</td>
<td>March 4th</td>
</tr>
<tr>
<td>Nomination Period Duration</td>
<td>15 days</td>
<td>22 days</td>
<td>29 days</td>
<td>36 days</td>
<td>43 days</td>
</tr>
<tr>
<td>Nomination Period Closes</td>
<td>March 19th</td>
<td>March 26th</td>
<td>April 2nd</td>
<td>April 9th</td>
<td>April 16th</td>
</tr>
<tr>
<td>Campaign Period</td>
<td>90 days</td>
<td>97 days</td>
<td>104 days</td>
<td>111 days</td>
<td>118 days</td>
</tr>
<tr>
<td>Results Due</td>
<td>July 14th</td>
<td>July 21st</td>
<td>July 28th</td>
<td>August 4th</td>
<td>August 11th</td>
</tr>
<tr>
<td>Receive Results &amp; Swearing-In of New Officers</td>
<td>July 21st</td>
<td>July 28th</td>
<td>August 4th</td>
<td>August 18th</td>
<td>August 18th</td>
</tr>
</tbody>
</table>