



Meeting Date: 07 / 08 / 2008

ACTION	TYPE OF ITEM
<input type="checkbox"/> Approved Recommendation	<input type="checkbox"/> Info/Consent
<input type="checkbox"/> Ord. No(s). _____	<input checked="" type="checkbox"/> Report
<input type="checkbox"/> Res. No(s). _____	<input type="checkbox"/> Public Hearing (Info/consent)
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____

Prepared By: Daniel Martinez, City Clerk Agenda Item No. 0-1

Reviewed By: City Manager [Signature] City Attorney [Signature] Finance [Signature] Other (Specify) N/A

DATE: June 30, 2008

TO: City Council

FROM: Daniel Martinez, City Clerk [Signature]
City Clerk's Office

SUBJECT: Certification of the Results of the Examination of Petition Signatures for the Oxnard Traffic Initiative

RECOMMENDATION

That City Council:

1. Receive the certification of the results of the examination of petition signatures submitted to qualify the Oxnard Traffic Initiative for submission to the City Council and/or the voters of Oxnard.
2. Consider and select one of these three options:
 - a. Adopt the Oxnard Traffic Initiative ordinance, without alteration, immediately or by July 18, 2008; or
 - b. Submit the Oxnard Traffic Initiative ordinance, without alteration, to the voters of Oxnard at the next regular municipal election on November 4, 2008; or
 - c. Order a report on the effect of the Oxnard Traffic Initiative; such report to be considered by City Council on or before August 7, 2008.
3. If City Council selects option No. 2b above, adopt a resolution placing on the ballot for submission to the voters a measure relating to amendments to the Circulation Element and Growth Management Element of the Oxnard 2020 General Plan, commonly called the "Oxnard Traffic Initiative".

DISCUSSION

On Tuesday, May 19, 2008, an initiative petition regarding a measure to amend the Circulation Element and Growth Management Element of the Oxnard 2020 General Plan, commonly called the "Oxnard Traffic Initiative," was delivered to the City Clerk's Office. California Elections Code sections 9202 and 9210 state that the number used to determine the number of valid signatures required to qualify the measure is the number of registered voters reported to the Secretary of State on the date when the petition is published. The Oxnard Traffic Initiative was published on February 1, 2008, and the reported count of registered voters to the Secretary of State was 59,200 on January 28, 2008, as reported by the Ventura County Elections Office, as set forth in Attachment No. 2.

On May 20, 2008, the City Clerk delivered the signatures to the Ventura County Clerk and Recorder for review and examination. The County Registrar of Voters performs the examination and review of initiative petition signatures for the City Clerk, the elections official for Oxnard. On June 26, 2008, the Assistant Registrar of Voters advised the City Clerk that the County Registrar of Voters' review of the signatures determined that 5,923 signatures were valid. That number is three more than required for submission of the Oxnard Traffic Initiative to the City Council in accordance with California Elections Code section 9214. A copy of the letter submitted to the City Clerk by the County Registrar of Voters is included as Attachment No. 3 to this agenda report.

The City Clerk conducted his examination and review of the petition signatures. This review included a meeting with the members of the County Registrar of Voters' staff responsible for the initial review process. The City Clerk and members of his staff personally reviewed the petition signatures to determine the validity of the signatures, the validity of the declarations of the circulators, compliance of the initiative petition with State law and the County Clerk's petition review guidelines. After this review and examination, the City Clerk determined that there were 5,923 valid petition signatures.

Accordingly, pursuant to California Elections Code section 9214, the City Council is required to select one of the following options:

- (1) Adopt the Oxnard Traffic Initiative, without alteration, at the meeting tonight or by July 18, 2008; or
- (2) Submit the Oxnard Traffic Initiative, without alteration, to the voters of Oxnard at the next regular municipal election; or
- (3) Order a report on the impacts and effects of the Oxnard Traffic Initiative. In accordance with California Elections Code section 9212, this report must be presented to the City Council within thirty days of the City Clerk's certification of the results or on or before August 7, 2008. The report may include information on various factors including: fiscal impact; effect on the internal consistency of the City's 2020 General Plan and specific plans; effect on land use and availability and location of housing; impact of funding infrastructure of all types, including transportation, schools, parks and open space; impact on the City's ability to attract and retain business and employment; uses of vacant parcels of land; impact on agricultural lands, open space, traffic congestion, existing business districts, and revitalized areas; and any other matters requested by City Council.

After the report is presented, the City Council is required to adopt the ordinance, without alteration, within ten days of presentation; or submit the ordinance, without alteration, to the voters at the next regular municipal election.

If City Council elects to submit the measure to the voters, the City Clerk would post the proposed ordinance and accept arguments for and against for fourteen days from the date of the calling of the election. The City Clerk shall make a copy of the material referred to in California Elections Code sections 9223, 9280, 9281, and 9282 available for public examination for a period of ten-calendar-days immediately following the deadline for the submission of those materials.

At the end of the examination period, the City Clerk would forward the information to the County Registrar of Voters to be processed for the next regular municipal election on November 4, 2008. The City Clerk will select those arguments for inclusion in the voter pamphlet.

FINANCIAL IMPACT

If the proposed ordinance is placed on the next regular election by the City Council, elections costs will depend on the printed size of the proposed ordinance. The estimated elections costs for this petition is \$12,000 which includes signature validation costs by the County Registrar of Voters.

- Attachment #1 - Resolution Submitting to the Voters a Ballot Measure
#2 - Report to Secretary of State
#3 - Letter from County Clerk dated June 26, 2008

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD
CALLING MUNICIPAL ELECTION, REQUESTING CONSOLIDATION WITH
STATEWIDE GENERAL ELECTION, REQUESTING COUNTY CLERK
TO RENDER SERVICES AND SUPPLIES, AND AUTHORIZING
THE BOARD OF SUPERVISORS TO CANVASS THE RETURNS

The City Council of the City of Oxnard body resolves:

1. That a regular municipal election is hereby called to be held in the City of Oxnard on November 4, 2008, the day of the Statewide general election, for the purpose of consideration of a measure by the voters of Oxnard. The exact form of the measure to be voted upon at the election and as the same is to appear on the ballot is as follows:

Shall portions of the Oxnard 2020 General Plan be amended to prohibit residential development of five units or larger, or commercial, retail or industrial development in excess of 10,000 square feet, unless every traffic intersection within a five mile radius of the project operates at a minimum level of service C, subject to certain exemptions, limitations and exceptions as stated in the initiative, including approval of the project by the voters?	YES
	NO

2. That this resolution is adopted pursuant to Elections Code section 10403 requesting that the Board of Supervisors of Ventura County, pursuant to Elections Code section 10401, order that this regular municipal election for consideration of the above measure be consolidated with the Statewide general election to be held on November 4, 2008.

3. That pursuant to Elections Code section 10411, the Board of Supervisors is authorized to canvass the returns of the regular municipal election for consideration of the above measure to be held in the City of Oxnard on November 4, 2008.

4. That pursuant to Elections Code section 10002, the Board of Supervisors is requested to permit the County Clerk to render the services and supplies as shown on Exhibit A, attached hereto and made a part hereof, and any and all other services and supplies necessary to complete the regular municipal election for consideration of the above measure on November 4, 2008.

5. That the City of Oxnard agrees to pay the reasonable cost of the services and supplies rendered by the County Clerk.

6. That the City Clerk is directed to forward to the Board of Supervisors and to the County Clerk a certified copy of this resolution.

Resolution No.

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

PASSED AND ADOPTED this _____ day of July, 2008, by the following vote:

AYES:

NOES:

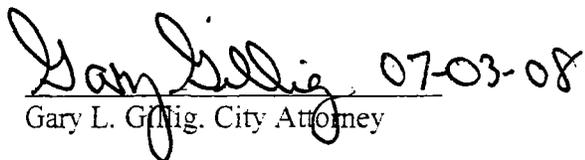
ABSENT:

Dr. Thomas E. Holden, Mayor

ATTEST:

Daniel Martinez, City Clerk

APPROVED AS TO FORM:

 07-03-08

Gary L. Gillig, City Attorney

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Attachment 1
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VENTURA COUNTY REQUEST FOR SPECIFIED ELECTION SERVICES

TO: PHILIP J. SCHMIT, Ventura County Clerk and Recorder

FROM: CITY OF OXNARD

City, School District or Special District Name

Signature of Authorization

ELECTION: General Municipal

DATE: 11/04/2008

ITEM #1 PUBLICATIONS

- A. County elections official is requested to publish: Notice of Election of Measure, Offices, Nominees, Election Officers and Polling Places.
- B. City/District will publish.

ITEM #2 CANDIDATE & MEASURE FORMS

County elections to provide one master set for copying.

ITEM #3 CANDIDATE & MEASURE/INITIATIVE PROPONENT FILINGS

- County elections will check nomination petition signatures.
- County elections to serve as filing official for all Measure document filings, i.e. deadline filing dates, maximum number of words, forms, and format.
- A. City/District to be billed for costs of handling and printing of all measure materials. Pursuant to Elections Code Section 10002, City agrees to reimburse county elections official in full for the services performed upon presentation of a bill.
- County elections to prepare the set-up and verification of signatures submitted on an initiative, recall or referendum attempting to qualify for the ballot.
- A. Random sample of 500 signatures.
- B. Full check of all signatures submitted.

ITEM #4 CANDIDATE STATEMENT

- A. Maximum number of words permitted for the Candidate's Statement will be 200 words.
- B. City/District to be billed for pro-rata cost of handling and printing Candidate Statements. Pursuant to Elections Code Section 10002, City/District agrees to reimburse county elections official in full for the services performed upon presentation of a bill.
- C. District candidates to pay pro-rata cost of handling and printing of Candidate Statements.

Attachment 1

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Voter Registration by SOS District
Voter Registration Counts Last Updated 1/29/2008

	DEM	REP	AL	GRN	LIB	PRE	MIS	IDS	TOT
Political Subdivision									
560001 Ventura County	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
562023 23rd Congressional District	42,465	21,489	1,607	573	369	324	822	16,018	83,667
562024 24th Congressional District	105,976	127,425	6,377	2,125	1,648	544	3,079	53,432	300,606
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
563017 17th Senatorial District	10,196	5,876	459	144	112	60	227	3,342	20,416
563019 19th Senatorial District	102,816	125,540	6,228	2,192	1,634	529	3,049	52,932	294,920
563023 23rd Senatorial District	35,429	17,498	1,297	362	271	279	625	13,176	68,937
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
564035 35th Assembly District	43,952	28,113	1,771	862	460	289	1,029	16,889	93,365
564037 37th Assembly District	68,927	87,042	4,268	1,329	1,060	337	2,004	35,602	200,569
564038 38th Assembly District	12,489	18,224	951	199	250	77	380	7,250	39,820
1041 41st Assembly District	23,073	15,535	994	308	247	165	488	9,709	50,519
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
561001 1st Supervisorial District	36,914	30,084	1,849	1,167	520	209	1,056	15,428	87,227
561002 2nd Supervisorial District	28,522	39,792	1,702	474	486	117	919	16,551	88,563
561003 3rd Supervisorial District	29,594	28,488	1,541	402	336	158	685	12,353	73,557
561004 4th Supervisorial District	25,947	38,511	1,947	402	466	155	801	15,227	83,456
561005 5th Supervisorial District	27,464	12,039	945	253	209	229	440	9,891	51,470
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
566001 Camarillo	12,315	17,078	780	188	161	52	314	6,060	36,948
566002 Fillmore	2,601	1,744	131	27	27	19	60	946	5,555
566003 Moorpark	5,638	7,418	388	73	83	41	140	3,269	17,050
566004 Ojai	2,097	1,495	110	115	21	8	55	831	4,732
566005 Oxnard	31,130	14,505	1,071	277	214	249	519	11,235	59,200
566006 Port Hueneume	3,778	2,399	173	48	30	28	88	1,541	8,085
566007 San Buenaventura	25,035	20,668	1,203	719	351	142	742	10,495	59,355
566008 Santa Paula	5,704	2,628	224	54	44	32	113	1,679	10,478
566009 Simi Valley	18,954	29,039	1,452	295	358	112	610	11,227	62,047
566010 Thousand Oaks	22,697	32,275	1,388	396	380	93	758	13,479	71,466
Check Total	129,949	129,249	6,920	2,192	1,669	776	3,399	60,762	334,916
02 State Board Of Equalization-2nd	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
Check Total	148,441	148,914	7,984	2,698	2,017	868	3,901	69,450	384,273
567001 All Unincorporated Areas	18,492	19,665	1,064	506	348	92	502	8,688	49,357
Check Total	18,492	19,665	1,064	506	348	92	502	8,688	49,357

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OFFICE OF THE COUNTY
CLERK AND RECORDER:

County Clerk
Elections
Recorder



ELECTIONS DIVISION
Tracy D. Saucedo
Assistant Registrar of Voters
Hall of Administration, Lower Plaza
800 South Victoria Avenue
Ventura, CA 93009-1200
Phone (805) 654-2781
FAX (805) 648-9200
<http://recorder.countyofventura.org/elections.htm>

PHILIP J. SCHMIT
COUNTY CLERK AND RECORDER

June 26, 2008

Mr. Daniel Martinez, City Clerk
City of Oxnard
305 West Third Street
Oxnard, CA 93030

Re: Oxnard Traffic Petition

Dear Mr. Martinez:

Enclosed is our "Signature Verification Certificate" for the initiative measure entitled To amend the circulation element and growth management element of the Oxnard 2020 General Plan which was submitted to our office on May 20, 2008, for verification of signatures.

Please do not hesitate to give our office a call should you have any questions in this regard.

Please come to our office to pick up the petition at your earliest convenience.

Sincerely,

PHILIP J. SCHMIT, County Clerk and Recorder

A handwritten signature in cursive script that reads "Tracy Saucedo".

Tracy D. Saucedo
Assistant Registrar of Voters

Enc.
PJS/TDS/ol

'REGISTER TO VOTE - THEN VOTE'

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Attachment 3
Page 1 of 2

SIGNATURE VERIFICATION CERTIFICATE

I. **PHILIP J. SCHMIT**, County Clerk Recorder and Registrar of Voters of the **County of Ventura**, State of California.

Hereby certify that: To amend the circulation element and growth management element of the

Initiative Title

Oxnard 2020 General Plan

Has

Has/Has Not

been filed with this office on May 20 2008

Month and day

Year

That the said petition consists of 1,772 sections;

That each section contains signatures purporting to be signatures of qualified electors of this county;

That attached to this 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 knowledge and belief, each signature to that section was the genuine signature of the person whose name it purports to be;

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing, to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1. Number of unverified signatures filed by proponent (raw count.)	<u>6,625</u>
2. Number of signatures verified	<u>6,625</u>
Number of signatures found SUFFICIENT	<u>5,923</u>
Number of signatures found INSUFFICIENT	<u>702</u>
INSUFFICIENT because of DUPLICATE	<u>337</u>

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this day of

June 26

2008

Month and day

Year


County Clerk Registrar of Voters

By: Tracy D. Saucedo
Assistant Registrar of Voters

Attachment 3
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