

## RESOLUTION NO. 73-10

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER OF SAID CITY; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA TO CONSOLIDATE THE MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 2, 2010, AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS SUBMITTED TO THE VOTERS, COSTS OF CANDIDATE'S STATEMENTS AND OTHER FEES, WORD LIMIT FOR CANDIDATE'S STATEMENT, AND ACTION TO BE TAKEN IN CASE OF A TIE VOTE**

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WHEREAS, the Council of the City of Richmond California, has ordered as follows:

1. Pursuant to the requirements of the Charter of the City of Richmond, there is called and ordered to be held in the City of Richmond, California, on Tuesday, November 2, 2010, a Municipal Election for the purpose of electing a Mayor and three (3) Members of the City Council for the full term of four years.
2. That the polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed.
3. That the notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to sign and publish said Notice of Election, in time, form, and manner as required by law in the WEST COUNTY TIMES, a newspaper of general circulation circulated within the City of Richmond, in accordance with the provisions of Sections 12101 of the Elections Code of the State of California.
4. The City Council directs the City Clerk to file a certified copy of this Resolution with the Registrar of Voters.

WHEREAS, it is desirable that the Municipal Election be consolidated with the Statewide General Election and other elections which may be held whole or in part of the territory of the City, as provided in Section 10400 of the Elections Code of the State of California and that within the City, the precincts, polling places, and election officers be the same. The City Council of the City of Richmond does resolve, declare, determine and order as follows:

1. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Contra Costa is hereby requested to consent and agree to the consolidation of a Municipal Election with the Statewide General Election and other elections held whole or in part of the territory of the City on Tuesday, November 2, 2010, for the purpose of election of a Mayor and three (3) Members of the City Council.
2. That the County Election Department is authorized to canvass the returns of the Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
3. That the City of Richmond recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.
4. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Contra Costa.

WHEREAS, pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at the November 2, 2010, Election may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the Office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

1. **FILING PERIOD:** The filing period for all candidates for elective office for Mayor and to the City Council will open Monday, July 12, 2010, at 8:30 a.m. and close on Friday, August 6, 2010, at 5:00 p.m. If an incumbent does not file his or her nomination papers by 5:00 p.m. on Friday, August 6, 2010, the nomination period will extend to Wednesday, August 11, 2010, 5:00 p.m., for non-incumbents only.
2. **PAYMENT OF FILING FEES:** Each candidate shall submit the following:
  - (a) Candidates for office of mayor shall pay at the time he or she files nomination papers a filing fee in the amount of \$2,140. Said fee includes \$1,210 as the estimated cost for the printing, handling, translating, and mailing of the candidate's statement and a filing fee in the amount of \$930.00, two percent (2%) of the annual Mayor's salary as required in Section 2 of Article V of the Charter of the City of Richmond.
  - (b) Candidates for City Council shall pay at the time he or she files nomination papers a filing fee in the amount of \$1,546.60. Said fee includes \$1,210 as the estimated cost for the printing, handling, translating, and mailing of the candidate's statement and a filing fee in the amount of \$336.60, two percent (2%) of the annual Councilmember's salary as required in Section 2 of Article V of the Charter of the City of Richmond.
  - (c) Any candidate who is financially unable to pay the filing fee may submit a petition containing signatures of registered voters in lieu of the filing fee. The City Clerk shall furnish an in-lieu petition for securing signatures to any indigent candidate upon request; provided, that such candidate completes an affidavit, supplied by the City Clerk, certifying under penalty of perjury that he or she is financially unable to pay the filing fee. the substitution of signatures for fees shall be subject to the following provisions:
    - (1) The in-lieu petition shall contain four signatures of registered voters for each dollar of filing fee.
    - (2) Any registered voter who is eligible to vote for a candidate for mayor or city councilmember may sign an in-lieu petition.
    - (3) A registered voter may sign both a candidate's nomination papers and his in-lieu petition, but the signatures appearing on the candidate's in-lieu petition shall not count toward the number of signatures required to be submitted on the nomination papers.

- (4) If a voter signs more candidates' in-lieu petitions than there are offices to be filled, the voter's signatures shall be valid only on those petitions which, taken in the order they were filed, do not exceed the number of offices to be filled.
- (5) In-lieu petitions shall be filed with the City Clerk at the same time the nomination papers are filed. After the signatures on an in-lieu petition have been verified, the City Clerk shall immediately notify the candidate of any deficiency. The candidate may submit a supplemental petition with the necessary number of valid signatures at any time prior to the close of the nomination period.
- (6) A candidate may submit a greater number of signatures to allow for subsequent losses due to invalidity of some signatures, but the validity of a greater number of signatures than that required by subsection 1, above, shall not be determined.

(d) If the cost of the candidate's statement is less than the estimated cost, the City Clerk shall prorate the excess amount among the candidates and refund the excess payment within 30 days of the election.

(e) If the cost of the candidate's statement is more than the estimated cost, the City Clerk shall require the candidate to pay the balance of the costs incurred within 30 days.

WHEREAS, if two or more candidates receive an equal and the highest number of votes, the City Clerk shall summon the candidates receiving the tie vote to appear before her, at the time designated by the City Clerk, in the Council Chamber. The City Clerk shall place the name of each candidate in a sealed unmarked envelope and the tie vote shall be broken by lot.

NOW, THEREFORE, IT IS ORDERED that the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the original Resolutions.

IT IS FURTHER ORDERED that the City Clerk shall provide each candidate a copy of this Resolution at the time nominating petitions are issued.

BY ORDER OF THE CITY COUNCIL OF THE CITY OF RICHMOND

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on June 15, 2010, by the following vote:

AYES: Councilmembers Bates, Butt, Lopez, Rogers, Viramontes, Vice Mayor Ritterman, and Mayor McLaughlin.  
NOES: None.  
ABSTENTIONS: None.  
ABSENT: None.

DIANE HOLMES  
Clerk of the City of Richmond

[Seal]

APPROVED

GAYLE McLAUGHLIN  
Mayor

Approved as to form:

RANDY RIDDLE  
City Attorney

State of California            }  
County of Contra Costa        }        : ss.  
City of Richmond               }

I certify that the foregoing is a true copy of **Resolution No. 73-10**, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on June 15, 2010.