

## REPORT TO THE CITY COUNCIL AND SUCCESSOR AGENCY

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**DATE:** December 3, 2013

**TITLE:** Certification of the November 5, 2013 General Municipal Election Results and Appointment to Fill Vacancy

**Prepared by:** Jerryl Soriano, City Clerk  
**Reviewed by:** Tara Taguchi, Deputy City Attorney

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### RECOMMENDATION

- 1) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, reciting the fact of the General Municipal Election held in said City on November 5, 2013, declaring the result thereof and other such matters as provided by law; and
- 2) Adopt a Resolution of the City Council of the City of Desert Hot Springs, California, as required by Section 2.04.040(B) of the Desert Hot Springs Municipal Code, appointing Jan Pye to the vacant City Council seat created by the election of Adam Sanchez, Sr. to the Office of Mayor at the General Municipal Election held on November 5, 2013.

### BACKGROUND

Pursuant to California Elections Code § 10262 and Resolution No. 2013-029, the Riverside County Registrar of Voters (“ROV”) has completed the canvass of returns of the General Municipal Election held on November 5, 2013 and has provided the Certification to the Results and Canvass of Election Returns (Exhibit 1).

Pursuant to California Elections Code § 10263, upon completion of the canvass and prior to installing new officers, the City Council shall adopt a resolution reciting the fact of the election and declare elected, the persons for whom the highest number of votes were cast for each office.

Therefore, the proposed resolution (Exhibit 2) declares that as a result of the election held November 5, 2013, the following officers were duly elected:

Mayor: Adam Sanchez Sr.  
Council Member: Scott Matas  
Council Member: Joe McKee

### City Council Vacancy and Appointment

As a result of Adam Sanchez Sr. being elected Mayor, one (1) vacancy now exists on the City Council with a term ending in December 2015.

Section 2.04.040 (B) of the Desert Hot Springs Municipal Code states:

*“B. Notwithstanding subsection A of this section, if a vacancy on the City Council occurs for any reason after the adoption of a resolution by the City Council calling for a general municipal election to elect members of the City Council, but not more than 90 days after the date of the general election, the person who received the highest number of votes in said election, but was not elected, shall be appointed by the City Council to fill that vacancy. The person appointed pursuant to this section shall serve the remaining unexpired term of office.”*

As such, Jan Pye received the next highest number of votes in the November 5, 2013 General Municipal Election and therefore “shall be appointed by the City Council to fill that vacancy.” The proposed Resolution making such appointment is attached as Exhibit 3.

**FISCAL IMPACT**

The estimated cost of the election (\$32,000) was included in the FY 2013-14 Budget in Account No. 001-41-11-4320 (City Council/Contract Services).

The election invoice, which has not yet been received, will include the actual cost of each Candidate’s Statement. Candidates paid a \$450 deposit upon filing of their nomination papers. Candidates will either be reimbursed or charged the difference of the actual cost of printing their respective Candidate’s Statement in the Voters Pamphlet.

**EXHIBIT(S)**

1. Certification to the Results and Canvass of Election Returns (Exhibit “A” to Resolution)
2. Proposed Resolution Relating to Declaration of Election Results
3. Proposed Resolution Appointing Jan Pye to fill Council Vacancy