

RESOLUTION NO. 2023-056

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR AN OFFICER WHOSE RECALL IS BEING SOUGHT PERTAINING TO A STATEMENT SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION ON TUESDAY NOVEMBER 14, 2023 AND ESTABLISHING A SYSTEM FOR PAYMENT OF THE COST OF INCLUSION OF THE OFFICER'S STATEMENT IN VOTER INFORMATION GUIDE/PAMPHLET AND/OR ELECTRONIC COPY

WHEREAS, on August 15, 2023, by adoption of Resolution No. 2023-055, the City Council called a special municipal election pursuant to the California Elections Code, to be held on Tuesday, November 14, 2023, whereby the voters of Santa Ana Ward 3 will consider whether Councilmember Jessie Lopez shall be recalled from elective office.

WHEREAS, Section 11327 of the Elections Code of the State of California provides that an officer whose recall is being sought may file a statement with the elections official in accordance with Section 13307, to be sent to each voter, together with the voter information guide/pamphlet.

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency may adopt regulations pertaining to a statement prepared by any officer whose recall is being sought for a special municipal election, including costs of the statement.

WHEREAS, Section 13307(d) of the Elections Code of the State of California authorizes the governing body of any local agency to require the officer whose recall is being sought and filing a statement to pay in advance to the local agency the estimated cost as a condition of having his or her statement included in the voter information guide/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 Sections 13307 and 11327 of the Elections Code of the State of California, an officer whose recall is being sought at a special election to be held in the City of Santa Ana on Tuesday, November 14, 2023 may prepare a statement on an appropriate form provided by the City Clerk and in compliance with the requirements of the Elections Code for the State of California. The statement shall not exceed 200 words.

Section 2. Foreign Language Policy. Pursuant to the Federal Voting Rights Act, the officer's statement 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 statement of the officer whose recall is being sought and has determined the approximate cost of the officer filing a statement, based upon such estimate, as follows:

Print in voter information guide/pamphlet and electronic copy of Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$1,102.45

Electronic copy of Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words \$431.56

B. Payment in advance by the officer whose recall is being sought of the 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 Statement Costs; Obligation to Pay Actual Costs.

A. Prior to the period in which the statements may be filed, the City Clerk shall prepare a written notice distributed to the officer whose recall is being sought, informing him or her that payment of the amount must be made no later than 88 days before the special election, as prescribed by the California Elections Code.

B. The City Clerk'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. Accordingly, the City Clerk shall not be bound by the estimate and shall, as applicable, bill the officer for the additional amount necessary to cover the actual expense or refund any excess monies paid by the officer, depending on the final actual cost. In the event of underpayment, the City Clerk shall require the officer to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall refund the excess amount paid.

Section 5. The City Clerk shall provide the officer or the officer's representative a copy of this Resolution at the time the officer files his or her statement with the City Clerk.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall attest to and certify the vote adopting this Resolution.

ADOPTED this 15th day of August, 2023.

Valerie Amezcua
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho
City Attorney

By _____
Laura A. Rossini
Chief Assistant City Attorney

AYES:	Councilmembers	<u>Amezcua, Bacerra, Hernandez</u> <u>Penaloza, Phan, Vazquez (6)</u>
NOES:	Councilmembers	<u>None (0)</u>
ABSTAIN:	Councilmembers	<u>Lopez (1)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATION OF ATTESTATION AND ORIGINALITY

I, Jennifer Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-056 to be the original resolution adopted by the City Council of the City of Santa Ana on August 15, 2023.

Date: _____

Jennifer Hall
City Clerk
City of Santa Ana