RESOLUTION NO. 2017-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF MORENO VALLEY ON TUESDAY, JUNE 6, 2017, FOR THE ELECTION OF A COUNCIL MEMBER TO FILL A VACANCY, AS REQUIRED BY THE PROVISIONS OF THE LAW OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF RIVERSIDE TO CONSOLIDATE THE SPECIAL MUNICIPAL ELECTION WITH THE CONSOLIDATED MUNICIPAL ELECTION TO BE HELD ON THAT SAME DATE PURSUANT TO §10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, the office of City Council Member for District 4 became vacant as a result of the election of Dr. Yxstian A. Gutierrez as the first directly elected Mayor on November 8, 2016; and

WHEREAS, the remaining term of former Council Member Gutierrez expires and ends with the November 2018 General Municipal Election; and

WHEREAS, Government Code Section 36512(b) provides:

If a vacancy occurs in an elective office provided for in this chapter, the council shall, within 60 days from the commencement of the vacancy, either fill the vacancy by appointment or call a special election to fill the vacancy. The special election shall be held on the next regularly established election date not less than 114 days from the call of the special election. A person appointed or elected to fill a vacancy holds office for the unexpired term of the former incumbent. And,

WHEREAS, Dr. Yxstian A. Gutierrez was elected as the member of the City Council for District 4 on November 4, 2014 from the previous District 4 boundaries, which would require that the registered voters currently residing within the old District 4 boundaries elect the new member of the City Council for District 4; and

WHEREAS, pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council of the City of Moreno Valley calls and orders to be held in the City of Moreno Valley, California, on Tuesday, June 6, 2017, a Special Municipal Election to consider the election of a municipal officer; and

WHEREAS, it is desirable that such Special Municipal Election be consolidated

with the Consolidated Municipal Election to be held on June 6, 2017, and that within the City, the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of Riverside canvass the returns of the Special Municipal Election, and that the elections be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORENO VALLEY, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, including without limitation Government Code Section 36512, there is called and ordered to be held in the City of Moreno Valley, California, on Tuesday, June 6, 2017 a Special Municipal Election for the purpose of electing one (1) member of the City Council in District 4, for the balance of the term of office in which a vacancy was created as a result of the election of Dr. Yxstian A. Gutierrez as Mayor on November 8, 2016, which term shall expire with the November 2018 General Municipal Election.

SECTION 2. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Riverside is hereby requested to consent and agree to the consolidation of the City of Moreno Valley's Special Municipal Election with the Consolidated Municipal Election, which may be held on said day in whole or in part of the territory of the City, as provided in Elections Code Section 10400, for the purpose of electing one (1) member of the City Council in District 4, for the balance of the term of office in which a vacancy was created as a result of the election of Dr. Yxstian A. Gutierrez as Mayor on November 8, 2016, which term shall expire with the November 2018 General Municipal Election.

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

SECTION 4. That the City Clerk is authorized, instructed and directed to coordinate with the County of Riverside Registrar of Voters to procure and furnish any and all ballots, notices, printed matter and supplies, services, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 5. That the polls for the election shall be open at seven o'clock a.m. on the day of the election, and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to California Elections Code Section 10242, except as provided in Elections Code Section 14401.

SECTION 6.   That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for the holding of municipal elections in the City.

SECTION 7.   That the County of Riverside Registrar of Voters Office is authorized to canvass the returns of the City of Moreno Valley's Special Municipal Election.   The elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.   The City of Moreno Valley's Special Municipal Election will be held and conducted in accordance with the provisions of law regulating the Consolidated General Election, including without limitation, Elections Code § 10418.

SECTION 8. That the Board of Supervisors is hereby requested to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 9. That the City of Moreno Valley recognizes that additional costs will be incurred by the County of Riverside by reason of this consolidation and agrees to reimburse the County for any such costs upon presentation of a properly submitted invoice.

SECTION 10. That the notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election in time, form and manner as required by law.

SECTION 11.   That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Riverside.

SECTION 12. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

SECTION 13. That all the provisions of any existing resolution as heretofore adopted by the City Council that are in conflict with the provisions of this resolution are hereby repealed.
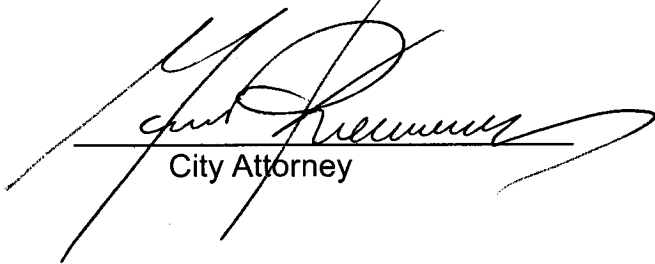
APPROVED AND ADOPTED this 31st day of January, 2017.

_____
Mayor of the City of Moreno Valley

ATTEST:

_____
Interim City Clerk

APPROVED AS TO FORM:

_____
City Attorney

RESOLUTION JURAT

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF MORENO VALLEY)

I, Marie Macias, MMC, Interim City Clerk of the City of Moreno Valley, California, do hereby certify that Resolution No. 2017-04 was duly and regularly adopted by the City Council of the City of Moreno Valley at a special meeting thereof held on the 31st day of January, 2017 by the following vote:

AYES: Council Members Giba, Marquez, Mayor Pro Tem Baca and Mayor Gutierrez

NOES: None

ABSENT: None

ABSTAIN: None

(Council Member, Mayor Pro Tem, Mayor)

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INTERIM CITY CLERK

(SEAL)