

MEMORANDUM

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: CARLA MORREALE, CITY CLERK 

DATE: JUNE 15, 2010

SUBJECT: CERTIFICATION OF PETITION - MARYMOUNT COLLEGE

REVIEWED: CAROLYN LEHR, CITY MANAGER 

RECOMMENDATION

1) Receive and file the City Clerk’s Certification that the Petition titled “Adoption of a Specific Plan for Development of the Marymount College Campus at 30800 Palos Verdes Drive East in the City of Rancho Palos Verdes and Related General Plan and Zoning Ordinance Amendments” has qualified for a Special Municipal Election to be placed on the November 2, 2010 Statewide General Election Ballot; and, 2) Either adopt the ordinance, as proposed, or place the ordinance on the November 2, 2010 Statewide General Election.

BACKGROUND

On March 2, 2010, Dr. Susan Soldoff submitted to the City Clerk a Notice of Intent to Circulate a Petition within the City of Rancho Palos Verdes for the purpose of amending the General Plan and Zoning Code regarding the enhancement and modernization of the Marymount College campus. Along with the Notice of Intent, the proponent submitted the written text of the initiative measure (the proposed ordinance) for submission to the voters.

Pursuant to Elections Code (E.C.) Section 9203, the City Attorney prepared the Ballot Title and Summary for the initiative, which was provided to the proponent on March 17, 2010. Prior to the circulation of the petitions for signature gathering, the proponent was required to publish and post the Notice of Intent to Circulate a Petition and the Title and Summary of the proposed measure, and to file the requisite affidavits with the City Clerk (E.C. Section 9205 and 9206). On March 25, 2010, the City Clerk received affidavits of Posting and Proof of Publication of the aforementioned. The proponent had 180 days from the date of the receipt of the Title and Summary (until September 13, 2010) to circulate the petition and gather signatures (E.C. 9208).

On April 27, 2010, during normal office hours, Dr. Soldoff submitted the completed petitions to the City Clerk at which time a prima facie examination was performed, and the City Clerk determined that the number of signatures gathered was equal to or in excess of the minimum number of signatures required to accept the petition for filing (E.C. 9210). The City Clerk had 30 days, excluding Saturdays, Sundays, and holidays, to examine the petition, ascertain the number of valid signatures on the petition, and notify the proponent as to the sufficiency or insufficiency of the petition (E.C. 9211, 9114, and 9115). Therefore, the last day for the City Clerk to examine the petitions was June 9, 2010.

Because the County of Los Angeles has the information readily available to determine whether signatures are valid, the City Clerk requested that the County undertake that task on behalf of the City. On June 2, 2010, the Los Angeles County Registrar-Recorder/ County Clerk's Office completed the signature verification process and notified the City Clerk that the signatures were sufficient for the initiative measure to be placed on the November 2, 2010 Statewide General Election Ballot. A copy of the notification from the County is attached to this report.

The City Clerk is required to notify the proponent as to the sufficiency or insufficiency of the petition. If the petition is found to be insufficient, no further action by the City is required. If the petition is found to be sufficient, the City Clerk must certify the results of the examination to the City Council at its next regular meeting (E.C. 9114), which is this evening's meeting.

DISCUSSION

In order to qualify the initiative for a special election, the proponent must obtain the signatures of at least 15% of the voters of the City according to the last report of registration by the County Elections Official to the Secretary of State pursuant to Section 2187, effective at the time the Notice of Intent to Circulate Petition was published, and the petition must contain a request that the ordinance be submitted immediately to a vote of the people at a special election (E.C. 9214). The date of the last report of registration effective at the time the Notice of Intent to Circulate Petition was published was January 5, 2010, and the number of registered voters in the City was 26,963. Therefore, the proponents needed to gather 4,044 valid signatures to qualify the initiative for a special election.

On the day the petitions were received, the City Clerk conducted a prima facie review of the documents and determined that the proponents submitted approximately 4,876 signatures. Based on this review, the proponent's petition was equal to or in excess of the minimum number of signatures required for a special election.

On April 29, 2010, the petitions were forwarded to the County of Los Angeles Registrar-Recorder/County Clerk for signature verification. On June 2, 2010, the County Clerk reported the following results of its examination:

Number of signatures verified:	4, 874
Number of signatures found not sufficient:	780
Number of signatures found sufficient:	4, 094

In addition to the County Clerk's verification of the number of sufficient signatures, the City Clerk reviewed the petitions and determined that:

- Each section of the petition bears a copy of the City Attorney's title and summary (E.C. 9203, 9207)
- Each section of the petition bears a copy of the Notice of Intention (E.C. 9207)
- Each section of the petitions bears the title of the petition and full text of the measure (E.C. 9201, 9203).
- The declaration of each circulator has been completely filled out with the date, printed name and signature of the petition carrier and a statement that declares that the circulator is a voter or is qualified to register as a voter of the state and containing his or her residence address at the time of the execution of the declaration (E.C. 9022).

CONCLUSION

The City Clerk has determined that the petition to Adopt a Specific Plan for Development of the Marymount College Campus has qualified for a Special Election and to be placed on the November 2, 2010 Statewide General Election Ballot. The City Council now must either adopt the ordinance, as proposed, or place the ordinance on the November 2, 2010 Statewide General Election Ballot.

However, before adopting the ordinance or calling an election the City Council may refer the proposed ordinance to any City agency or agencies for the preparation of a report regarding the following: 1) Fiscal impact; 2) Effect on the internal consistency of the City's General and Specific Plans; 3) Effect on the use of land, the impact on the availability and location of housing, and the ability of the City to meet its regional housing needs; 4) Impact on funding for infrastructure of all types, infrastructure costs or savings, or infrastructure maintenance; 5) Impact on the community's ability to attract and retain business and employment; 6) Impact on the uses of vacant parcels of land; 7) Impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization; and, 8) Any other matters the Council requests to be in the report.

The report shall be presented to the City Council no later than thirty days after the Elections Official certifies to the City Council the sufficiency of the petition (E.C. 9212). On the agenda this evening, the City Attorney and staff have prepared a report in

response to questions by the City Council, as directed at the April 20, 2010 City Council meeting, including a comparison of the project allowed by the Initiative with the project approved by the City Council. If Council wishes additional information, it could choose to have staff prepare an additional report pursuant to E.C. Section 9212. In that event, staff recommends that the task be given this evening to staff and the City Attorney to prepare the report for the July 6, 2010 City Council meeting. Then, after reviewing the report, the City Council either must adopt the ordinance, or call an election within ten days after the report is presented to the Council. (E.C. 9214).

Attachments:

- 1) County of Los Angeles Registrar-Recorder/County Clerk Results of Signature Verification
- 2) City Clerk's Certificate of Sufficiency of Initiative Petition



COUNTY OF LOS ANGELES
REGISTRAR-RECORDER/COUNTY CLERK

12400 Imperial Highway – P.O. Box 1024, Norwalk, California 90651-1024 - www.lavote.net

DEAN C. LOGAN
Registrar-Recorder/County Clerk

June 2, 2010

Ms. Carla Morreale, City Clerk
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Dear Ms. Morreale:

We have completed the signature verification for the Adoption Of A Specific Plan For Development Of The Marymount College Campus at 30800 Palos Verdes Drive East in the City of Rancho Palos Verdes and Related General Plan And Zoning Ordinance Amendments which was submitted April 29, 2010.

The results of the signature verification are as follows:

Number of signatures filed	4,874
Number of signatures verified	4,874
Number of signatures found sufficient	4,094
Number of signatures found not sufficient	780
Not sufficient because duplicate	9

As requested the petition circulators were also verified.

Please call Raymond Oliande, Head, Data Entry and Signature Verification Section at (562) 462-2376 if you have any questions regarding the signature verification of these petitions.

Sincerely,


DEAN C. LOGAN
Registrar-Recorder/County Clerk



CITY OF RANCHO PALOS VERDES

**CERTIFICATE OF CITY CLERK AS TO
THE SUFFICIENCY OF THE INITIATIVE PETITION ENTITLED
“ADOPTION OF A SPECIFIC PLAN FOR DEVELOPMENT OF THE MARYMOUNT COLLEGE
CAMPUS AT 30800 PALOS VERDES DRIVE EAST IN THE CITY OF RANCHO PALOS VERDES AND
RELATED GENERAL PLAN AND ZONING ORDINANCE AMENDMENTS”**

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, County of Los Angeles, State of California, hereby certify that:

The petition entitled “Adoption of a Specific Plan for Development of the Marymount College Campus at 30800 Palos Verdes Drive East in the City of Rancho Palos Verdes and related General Plan and Zoning Ordinance Amendments” was filed with the City Clerk’s Department on April 27, 2010.

That said petition consists of 184 sections;

That each section contains signatures purporting to be signatures of qualified electors of the City of Rancho Palos Verdes, California;

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 information 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 and based on the County of Los Angeles Registrar of Voters’ Signature Verification Certificate, I have determined the following facts regarding this petition:

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|---|-------|
| 1. Total number of signatures filed by proponent raw count: | 4,874 |
| 2. Total number of signatures verified: | 4,874 |
| 3. Number of signatures found sufficient: | 4,094 |
| 4. Number of signatures found insufficient: | 780 |
| 5. Number of signatures insufficient because of Duplication: | 9 |
| 6. Total number of signatures required (to qualify for special election): | 4,044 |
| (15% x 26,963 voters) | |

Based on the above, the petition is deemed to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Rancho Palos Verdes this 3rd day of June, 2010.


Carla Morreale, City Clerk
City of Rancho Palos Verdes