



City of Palm Desert


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CITY OF PALM DESERT CHARTER

The undersigned do hereby certify and authenticate that the attached documents, Resolution Nos. 97-55 and 97-100, consisting of a total of nine (9) pages, are full, true, and correct copies of the originals on file and of record in the Office of the City Clerk.


RICHARD S. KELLY, MAYOR


SHEILA R. GILLIGAN, CITY CLERK

ATTEST:


SHEILA R. GILLIGAN, CITY CLERK

DATED: December 1, 1997

RESOLUTION NO. 97-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, RECITING THE FACT OF THE GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 4, 1997, DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW

WHEREAS, the General Municipal Election was held and conducted in the City of Palm Desert, California, on Tuesday, November 4, 1997, as required by law; and

WHEREAS, notice of the election was given in time, form, and manner as provided by law; voting precincts were properly established; election officers were appointed and that in all respects the election was held and conducted, and the votes were cast, received, and canvassed and the returns made and declared in time, form, and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, pursuant to Resolution No. 90-62 adopted June 14, 1990, the Riverside County Election Department canvassed the returns of the election and the Registrar of Voters has certified the results to this City Council, the results are received, attached and made a part hereof as "Exhibit A".

NOW, THEREFORE, the City Council of the City of Palm Desert, California, **DOES HEREBY RESOLVE, DECLARE, DETERMINE, and ORDER** as follows:

SECTION 1: That the whole number of ballots cast in the City, except Absent Voter Ballots was 3,980.

That the whole number of Absent Voter Ballots cast in the City was 1,892, making a total of 5,872 ballots cast in the City.

SECTION 2: That the names of persons voted for at the election for Member of the City Council are as follows:

Walter H. Snyder
Jim Ferguson
Rick Post
Jean M. Benson

That the measure voted upon at the election (Measure LL) is as follows:

Shall the Charter be adopted making Palm Desert a Charter City so that the laws of Palm Desert shall prevail over State law with respect to municipal affairs?	YES	
	NO	

Palm Desert City Council
Resolution No. 97-100

SECTION 3: That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for Member of the City Council for which the persons were candidates and for and against Measure LL was as listed in Exhibit "A" attached.

SECTION 4: That the City Council does declare and determine that Jean M. Benson was elected for a full term of four years and Jim Ferguson was elected for a full term of four years.


SECTION 5: That the City Clerk shall enter on the records of the City Council of the City of Palm Desert a statement of the result of the election showing: (1) The whole number of ballots cast in the City; (2) the names of the persons voted for; (3) the measure voted upon; (4) for what office each person was voted; (5) the number of votes given at each precinct to each person; (6) the total number of votes given to each person and for and against Measure LL.

SECTION 6: That the City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

SECTION 7: That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED, and ADOPTED by the City Council of the City of Palm Desert, California, at its Adjourned Meeting held on the 1st day of December, 1997, by the following vote, to wit:

AYES: Benson, Crites, Snyder, Spiegel & Kelly
NOES: None
ABSENT: None
ABSTAIN: None



RICHARD S. KELLY, MAYOR

ATTEST:



SHEILA R. GILLIGAN, CITY CLERK
CITY OF PALM DESERT, CALIFORNIA

Exhibit "A"
Palm Desert City Council Resolution No. 97-100

MISCHELLE TOWNSEND
Registrar of Voters



2724 Gateway Drive
Riverside, CA 92507-0918
(909) 486-7200
FAX (909) 486-7272

REGISTRAR OF VOTERS
COUNTY OF RIVERSIDE

**CERTIFICATE OF REGISTRAR OF VOTERS
TO THE RESULTS OF THE CANVASS OF ELECTION RETURNS**

State of California)
) ss.
County of Riverside)

I, MISCHELLE TOWNSEND, Registrar of Voters of said County, do hereby certify that, in pursuance of the provisions of Sections 307 and 15301 of the California Elections Code and the resolution adopted by the City Council, I did canvass the returns of the vote cast at the General Municipal Election held on November 4, 1997, as part of the Consolidated Election, in the

CITY OF PALM DESERT

and I further certify that the statement of votes cast, to which this certificate is attached, shows the whole number of votes cast for each candidate for elective office, and for and against each measure submitted to a vote of the voters, at said election in said City and in each precinct therein, and that the totals as shown for each candidate and for and against each measure are full, true and correct.

Dated this 21st day of November, 1997



MISCHELLE TOWNSEND
Registrar of Voters

Exhibit "A"
Palm Desert City Council Resolution No. 97-100

11/19/97 5:31 PM
 November 4, 1997

Statement of Votes
GENERAL CONSOLIDATED ELECTION

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PALM DESERT CITY COUNCIL / MEASURE LL															
	Registration	Ballots Cast	Turnout (%)		PALM DESERT CITY COUNCIL (2)	WALTER H SNYDER	JIM FERGUSON	RICK POST	JEAN M BENSON		LL PALM DESERT ADOPT CITY CHARTER	Yes	No		
37															
825 - PALM DESERT	821	69	11.1		28	39	28	29			51	16			
827 - PALM DESERT	758	95	12.5		30	57	30	58			79	14			
828 - PALM DESERT	885	158	17.8		58	94	43	98			142	8			
829 - PALM DESERT	844	130	20.2		38	50	69	87			97	19			
830 - PALM DESERT	684	132	19.3		58	68	53	67			111	17			
831 - PALM DESERT	710	64	9.0		30	28	24	30			51	8			
832 - PALM DESERT	478	127	26.6		44	75	44	73			104	18			
833 - PALM DESERT	757	244	32.2		103	118	75	162			220	10			
834 - PALM DESERT	783	128	16.3		80	81	41	75			98	22			
835 - PALM DESERT	712	112	15.7		48	54	39	69			86	22			
836 - PALM DESERT	833	71	11.2		30	30	22	42			53	16			
837 - PALM DESERT	553	64	11.6		29	34	20	38			47	13			
838 - PALM DESERT	920	125	13.8		60	64	32	77			103	15			
839 - PALM DESERT	560	128	22.5		51	75	38	69			100	19			
840 - PALM DESERT	635	154	24.3		64	93	42	89			135	11			
841 - PALM DESERT	778	148	19.1		47	89	56	80			125	19			
842 - PALM DESERT	712	148	20.8		69	80	37	89			123	19			
843 - PALM DESERT	603	179	29.7		90	78	34	134			148	19			
844 - PALM DESERT	785	198	25.0		84	105	54	131			167	18			
845 - PALM DESERT	401	75	18.7		18	33	15	37			44	2			
846 - PALM DESERT	926	195	21.1		91	94	47	138			169	12			
847 - PALM DESERT	780	134	17.2		41	73	41	94			119	10			
848 - PALM DESERT	984	203	20.8		63	125	72	104			163	27			
849 - PALM DESERT	577	97	16.8		28	70	26	58			88	8			
850 - PALM DESERT	493	89	18.1		28	58	28	51			77	9			
851 - PALM DESERT	731	92	12.6		38	48	34	55			81	7			
852 - PALM DESERT	720	103	14.3		38	54	48	44			80	10			
853 - PALM DESERT	353	58	16.4		24	34	16	31			53	2			
854 - PALM DESERT	872	119	17.7		38	75	59	45			106	9			
855 - PALM DESERT	823	155	18.8		45	79	87	68			131	15			
858 - PALM DESERT	423	135	31.9		43	88	33	81			105	15			
857 - PALM DESERT	346	34	9.8		8	28	13	15			29	5			
1266 - PALM DESERT	24	8	33.3		5	3	2	6			7	0			
1267 - PALM DESERT	42	15	35.7		5	10	8	8			14	0			
1268 - PALM DESERT	0	0	n/a		0	0	0	0			0	0			
8000082 - ABS 82	21462	1891	8.8		920	844	643	1107			1601	214			
8000083 - ABS 83	42	1	2.4		0	1	0	1			1	0			
Absentee Totals	21504	1892	8.8		920	845	643	1108			1602	214			
Grand Totals	21504	5872	27.3		2447	3005	1949	3421			4908	648			

RESOLUTION NO. 97-55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, November 4, 1997, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR THE SUBMISSION TO THE VOTERS A QUESTION RELATING TO A CHARTER FOR THE CITY OF PALM DESERT.

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on Tuesday November 4, 1997, for the election of Municipal Officers; and

WHEREAS, the City Council also desires to submit to the voters at the election a question relating to a charter for the City of Palm Desert;

NOW, THEREFORE, the City Council of the City of Palm Desert, 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, there is called and ordered to be held in the City of Palm Desert, California, on Tuesday, November 4, 1997, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years;

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Shall the Charter be adopted making Palm Desert a Charter City so that the laws of Palm Desert shall prevail over State law with respect to municipal affairs?	YES	
	NO	

SECTION 3. That the proposed charter submitted to the voters is attached as Exhibit A.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Resolution No. 97-55
City of Palm Desert, California

SECTION 6. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. o'clock p.m. of the same day when the polls shall be closed, except as provided in §14401 of the Elections Code of the State of California.

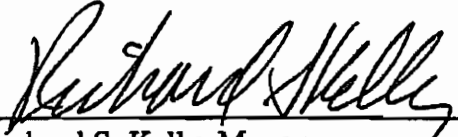
SECTION 8. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. That 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 10. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED at the regular meeting of the Palm Desert City Council held on the 26th day of June, 1997, by the following vote, to wit:

AYES: BENSON, SNYDER, SPIEGEL, and KELLY
NOES: NONE
ABSENT: CRITES
ABSTAIN: NONE


Richard S. Kelly, Mayor

ATTEST:


Sheila R. Gilligan, City Clerk
City of Palm Desert, California

ATTACHMENT "A"

CHARTER OF CITY OF PALM DESERT

PREAMBLE

We the people of the City of Palm Desert declare our intent to maintain in our community the historic principles of self-governance inherent in the doctrine of home-rule. Sincerely committed to the belief that local government has the closest affinity to the people governed, and firm in the conviction that the economic and fiscal independence of our local government will better serve and promote the health, safety and welfare of all the citizens of this City, we do hereby exercise the express right granted by the Constitution of the State of California to enact and adopt this Charter for the City of Palm Desert.

CHARTER

ARTICLE 1. MUNICIPAL AFFAIRS.

Section 100. Municipal Affairs: Generally. Each of the responsibilities of governance set forth and described in this Charter, and as established by the Constitutional, statutory and judicially defined law of the State of California, is hereby declared to be a municipal affair or concern, the performance of which is unique to the benefit of the City of Palm Desert.

Section 101. Powers of City. The City shall have full power and authority to adopt, make, exercise and enforce all legislation, laws and regulations with respect to municipal affairs, subject only to such limitations and restrictions as may be provided in this Charter and in the Constitution of the State of California.

ARTICLE 2. FORM OF GOVERNMENT.

Section 200. Form of Government. The municipal government established by this Charter shall be known as the "Council-Manager" form of government. The City Council establish the policy of the City; the City Manager shall carry out that policy.

ARTICLE 3. REVENUE, SAVINGS AND GENERATION.

Section 300. Public Works Contracts. The City shall have the power to establish standards, procedures, rules or regulations to regulate all aspects of the bidding, award and performance of any public works contract, including, but not limited to, the compensation rates to be paid for the performance of such work.

Section 301. Public Financing. The City shall have the power to establish standards, procedures, rules or regulations related to any public financing.

Section 302. Utility Franchises. The City shall have the power to adopt any ordinance providing for the acquisition, development or operation by the City of any public utility and/or any ordinance providing for the granting of a franchise, license or permit to any public utility not owned by the City which proposes to use or is using City streets, highways or other rights-of-way.

Section 303. Enterprises. The City shall have the power to engage in any enterprise deemed necessary to produce revenues for the general fund or any other fund established by the City Council to promote a public purpose.

Section 304. Economic and Community Development. The City shall have the power to utilize revenues from the general fund to encourage, support and promote economic and community development in the City.

ARTICLE 4. REVENUE RETENTION.

Section 400. Reductions Prohibited. Any revenues raised and collected by the City shall not be subject to subtraction, retention, attachment, withdrawal or any other form of involuntary reduction by any other level of government.

Section 401. Mandates Limited. No person, whether elected or appointed, acting on behalf of the City, shall be required to perform any function which is mandated by any other level of government, unless and until funds sufficient for the performance of such function are provided by said mandating authority.

ARTICLE 5. GENERAL LAWS.

Section 500. General Law Powers. In addition to the power and authority granted by the terms of this Charter and the Constitution of the State of California, the City shall have the power and authority to adopt, make, exercise and enforce all legislation, laws, and regulations and to take all actions and to exercise any and all rights, powers, and privileges heretofore or hereafter established, granted or prescribed by any law of the State of California or by any other lawful authority. In the event of any conflict between the provisions of this Charter and the provisions of the general laws of the State of California, the provisions of this Charter shall control.

ARTICLE 6. INTERPRETATION.

Section 600. Construction and Interpretation. The language contained in this Charter is intended to be permissive rather than exclusive or limiting and shall be liberally and broadly construed in favor of the exercise by the City of its powers to govern with respect to any matter which is a municipal affair.

Section 601. Severability. If any provision of this Charter should be held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, the remaining provisions shall remain enforceable to the fullest extent permitted by law.

ARTICLE 7. AMENDMENT.

Section 700. Amendment to Charter, revised or repealed. This Charter, and any of its provisions, may be amended by a majority vote of its electors voting on the question. Amendment or repeal may be proposed by initiative or by the governing body.