

RESOLUTION NO. 2023-055

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN COUNCIL WARD 3 ON TUESDAY, NOVEMBER 14, 2023 FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND REQUESTING SPECIFIED SERVICES FROM THE COUNTY OF ORANGE TO CONDUCT SAID ELECTION

WHEREAS, under the provisions of the law relating to charter cities in the State of California, a petition seeking the recall of City Councilmember Jessie Lopez was circulated for qualified voter signatures and timely filed with the City Clerk for the City of Santa Ana on June 13, 2023;

WHEREAS, the City Clerk for the City of Santa Ana retained the services of the Orange County Registrar of Voters to verify the number of valid signatures contained in the recall petition;

WHEREAS, on July 17, 2023, the Orange County Registrar of Voters issued a certificate verifying that the recall petition contains enough valid signatures to qualify the recall for the ballot (20% of the registered voters in Ward 3);

WHEREAS, based upon the data provided by the Registrar of Voters, the City Clerk for the City of Santa Ana issued a certificate of sufficiency for the petition.

WHEREAS, the Orange County Registrar of Voters' verification certificate along with the City Clerk's certificate of sufficiency were presented to the Santa Ana City Council on August 1, 2023;

WHEREAS, Elections Code Section 11240 requires that the Santa Ana City Council issue an order stating that an election shall be held to determine whether or not the officer named in the petition shall be recalled not later than fourteen (14) days after the meeting at which it received the certificate of sufficiency; and

WHEREAS, the election shall be held not less than 88, nor more than 125, days after the issuance of the order pursuant to Elections Code Section 11242.

NOW, THEREFORE, 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 the requirements of the laws of the State of California relating to charter cities, that there is called and ordered to be held in Council Ward 3 of the City of Santa Ana, California, on Tuesday, November 14, 2023 a

Special Municipal Election for the purpose of submitting the question of the recall of City Councilmember Jessie Lopez.

SECTION 2: On the ballots to be used at the Special Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following ballot question:

Shall Jessie Lopez be recalled (removed) from the office of Councilmember for Ward 3, City of Santa Ana?	YES
	NO

SECTION 3: That, pursuant to California Elections Code Section 11327, Councilmember Lopez may file a statement of not more than two hundred (200) words with the elections official in accordance with Elections Code Section 13307, to be sent to each voter, together with the voter information guide.

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

SECTION 5: The precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the Special Municipal Election shall be those utilized by the County of Orange.

SECTION 6: In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7: Notice of the time and place of holding the election is given and the City Clerk is authorized and instructed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 8: That pursuant to the requirements of Section 10002 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to permit the Orange County Registrar of Voters to render specific services to the City relating to the conduct of the Special Municipal Election. The specific election services which the City of Santa Ana requests the Registrar of Voters, or such other official as may be appropriate, to perform, and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots/voter information guides; making such publications as are required by law in connection therewith; the preparation, printing, mailing and

furnishing of vote-by-mail ballots and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Santa Ana; and the performance of such other election services as may be requested by the City Clerk.

SECTION 9: Furthermore, pursuant to Elections Code Section 10002, the City of Santa Ana recognizes that additional costs will be incurred by the County due to providing election services and canvassing returns for this Special Municipal Election and agrees to reimburse the County of Orange for any such costs.

SECTION 10: That the City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar of Voters 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.

SECTION 11: The City Council directs the City Clerk to file a certified copy of this Resolution with the Orange County Registrar of Voters and the Orange County Board of Supervisors.

SECTION 12: 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>Amezcuca, 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>

**CERTIFICATE OF ATTESTATION AND ORIGINALITY**

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-055 to be the original resolution adopted by the City Council of the City of Santa Ana on August 15, 2023.

Date \_\_\_\_\_

\_\_\_\_\_  
Jennifer L. Hall  
City Clerk  
City of Santa Ana