



MEMORANDUM

TO: CITY COUNCIL

FROM: KELLY WETMORE, DIRECTOR OF LEGISLATIVE AND INFORMATION SERVICES/CITY CLERK

SUBJECT: CONSIDERATION OF RESOLUTIONS FOR THE 2020 GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY

DATE: JUNE 9, 2020

SUMMARY OF ACTION:

Calling and giving notice of the City's General Municipal Election to be held on November 6, 2020, for the election of two Council Members and a Mayor; a request to the County of San Luis Obispo for consolidation of the election; and adoption of regulations pertaining to submittal of a candidate statement.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Funding for the November 2020 General Municipal Election has been included in the proposed Fiscal Year 2020-21 Budget in the amount of \$28,000, based on the estimate received from the San Luis Obispo County Clerk's office. The County has indicated that actual costs may shift up or down due to rapidly changing circumstances related to the COVID-19 pandemic, which may result in various legislative and process changes relating to elections.

RECOMMENDATION:

It is recommended the City Council: 1) Adopt a Resolution calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 3, 2020, for the election of certain officers of the City; 2) Adopt a Resolution requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 3, 2020; and 3) Adopt a Resolution adopting regulations for candidates governing the submittal of a Candidate Statement.

BACKGROUND:

In Arroyo Grande, the Mayor and City Council members are currently elected in at-large elections where each of the four Council Members and the Mayor are elected by the registered voters of the entire City. On October 2, 2019, the City received a "Notice of Violation of California Voting Rights Act" and a report from attorney Robert Goodman, brought on behalf of Maria Minicucci, asserting that the City's at-large method of conducting elections may violate the California Voting Rights Act (the "Act") and threatening litigation if the City doesn't voluntarily transition to a district-based election system.

**CITY COUNCIL
CONSIDERATION OF RESOLUTIONS FOR THE 2020 GENERAL MUNICIPAL
ELECTION
JUNE 9, 2020
PAGE 2**

On October 16, 2019, after consideration of the information filed in the Notice of Violation, the City Council adopted Resolution No. 4949 declaring its intent to transition from at-large to district based elections by November 2022 and entered into a Settlement Agreement with Ms. Minicucci. While the Act requires public entities complying with Elections Code Section 10010 and agreeing to transition to district-based elections to do so in an expedited fashion, Ms. Minicucci agreed to allow the City to defer implementation of the district-based election system until the November 2022 election if the City was willing to enter into a Settlement Agreement to that effect. Requiring district-based elections in November 2020 would have necessitated the time and significant expense of going through the districting process twice - once for November 2020 (using 2010 census data) and again for November 2022 after the decennial 2020 census is complete. It is anticipated that the City Council will begin the public process to transition to district based elections in the summer of 2021 after Census 2020 data is received. Therefore, in 2020, the Mayor and two Council Members will continue to be elected at-large.

State law establishes the dates when general law cities conduct municipal elections for the purpose of electing members of the City Council. The office of Council Member is a four-year term, with terms expiring at staggered intervals (i.e., terms of office for two members of the City Council are scheduled to expire every two years). The office of Mayor is a two-year term pursuant to a voter-approved measure adopted in 1982. The California Elections Code establishes procedures and requirements for conducting a General Municipal Election. As the first step in the election process, certain Resolutions must be adopted by the City Council.

ANALYSIS OF ISSUES:

Pursuant to Municipal Code Section 1.08.010, the City of Arroyo Grande will conduct a General Municipal Election on the same day as, and consolidated with, the Statewide General Election. The Statewide General Election is held on the first Tuesday after the first Monday in November in even numbered years. This year, the date of the Statewide General Election is Tuesday, November 3, 2020. The request for consolidation must be submitted to the County Board of Supervisors no later than August 7, 2020 (at least 88 days prior to the date of the election).

By consolidating the election with other jurisdictions in the County, costs to the City to conduct the election are substantially reduced. Following the election, the County invoices the City for its proportional share of the costs. The estimated cost of \$28,000 for the 2020 General Election has been included in the proposed FY 2020-21 Budget; however, due to potential legislative and process changes related to the conduct of elections as a result of the COVID-19 pandemic, the County has indicated that actual costs may shift in either direction.

The printing of candidate statements in the sample ballot booklet is also included in the City's election costs. Since 2008, the City has sought full cost recovery from the candidate for the publication of a candidate statement pursuant to State law, since the publication

**CITY COUNCIL
CONSIDERATION OF RESOLUTIONS FOR THE 2020 GENERAL MUNICIPAL
ELECTION
JUNE 9, 2020
PAGE 3**

of a candidate statement is optional and not a requirement. This is a consistent practice among California cities. It is recommended that the word count limit be set at 200 words per statement, consistent with previous elections. The City requires an initial deposit at the time a candidate files his/her nomination papers. Candidates are then invoiced (or sent a refund) after the County calculates the share of costs for printing/mailing of the sample ballot booklet for each agency and candidate.

In 2020, the terms of Council Member Kristen Barneich, Council Member Lan George, and Mayor Caren Ray Russom are expiring.

The nomination period for candidates running for a seat on the City Council for both City Council Member and Mayor is Monday, July 13, 2020, through Friday, August 7, 2020. If an incumbent does not file nomination papers and qualify by the close of the nomination period, the filing period is extended for non-incumbents *only* for five (5) days pursuant to State law.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolutions pertaining to the 2020 General Municipal Election; or
2. Provide other direction to staff.

ADVANTAGES:

Adoption of the proposed Resolutions will meet the provisions required by the California Elections Code for calling and giving notice of a General Municipal Election, requesting the services of the County to conduct a consolidated election, and setting forth regulations for candidates pertaining to the filing of candidate statements.

DISADVANTAGES:

There are no identified disadvantages related to adoption of the proposed Resolutions as they are required by State law in order to conduct a Consolidated General Municipal Election in the City.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. A Notice of Election will be published in the pursuant to the timeline prescribed by the Elections Code.

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

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 November 3, 2020, for the election of Municipal Officers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

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 Arroyo Grande, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of two years, and two Members of the City Council for the full term of four years.
2. That the ballots to be used at the election shall be in form and content as required by law.
3. That the City Clerk is authorized, instructed, and directed to coordinate with the County of San Luis Obispo County Clerk-Recorder 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.
4. 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 Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.
5. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.
6. 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 the time, form, and manner as required by law.
7. That in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of San Luis

RESOLUTION NO.

PAGE 2

Obispo County Clerk-Recorder, the City Council, in accordance with Election Code Section 15651(a), shall set a date, time, and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.
9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 9th day of June, 2020.

CAREN RAY RUSSOM, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, ACTING CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Arroyo Grande called a General Municipal Election to be held on Tuesday, November 3, 2020, for the purpose of the election of a Mayor and two (2) Members of the City Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the City the precincts, polling places and election officers of the two elections be the same, and that the County Elections Division of the County of San Luis Obispo canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. That pursuant to the requirements of Section 10403 of the Election Code, the Board of Supervisors of the County of San Luis Obispo is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 3, 2020, for the purpose of the election of a Mayor and two (2) Members of the City Council.
2. That the Elections Division of the County Clerk-Recorder's Office is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the Statewide election.
3. That the Board of Supervisors is requested to issue instructions to the Elections Division of the County Clerk-Recorder's Office to take any and all steps necessary for the holding of the consolidated election.
4. That the City of Arroyo Grande recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any such additional costs.

RESOLUTION NO.

PAGE 2

5. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the Elections Division of the San Luis Obispo County Clerk-Recorder's Office.
6. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted this 9th day of June, 2020.

**RESOLUTION NO.
PAGE 3**

CAREN RAY RUSSOM, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, ACTING CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY

RESOLUTION NO.

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ARROYO GRANDE, CALIFORNIA, ADOPTING
REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE
PERTAINING TO CANDIDATES STATEMENTS SUBMITTED
TO THE VOTERS AT AN ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 3, 2020**

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 materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. That the following regulations are hereby adopted regarding candidate statements for candidates for elective office in the City of Arroyo Grande:
 - A. **GENERAL PROVISIONS.** That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Arroyo Grande on November 3, 2020, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate and a brief description of no more than **200 words** of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.
 - B. **FOREIGN LANGUAGE POLICY.** The San Luis Obispo County Clerk-Recorder's Office shall have translated into Spanish only those statements as requested by the candidate, and print any translation(s) of candidates who so request printing in the voter pamphlet.
 - C. **PAYMENT.**
 - i) The candidate shall be required to pay for the cost of printing the candidates statement in English in the voter's pamphlet.
 - ii) The candidate shall be required to pay for the cost of translating and printing the candidates statement into the foreign language as specified in Section 2 above, pursuant to State law.
 - iii) The San Luis Obispo County Clerk-Recorder's Office shall estimate the total cost of printing, handling, translating, and mailing the candidates statements filed pursuant to this Section, and the City Clerk shall require each candidate filing a statement to pay in advance to the City his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the

RESOLUTION NO.

PAGE 2

event the estimated payment is required, the estimate is just an approximation of the actual costs that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid, depending on the final actual cost. In the event of underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the receipt of the final invoice from the County.

- D. **ADDITIONAL MATERIALS.** No candidate will be permitted to include additional materials in the sample ballot package.
2. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.
 3. That this Resolution shall apply only to the election to be held on November 3, 2020 and shall then be repealed.
 - 4.. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

On motion of Council Member _____, seconded by Council Member _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

the foregoing Resolution was passed and adopted on this 9th day of June, 2020.

CAREN RAY RUSSOM, MAYOR

ATTEST:

KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:

BILL ROBESON, ACTING CITY MANAGER

APPROVED AS TO FORM:

TIMOTHY J. CARMEL, CITY ATTORNEY