



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** June 4, 2018

FROM: Matthew Bronson, City Manager

PREPARED BY: Donna L. McMahon, City Clerk

SUBJECT: Resolutions for the 2018 General Municipal Election for the Election of Certain Officers of the City

RECOMMENDATION

1) Adopt the Resolution calling and giving notice of a General Municipal Election to be held on November 6, 2018 for the election of certain officers of the City; 2) adopt the Resolution requesting the County Board of Supervisors to consolidate the City's General Municipal Election with the Statewide General Election; and 3) adopt the Resolution adopting regulations for candidates governing submittal of a Candidate's Statement.

BACKGROUND

State law establishes the dates when general law cities conduct municipal elections for the purpose of electing members of the City Council. The Grover Beach Municipal Code (GBMC) Section 2350 (Attachment 4) requires the General Municipal Election to be held on the same day as, and consolidated with, the Statewide General Election. With adoption of the proposed resolutions described later in this staff report, the City will be requesting the County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election. The request must be submitted to the County Board of Supervisors by no later than August 10, 2018.

As a first step in the election process, certain Resolutions must be adopted by the City Council. The required Resolutions for the November 2018 election for the purpose of electing a Mayor and two (2) members of the City Council are presented to the City Council for its consideration. (Please see Attachments 1, 2, and 3.) 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 voter approval in November 2006.

Incumbents

In 2018, the four-year terms of office for Council Member Barbara Nicolls and Council Member Mariam Shah are scheduled to expire, as well as the two-year term of office for Mayor John Shoals.

- ***Council Member Nicolls*** was elected to the office of Council Member in November 2014 and is eligible to run for re-election to the same office in 2018.
- ***Council Member Shah*** was elected to the office of Council Member in November 2014 and is eligible to run for re-election to the same office in 2018.
- ***Mayor Shoals*** was elected to the office of Mayor in November 2014 and re-elected in November 2016. Due to local term limits of no more than two consecutive terms pursuant to GBMC Section 2304 (Attachment 4), the incumbent is not eligible to run for re-election to the same office in 2018.

Nomination Process for Candidates for Elective Office

- **Office of Council Member** - The nomination period for candidates running for the office of Council Member is Monday, July 16 through Friday, August 10, 2018. If an incumbent does not file nomination papers and qualify by the close of the nomination period, the filing period extends (*for non-incumbents only*) for five (5) days pursuant to state law.
- **Office of Mayor** - The nomination period for candidates running for the office of Mayor is Monday, July 16 through Friday, August 10, 2018. If the incumbent does not file nomination papers and qualify by the close of the nomination period, the filing period extends (*for non-incumbents only*) for five (5) days pursuant to state law. As the current office holder is precluded from running for re-election pursuant to the City's term limits, the filing period for the office of Mayor will be extended to Wednesday, August 15, 2018.

FISCAL IMPACT

Estimated costs for the November 2018 General Municipal Election are included in the proposed 2018-19 Budget. By consolidating the election with other jurisdictions in the County, the City's costs are significantly reduced. A majority of election costs are not reimbursable; however, full cost recovery is authorized for Candidate Statements. If a candidate chooses to have a Candidate's Statement printed in the County's sample ballot booklet, the City requires an initial deposit at the time a candidate submits 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 ballots for each agency and candidate.

ALTERNATIVES

The City Council has the following alternatives to consider:

1. Adopt the Resolutions as submitted;
2. Amend the Resolutions, provided all requirements of the Elections Code are met, and adopt the Resolutions as amended; or
3. Do not adopt the Resolutions and provide alternative direction to staff.

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act. A Notice of Election will be published in The Tribune pursuant to the timeline prescribed in the Elections Code.

ATTACHMENTS

1. Resolution - Calling and giving notice of the election;
2. Resolution - Requesting that the County Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election; and
3. Resolution - Adopting regulations for candidates governing submittal of a Candidate's Statement.
4. GBMC Section 2304 – Term Limits, and
GBMC Section 2350 – Date of General Municipal Election

RESOLUTION NO. 18-__**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018 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 Tuesday, November 6, 2018 for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, DOES 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 Grover Beach, California, on Tuesday, November 6, 2018, a General Municipal Election for the purpose of electing a Mayor for the full term of two years and two (2) Members of the City Council for the full term of four years.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the Office of the 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.

SECTION 4. 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 eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code §10242, except as provided in §14401 of the Elections Code of the State of California.

SECTION 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.

SECTION 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 time, form and manner as required by law.

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

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. The City Council authorizes the San Luis Obispo County Clerk-Recorder 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 by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** at a Regular meeting of the City Council of the City of Grover Beach, California this 4th day of June, 2018

**** D R A F T ****

JOHN P. SHOALS, MAYOR

Attest:

DONNA L. McMAHON, CITY CLERK

RESOLUTION NO. 18-___**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2018, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO §10403 OF THE ELECTIONS CODE**

WHEREAS, the City Council of the City of Grover Beach called a General Municipal Election to be held on Tuesday, November 6, 2018 for the purpose of the election of a Mayor and two 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 election department 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, THE CITY COUNCIL OF THE CITY OF GROVER BEACH DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of §10403 of the Elections 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 6, 2018, for the purpose of the election of a Mayor, and two Members of the City Council.

SECTION 2. That the County election department 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.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Grover Beach recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for election-related costs.

SECTION 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County election department of the County of San Luis Obispo.

SECTION 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 by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED**, and **ADOPTED** at a Regular meeting of the City Council of the City of Grover Beach, California this 4th day of June, 2018

**** D R A F T ****

JOHN P. SHOALS, MAYOR

Attest:

DONNA L. McMAHON, CITY CLERK

RESOLUTION NO. 18-__

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, 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 6, 2018)

WHEREAS, §13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the Candidate Statements.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to §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 Grover Beach on Tuesday, November 6, 2018, 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.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, Candidate Statements will be translated into all languages required by the County of San Luis Obispo.

B. The San Luis Obispo County Clerk-Recorder's Office will make the voter information guides and Candidate Statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

C. The San Luis Obispo County Clerk-Recorder's Office shall have translated those statements into the language(s) as requested by the candidate, and print any translation(s) of candidates who so request printing in the voter information guides.

SECTION 3. PAYMENT.

A. Translations: The candidate shall be required to pay for the cost of translating the Candidate's Statement into any foreign language that is not required pursuant to federal and/or state law, but is requested as an option by the candidate.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the Candidate's Statement in English in the main voter pamphlet.

2. The candidate shall be required to pay for the cost of printing the Candidate's Statement in a foreign language as requested by the candidate per Section 2 above in the main voter pamphlet.

3. The candidate shall be required to pay in advance to the City of Grover Beach his or her estimated pro rata share (as established in the current Master Fee Schedule) as a condition of having his or her statement included in the voter pamphlet. The estimate is just an approximation of the actual cost 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 City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall refund the excess amount paid within thirty (30) days of receipt of the final invoice from the County of San Luis Obispo.

SECTION 4. MISCELLANEOUS. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the voter information guide.

SECTION 6. 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.

SECTION 7. That all previous resolutions establishing Council policy on payment for Candidate Statements are repealed.

SECTION 8. 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 by Council Member _____, seconded by Council Member _____, and on the following roll-call vote, to wit:

AYES: Council Members -
NOES: Council Members -
ABSENT: Council Members -
ABSTAIN: Council Members -

the foregoing Resolution was **PASSED, APPROVED, and ADOPTED** at a Regular meeting of the City Council of the City of Grover Beach, California this 4th day of June, 2018.

**** D R A F T ****

JOHN P. SHOALS, MAYOR

Attest:

DONNA L. McMAHON, CITY CLERK

**Grover Beach Municipal Code
Article II, Chapter 3**

Sec. 2304. Term Limits. A member of the City Council may only serve two consecutive terms in that position. If the City has an elected mayor, an elected mayor may only serve two consecutive terms in that position. The two positions (Council Member and elected mayor) are separate and an individual can serve two consecutive terms in one position and then two consecutive terms in the other. If a person is elected to the office of City Council and because of a vacancy in the office of an elected mayor, such person is appointed to fill the unexpired term of an elected mayor, such Council Member shall be deemed to be serving just the term of a City Council Member. However, if a person should be elected to the office of City Council and part way through his or her term as a member of the City Council, such person is elected mayor, then such person shall be deemed to have served his or her full term as a City Council Member upon acceptance of the office of elected mayor.

Even if a person has already served two consecutive terms in one position, such person may serve another two consecutive terms if at least twenty-three months have passed since such person last served in that same position. (Approved by electorate on November 5, 1996, pursuant to Resolution No. 96-46; Am. Ord. No. 08-05.)

Sec. 2350. Date of General Municipal Election. The City's General Municipal Election shall be held on the same day as, and consolidated with, the Statewide General Election on the first Tuesday after the first Monday of November in each even-numbered year. (Ord. No. 83-6)