



## CITY COUNCIL STAFF REPORT

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**TO:** Honorable Mayor and City Council                      **DATE:** July 6, 2020

**FROM:** Matthew Bronson, City Manager

**PREPARED BY:** Wendi Sims, City Clerk

**SUBJECT:** Revised Resolutions for the 2020 General Municipal Election for the Election of Certain Officers of the City

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### **RECOMMENDATION**

Adopt the revised Resolution calling and giving notice of a General Municipal Election to be held on November 3, 2020 for the election of certain officers of the City and adopt the revised Resolution requesting the County Board of Supervisors to consolidate the City's General Municipal Election with the Statewide General Election.

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### **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 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 Board of Supervisors by no later than August 7, 2020.

As a first step in the election process, certain Resolutions must be adopted by the City Council. The required Resolutions for the November 2020 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 (see Attachments 1 and 2). 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 as determined by voters by approval of Measure V-06 in November 2006.

On June 22, 2020, the Council adopted the Resolutions calling and giving notice of a General Municipal Election to be held on November 3, 2020 for the election of certain officers of the City and requesting the County Board of Supervisors to consolidate the City's General Municipal Election with the Statewide General Election. However, during that meeting Council Member Nicolls announced her resignation from the Council effective June 30<sup>th</sup>, leaving her seat empty for the remainder of her term until 2022. This Council seat must be filled by an election rather than an appointment by the Council since two Council Members were previously appointed to their seats and State law prohibits a majority of the Council comprised of appointed members. Therefore, the Council is requested to adopt Resolutions that adds former Council Member Nicolls' seat to the list of certain officers of the City to be elected in November as further described below.

## **Incumbents**

In December 2020, the four-year terms of office for positions that are currently filled by Council Member Desi Lance and Council Member Karen Bright are scheduled to expire, as well as the two-year term of office for Mayor Jeff Lee.

- Council Member Lance was appointed to the office of Council Member in January 2019 to fill the remaining two-year term of Mayor Lee's Council seat when he was elected to Mayor in November 2018. Council Member Lance is eligible to run for re-election to the same office in 2020.
- Council Member Bright was appointed to the office of Council Member in March 2019 to fill the remaining two-year term of former Council Member Debbie Peterson who resigned and is eligible to run for re-election to the same office in 2020.
- Mayor Lee was elected to the office of Mayor in November 2018. Due to term limits of no more than two consecutive terms pursuant to GBMC Section 2304 (Attachment 4), the incumbent is eligible to run for re-election to the same office in 2020.

In addition, the November election will include filling the remainder of Council Member Nicolls' term through December 2022. Individuals seeking this seat will need to choose to run specifically for this position as they would serve for two years in contrast to the full four-year terms for the positions currently held by Council Members Lance and Bright.

## **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 13 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 extends (for non-incumbents only) for five (5) days pursuant to state law. As stated above, candidates for the Office of Council Member will need to specify whether they are running for one of the two four-year seats or the two-year seat vacated by former Council Member Nicolls.

**Office of Mayor** - The nomination period for candidates running for the office of Mayor is Monday, July 13 through Friday, August 7, 2020. If the incumbent does not file nomination papers and qualify by the close of the nomination period, the filing period extends (for nonincumbents only) for five (5) days pursuant to state law.

## **FISCAL IMPACT**

Estimated costs for the November 2020 General Municipal Election are \$20,000 and are included in the proposed 2020-21 budget to be adopted by the Council on June 22. 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 *New Times* 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

RESOLUTION NO. 20-\_\_

**A REVISED 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 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 Tuesday, November 3, 2020 for the election of Municipal Officers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, DOES DELARE, 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 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years and two (2) Members of the City Council for the full term of four (4) years and a third City Council Member for the remaining term of two (2) years of an original term of office due to the resignation on June 30, 2020 of Council Member Nicolls.

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 such hours and on such days as determined by the San Luis Obispo County Clerk-Recorder (Registrar of Voters), provided that the opening and closure of voting sites is conducted in accordance with Sections §10242 and §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 \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll-call vote, to wit:

- AYES: Council Members –
- NOES: Council Members –
- ABSENT: Council Members –
- ABSTAIN: Council Members –
- RECUSED: 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 6th day of July 2020.

**\*\*DRAFT\*\***

\_\_\_\_\_  
JEFF LEE, MAYOR

Attest:

\_\_\_\_\_  
WENDI B. SIMS, CITY CLERK

RESOLUTION NO. 20-\_\_

**A REVISED 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 3, 2020, 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 3, 2020 for the purpose of electing a Mayor for the full term of two (2) years and two (2) Members of the City Council for the full term of four (4) years and a third City Council Member for the remaining term of two (2) years of an original term of office due to the resignation on June 30, 2020 of Council Member Nicolls; 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, CALIFORNIA, DOES DELARE, 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 3, 2020, 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 and a third City Council seat for the remaining term of two (2) years; and

SECTION 2. That the San Luis Obispo County Clerk-Recorder Elections Division 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 Division 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 San Luis Obispo County Elections Division.

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 \_\_\_\_\_, seconded by \_\_\_\_\_, and on the following roll-call vote, to wit:

AYES: Council Members –  
NOES: Council Members –  
ABSENT: Council Members –  
ABSTAIN: Council Members –  
RECUSED: 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 6<sup>th</sup> day of July 2020.

**\*\*DRAFT\*\***

\_\_\_\_\_  
JEFF LEE, MAYOR

Attest:

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WENDI B. SIMS, CITY CLERK