

STAFF REPORT

TO: HONORABLE MAYOR AND CITY COUNCIL  
FROM: DONNA L. McMAHON, CITY CLERK/EXECUTIVE ASSISTANT *Donna McMahon*  
SUBJECT: RESOLUTIONS FOR THE 2012 GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF CERTAIN OFFICERS OF THE CITY

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**BACKGROUND**

State law requires that all general law cities conduct municipal elections every two years for the purpose of electing members of the City Council. In Grover Beach, as in most general law cities, the terms of office for Council Members are staggered with some terms expiring every two years to provide continuity on the Council. As a first step in the election process, certain Resolutions must be adopted by the City Council.

**DISCUSSION**

Pursuant to Grover Beach Municipal Code (GBMC) Section 2350, the City of Grover Beach will conduct a General Municipal Election on the same day as, and consolidated with, the Statewide General Election. The City will be requesting the County Board of Supervisors to consolidate the General Municipal Election with the Statewide General Election. This request must be submitted to the County Board of Supervisors no later than August 10, 2012 (at least 88 days prior to the date of the election). The County bills each City for its pro rata share of election costs.

This year the terms of office for Council Member Karen Bright, Council Member Debbie Peterson, and Mayor John P. Shoals will expire. Term of office for City Council Members is four years. The term of office for the directly-elected Mayor is two years. Council Member Bright, who was appointed in May 2007 to fill a Council-vacancy and then elected to a full four-year term in November 2008, is eligible to run for re-election. Council Member Bright is not subject to the two-term limit for the 2012 General Municipal Election as her first City Council term was by appointment. Council Member Peterson was elected to a four-year City Council term in November 2008 and is eligible to run for re-election in 2012. Mayor Shoals was the City's first directly-elected Mayor in November 2008 and was re-elected in November 2010 to the two-year term of Mayor. He is not eligible to run for re-election for the office of Mayor, but is eligible to run for a seat on the City Council.

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APPROVED FOR FORWARDING



ROBERT PERRAULT  
CITY MANAGER

Please Review for the Possibility of a Potential Conflict of Interest:

- None Identified by Staff
- Bright
- Shoals
- Molnar
- Nicolls
- Peterson

Meeting Date: June 18, 2012

Agenda Item No. 6

The Nomination Period for **City Council** candidates is Monday, July 16 through Friday, August 10, 2012. 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) five days to Wednesday, August 15, 2012 pursuant to state law.

The Nomination Period for candidates for the office of **Mayor** is Monday, July 16 through Wednesday August 15, 2012, as the current Mayor is precluded from running for re-election pursuant to the City's term limits (GBMC Section 2304, approved by the electorate in November 1996), the filing period is extended five days to August 15.

Before the City Council for consideration this evening are the required Resolutions for the November 2012 election process for the purpose of electing a Mayor for a full two-year term and two (2) members of the City Council for the full four-year terms. If the Council decides to place a City measure on the November 2012 ballot (i.e., related to a Charter City formation), the necessary documents will be presented separately at a future Council meeting this summer.

### **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.

### **RECOMMENDED ACTION**

Staff recommends that the City Council: 1) adopt the Resolution calling and giving notice of a General Municipal Election to be held on November 6, 2012 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.

### **FISCAL IMPACT**

Estimated costs for the November 2012 General Municipal Election will be included in the proposed FY 13 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, a portion is recovered as follows:

- 1) Full cost recovery is obtained for Candidate Statements - an initial deposit is required at the time a candidate submits his/her Nomination Papers (if he/she chooses to have a Candidate's Statement printed in the sample ballot). Candidates are then invoiced (or sent a refund) after the County calculates each City's and candidate's share of costs for printing/mailing of the sample ballots; and
- 2) The County has previously submitted SB 90 claims (State mandated cost reimbursement program) for processing Vote by Mail Ballots on behalf of cities; however, reimbursement

depended upon the fiscal condition of the State. The County Clerk-Recorder's Office notified cities earlier this year that the Governor identified this reimbursement be eliminated. Costs will therefore be passed on to the cities.

### **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. Draft Resolution - Calling and giving notice of the election;
2. Draft Resolution - Requesting that the County Board of Supervisors consolidate the City's General Municipal Election with the Statewide General Election; and
3. Draft 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. 12-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY GROVER BEACH, CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012, 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, 2012, 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, 2012, 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.

**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 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.

**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 Section 10242, except as provided in Section 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 (defined as any two or more persons receiving an equal and the highest number of votes for the same office) as certified by the County of San Luis Obispo Clerk-Recorder, the City Council, in accordance with Election Code Section 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 result of the election 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.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was **PASSED, APPROVED and ADOPTED** this 16<sup>th</sup> day of June, 2012 on the following roll call, to wit:

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

**DRAFT**  
\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

ATTEST:

\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

**RESOLUTION NO. 12-\_\_**

**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, 2012, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 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, 2012, for the purpose of the election of one 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, THE CITY COUNCIL OF THE CITY OF GROVER BEACH DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of Section 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, 2012, for the purpose of the election of a Mayor and two (2) Members of the City Council.

**SECTION 2.** That the County 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.

**SECTION 3.** That the Board of Supervisors is requested to issue instructions to the County Elections 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 associated election 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 Elections Division 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.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was **PASSED, APPROVED** and **ADOPTED** this 16<sup>th</sup> day of June, 2012 on the following roll call, to wit:

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

**DRAFT**  
\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

ATTEST:

\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

RESOLUTION NO. 12-\_\_

**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.**

**WHEREAS**, Section 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 Candidates Statement.

**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 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 Grover Beach 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 Candidate's Statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The Candidate's 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 Candidate's 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 state law, the Candidate's Statement must be translated and printed (in the voter's pamphlet) in any language at the candidate's request.

B. The City Clerk 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 voters pamphlet.

**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 voter's pamphlet.

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

C. The City Clerk shall require each candidate filing a statement 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's pamphlet. In the event the estimated payment is required, 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.

**SECTION 4. ADDITIONAL MATERIALS.**

No candidate will be permitted to include additional materials in the sample ballot package.

**SECTION 5.** 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 6.** That all previous Resolutions establishing Council policy regarding payment for Candidates Statements are repealed.

**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.

Upon motion of \_\_\_\_\_, seconded by \_\_\_\_\_, the foregoing Resolution was **PASSED, APPROVED and ADOPTED** this 18<sup>th</sup> day of June, 2012 on the following roll call, to wit:

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

ATTEST:

\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

DRAFT

**Grover Beach Municipal Code - Excerpts Only**

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. 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. 83-6)