


Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM

Meeting Date: June 7, 2022
To: Honorable Mayor and City Councilmembers
From: City Administration
Subject: Resolution Calling and Giving Notice of a General Municipal Election to be held on Tuesday, November 8, 2022, (The first Tuesday after the first Monday in November of each year) for the Election of Members of the City Council as required, and Requesting the Sonoma County Board of Supervisors to Consolidate the General Municipal Election with the Statewide General Election to be held on that date pursuant to Elections Code; and Approval of Resolution Adopting Regulations for Candidates for Elective Office Pertaining to the Candidate Statement of Qualifications and Requiring Each Candidate Filing a Candidate Statement of Qualifications Pay in Advance to the Local Agency an Estimated Pro Rate Share as a Condition of Having Candidate Statement included in the Voters Pamphlet for the Municipal Election to be held on November 8, 2022) and Approval of Estimated Budget of \$15,000 for Election Costs for Councilmember Seats Only

Recommendation: That the City Council Adopt the Resolutions
Funding: Currently Budgeted: ___ (YES) (NO) ___ (N/A)
Net General Fund Cost: \$15,000 (This is an estimate only from Sonoma County Registrar of Voters)
If Cost to Other Fund(s):

Account Code/Costs authorized in City Approved Budget (if applicable) AK (verified by Administrative Services Department)

*Per Sonoma County Registrar of Voters, the 2022 estimated cost for election of Council Seats only ranging from \$12,940 to \$38,819. City staff estimated on an average of the last two elections for the cost of \$15,000. This amount has been built into the proposed budget for FY22-23 which is scheduled for a public hearing on June 21, 2022. The City Council is scheduled to review the DRAFT preliminarily City budget at the June 21st 2022 City Council Meeting. The DRAFT FY 22-23 City Budget includes funding for the 2022 Municipal Election for Councilmember seats only. If the budget for FY 21-22 is carried over until July 2022 as proposed, the current FY 21-22 does not include the election costs for the November 2022 election.

INTRODUCTION:

This item is to request the City Council Adopt the Resolutions Calling and Giving Notice of a General Municipal Election to be held on Tuesday, November 8, 2022, (The first Tuesday after the first Monday in November of each year) for the Election of Members of the City Council as required, and Requesting the Sonoma County Board of Supervisors to Consolidate the General Municipal Election with the Statewide General Election to be held on that date pursuant to Elections Code; and Approval of Resolution Adopting Regulations for Candidates for Elective Office Pertaining to the Candidate Statement of Qualifications and Requiring Each Candidate Filing a Candidate Statement of Qualifications Pay in Advance to the Local Agency an Estimated Pro Rate Share as a Condition of

Having Candidate Statement included in the Voters Pamphlet for the Municipal Election to be held on November 8, 2022) and Council Approval of Estimated Budget of \$15,000 for Election Costs for Councilmember Seats Only.

BACKGROUND:

General Municipal Elections (E.C. 10403) shall be held on the first Tuesday after the first Monday of November in each even numbered year for the election of municipal Officers and for such other purposes as the City Council may prescribe. The City of Sebastopol General Election is scheduled to be held on November 8, 2022 where three (3) members of the City Council will be elected.

The three Councilmember seats that will be on the 2022 Municipal Election are as follows:

- Una Glass
- Sarah Gurney
- Patrick Slayter

The Councilmember Seats in the 2022 Election will be for a term of four years (2022 through 2026).

As provided in the California Elections Code, the attached resolutions are presented for adoption in preparation of the election. Two separate resolutions are presented for Council approval. The action to call a municipal election must be taken at a regular meeting of the City Council.

Elections Code Section 10400 provides that the City Council may request the County Board of Supervisors to consolidate the General Municipal Election with the statewide General Election. In so doing, the County would conduct the election and canvass the results as provided by law. If consolidation is approved, the City's responsibilities would include receiving and processing candidate nomination papers, forwarding candidate statements to the County, and distribution and receipt of Fair Political Practices Commission documents. The County would provide all other services.

The City Clerk is the City of Sebastopol office that assists in the holding of elections in the City. The City Clerk does not act in the capacity of assisting any candidate or proponent of a specific issue other than to assist candidates and proposition sponsors to properly file and manage their election related documentation. The City Clerk is precluded by law from providing legal advice; any legal questions should be directed to private legal counsel. The City Clerk does not act as an arbiter, referee or judge with respect to disputes or issues related to any campaigns or the election itself. All questions for elections or campaign information should be directed to the Fair Political Practices Commission.

Candidates may pull papers to run for the offices listed above in the November 8, 2022 during the nomination period. **The nomination period for this election opens on Monday, July 18 and continues through Friday, August 12. (Elections Code (E.C.) 10220, 10224).** If an incumbent fails to return Candidate nomination papers by this deadline, the nomination period will be extended to Wednesday, August 17, 2022. The City Clerk acting as the City's Elections Official, will issue and receive all related nomination papers (E.C. 10227).

DISCUSSION:

A resolution is attached calling the General Municipal Election and requesting the County Board of Supervisors to consent to consolidation of the election with the Statewide Election to be held on November 8, 2022, authorizing the Sonoma County Registrar of Voters to consolidate the election, and authorizing the Sonoma County Elections Department to canvass the election results.

A second resolution is attached requiring in accordance with Section 13307(c) of the California Elections Code, the candidate shall bear the cost of preparing the candidate's statement in accordance with the provisions of the State law and payment by the candidate is required at the time the statement is filed. As with past elections, each candidate will be asked to provide a deposit for the estimated cost of the candidate's statement. The Sonoma County Elections Department has provided the City an estimate for such statements and has indicated the increase is due to inflation and costs of paper, paper shortages, equipment shortages/replacement parts and staffing. The Elections Official will require a deposit in the amount as follows based on the County Estimate:

Statement of Qualifications Estimates:

English and Spanish:

\$*800.00

***What is different this year is that Sonoma County was officially designated as a “bilingual county” by the U.S. Department of Justice after the 2020 Census, and all statements are required to be printed in both languages.**

After the election, and upon receipt of the invoice from the County, if the cost exceeds the deposit, the candidate will be billed after the election. If the cost is lower than the deposit, the City will refund the difference to the candidate after receipt of the County of Sonoma invoice for this election.

A resolution has been prepared establishing estimated costs for the printing, handling, translating and mailing of the candidates' statements and authorizing the City Clerk to bill any candidate for the cost of printing candidate's statement and to refund any excess amount collected from such candidate, depending on the final actual cost.

Once adopted, certified copies of the resolutions will be forwarded to the Sonoma County Board of Supervisors and the Sonoma County Registrar of Voters' Office. The appropriate election notices will be published and the nomination period for City Council candidates will begin on Monday July 18, 2022.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5 - Provide Open and Responsive Municipal Government Leadership

5.3.3. Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

Goal 6 - Maintain a highly qualified Staff that works to provide services to serve and protect the residents, visitors and business of this community.

Action CHW 5c: Practice an open-door policy in City programs, and actively engage and encourage participation from all individuals regardless of ethnicity, race, religion, class, disability, sexual orientation, and gender.

FISCAL IMPACT

The City has a multi-year contract with the County to conduct our municipal elections. As of the writing of this report, funding for this election has not been approved in the FY 22-23 City Budget. The DRAFT FY 22-23 City Budget includes funding for the 2022 Municipal Election for Councilmember seats only. If the budget for FY 21-22 is carried over until July 2022 as proposed, the current FY 21-22 does not include the election costs for the November 2022 election.

PUBLIC COMMENT:

No public comments have been received as of the writing of this staff report.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

RECOMMENDATION:

That the City Council Adopt the Resolutions Calling and Giving Notice of a General Municipal Election to be held on Tuesday, November 8, 2022, (The first Tuesday after the first Monday in November of each year) for the Election of Members of the City Council as required, and Requesting the Sonoma County Board of Supervisors to Consolidate the General Municipal Election with the Statewide General Election to be held on that date pursuant to Elections Code; and Approval of Resolution Adopting Regulations for Candidates for Elective Office Pertaining to the Candidate Statement of Qualifications and Requiring Each Candidate Filing a Candidate Statement of Qualifications Pay in Advance to the Local Agency an Estimated Pro Rate Share as a Condition of Having Candidate Statement included in the Voters Pamphlet for the Municipal Election to be held on November 8, 2022) and Council Approval of Estimated Budget of \$15,000 for said election for Councilmember Seats only.

Attachment:

Resolution Calling for/Consolidating the Election
Resolution Establishing Estimated Costs for Candidates' Statements

RESOLUTION NO. XXXX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL, CALIFORNIA, CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SEBASTOPOL ON NOVEMBER 8, 2022, FOR THE ELECTION OF MUNICIPAL OFFICERS (MEMBERS OF THE CITY COUNCIL) AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA CONSOLIDATE THE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Municipal Election shall be held on November 8, 2022, for the election of Municipal Officers; and

WHEREAS, the California Statewide General Election will be held on Tuesday, November 8, 2022; and

WHEREAS, Elections Code Section 10400 provides that the City Council may request that the County Board of Supervisors consolidate said General Municipal Election with the statewide general election; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General election and any other election held on the same day, in the same territory, or in territory that is in part the same, 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 Sonoma canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, the terms of three (3) members of the City Council will expire and the positions must be filled.

NOW, THEREFORE, BE IT RESOLVED THAT Pursuant to California Elections Code Section 10400, 10402, and 10403, it is in the best public interest to consolidate the Sebastopol General Municipal Election with the Statewide Election to be held on November 8, 2022; and

NOW, THEREFORE, BE IT FURTHER RESOLVED THAT:

SECTION 1. Pursuant to the requirements of Section 10403 of the Elections Code, there is called and ordered to be held in the City of Sebastopol, on Tuesday, November 8, 2022, a General Municipal Election, and the Board of Supervisors of the County of Sonoma is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General election on Tuesday, November 8, 2022 for the purpose of the election of three (3) members of the City Council of the City of Sebastopol for the full term of four years.

SECTION 2. 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. All other rules and regulations governed by the Elections Code for the conduct of the General Municipal Election on November 8, 2022, not specifically cited in this Resolution, shall be applicable to the Election.

SECTION 3. The Board of Supervisors is requested to issue instructions to the County Registrar of Voters/County

Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. The County Registrar of Voters/Elections of Sonoma County is authorized to specify the location for the tally of ballots and certify the results to the City Clerk of the City of Sebastopol.

SECTION 5. The recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution. 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. If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 7. The City of Sebastopol recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for such costs as listed in the Agreement Between the City of Sebastopol and the County Elections Department of the County of Sonoma.

SECTION 8. The City clerk is authorized and directed to compensate the County for the cost of conducting the General Municipal Election for the City.

SECTION 9. The consolidated election shall be held and conducted in the manner prescribed in Section 10418 of the Elections Code of the State of California.

SECTION 10. Pursuant to Section 10551 and 15651 of the Elections Code of the State of California, the method of determining the winner or winners in the event of a tie vote shall be by lot.

SECTION 11. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma and enter this resolution into the book of original resolutions.

This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

IN COUNCIL DULY PASSED, APPROVED AND ADOPTED this 7th day of June 2022.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Sebastopol by the following roll call vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Patrick Slayter

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney

RESOLUTION NUMBER XXXX-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ESTABLISHING ESTIMATED COSTS FOR PRINTING, HANDLING, TRANSLATING AND MAILING THE CANDIDATES' STATEMENTS FILED FOR THE CONSOLIDATED GENERAL ELECTION TO BE HELD IN THE CITY OF SEBASTOPOL ON NOVEMBER 8, 2022 AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT OF QUALIFICATIONS AND REQUIRING EACH CANDIDATE FILING A CANDIDATE STATEMENT OF QUALIFICATIONS PAY IN ADVANCE TO THE LOCAL AGENCY AN ESTIMATED PRORATED SHARE AS A CONDITION OF HAVING CANDIDATE STATEMENT INCLUDED IN THE VOTERS' PAMPHLET FOR THE MUNICIPAL ELECTION TO BE HELD
NOVEMBER 8, 2022

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 material prepared by any candidate for a municipal election, including the costs of the candidates' statement; and

WHEREAS, Section 13307(c) of the California Elections Code provides that the City may estimate the total cost of printing, handling, translating and mailing Candidates' Statements for nonpartisan elective office, and may require each candidate filing a statement to pay in advance to the City his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet; and

WHEREAS, the City of Sebastopol and the Sonoma County Board of Supervisors have authorized the County of Sonoma to conduct the Consolidated General Election in the City of Sebastopol on November 8, 2022 and the City of Sebastopol has agreed to pay its pro-rated share of the costs of such election; and

WHEREAS, Sonoma County was officially designated as a "bilingual county" by the U.S. Department of Justice after the 2020 Census, and all statements are required to be printed in both languages; and

WHEREAS, the County of Sonoma has provided an estimate of costs for the printing, handling, translating and mailing of candidates' statements on the November 8, 2022 ballot for English and Spanish; and

WHEREAS, Elections Code 13307(c) states the local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet.

NOW, THEREFORE, BE IT RESOLVED:

1. 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 Sebastopol on November 8, 2022 may prepare a candidate's statement on an appropriate form provided by the City Clerk.

2. That the statement may include the name, age and occupation of the candidate and a brief description of no more than two hundred (200) words of the candidate's education and qualifications expressed by the candidate himself or herself.
3. That the statement shall not include any party affiliation of the candidate, nor membership or activity in partisan political organizations.
4. That the statement shall be filed in typewritten form and block style in the Office of the City Clerk at the time the candidate's nomination papers are filed and will be printed exactly as submitted by the candidate.
5. That the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period and that Statements shall remain confidential until the expiration of the filing deadline.
6. That the Sonoma County Register of Voters has estimated for printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended). The candidate shall be required to pay the cost of translating the candidate's statement into any foreign language if translation is required by state or federal law. At the time of filing the Candidate's Statement, the candidate shall submit a fee in the amount of **\$800.00** to cover Candidate pro-rated share of the cost of having Candidate Statement included in the voter's pamphlet and will pay the cost of translating the Statement into Spanish and the City Clerk shall require each candidate filing a statement to pay in advance to the City his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet.
7. That Pursuant to State law, the Candidate's Statement must be translated and printed in English and Spanish as Sonoma County was officially designated as a "bilingual county" by the U.S. Department of Justice after the 2020 Census, and all statements are required to be printed in both languages.
8. That 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.
9. That the City Clerk is not bound by the estimate and may, on a pro-rated 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 within 30 days of receiving the invoice for payment from the Sonoma County Registrar of Voters. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of receiving Election invoice for payment from the Sonoma County Registrar of Voters.

10. That the taxpayers of the City of Sebastopol should not be responsible for costs of individual candidate statements.
11. That if a candidate alleges to be indigent, the candidate shall pay the actual pro-rated share of the cost after the election, plus interest and administration fees if applicable.
12. That the City Council of the City of Sebastopol has determined that the candidate shall bear the costs of the statement as allowed in California Elections Code Section 13307.
13. That no candidate will be permitted to include additional materials in the sample ballot package.

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.

That all previous resolutions establishing council policy on payment for candidates' statements are repealed.

That this Resolution shall apply only to the Consolidated General Municipal Election to be held within the City of Sebastopol on Tuesday, November 8, 2022.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

IN COUNCIL DULY PASSED, APPROVED AND ADOPTED this 7th day of June 2022.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Sebastopol by the following roll call vote:

VOTE:

Ayes:

Noes:

Absent:

Abstain:

APPROVED:

Mayor Patrick Slayter

ATTEST:

Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:

Larry McLaughlin, City Attorney