

TO: Thomas Frutchey, City Manager

FROM: Dennis Fansler, City Clerk
Meg Williamson, Assistant City Manager

SUBJECT: November 8, 2016 General Election

DATE: June 21, 2016

NEEDS: For the City Council to take necessary steps to call for and conduct a consolidated General Municipal Election on November 8, 2016 for the election of certain officers.

FACTS:

1. Under the provisions of the laws relating to general law cities in the State of California, the City Council must call and order a General Municipal Election for the purpose of electing two City Council Members (full terms of four years) and for City Treasurer and City Clerk (full terms of four years each) for terms expiring this year.
2. It is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that the County Elections Department of the County of San Luis Obispo canvass the returns of the Municipal Election as if the two elections were one.
3. The Elections Code of the State of California is specific in the required implementation steps for conducting the consolidated General Municipal Election.

ANALYSIS &

CONCLUSION: The attached three resolutions provide the necessary legal and administrative framework for conducting a General Municipal Election consolidated with the State General Election on November 8, 2016 for the purpose of the election of two members of the City Council, and for City Treasurer and City Clerk.

POLICY

REFERENCE: California Government Code Sections 34900-34906, 36516, & 40601-40605.

FISCAL

IMPACT: The cost estimate to conduct the consolidated general election for the City of Paso Robles is approximately \$25,000.

OPTIONS:

1. For the City Council to approve the following election framework:
 - a. Resolution 16-XXX calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2016 for the election of certain officers as required by the provision of the laws of the State of California relating to General Law Cities; and
 - b. Resolution 16-XXX requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 8, 2016 with the Statewide General Election; and
 - c. Resolution 16-XXX adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 8, 2016.
- B. Amend, modify, or reject the above option.

Attachments:

1. Resolution 16-XXX calling and giving notice of the General Municipal Election
2. Resolution 16-XXX requesting consolidation of the General Municipal Election
3. Resolution 16-XXX pertaining to candidate statements submitted to the voters

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES,
CALIFORNIA, CALLING AND GIVING NOTICE OF THE HOLDING OF A GENERAL
MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
NOVEMBER 8, 2016, 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 8, 2016, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. 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 El Paso de Robles, California, on Tuesday, November 8, 2016, a General Municipal Election for the purpose of electing two Members of the City Council for full terms of four years each, and a City Treasurer and a City Clerk for full terms of four years each.

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

SECTION 3. The City Clerk is authorized, instructed, and directed 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. 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, except as provided in §14401 of the Elections Code of the State of California.

SECTION 5. 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. 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. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

APPROVED by the City Council of the City of El Paso de Robles this 21st day of June, 2016
by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN LUIS OBISPO TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE STATEWIDE GENERAL ELECTION

WHEREAS, the City Council of the City of El Paso de Robles called a Municipal Election to be held on November 8, 2016, for the purpose of the election of two members of the City Council, and a City Treasurer and a City Clerk; 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 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 EL PASO DE ROBLES DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. 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 8, 2016.

SECTION 2. The General Municipal Election is for the election to the following offices:

- (a) Two (2) members of the City Council; and
- (b) One (1) City Treasurer; and
- (c) One (1) City Clerk.

SECTION 3. The consolidated election will be held and conducted in the manner prescribed in §10403 of the Elections Code.

SECTION 4. The County Elections 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.

SECTION 5. The Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 6. The City of El Paso de Robles recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 7. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Elections Department of the County of San Luis Obispo.

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

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of June, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk

RESOLUTION NO. 16-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016

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's statement:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, DOES 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 El Paso de Robles on Tuesday, November 8, 2016, 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 not 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 PM of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY. The City Clerk shall have translated only those statements into Spanish as required by candidates.

SECTION 3. PAYMENT.

- a. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voter's pamphlet.
- b. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in Section 2 above, pursuant to State and/or Federal law.
- c. 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.

The City Clerk shall estimate the total cost of 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), and require each candidate

filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the receipt for the payment shall include a written notice 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. Accordingly, the 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 clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

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 papers are issued.

SECTION 6. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 7. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of El Paso de Robles this 21st day of June, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Steven W. Martin, Mayor

ATTEST:

Kristen L. Buxkemper, Deputy City Clerk