

**AGENDA
ITEM**

13



CALEXICO California

WHERE CALIFORNIA AND MEXICO MEET

AGENDA
ITEM
13

CITY COUNCIL AGENDA STAFF REPORT

DATE: December 20, 2023

TO: Mayor and City Council

APPROVED BY: Esperanza Colio, City Manager 

REVIEWED BY: Esperanza Colio, City Manager

PREPARED BY: Carlos Campos, City Attorney
Veronica Luna, City Clerk 

SUBJECT: Discuss Setting the Special Municipal Election Date for the Recall of Councilmembers Urena and Manzanarez

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Recommendation:

That the City Council:

1a. Discuss and select an appropriate Special Municipal Election date for the recall and adopt the following resolution:

RESOLUTION NO. 23-_____, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, _____, 2024 FOR THE SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS.

1b. If the Council schedules the recall election, adopt the following resolution:

RESOLUTION NO. 23-_____, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO RENDER FULL SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, _____, 2024 FOR THE SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS.

Background:

On November 16, 2023, local proponents seeking the removal of Council Members Urena and Manzanarez timely filed in the Calexico City Clerk’s Office two recall petitions. After conducting a *prima facie* “raw” count, it was determined that both petitions contained sufficient signatures to qualify. Therefore, the City Clerk’s Office accepted both recall petitions for filing.

As is standard practice throughout the State, the City Clerk's Office referred the petitions to the Imperial County Registrar of Voters for formal signature verification with official County voter records. The verification of signatures has been completed by the Registrar of Voters and based upon that review, both petitions have been determined to be sufficient. Under the California Elections Code, the required number of signatures to qualify is 4,196, which represents 20% of the City's registered voters. The verification of signatures concluded that 4,288 signatures were valid in the Urena petition and 4,243 signatures were valid in the Manzanarez petition.

At the December 6, 2023 Council meeting, pursuant to California Elections Code sections 11224 and 11227, the City Clerk/elections official submitted to the City Council a certificate of sufficiency as to both petitions indicating that both recalls have qualified for the ballot.

Discussion and Analysis:

Under State law, within 14-days of receiving the certificate of sufficiency the City Council shall issue an order stating that an election shall be held pursuant to Elections Code sections 11240 et. seq to determine whether or not the officers named in the petitions shall be recalled. At the December 6, 2023 meeting, the City Council considered its options for scheduling a recall election but took no action. Therefore, this matter is back before the Council since this is Day 14 of the time period to render an election scheduling decision. If the Council does not call a special election this evening, the County Registrar of Voters, within 5 days thereafter, shall call the election for the City.

The dates on which a recall election shall occur are set by state law. The recall election shall be held on a Tuesday that is not on, before or after a State holiday, and which is not less than 88, nor more than 125 days from the date the City Council orders the election.

As of this evening, the 88-125 day timeline to hold the recall election will fall between Sunday, March 17, 2024 and Tuesday, April 23, 2024. The available Tuesday election dates would be as follows:

- March 19, 2024
- March 26, 2024
- April 2, 2024
- April 9, 2024
- April 16, 2024
- April 23, 2024 – *not available – day prior to Genocide Remembrance Day, a State holiday*

Change to recall election format:

It is further noted that, until this year, recall elections in general law cities were two-question ballots for each officer – (1) shall the officer be recalled and, (2) if so, who shall succeed the officer? As part of the recall election, a slate of candidates would simultaneously run for the remaining term of the office in the event the recall was successful, like a City Council election.

However, the Elections Code was amended in 2023 so that local recall elections are now one-question ballots for each officer – (1) shall the officer be recalled? Instead of holding a simultaneous election for a successor, State law now provides that if a recall is successful, a *vacancy* is created in the office that shall be filled according to law. The seat would then be filled either by City Council appointment or by a subsequent special municipal election.

Fiscal Impact:

The County Registrar of Voters has provided an estimate of \$125,000.00 to perform a recall election on any of the dates listed above.

Attachments:

1. Resolution No. 23-_____ Calling Special Municipal Election for Recall
2. Resolution No. 23-_____ Requesting Full Election Services from Imperial County (if recall is called for any other date)

RESOLUTION NO. 23-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO RENDER FULL SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, _____, 2024 FOR THE SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS

WHEREAS, by adoption of Resolution No. 23-____ on December ____, 2023, the City Council has called and given notice of a Special Municipal Election to be held on Tuesday, _____, 2024 in the City of Calexico, County of Imperial, for the purpose of submitting the questions of the recall of Councilmembers Raul Urena and Gilberto Manzanarez; and

WHEREAS, by adoption of this Resolution, the City Council desires that the County of Imperial render full services to the City in connection with said Special Municipal Election; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Calexico.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, DOES HEREBY RESOLVE, FIND, DETERMINE, AND ORDER AS FOLLOWS:

Section 1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of Imperial County to permit the County Registrar of Voters/Election Department to render full election services to the City of Calexico. The full election services which the City of Calexico requests the Registrar of Voters/Election Department, or such other official as may be appropriate, to perform, and which such officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing and mailing of sample ballots; making such publications as are required by law in connection therewith; the establishment of voting centers and ballot drop boxes, the preparation, printing, mailing and furnishing of vote-by-mail ballots and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk of the City of Calexico; and the performance of such other election services as may be requested by the City Clerk.

Section 2. The City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

Section 3. The City Clerk shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Election Department each a certified copy of this Resolution.

PASSED, APPROVED AND ADOPTED ON December 20, 2023

RAUL URENA, MAYOR

ATTEST:

Veronica L. Alvarado, City Clerk

Approved as to Form:

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Veronica L. Alvarado, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2023-__ was approved at a regular City Council meeting held on the 20th day of December, 2023, by the following vote to-wit:

AYES:

NOES:

ABSTAIN:

Veronica L. Alvarado, City Clerk

RESOLUTION NO. 23-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, IMPERIAL COUNTY, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, _____, 2024 FOR THE SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS.

WHEREAS, under the provisions of the law relating to general law cities in the State of California, two recall petitions were timely filed demanding the recall of City Council Members Raul Urena and Gilberto Manzanarez; and

WHEREAS, the Imperial County Registrar of Voters has verified that each petition was signed by more than twenty (20) percent of the registered voters of the City of Calexico ("City"); and

WHEREAS, the City Council is therefore authorized and directed by statute to submit the proposed recall to the voters of City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, IMPERIAL COUNTY, 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 Calexico, Imperial County, California, on Tuesday, _____, 2024, a Special Municipal Election for the purpose of submitting the questions of the recall of City Councilmembers Raul Urena and Gilberto Manzanarez.

SECTION 2. That on the ballots to be used at the election, in addition to any other matters required by law, there shall be printed substantially the following two questions:

Shall Raul Urena be recalled (removed) from the office of City Councilmember of the City of Calexico?	YES	
	NO	

Shall Gilberto Manzanarez be recalled (removed) from the office of City Councilmember of the City of Calexico?	YES	
	NO	

SECTION 3. Pursuant to California Elections Code §11327, Councilmembers Urena and Manzanarez may each file a statement of not more than two hundred (200) words with the elections official in accordance with Elections Code §13307, to be sent to each voter, together with the voter information guide.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk, through the Imperial County Registrar of Voters, 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 6. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the Special Municipal Election shall be the same as those utilized by the County of Imperial.

SECTION 7. 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 8. 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 9. That 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 ON December 20, 2023

RAUL URENA, MAYOR

ATTEST:

Veronica L. Alvarado, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

State of California)
County of Imperial) ss.
City of Calexico)

I, Veronica L. Alvarado, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2023-__ was approved at a regular City Council meeting held on the 20th day of December, 2023, by the following vote to-wit:

AYES:

NOES:

ABSTAIN:

Veronica L. Alvarado, City Clerk