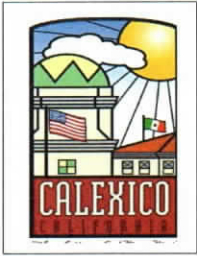


**AGENDA
ITEM**

1



AGENDA STAFF REPORT

DATE: June 27, 2022

TO: Mayor and City Council

APPROVED BY: Diego Favila, Interim City Manager

PREPARED BY: Diego Favila, Interim City Manager

SUBJECT: Adopt the following Resolutions of the City Council of the City of Calexico, California Relating to the November 8, 2022 General Municipal Election for the City of Calexico:

- a. A Resolution of the City Council of the City of Calexico, California, Calling for the Holding of a General Municipal Election to be held on Tuesday, November 8, 2022 for the Election of Certain City Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.
- b. A Resolution of the City Council of the City Of Calexico, California, Requesting the Board of Supervisors of the County of Imperial to Consolidate a General Municipal Election to be held on Tuesday November 8, 2022 with the Statewide General Election to be held on the Same Date Pursuant to Section 10403 of the California Elections Code.
- c. A Resolution of the City Council of the City of Calexico, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at a General Municipal Election to be held on Tuesday, November 8, 2022.

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Recommendation:

Adoption of the Following Resolutions:

- a) Adopt A Resolution of the City Council of the City of Calexico, California, Calling for the Holding of a General Municipal Election to be held on Tuesday, November 8, 2022 for the Election of Certain City Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities
- b) A Resolution of the City Council of the City Of Calexico, California, Requesting the Board of Supervisors of the County of

**AGENDA
ITEM
1**

- Imperial to Consolidate a General Municipal Election to be held on Tuesday November 8, 2022 with the Statewide General Election to be held on the Same Date Pursuant to Section 10403 of the California Elections Code
- c) A Resolution of the City Council of the City of Calexico, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at a General Municipal Election to be held on Tuesday, November 8, 2022.

Background:

A General Municipal Election for the City of Calexico shall be conducted on November 8, 2022. The Imperial County Registrar of Voters recently provided notice to the City which provides deadlines for consolidating local elections with other State and County elections being held the same day. These three resolutions are presented in an effort to call the municipal election and coordinate it with State, County, and Local elections.

Discussion & Analysis:

The City of Calexico is scheduled to conduct a General Municipal Election on November 8, 2022 for the purpose of electing two Members of the City Council. The following resolutions related to the November 8, 2022 elections are being proposed for the City Council's consideration:

Resolution No. 2022 - 39 calls for the November 8, 2022 General Municipal Election for the City of Calexico to elect two City Council Members with each Member serving four-year terms. The resolution states that the City Clerk shall publish notice of the election in accordance with Elections Code Section 12101, and also aligns the vote centers, precincts, and polling places with the time and place established by the Registrar of Voters for the Statewide General Election.

Additionally this resolution sets forth the process for dealing with the unlikely event of a tie vote. The process states that in accordance with Elections Code §15651(a), the winner will be drawn by lot.

Resolution No. 2022 - 40 is a formal request to the County of Imperial to consolidate the City's November 8, 2022 election with the Statewide General Election occurring on the same day, and authorizes the Registrar of Voters to conduct the elections. The City shall reimburse the County for the costs of consolidating and administering the election for the City. Following completion of the County's work, the County will send an approved bill to the City for payment.

Resolution No. 2022 - 41 regulates candidate statements for the November 8, 2022 General Municipal Election. The candidate statement is a voluntary statement for candidates seeking elective office and may include the name, age, and/or occupation of the candidate and a 200 word description of the candidate's education and qualifications. The Registrar of Voters' estimated cost for a 200 word statement is

\$350.00 for a typed statement and \$300.00 for one provided in an electronic format (Microsoft Word). The actual costs of the statements may vary from these estimates based on the number of candidates running for office. The proposed resolution reflects a 200 word candidate statement, which is less expensive than a 400 word statement; Council does have the authority to adopt a 400 word statement in lieu of the 200 word statement and should Council wish to do so, the resolution would be modified accordingly. The 200 word statement is the default and standard amount. The Federal Voting Rights Act requires voters' pamphlets to be translated in other languages as specified by the Registrar of Voters (Spanish). Should the Council wish to allow a 400 word statement, staff will obtain the estimated cost of printing from the Registrar of Voters and adjust the estimated deposit accordingly.

Due to the current rising costs for materials, the County of Imperial Registrar of Voters is unable to provide a cost projection for conducting the November 8, 2022 General Municipal Election, however staff is estimating that the City's share of cost will be approximately \$45,000.00. This amount may increase due to the fluidity of what contests will ultimately appear on the ballot, and the numbers of candidates in those contests. Costs for consolidated State and County elections are shared among participating local governments in the consolidated elections. The County will send the City a bill for the actual costs of its election services following completion of the services.

Fiscal Impact:

Estimated cost: \$45,000.00

Coordinated With:

City Attorney.

Attachment:

1. Resolution No. 2022 - 39 - Calling for the Holding of a General Municipal Election to be held on Tuesday, November 8, 2022 for the Election of Certain City Officers as Required by the Provisions of the Laws of the State of California Relating to General Law Cities.
2. Resolution No. 2022 – 40 - Requesting the Board of Supervisors of the County of Imperial to Consolidate a General Municipal Election to be held on Tuesday November 8, 2022 with the Statewide General Election to be held on the Same Date Pursuant to Section 10403 of the California Elections Code.
3. Resolution No. 2022 – 41 - Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at a General Municipal Election to be held on Tuesday, November 8, 2022.

RESOLUTION NO. 2022-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF CERTAIN CITY OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, a General Municipal Election is to be held in the City of Calexico on Tuesday, November 8, 2022; and

WHEREAS, two seats on the City Council are up for election on the November 8, 2022 ballot; and

WHEREAS, the City Council intends to consolidate its General Municipal Election with the Statewide General Election scheduled for November 8, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CALEXICO, 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, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing two (2) Members of the City Council for the full term of four years.

SECTION 2. That the ballots to be used at the General Municipal Election shall be in form and content as required by law.

SECTION 3. That the County is authorized, instructed, and directed to coordinate with the Imperial County Registrar of Voters 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 vote center locations and hours of operations, ballot drop box locations and hours of operations, vote-by-mail procedures and timing, the election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Imperial and in compliance with the Elections Code of the State of California.

SECTION 5. That notice of the time and place of holding the General Municipal 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 6. 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 7. That in the event of a tie vote (if any two or more persons receive an equal and highest number of votes for an office) as certified by the Imperial County Registrar of Voters, the City Council, in accordance with Elections Code §15651(a), shall set a date, time and place and summon the candidates who have received the tie vote to appear and will determine the tie by lot.

SECTION 8. That the City Clerk is authorized and directed to file a certified copy of this Resolution with the Board of Supervisors of the County of Imperial and the Imperial County Registrar of Voters.

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 this 27th day of June, 2022.

JAVIER MORENO, MAYOR

ATTEST:

GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) §
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2022-39 was approved at a special City Council meeting held on the 27th day of June, 2022, by the following vote to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

Gabriela T. Garcia, City Clerk

RESOLUTION NO. 2022-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 8, 2022 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, a General Municipal Election is to be held in the City of Calexico on Tuesday, November 8, 2022, for the purpose of electing persons to two (2) seats on the Calexico 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 Imperial County Registrar of Voters 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 CALEXICO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Imperial 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 purposes of election of two (2) Members of the City Council.

SECTION 2. That the Imperial County Registrar of Voters is authorized to canvass the returns of the General Municipal Election for the City of Calexico. This election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to the provisions of Section 10418 of the Elections Code of the State of California, the election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

SECTION 3. That the Board of Supervisors of the County of Imperial is requested to issue instructions to the Imperial County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Calexico recognizes that additional costs will be incurred by the County of Imperial by reason of this consolidation and agrees to reimburse the County of Imperial for any costs upon presentation of reasonably detailed invoices.

SECTION 5. That the City Clerk is directed to forward without delay to the Board of Supervisors of the County of Imperial and to the Imperial County Registrar of Voters, each a certified copy of this Resolution.

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.

PASSED, APPROVED AND ADOPTED this 27th day of June, 2022.

JAVIER MORENO, MAYOR

ATTEST:

GABRIELA T. GARCIA, CITY CLERK

APPROVED AS TO FORM:

CARLOS CAMPOS, CITY ATTORNEY

State of California)
County of Imperial) §
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2022-40 was approved at a special City Council meeting held on the 27th day of June, 2022, by the following vote to wit.

AYES:

NOES:

ABSENT:

ABSTAIN:

Gabriela T. Garcia, City Clerk

RESOLUTION NO. 2022-41

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022.

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency shall 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 CALEXICO, CALIFORNIA, DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS.

Pursuant to Sections 13307 and 13308 of the Elections Code of the State of California, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Calexico on Tuesday, November 8, 2022, may prepare a candidate's statement on an appropriate form provided by the Elections Official for inclusion in the voter information guide. 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. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition, the statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The statement shall be filed in typewritten format 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 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

(A) Pursuant to the Federal Voting Rights Act, the City is required to translate candidate statements into the following languages: Spanish

(B) Pursuant to State law, a candidate's statement must be translated and printed in the voter information guide in any language at the candidate's request.

(C) The Elections Official shall:

(1) Translations

(a) have all candidate statements translated into the languages specified in subsection (A) above; and

(b) have translated those statements into the languages as requested by the candidate in subsection (B) above.

(2) Printing

(a) print all translations of all candidate statements in the main voter information guide. The main voter information guide will be in the following languages: Spanish.

(b) print any translations of candidates in the languages as requested by the candidate in subsection (B) above.

SECTION 3. PAYMENT.

- A. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in subsections (A) and (B) of Section 2 above pursuant to Federal and State law.
- B. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter information guide.
- C. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required by subsection (A) of Section 2 above in the main voter information guide.
- D. The candidate shall be required to pay for the cost of printing the candidate's statement in any foreign language requested by the candidate pursuant to subsection (B) of Section 2 above in the main voter information guide.

The Elections Official 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 Elections Official his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. The estimate of costs is just an approximation of the actual cost that varies from one election to another and the actual cost may ultimately be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Each candidate shall be required to pay upon receipt of an invoice his or her prorated share of actual costs should those costs exceed the estimated amount deposited. In the event of overpayment, the Elections Official shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the election.

SECTION 4. MISCELLANEOUS.

- A. All candidate statements shall be translated by certified, registered or qualified translators/interpreters meeting the criteria of Elections Code Section 13307(b)(2).
- B. The Elections Official shall allow bold type, underlining, capitalization, indentations, bullets, and leading hyphens to the same extent and manner as allowed in previous City elections.
- C. The Elections Official shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot or voter information guide package.

SECTION 6. The Elections Official shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. All previous resolutions establishing City Council policy on payment for candidates' statements to the extent they are inconsistent herewith are deemed to be of no further force or effect.

SECTION 8. This Resolution shall apply only to the election to be held on November 8, 2022, and shall thereafter be deemed to be of no further force or effect.

SECTION 9. The City Clerk shall certify to the adoption of this Resolution.

Passed, approved, and adopted this 27th day of June, 2022.

Javier Moreno, Mayor

ATTEST:

Gabriela T. Garcia, City Clerk

APPROVED AS TO FORM:

Carlos Campos, City Attorney

State of California)
County of Imperial) §
City of Calexico)

I, Gabriela T. Garcia, City Clerk of the City of Calexico do hereby certify the above Resolution No. 2022-41 was approved at a special City Council meeting held on the 27th day of June, 2022, by the following vote to wit.

AYES:
NOES:
ABSENT:
ABSTAIN:

Gabriela T. Garcia, City Clerk