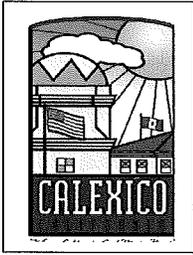


AGENDA  
ITEM

**05**



# AGENDA STAFF REPORT

**DATE:** July 18, 2018

**TO:** Mayor and City Council

**APPROVED BY:** David B. Dale, City Manager *MF B. Dale*

**PREPARED BY:** David B. Dale, City Manager *MF B. Dale*

**SUBJECT:** Resolutions of the City Council of the City of Calexico, California Relating to the November 6, 2018 General Municipal Election for the City of Calexico:

1. Adopt Resolution of the City Council of the City of Calexico, California, Calling for a General Municipal Election to be held on Tuesday, November 6, 2018 for the Election of Certain City Officers;
2. Adopt Resolution of the City Council of the City of Calexico, California, Requesting the Board of Supervisors of the County of Imperial to Render Specified Services to the City Relating to the Conduct of a General Municipal Election and to Consolidate Such Election with any State or Local Election to be held on Tuesday, November 6, 2018;
3. Adopt 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 6, 2018.

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**Recommendation:**

Adoption of the Following Resolutions:

1. Adopt Resolution of the City Council of the City of Calexico, California, Calling for a General Municipal Election to be held on Tuesday, November 6, 2018 for the Election of Certain City Officers;
2. Adopt Resolution of the City Council of the City of Calexico, California, Requesting the Board of Supervisors of the County of Imperial to Render Specified Services to the City Relating to the Conduct of a



General Municipal Election and to Consolidate Such Election with any State or Local Election to be held on Tuesday, November 6, 2018;

3. Adopt 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 6, 2018.

**Background:**

A General Municipal Election for the City of Calexico shall be conducted on November 6, 2018. 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 Tuesday, November 6, 2018 for the purpose of electing two Members of the City Council. The following resolutions related to the November 6, 2018 election are being proposed for the City Council's consideration:

**Resolution No. 2018 - \_\_\_\_\_** calls for the November 6, 2018 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 provides the date and time when polling locations will be open for voting.

**Resolution No. 2018 - \_\_\_\_\_** is a formal request to the County of Imperial to consolidate the City's November 6, 2018 election with other State and County elections 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. 2018 - \_\_\_\_\_** regulates candidate statements for the November 6, 2018 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). These 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, but Council has the authority to adopt the 400 word statement in lieu of the 200 word

statement. 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).

The County of Imperial Registrar of Voters' cost projection for conducting the November 6, 2018 General Municipal Election is estimated at \$10,000.00. 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: \$10,000.00

**Coordinated With:**

City Attorney.

**Attachments:**

1. Adopt Resolution of the City Council of the City of Calexico, California, Calling for a General Municipal Election to be held on Tuesday, November 6, 2018 for the Election of Certain City Officers.
2. Adopt Resolution of the City Council of the City of Calexico, California, Requesting the Board of Supervisors of the County of Imperial to Render Specified Services to the City Relating to the Conduct of a General Municipal Election and to Consolidate Such Election with any State or Local Election to be held on Tuesday, November 6, 2018.
3. Adopt 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 6, 2018.

**RESOLUTION NO. 2018-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 6, 2018 FOR THE ELECTION OF CERTAIN CITY OFFICERS.**

**WHEREAS**, a General Municipal Election is to be held in the City of Calexico on Tuesday, November 6, 2018; and

**WHEREAS**, two seats on the City Council are up for election on the November 6, 2018 ballot; and

**WHEREAS**, the City Council intends to consolidate its General Municipal Election with any other State, County or City election scheduled for November 6, 2018.

**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 6, 2018, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years.

**SECTION 2.** That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to conduct the election of the City of Calexico according to State law, on Tuesday, November 6, 2018, to submit the following to the voters:

Two seats on the City Council (4 year terms)

**SECTION 3.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 4.** That the County 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 5.** That 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 Elections Code §10242, except as provided in Elections Code §14401.

**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.

**SECTION 7.** That the City Clerk shall publish notice of the November 6, 2018 election in at least one newspaper of general circulation not earlier than the 127th nor later than the 113th day before the date of the election pursuant to Elections Code §12101.

**SECTION 8.** 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 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 18<sup>th</sup> day of July, 2018.

\_\_\_\_\_  
LEWIS PACHECO, MAYOR

ATTEST:

\_\_\_\_\_  
GABRIELA 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. 2018-\_\_\_ was approved at a regular City Council meeting held on the 18<sup>th</sup> day of July, 2018, by the following vote to wit.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

**RESOLUTION NO. 2018-\_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALEXICO, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION AND TO CONSOLIDATE SUCH ELECTION WITH ANY STATE OR LOCAL ELECTION TO BE HELD ON TUESDAY NOVEMBER 6, 2018.**

**WHEREAS**, a General Municipal Election is to be held in the City of Calexico on Tuesday, November 6, 2018; and

**WHEREAS**, in the course of conduct of the election it is necessary for the City to request services of the County; and

**WHEREAS**, the City Council further desires to consolidate its General Municipal Election with any other State, County or City election scheduled for November 6, 2018; and

**WHEREAS**, all necessary expenses in performing these services shall be paid by the City; and

**WHEREAS**, two seats on the City Council are up for election on the November 6, 2018 ballot.

**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 6, 2018, a General Municipal Election for the purpose of electing two Members of the City Council for the full term of four years.

**SECTION 2.** That pursuant to the provisions of Section 10403 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to conduct a General Municipal Election on Tuesday, November 6, 2018.

**SECTION 3.** That pursuant to the provisions of Sections 10403, 10411, and 10418 of the Elections Code, the City Council hereby requests that the Board of Supervisors of the County of Imperial order the consolidation of the election of the General Municipal Election with any other State, City or County election scheduled for Tuesday, November 6, 2018. The City Council further authorizes the Board of Supervisors of the County of Imperial to take the steps necessary to hold, conduct, and canvas the returns of the election in accordance with applicable provisions of the Elections Code.

**SECTION 4.** That the City of Calexico shall reimburse the County for election services performed when the work is completed and upon presentation to the City of a properly approved bill.

**SECTION 5.** That the County is authorized 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 this election.

**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 the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this Resolution.

**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.

PASSED, APPROVED AND ADOPTED this 18<sup>th</sup> day of July, 2018.

\_\_\_\_\_  
LEWIS PACHECO, MAYOR

ATTEST:

\_\_\_\_\_  
GABRIELA GARCIA, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CARLOS CAMPOS, CITY ATTORNEY

Resolution No. 2018-\_\_\_\_\_

Page 3

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. 2018-\_\_\_\_\_ was approved at a regular City Council meeting held on the 18<sup>th</sup> day of July, 2018, by the following vote to wit.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Gabriela T. Garcia, City Clerk

RESOLUTION NO. \_\_\_\_\_

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 6, 2018.

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 6, 2018, 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 6, 2018, 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 18<sup>th</sup> day of July, 2018.

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Lewis Pacheco, Mayor

ATTEST:

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Gabriela T. Garcia, City Clerk

APPROVED AS TO FORM:

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Carlos Campos, City Attorney