RESOLUTION NO. 39-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA (1) CALLING AND GIVING NOTICE FOR HOLDING A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020 FOR BY-DISTRICT ELECTIONS TO ELECT A COUNCIL MEMBER TO DISTRICTS 1 AND 4 TO FOR A FULL FOUR-YEAR TERM EACH; (2) REQUESTING SAN MATEO COUNTY TO CONSOLIDATE THE CITY'S GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 3, 2020 STATEWIDE GENERAL ELECTION AND TO PROVIDE ELECTION SERVICES; (3) ADOPTING REGULATIONS PERTAINING TO THE CANDIDATES' STATEMENT OF QUALIFICATIONS; AND (4) AUTHORIZE THE CITY MANAGER TO EXECUTE THE SERVICE AGREEMENT FOR ELECTION SERVICES

WHEREAS, in 2018, the City Council of the City of Pacifica adopted Ordinance No. 839-C.S., which established a by-district election process and established five districts pursuant to California Elections Code 10010 and California Government Code section 34886 for the election of each member of the City Council by the voters in the district in which the candidate resides; and

WHEREAS, the City of Pacifica will hold its first district elections for City Council in November 2020 for two out of the five City of Pacifica districts (Districts 1 and 4), with the remaining three districts (Districts 2, 3 and 5) to have their first district elections in November 2022; and

WHEREAS, a General Municipal Election will be held in the City of Pacifica, California on Tuesday, November 3, 2020 for the purpose of presenting the following election issues to the voters:

Election of one (1) District 1 City Council member for a full term of four years; and
Election of one (1) District 4 City Council member for a full term of four years; and

WHEREAS, the County of San Mateo will be conducting a statewide general election in Pacifica on November 3, 2020; and

WHEREAS, it is in the best interest of the City of Pacifica to consolidate the City election with the County election to be conducted on November 3, 2020; and

WHEREAS, pursuant to Elections Code Section 10002, the City Council of the City of Pacifica hereby requests the County Clerk of San Mateo County to provide election services that normally are provided to the City of Pacifica; and

WHEREAS, that the City Council of the City of Pacifica hereby requests the consolidation of the General Municipal Election for election of the offices of one (1) City Council member for City of Pacifica District 1 and one (1) City Council member for City of Pacifica District 4 with the statewide general election; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PACIFICA, CALIFORNIA,

DOES HEREBY RESOLVE 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 Pacifica, California, on Tuesday, November 3, 2020 a General Municipal Election for the purpose of electing one (1) District 1 City Council member and one (1) District 4 City Council member, each for a full term of four years.

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

Section 3.   That the City Clerk is authorized, instructed and directed to contract for the procurement and furnishing of 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 polls for the election shall be open at seven o'clock a.m. on 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 section 10242, except as provided in section 14401 of the Elections Code of the State of California.

Section 5.   That pursuant to the requirements of section 10403 of the Elections Code, the Board of Supervisors of the County of San Mateo is hereby requested to consent and agree to the consolidation of a General Municipal election with the Statewide General Election to be held on Tuesday, November 3, 2020 for the purpose of electing one (1) District 1 City Council member and one (1) District 4 City Council member, each for a full term of four years.

Section 6.   That the City of Pacifica requests the services of the Board of Supervisors of San Mateo County to permit the County Elections Official to conduct said General Municipal election and to consolidate such election. The County Elections Official is requested to provide all necessary election services and to canvass the returns of the General Municipal Election.

Section 7. That the City Council acknowledges that the consolidated election will be held and conducted in the manner prescribed by section 10418 of the Elections Code.

Section 8.   That 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 and the City Manager is hereby authorized to execute a service agreement for the provision of election services between the City of Pacifica and the County of San Mateo, in a form approved by the City Attorney as necessary to effectuate the purposes of this Resolution.

Section 9.   That the City Clerk is directed to forward without delay to the Board of Supervisors and the County Election Department, each a certified copy of this resolution.

Section 10.   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 11.   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 12.   The following are regulations hereby adopted for candidates for elective office pertaining to candidate's statements submitted to the voters at an election to be held on Tuesday, November 3, 2020 and at future elections:

A. GENERAL PROVISIONS. 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 held in the City of Pacifica on November 3, 2020 and thereafter may voluntarily prepare a candidate's statement of an appropriate form provided to the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words for 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 p.m. of the next working day after the close of the nomination period.

B. FOREIGN LANGUAGE POLICY
    i.   Pursuant to the Voting Rights Act of 1965 (as amended), the city is required to translate candidate's statements into the following languages: Spanish and Chinese.
    ii. The City Clerk shall:
        a. Have all candidate's statements translated into the languages specified in (B) (i) above.
        b. Printed all translations of all candidate statements in voter pamphlet.

C. PAYMENT
    i.   The candidate shall be required to pay for the cost of translating the candidate's statement into the foreign languages specified in (B) (i) above, pursuant to Federal and/or State law.
    ii. The candidate shall be required to pay for the cost of printing the candidate's statement in the voter pamphlet, pursuant to Federal and/or State law.
    iii. The City Clerk shall:
        a. Require each candidate filing a statement to pay $300.00 (three hundred dollars) to the City of Pacifica at the time each candidate's nomination papers are filed as a condition of having his or her statement included in the voter pamphlet. This sum represents each candidate's estimated pro rata share of 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).
        b. Compute the actual costs 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 compute each candidate's pro rata share of that total cost.

c. The $300.00 estimated pro rata share is an approximation of the actual cost, which 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. In the event of underpayment, the clerk may require the candidate to pay, on a pro rata basis, the balance of cost incurred. In the event of overpayment, the clerk shall pro rate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

D. ADDITIONAL MATERIALS
No candidate will be permitted to include additional materials in the sample ballot package.

E. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

F. The regulations in this Section 12 shall apply at the next ensuing municipal election and at each municipal election after that time.

Section 13.   The City Clerk shall certify the passage and adoption of this resolution and enter into the book of original resolutions.

Passed and adopted at a meeting of the City Council of the City of Pacifica held on the 22nd day of June, 2020 by the following vote:

AYES: Martin, Beckmeyer, Vaterlaus, Bier, O'Neill.
NOES: None.
ABSENT: None.
ABSTAIN: None.

Deirdre Martin
Deirdre Martin (Jun 25, 2020 15:19 PDT)

Deirdre Martin, Mayor

ATTEST:

Elizabeth Brooks, Deputy City Clerk

APPROVED AS TO FORM:

Michelle Kenyon, City Attorney

ResolutionNo39-2020_CallingElection_Nov2020_CityCouncilDistricts1and4 - Approved

Final Audit Report   2020-06-25

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