

DATE SUBMITTED 05-27-2020
 SUBMITTED BY City Clerk
 DATE ACTION REQUIRED 06-03-2020

Agenda Item No E-6
 CITY COUNCIL ACTION (X)
 PUBLIC HEARING REQUIRED ()
 RESOLUTION (X)
 ORDINANCE 1ST READING ()
 ORDINANCE 2ND READING ()
 CITY CLERK'S INITIALS [Signature]

**IMPERIAL CITY COUNCIL
 AGENDA ITEM**

SUBJECT:	DISCUSSION/ACTION: GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 3, 2020 – CERTAIN OFFICERS: MEMBERS OF THE CITY COUNCIL AND CITY CLERK.		
	<ol style="list-style-type: none"> 1. APPROVAL OF RESOLUTION NO. 2020-<u>29</u>, CALLING FOR HOLDING OF GENERAL MUNICIPAL ELECTION ON NOVEMBER 3, 2020 FOR ELECTION OF CERTAIN OFFICERS. 2. APPROVAL OF RESOLUTION NO. 2020-<u>30</u>, REQUESTING BOARD OF SUPERVISORS TO CONSOLIDATE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE GENERAL ELECTION. 3. APPROVAL OF RESOLUTION NO. 2020-<u>31</u>, ADOPTING REGULATIONS FOR CANDIDATE STATEMENTS. 		
	DEPARTMENT INVOLVED: City Clerk		
	BACKGROUND/SUMMARY: Please see separate staff report.		
	FISCAL IMPACT Amount requested in the FY 2020/2021 budget is \$25,000.00. Please refer to staff report for additional information. <u>[Signature]</u>		
	STAFF RECOMMENDATION: City Council approves the three Resolutions presented.		
	MANAGER'S RECOMMENDATION: <u>approve</u>	MANAGER'S INITIAL <u>[Signature]</u>	
	MOTION:		
	SECONDED:	APPROVED ()	REJECTED ()
	AYES:	DISAPPROVED ()	DEFERRED ()
	NAYES:		
	ABSENT:	REFERRED TO:	



staff report

To: Mayor and Council Members
From: Debra Jackson, City Clerk
Date: May 27, 2020
Subject: **2020 GENERAL MUNICIPAL ELECTION**

Background and Summary

In the City of Imperial, General Municipal Elections are held in November of even-numbered years. This year the city will hold its election on November 3, 2020 for the purpose of filling elective offices for two City Councilmember seats and City Clerk. The Councilmembers whose terms expire this year are Robert Amparano and Darrell Pecht, along with City Clerk Debra Jackson.

In preparation for the November 3, 2020 General Municipal Election, it is necessary for the City Council to adopt a number of resolutions:

Calling the Election

The first resolution calls the election, establishes the purpose of the election, authorizes the City Clerk to conduct the election, and sets the voting hours for the polls. In addition, this resolution sets the procedure in the event of a tie vote. The option proposed at this time is to determine the tie by lot at a date and time to be set. If council so desires, a special runoff election may be called to resolve the tie vote.

County Services

The second resolution requests the County Board of Supervisors to consolidate the general municipal election with the statewide general election. With the consolidation of the election with the statewide election by the County of Imperial, the City's responsibilities will include; issue, receive, and process candidate nomination papers and statements; forward candidates' statements to the County for translation, printing and mailing to the voters; and to publish notices of election and nominees.

Candidate Statements

The third resolution outlines regulations for the candidate's statements that are included in the sample ballot pamphlets and mailed to registered voters of the city. It is recommended that statements submitted by candidates not exceed 200 words. The candidate is responsible for payment of the cost to have their statement printed.

The nomination period for the November 3, 2020 election opens Monday, July 13, 2020 and closes at 5:00 pm on Friday, August 7, 2020. If an eligible incumbent councilmember or incumbent City Clerk does not file by 5:00 pm on Friday, 7, 2020, the nomination period will be extended five days with a deadline of 5:00 pm on Wednesday, August, 12, 2020 to nominate candidates other than the incumbent.

Fiscal impact

A total of \$25,000.00 is included in the FY 20/21 budget for the 2020 General Municipal Election. As preparations for this election are underway during the COVID-19 pandemic, situations may arise affecting the election process and associated costs. On May 8, 2020 Governor Newsom signed Executive Order N-64-20 ordering that all voters registered to vote in connection with this election shall receive a vote-by-mail ballot.

At the time the budget was prepared there were 9,385 active voters in the City of Imperial as per the county registrar of voters. As the election date nears, it is anticipated that the number of voter registrations will increase.

Recommendation

Staff recommends that the Council **APPROVE** the three Resolutions presented.

Respectfully Submitted,

Debra Jackson
City Clerk

EXECUTIVE ORDER N-64-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS on November 3, 2020, California—like the other states of the United States—will hold a General Election, and Californians throughout the state will exercise their right to vote; and

WHEREAS it is unknown to what degree COVID-19 will pose a threat to public health in November, and California and its counties must begin taking action now—to procure supplies, secure polling places, enlist volunteers, and draw up plans, among other steps—to ensure that the November 3, 2020 General Election is held in a manner that is accessible, secure, and safe; and

WHEREAS to preserve public health in the face of the threat of COVID-19, and to ensure that the November election is accessible, secure, and safe, all Californians must be empowered to vote by mail, from the safety of their own homes; and

WHEREAS it is also essential to ensure that all Californians who may need access to in-person voting opportunities—including individuals with disabilities, individuals who speak languages other than English, individuals experiencing homelessness, and others who may find vote-by-mail less accessible than in-person voting—are able to access such opportunities and exercise their right to vote; and

WHEREAS the Secretary of State has been working with California elections officials, voting rights advocates, and other stakeholders to explore how best to implement procedures for the November election that will make in-person voting opportunities available, give county elections officials needed flexibility, and preserve public health; and

WHEREAS discussions concerning the November election have been informed, and should continue to be informed, by the ways in which existing California law—including, in particular, the California Voter's Choice Act—provide standards to ensure that, even in the context of an "all-mail ballot" election, voters are able to access in-person voting opportunities; and

WHEREAS work in partnership with the Legislature and the Secretary of State, guided by the standards in existing California law and the exigencies of the COVID-19 pandemic, will be essential to ensure that the November election is accessible, secure, and safe; and

WHEREAS confirming that every voter will be able to vote by mail in the November election will allow California and its counties to begin preparing for that election now—even as planning continues to determine how details of that election (including requirements concerning the availability of in-person voting opportunities) will be implemented; and

WHEREAS it is critical that counties have clarity regarding requirements for in-person voting opportunities and other details of the November election by no later than May 30, 2020, which may require a subsequent Executive Order; and

WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes specified in this Order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED THAT:

- 1) Notwithstanding any limitation on the distribution of vote-by-mail ballots in Elections Code sections 1500 and 4000-4007, or any other provision of state law, each county elections officials shall transmit vote-by-mail ballots for the November 3, 2020 General Election to all voters who are, as of the last day on which vote-by-mail ballots may be transmitted to voters in connection with that election, registered to vote in that election. As set forth in this paragraph, every Californian who is eligible to vote in the November 3, 2020 General Election shall receive a vote-by-mail ballot.
- 2) Nothing in this Order shall be construed to limit the extent to which in-person voting opportunities are made available in connection with the November 3, 2020 General Election. It is the intent of this Order that my Administration continue to work with the Legislature and the Secretary of State to determine how requirements for in-person voting opportunities and other details of the November election will be implemented—guided by California's longstanding commitment to making its elections accessible, as enshrined in existing California law, while recognizing the exigencies of the COVID-19 pandemic.
- 3) My Administration continues working in partnership with the Secretary of State and the Legislature on requirements for in-person voting opportunities and on how other details of the November election will be implemented. Nothing in this Order is intended, or shall be construed, to limit the enactment of legislation on that subject.

IT IS FURTHER ORDERED that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 8th day of May 2020.

GAVIN NEWSOM
Governor of California

ATTEST:

ALEX PADILLA
Secretary of State

RESOLUTION NO. 2020-29

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL,
CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 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 Tuesday, November 3, 2020 for the election of Municipal Officers.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL,
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 Imperial, California, on Tuesday, November 3, 2020 a General Municipal Election for the purpose of electing two (2) Members of the City Council for the full term of four years and a City Clerk for the 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 coordinate with the County of Imperial 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 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 Election Code § 10242 except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. 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 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 as required by law.

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

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.

SECTION 9. The City Council authorizes the City clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

PASSED, APPROVED AND ADOPTED ON June 3, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

RESOLUTION NO. 2020-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Imperial called a General Municipal Election to be held on November 3, 2020 for the purpose of the election of two (2) Members of the City Council 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 election department of the County of Imperial canvass the returns of the General Municipal Election and that the election to held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of § 10403 of the Elections Code, 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 3, 2020, for the purpose of the election of two (2)and a City Clerk.

SECTION 2. That the county election 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. The election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Imperial 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 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Imperial.

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 ON June 3, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

RESOLUTION NO. 2020-30

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF IMPERIAL TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 3, 2020, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO § 10403 OF THE ELECTIONS CODE

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SECTION 2. That the county election 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. The election will be held and conducted in accordance with the provisions of law regulating the statewide or special election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Imperial 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 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Imperial.

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 ON June 3, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk

RESOLUTION NO. 2020-31

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020

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 candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IMPERIAL, CALIFORNIA DOES HEREBY 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 Imperial on November 3, 2020 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 no 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 6:00 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, candidates statements will be translated into all languages required by the County of Imperial. The County is required to translate candidate's statements into the following languages:
Spanish
- B. The County will print and mail voter information guides and candidates statements to all voters in English and Spanish.

SECTION 3. PAYMENT.

- A. Translations
 1. The candidate shall be required to pay for the cost of translating the candidates statement into any required foreign language as specified in A or B of Section 2 above pursuant to Federal and/or State law.
 2. The candidate shall be required to pay for the cost of translating the candidates statement into any foreign language that is not required as specified in A or B of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.
- B. Printing.

1. The candidate shall be required to pay for the cost of printing the candidates statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in A of Section 2 above, in the main voter pamphlet.
3. The candidate shall be required to pay for the cost of printing of the candidates statement in a foreign language requested by the candidate per B of Section 2 above, in the main voter pamphlet.
4. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required by A of Section 2 above in the facsimile voter 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 1985 (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 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. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall allow (bold type) (underlining) (capitalization) (indentations) (bullets) (leading hyphens) to the same extent and manner as allowed in previous City elections.
- C. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupations designations and other matters relating to elections

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

SECTION 6. That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 8. That this resolution shall only apply to the election to be held on November 3, 2020 and shall then be repealed

SECTION 10. 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 June 3, 2020.

Darrell Pechtl, Mayor

ATTEST:

Debra Jackson, City Clerk