OAKLEY

CALIFORNIA

STAFF REPORT

Date: May 10, 2016

To: Bryan H. Montgomery, City Manager

From: Libby Vreonis, City Clerk / Paralegal

Approved and Forwarded to City Council:

Bryan Montgomery, City Manager

SUBJECT: November 8, 2016 General Municipal Election
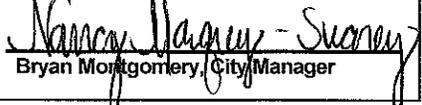
Background and Analysis

Attached for City Council consideration is a resolution that has been prepared to initiate the process for conducting the City's general municipal election on November 8, 2016.

The resolution calls the election for three City Council seats; requests the Contra Costa County Board of Supervisors to permit consolidation with other elections on November 8, 2016; requests the Contra Costa County Registrar of Voters to conduct the election and authorizes the City to reimburse the County for all election services rendered.

The County Registrar of Voters' office will conduct services related to the election -- such as preparing, printing and mailing sample ballots and voter information pamphlets, providing absentee voter ballots for use by qualified electors, appointing precinct boards and designating polling places, conducting and canvassing the returns of the election and certifying the votes cast.

In adopting this resolution, the City Council also (1) establishes a 200-word limit for the candidate's statements (2) establishes an amount for the deposit payable by the candidate upon filing a candidate's statement, (3) establishes a $25 filing fee for all candidates to help offset the City's administrative costs and (4) includes action the City Council would take in the event of a tie vote.

State law mandates that candidate's statements be printed in both English and Spanish. A candidate's statement with a 250 word limit is estimated to cost $215.00. If the City allows more than this limit, the price would likely double. Staff recommends that the candidate's statements be limited to 200 words as in the City's last election. According to the County Elections Department, most cities in the County establish a 200-word limit.

Pursuant to State law, the two options to resolve a tie vote are to draw lots or to hold a special runoff election. Staff recommends the option of drawing lots, which is the policy the City Council adopted for the last general municipal election.

Once the election process has been initiated with the adoption of the resolution, the next steps are the public noticing of the election and the opening of the filing period. The filing period for this election is Monday, July 18 through Friday, August 12.

During the filing period, any registered voter residing in the City of Oakley who is not disqualified by the laws of the State of California from holding a civil office can pull and file papers for candidacy. State law requires that the filing of nomination papers occur during the agency's regular business hours. Anyone wanting to pull or file papers during the filing period should make an appointment with the City Clerk or Elections Official during regular business hours, Monday through Thursday 8:00 a.m. - 6:00 p.m. and Friday 8:00 a.m. - 5:00 p.m., with the exception of the first and third Friday of each month which are City Hall closure days.

Fiscal Impact
$25,000 has been included in the proposed Fiscal Year 2016-17 Budget for the costs of conducting the election.

Recommendation
Staff recommends that the City Council adopt the resolution.

Attachments
   (1) Resolution

RESOLUTION NO. ___-16

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLEY CALLING THE REGULAR GENERAL MUNICIPAL ELECTION FOR THREE CITY COUNCIL SEATS; REQUESTING THE CONSOLIDATION OF ELECTIONS ON NOVEMBER 8, 2016; REQUESTING THE COUNTY REGISTRAR TO PERFORM ELECTION SERVICES IN CONNECTION WITH SAID CONSOLIDATED ELECTION; SETTING SPECIFICATIONS OF THE ELECTION ORDER; AND AUTHORIZING THE CITY TO REIMBURSE THE COUNTY REGISTRAR OF VOTERS FOR ELECTION SERVICES PERFORMED

WHEREAS, the terms of three City Council seats will expire in November 2016, and the City Council desires to submit to the voters election of three candidates to said City Council seats, at-large, for full terms of four years at its regularly scheduled general municipal election on November 8, 2016; and

WHEREAS, the City Council desires to have the Contra Costa County Registrar of Voters to render certain services in connection with the primary election; and,

WHEREAS, Elections Code Section 10400, et seq., authorizes the City and the County to consolidate elections that may be held in whole or in part of the territory of the City; and,

WHEREAS, Elections Code Section 10002 provides that the City may, by resolution, request the Board of Supervisors to permit the County elections official to render specified services to the City related to the conduct of an election and that the City shall reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and,

WHEREAS, Elections Code Section 13307 provides that before the nominating period opens the City shall determine whether a charge shall be levied against a candidate for the candidate's statement to be sent to each voter; that the governing body may estimate the cost of printing, handling, translating and mailing candidate's statements and may require each candidate filing a statement to pay in advance his or her pro rata share of this cost as a condition of having his or her statement included in the voter pamphlet; and,

WHEREAS, Elections Code Section 15651 requires that tie votes shall be determined by lot and that a special runoff election shall be held only if the City Council chooses to adopt the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in the tie vote.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oakley that pursuant to the requirements of the laws of the State of California relating to municipal elections, there shall be called and ordered held in the City of Oakley, County of Contra Costa, State of California, on Tuesday, November 8, 2016 a general municipal election of the qualified electors of the City of Oakley for the purpose of electing three (3) members of the City Council for a full term of four (4) years each. In all particulars not recited in this

Resolution, said general municipal election shall be held and conducted as provided for by law for the holding of municipal elections in the City of Oakley.

BE IT FURTHER RESOLVED that pursuant to Section 10400, et seq., of the Elections Code, the Board of Supervisors of the County of Contra Costa is hereby requested to consent and agree to the consolidation of the City of Oakley's general municipal election with other elections which may be held in whole or in part of the territory of the City on Tuesday, November 8, 2016.

BE IT FURTHER RESOLVED that, pursuant to certain provisions of the California Elections Code, the Board of Supervisors is hereby authorized and directed to canvass the returns of the election and to direct the Contra Costa County Registrar to conduct all necessary services related to the Oakley General Municipal Election in accordance with the provisions in this resolution and applicable state law. The City Manager is hereby authorized to reimburse the County of Contra Costa for all costs and expenses incurred by the County for all services performed in conducting said election upon presentation of a bill to the City by the County.

BE IT FURTHER RESOLVED that the City Council hereby determines that:

1.   A candidate for City Council shall pay for processing his or her statement for the November 8, 2016 Election. The requirements for filing candidate's statements shall be as set forth in Exhibit A attached hereto and applicable state law.

2.   The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day.

3.   In accordance with Elections Code Section 15651(a), a tie vote shall be determined by drawing lots.

4.   Each candidate shall also pay a $25.00 filing fee to offset the City's administrative costs associated with processing election documents. This fee shall be paid to the City when nomination papers are filed with the City Clerk.

5.   During the Nomination Period, prospective candidates can pull and file required nomination papers with the City Clerk or the City of Oakley Elections Official during regular business hours: Monday through Thursday (8:00am-6:00pm) and Friday (8:00am-5:00pm) with the exception of the first and third Friday of each month, which are City Hall closure days.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors of Contra Costa County and the County election official of the County of Contra Costa and to publish the Notice of Election in accordance with Elections Code Section 12101.

PASSED, APPROVED AND ADOPTED on May 10, 2016 by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

APPROVED:

_____
Kevin Romick, Mayor

ATTEST:

_____
Libby Vreonis, City Clerk

_____
Date

EXHIBIT A

City of Oakley
Requirements for Candidate's Statements
for Inclusion in the Voter Pamphlet

1. Candidate's statements shall not exceed 200 words each.

2. Candidate's statements shall comply with the provisions of Elections Code Section 13307.

3. Candidate's statements shall be prepared on the form provided by the City Clerk to meet the requirements of the Contra Costa County Elections Department.

4. The cost of printing, handling, translating and mailing the candidate's statements in English shall be charged to each candidate on a pro-rata basis. As a condition of having the statement published, the candidate will pay the estimated cost at the time of filing. Based on estimates provided by the Contra Costa County Elections Department, the City Council hereby establishes the estimated cost for a 200-word candidate's statement as $215.00. The City shall bill the candidates for any publication costs that exceed the total deposited or refund any credits due if the amount collected exceeds the total publication costs.