

**CITY OF SEBASTOPOL  
CITY COUNCIL  
STAFF REPORT**

Agenda Report Review by:  
City Manager 

**Meeting Date:** July 5, 2016  
**To:** Honorable Mayor and City Councilmembers  
**From:** City Manager Larry McLaughlin  
City Clerk Mary Gourley  
**Subject:** Resolutions Calling for an Election to be Held on November 8, 2016 and Requesting the Sonoma County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Election; .and Resolution Establishing Estimated Costs of Candidates' Statements  
**Recommendation:** That the City Council Adopt the Resolutions 1) Calling the General Municipal Election to be held November 8, 2016 and Requesting the Sonoma County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Election; and 2) Resolution Establishing Estimated Costs of Candidates' Statements  
**Funding:** Currently Budgeted: XXX (YES) \_\_\_(NO) \_\_\_(N/A)  
Net General Fund Cost: \$18,000.00  
If Cost to Other Fund(s):

**INTRODUCTION:**

This item is to request the City Council Adopt the Resolutions 1) Calling the General Municipal Election to be held November 8, 2016 and Requesting the Sonoma County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Election; and 2) Resolution Establishing Estimated Costs of Candidates' Statements.

**BACKGROUND:**

The City's general municipal elections are held in November of even-numbered years, concurrent with the statewide elections. Two members of the City Council will be elected in the November 8, 2016 election. As provided in the California Elections Code, the attached resolutions are presented for adoption in preparation of the election. Two separate resolutions are presented to call the election and request consolidation of the election with the Statewide General Election.

Candidates may take out and return nomination papers for this election during the period of Monday, July 18, 2016 through Friday, August 12, 2016 (Elections Code (E.C.) 10220, 10224). If an incumbent fails to return his/her nomination papers by this deadline, the nomination period will be extended to Wednesday, August 17, 2016. The City Clerk acting

as the City's Elections Official, will issue and receive all related nomination papers (E.C. 10227).

Elections Code Section 10400 provides that the City Council may request the County Board of Supervisors to consolidate the General Municipal Election with the statewide General Election. In so doing, the County would conduct the election and canvass the results as provided by law. A resolution is attached calling the General Municipal Election and requesting the County Board of Supervisors to consent to consolidation of the election with the Statewide Election to be held on November 8, 2016, authorizing the Sonoma County Registrar of Voters to consolidate the election, and authorizing the Sonoma County Elections Department to canvass the election results.

In accordance with Section 13307(c) of the California Elections Code, the candidate shall bear the cost of preparing the candidate's statement in accordance with the provisions of the State law and payment by the candidate is required at the time the statement is filed. As with past elections, each candidate will be asked to provide a deposit for the estimated cost of the candidate's statement. The Sonoma County Elections Department has provided the City an estimated for such statements. The Elections Official will require a deposit in the amount of \$387.00 for English only, unless the candidate chooses to have his or her statement translated to Spanish, in which case a deposit in the amount of \$830.00 would be required.

A resolution has been prepared establishing estimated costs for the printing, handling, translating and mailing of the candidates' statements and authorizing the City Clerk to bill any candidate for the cost of printing his/her statement and to refund any excess amount collected from such candidate, depending on the final actual cost.

**DISCUSSION:**

Once adopted, certified copies of the resolutions will be forwarded to the County Board of Supervisors and the Sonoma County Registrar of Voters' Office. The appropriate election notices will be published and the nomination period for City Council candidates will begin on Monday July 18, 2016.

The City has a multi-year contract with the County to conduct our municipal elections. Funds have been included in the 2016/2017 budget for election expenses based on an estimate provided by the County.

**RECOMMENDATION:**

That the City Council Adopt the Resolutions 1) Calling the General Municipal Election to be held November 8, 2016 and Requesting the Sonoma County Board of Supervisors to Consolidate the Municipal Election with the Statewide General Election; and 2) Resolution Establishing Estimated Costs of Candidates' Statements.

**Attachment:**

Resolution Calling for/Consolidating the Election  
Resolution Establishing Estimated Costs for Candidates' Statements

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

A RESOLUTION OF THE CITY OF SEBASTOPOL CITY COUNCIL

CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, FOR THE ELECTION OF TWO (2) MEMBERS OF THE CITY COUNCIL, REQUESTING THAT THE SONOMA COUNTY BOARD OF SUPERVISORS CONSENT TO CONSOLIDATION BY THE SONOMA COUNTY REGISTRAR OF VOTERS OF THE GENERAL MUNICIPAL ELECTION WITH THE STATEWIDE ELECTION TO BE HELD ON NOVEMBER 8, 2016 AND AUTHORIZING THE SONOMA COUNTY REGISTRAR OF VOTERS TO CANVASS THE ELECTION RESULTS FOR THE NOVEMBER 8, 2016 ELECTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a Municipal Election shall be held on November 8, 2016, for the election of two (2) members of the City Council; and

WHEREAS, Elections Code Section 10400 provides that the City Council may request that the County Board of Supervisors consolidate said General Municipal Election with the statewide general election; and

WHEREAS, pursuant to the provisions of Sections 10400, 10402 and 10403 of the Elections Code of the State of California, it is in the best public interests of the City to consolidate the City of Sebastopol General Municipal Election with the Statewide Election to be held on November 8, 2016; and

WHEREAS, the terms of two (2) members of the City Council will expire and the positions must be filled; and

WHEREAS, Elections Code Section 12109 provides that the governing body of the City of Sebastopol shall give notice of the designation of a central county place for the voted ballots of the Sebastopol General Municipal Election.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The foregoing recitals are true and correct and are hereby adopted; and
2. The City Council of the City of Sebastopol hereby calls for a General Municipal Election to be held on Tuesday, November 8, 2016; and
3. Pursuant to California Elections Code Section 10400, 10402, and 10403, it is in the best public interest to consolidate the Sebastopol General Municipal Election with the Statewide Election to be held on November 8, 2016.

NOW, THEREFORE, BE IT FURTHER RESOLVED:

1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of Sonoma County is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on

Tuesday, November 8, 2016, for the purpose of the election of two (2) members of the City Council for the term of office of four (4) years.

2. That the County Registrar of Voters is authorized to canvass the results of the General Municipal Election. That the County Registrar of Voters of Sonoma County is authorized to specify the location for the tally of ballots and certify the results to the City Clerk of the City of Sebastopol. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

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

4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of Sonoma and enter this resolution into the book of original resolutions.

6. That the City clerk is authorized and directed to compensate the County for the cost of conducting the General Municipal Election for the City.

IN COUNCIL DULY ADOPTED this 5<sup>th</sup> day of July, 2016.

VOTE

Ayes:

Noes:

Absent:

Abstain:

APPROVED: \_\_\_\_\_  
Mayor Sarah Glade Gurney

ATTEST: \_\_\_\_\_  
Mary Gourley, MMC, City Clerk

RESOLUTION NUMBER

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ESTABLISHING ESTIMATED COSTS FOR PRINTING, HANDLING, TRANSLATING AND MAILING THE CANDIDATES' STATEMENTS FILED FOR THE CONSOLIDATED GENERAL ELECTION TO BE HELD IN THE CITY OF SEBASTOPOL ON NOVEMBER 8, 2016 AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT OF QUALIFICATIONS AND REQUIRING EACH CANDIDATE FILING A CANDIDATE STATEMENT OF QUALIFICATIONS PAY IN ADVANCE TO THE LOCAL AGENCY AN ESTIMATED PRO RATTE SHARE AS A CONDITION OF HAVING HIS/HER STATEMENT INCLUDED IN THE VOTERS' PAMPHLET FOR THE MUNICIPAL ELECTION TO BE HELD NOVEMBER 8, 2016

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to material prepared by any candidate for a municipal election, including the costs of the candidates statement; and

WHEREAS, Section 13307(c) of the California Elections Code provides that the City may estimate the total cost of printing, handling, translating and mailing Candidates' Statements for nonpartisan elective office, and may require each candidate filing a statement to pay in advance to the City his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet; and

WHEREAS, the City of Sebastopol and the Sonoma County Board of Supervisors have authorized the County of Sonoma to conduct the Consolidated General Election in the City of Sebastopol on November 8, 2016 and the City of Sebastopol has agreed to pay its pro rata share of the costs of such election; and

WHEREAS, the County of Sonoma has provided an estimate of costs for the printing, handling, translating and mailing of candidates' statements on the November 8, 2016, ballot for English only and English/Spanish; and

WHEREAS, Elections Code 13307(c) states the local agency may 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.

NOW, THEREFORE, BE IT RESOLVED:

1. 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 to be held in the City of Sebastopol on November 8, 2016 may prepare a candidate's statement on an appropriate form provided by the City Clerk.

2. That 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.
3. That the statement shall not include any party affiliation of the candidate, nor membership or activity in partisan political organizations.
4. That the statement shall be filed in typewritten form and block style in the Office of the City Clerk at the time the candidate's nomination papers are filed and will be printed exactly as submitted by the candidate.
5. That the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period and that Statements shall remain confidential until the expiration of the filing deadline.
6. That the Sonoma County Register of Voters has estimated for 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), is \$387 .00 per statement and the City Clerk shall require each candidate filing a statement to pay in advance to the City his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet.
7. At the request of any candidate, and at the candidate's sole expense for translation and printing, the City Clerk shall have the candidate statement translated into Spanish and printed in the voter information pamphlet only. The candidate shall be required to pay the cost of translating the candidate's statement into any foreign language if translation is required by state or federal law. At the time of filing the Candidate's Statement, the candidate shall submit a fee in the amount of \$830.00 to cover his/her pro rata share of the cost of having his/her Statement included in the voter's pamphlet and will pay the cost of translating the Statement into Spanish, if requested.
8. That Pursuant to State law, the Candidate's Statement must be translated and printed in Spanish at the candidate's request.
9. That 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.
10. That the City 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 receiving Election invoice for payment from the Sonoma County Registrar of Voters.

11. That the taxpayers of the City of Sebastopol should not be responsible for costs of individual candidate statements.
12. That if a candidate alleges to be indigent, the candidate shall pay the actual pro rata share of the cost after the election, plus interest and administration fees if applicable.
13. That the City Council of the City of Sebastopol has determined that the candidate shall bear the costs of the statement as allowed in California Elections Code Section 13307.
14. That no candidate will be permitted to include additional materials in the sample ballot package.
15. 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.
16. That all previous resolutions establishing council policy on payment for candidates statements are repealed.
17. That this Resolution shall apply only to the Consolidated General Municipal Election to be held within the City of Sebastopol on Tuesday, November 8, 2016.
18. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

IN COUNCIL DULY ADOPTED this 5<sup>th</sup> day of July, 2016.

VOTE

Ayes:

Noes:

Absent:

Abstain:

APPROVED: \_\_\_\_\_  
Mayor Sarah Glade Gurney

ATTEST: \_\_\_\_\_  
Mary Gourley, MMC, City Clerk