

Agenda Report Reviewed by:
City Manager: 

CITY OF SEBASTOPOL
CITY COUNCIL
AGENDA ITEM REPORT

Meeting Date: December 1, 2020
To: Honorable Mayor and City Councilmembers
From: City Manager-City Attorney Larry McLaughlin
Assistant City Manager/City Clerk Mary Gourley
Subject: Resolutions of the City Council of the City of Sebastopol Reciting the Facts of the General Municipal Election Held on November 3, 2020 Declaring the Result and Such Other Matters as Provided by Law
Recommendation : That the City Council Approve and Adopt the attached Resolution Certifying the Election Results
Funding: Currently Budgeted: _____ Yes _____ No XX N/A
Net General Fund Cost:
Amount: \$

Account Code/Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE: This item is to request that the City Council approve the attached Resolution declaring the results of the November 3, 2020 election for the Office of Member of the Sebastopol City Council, thereby determining that by votes cast in the November 3, 2020 Election, Diana Rich (total votes – 2578) and Neysa Hinton (total votes - 2129) have been elected to the office of Member of the City of Sebastopol City Council for a four-year term (term ending: 2024)

BACKGROUND:

On June 16, 2020, the City Council by Resolution Number 6298-2020, called a General Municipal Election to be held and conducted In the City of Sebastopol, Sonoma County, California, on Tuesday; November 3, 2020, as required by law for the election of two (2) members of the City Council.

Pursuant to Election Code §10264, the City of Sebastopol City Council by resolution must declare the results of the election. The declaration must show:

- 1) the whole number of votes cast in the City; 2) the names of persons voted for; 3) the measures voted upon (City had two measures) 4) what office each person was voted for; 5) the number of votes given at each precinct to each person and 6) the total number of votes given to each person and for and against the measure(s) (City had NO measures on the ballot). The purpose of this item is to certify the results of that election and other matters as provided by law.

The City’s General Municipal Election was consolidated with the Statewide General Election, and the Sonoma County Registrar of Voters was authorized to canvass the returns. Sonoma County Registrar of Voters has canvassed the returns of the election and has certified the results.

DISCUSSION:

The County of Sonoma Registrar of Voters conducted the election on behalf of the City of Sebastopol and is required to provide to the City a Certification of Election Results. The City of Sebastopol received an email from the County of Sonoma Registrar of Voters indicating that the County certified the election on November 23, 2020. As of the writing of this staff report, the County has indicated they will provide the certification documentation to the City prior to the December 1st meeting. A copy of the certification is expected to be provided at the December 1st meeting and will be attached to the Resolution. If the Official Canvas of Votes Cast Officially Signed certification is not received by this meeting from the County, Staff requests the City Council set a special City Council Meeting for as soon as possible after the City receives the Official Canvas of Votes Cast from the County of Sonoma for Certification of the Election and all associated actions.

Upon completion of the canvass of the votes and before installing the new officers, the City Council must adopt a resolution reciting the fact of the election and declaring elected the persons for whom the highest number of votes were cast for each office. A summary of the official election results for City Council members are as follows:

Contest Name	Candidate Name	Total Votes	Percent of votes	Registered Voters in Sebastopol	Total Ballots Cast	Number of Precincts	Total Number of Precincts Reporting
Member, City Council Sebastopol	VAUGHN RICHARD HIGGINBOTHAM	818	9.68	5630	5223	5	5
Member, City Council Sebastopol	NEYSA HINTON	2129	25.2	5630	5223	5	5
Member, City Council Sebastopol	EVARISTO "EVERT" FERNANDEZ	2074	24.54	5630	5223	5	5
Member, City Council Sebastopol	MICHAEL CARNACCHI	851	10.07	5630	5223	5	5
Member, City Council Sebastopol	DIANA RICH	2578	30.51	5630	5223	5	5

A Resolution must be adopted by the City Council to officially declare the results of the election.

As stated above, A Certificate of the Canvass of the Election Returns is expected to be received by the Registrar of Voters prior to the December 1, 2020 City Council Meeting and will be provided to the City Council once received by the City.

Following adoption of the resolution, the City Clerk will deliver a certification of election certificate to each person elected and administer the oath of office prescribed in the Constitution of the State of California.

After the oaths of office have been administered, the newly elected Councilmembers will take their seats at the dais. Once seated, the Mayor will continue with the meeting as follows:

- Message from Outgoing Mayor
- Election of Mayor (Mayor will call for nominations for the Office of Mayor) The City Council shall meet at the meeting at which the declaration of the election results for a general municipal election is made pursuant to Sections 10262 and 10263 of the Elections Code and, following the declaration of the election results and the installation of elected officials, choose one of its number as mayor, and one of its number as mayor pro tempore.)
Nominations Received

Public Comment
Council Comments (if any)
Vote (taken beginning with the first nominee)
Gavel is transferred to Mayor

- Election of Mayor Pro Tempore (Vice Mayor) (Newly Elected Mayor will call for nominations for Office of Vice Mayor)
 - Nominations Received
 - Public Comment
 - Council Comments (if any)
 - Vote (taken beginning with the first nominee)
- Presentation to Outgoing Mayor (Newly Elected Mayor)
- Message from Incoming Mayor

PUBLIC COMMENT:

As of the writing of this staff report, the City has not received any public comment. However, if public comment is received from interested parties following the publication and distribution of this staff report, it will be provided to the City Council as supplemental materials before or at the meeting. In addition, a consent calendar item may be requested to be removed from the consent calendar if a member of the Council or public requests to provide public comment on this item.

PUBLIC NOTICE:

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to scheduled meeting date.

FISCAL IMPACT:

There is no impact with this action tonight. The 2020 Election costs were approved in the City's FY 20-21 budget.

RECOMMENDATION:

City staff recommends that the City Council Approve the Resolution declaring the results of the November 3, 2020 election for the Office of Member of the Sebastopol City Council, thereby determining that by votes cast in the November 3, 2020 Election:

Diana Rich with total votes cast of 2578 and Neysa Hinton with total votes cast of 2129 have been elected to the office of Member of the City of Sebastopol City Council; and

Following certification, the City Clerk will immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; the City Clerk will also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and will have them subscribe to it and file it in the office of the City Clerk. Each and all of the persons so elected will then be inducted into the respective office to which they have been elected.

For Information: As stated above, as of the writing of this staff report, the County has indicated they will provide the certification documentation to the City prior to the December 1st meeting to be attached to the Resolution. If the Official Canvas of Votes Cast Officially Signed certification is not received by this meeting from the County, Staff requests the City Council set a special City Council Meeting for as soon as possible after the City receives the Official Canvas of Votes Cast from the County of Sonoma for Certification of the Election and all associated actions.

Attachment:

Resolution

Resolution Number XXXX-2020

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL RECITING THE FACTS OF THE CONSOLIDATED GENERAL MUNICIPAL ELECTION HELD ON NOVEMBER 3, 2020 DECLARING THE RESULT AND SUCH OTHER MATTERS AS PROVIDED BY LAW AND THEREBY DETERMINING THAT
DIANA RICH AND NEYSA HINTON
HAVE BEEN ELECTED TO THE
OFFICE OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL

WHEREAS, on June 16, 2020, the City Council by Resolution Number 6298-2020, called a General Municipal Election to be held and conducted in the City of Sebastopol, Sonoma County, California, on Tuesday; November 3, 2020, as required by law for the election of two (2) members of the City Council; and

WHEREAS, a General Municipal Election was held and conducted in the City of Sebastopol, Sonoma County, California, on Tuesday; November 3, 2020, as required by law; and

WHEREAS, notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the votes were cast, received, and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Elections Code of the State of California for the holding of elections in general law cities; and

WHEREAS, the City General Municipal Election was consolidated with the Statewide General Election; and

WHEREAS, the Sonoma County Registrar of Voters was authorized and has canvassed the returns of the election and has certified the results to this City Council, the results are received, attached and made a part here of as "Exhibit A", and

WHEREAS, Elections Code 10263 provides that upon the completion of the canvass and before installing the new officers, the governing body shall adopt a resolution reciting the fact of the election and the other matters that are enumerated in Section 10264 as follows:

As soon as the result of the election is declared, the elections official of the governing body shall enter on its records a statement of the result.

The Statement shall show:

- (a) The whole number of votes cast in the city.
- (b) The names of the persons voted for.
- (c) The measures voted upon (City of Sebastopol did not have any measures for this election).
- (d) For what office each person was voted for.

- (e) The number of votes given at each precinct to each person and for and against each measure.
- (f) The number of votes given in the city to each person and for and against each measure; and

Contest Name	Candidate Name	Total Votes	Percent of votes	Registered Voters in Sebastopol	Total Ballots Cast	Number of Precincts	Total Number of Precincts Reporting
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Member, City Council Sebastopol	DIANA RICH	2578	30.51	5630	5223	5	5

WHEREAS, the governing body shall declare elected the persons for whom the highest number of votes were cast for each office.

NOW, THEREFORE, the City Council of the City of Sebastopol, California, does resolve, declare, determine and order as follows:

Section 1. That the whole number of ballots for the office of Member of the City Council cast in the precinct except absent voter ballots was XXXX (to be provided once the Certification Document has been provided to the City by the County Registrar of Voters); and Whereas the total number of votes by mail ballots was XXXX (to be provided once the Certification Document has been provided to the City by the County Registrar of Voters); and whereas the total number of ballots cast to include absent voter ballots and percent totals was 5223.

Section 2. That the names of the persons voted for at the election for Member of the City Council are as follows:

Vaughn Higginbotham

Neysa Hinton
Evaristo "Evert" Fernandez
Michael Carnacchi
Diana Rich

Section 3.

- a. The City Council does declare and determine that Diana Rich and Neysa Hinton were elected as Members of the City Council for the full term of four years as provided below:

Diana Rich	2578
Neysa Hinton	2129

- b. The measures voted upon. There were no measures at this Election for the City of Sebastopol.

Section 4. That the number of votes given at each precinct to each person and the respective total votes cast for each person are contained in Exhibit A, Statement of the Votes Cast at the City of Sebastopol Consolidated General Election held on November 3, 2020, and which is hereby attached. (to be provided once the Certification Document has been provided to the City by the County Registrar of Voters)

Section 5. The City Clerk shall enter on the records of the City Council of the City of Sebastopol, a statement of the result of the election, showing: 1) the whole number of ballots cast in the City; 2) the names of the persons voted for; 3) for what office each person was voted for; and 4) the number of votes given at each precinct to each person.

Section 6. The City Clerk shall immediately make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the Office of the City Clerk. Each and all of the persons so elected shall then be inducted into the respective office to which they have been elected.

Section 7, 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 PASSED, APPROVED and ADOPTED this 1st day of December, 2020.

I, the undersigned, hereby certify that the foregoing Resolution was duly adopted by the City of Sebastopol City Council by the following vote:

VOTE:

Ayes:

Noes:

Absent:
Abstain:

APPROVED: _____
Mayor Patrick Slayter

ATTEST: _____
Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM: _____
Larry McLaughlin, City Attorney

Attachment:

Certification of Election Results (to be provided once the Certification Document has been provided to the City by the County Registrar of Voters);