

ITEM: **GENERAL MUNICIPAL ELECTION – NOVEMBER 3, 2020**

RECOMMENDATION: **Council to Consider the Following:**

- 1. Adopt Resolution 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;**
- 2. Adopt Resolution Requesting the San Joaquin County Board of Supervisors 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; and**
- 3. Adopt Resolution 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**

SUMMARY:

The 2020 General Municipal Election will be held on November 3, 2020 for the two-year-term Mayor's seat and two four-year-term City Council seats. The terms ending are those of Mayor Dhaliwal, Vice Mayor Salcedo, and Councilmember Torres-O'Callaghan.

By statute, a number of actions and decisions must be made by the City Council before the opening of nominations. The City Clerk, as Elections Official, has prepared the attached resolutions for City Council consideration, which will call the election, request consolidation with the County, and establish necessary guidelines.

BACKGROUND:

Pursuant to Lathrop Municipal Code Section 1.08.010, the City of Lathrop holds its General Municipal Election on the same day as the Statewide General Election. This is the first Tuesday, after the first Monday in November of each even-numbered year. This year, the date is November 3, 2020. The election will be consolidated with San Joaquin County and the Registrar of Voters will be asked to conduct the election on behalf of the City of Lathrop.

The election services provided by the Registrar of Voters primarily include the printing and mailing of ballots, opening and closing of voting centers, counting of ballots, canvassing of returns and all other proceedings incidental to and connected with the City's General Municipal Election, amongst other related services.

In order to initiate the administration of the General Municipal Election as required by the Elections Code, staff is requesting City Council consideration of the attached resolutions. Once adopted, the signed resolutions will be forwarded to the Clerk of the Board of Supervisors for the Board's approval, with a copy to the Registrar of Voters. The resolutions are as follows:

1. Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 3, 2020 (Attachment A)

The Elections Code provides that the City Council shall issue a resolution calling the election. Attached is a resolution calling for the holding of a General Municipal Election in the City of Lathrop on November 3, 2020 for the election of three (3) Members of the City Council, for the following terms:

- Mayor - Full term of two (2) years
- Two (2) Members of City Council - Full term of four (4) years

2. Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election (Attachment B)

The Elections Code provides that the City Council may, by resolution; request that the County Board of Supervisors permit the County Elections Official to render specified services to the City relating to the conduct of an election. The City Clerk will work closely with the San Joaquin County Registrar of Voters for election services. The City reimburse the County for these services upon completion of the work and presentation of an appropriately approved invoice to the City.

3. Resolution Approving Regulations Pertaining to the Candidate Statements (Attachment C)

The Elections Code provides that the City Council adopt regulations pertaining to the statement prepared by any candidate for the General Municipal Election and to determine whether a charge shall be levied to cover the actual costs of such statement.

The statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words about the candidate's education and qualifications as expressed by the candidate. The City Council may authorize an increase in the limitation of words for the statement from 200 to 400 words.

Historically, the City of Lathrop has not authorized the word increase. Staff recommends authorizing the 200-word limit for this election, in order to avoid increased costs for the statements.

It is recommended that any candidate who chooses to submit a candidate statement pay for the costs of translating, printing, and mailing of the candidate statement. Upon submission of nomination papers, candidates would be required to provide a deposit to the City Clerk, payable to the City of Lathrop, for this purpose.

The cost estimate is calculated by the San Joaquin County Registrar of Voters, based on the number of registered voters, page formatting and the number of pages of the sample ballot and will be provided to the candidate during the nomination process. Staff anticipates the deposit amount to be anywhere between \$500 and \$600 dollars. The candidate shall be refunded any overage or billed for any additional costs within 30 days of the actual accounting of said costs by the San Joaquin County Registrar of Voters.

RECOMMENDATION:

Staff recommends that the City Council adopt the resolutions provided regarding the upcoming General Municipal Election to be held on November 3, 2020, and direct the City Clerk, as Elections Official, to work with the San Joaquin County Registrar of Voters on election preparations and related activities.

FISCAL IMPACT:

As of May 29, 2020, the San Joaquin County Registrar of Voters has not been able to provide a cost estimate for the 2020 Municipal General Election. However, the cost from prior election years have been between \$25,000 and \$35,000.

Election costs for \$35,000 are included in the adopted Fiscal Year 2020-2021 budget. This was an estimate included during the budget process. However, considering the increase in population the final cost from the County may be slightly higher than anticipated from the last election. In this case, a budget amendment from the General Fund will be requested during the FY 2020-2021 midyear approval process.

ATTACHMENTS:

- A. Resolution Calling for the Holding of a General Municipal Election on Tuesday, November 3, 2020
- B. Resolution Requesting the County of San Joaquin to Consolidate the General Municipal Election with the Statewide General Election
- C. Resolution Approving Regulations Pertaining to the Candidate Statements

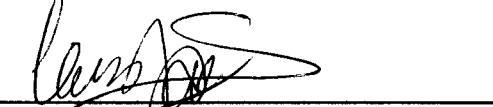
**CITY MANAGER'S REPORT
JUNE 8, 2020 CITY COUNCIL REGULAR MEETING
GENERAL MUNICIPAL ELECTION - NOVEMBER 3, 2020**

APPROVALS:



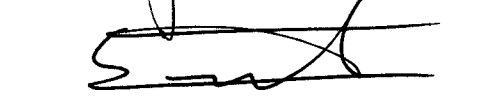
Teresa Vargas
City Clerk

5/30/20
Date




Cari James
Finance Director

6-2-2020
Date



Salvador Navarrete
City Attorney

6-1-2020
Date



Stephen J. Salvatore
City Manager

6.3.2020
Date

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, 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 LATHROP, 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 Lathrop, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of electing a Mayor for the full term of two (2) years (beginning December 2020 and ending December 2022) and two (2) Members of the City Council for the full term of four (4) years (beginning December 2020 and ending December 2024).

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 San Joaquin 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 County of San Joaquin Registrar of Voters, the City Council, in accordance with Election Code § 15651(a), 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 the 8th day of June, 2020 , by the following vote:

AYES:

NOES:

ABSENT:

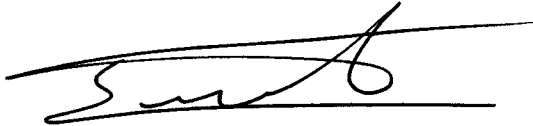
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

ATTACHMENT B

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN JOAQUIN 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 Lathrop called a General Municipal Election to be held on November 3, 2020, for the purpose of the election of a Mayor for the full term of two (2) years (beginning December 2020 and ending December 2022) and two (2) Members of the City Council for the full term of four (4) years (beginning December 2020 and ending December 2024); 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 San Joaquin canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LATHROP, CALIFORNIA, 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 San Joaquin 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 a Mayor for the full term of two (2) years (beginning December 2020 and ending December 2022) and two (2) Members of the City Council for the full term of four (4) years (beginning December 2020 and ending December 2024).

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 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 Lathrop 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 San Joaquin.

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 the 8th day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

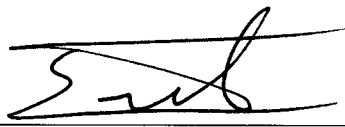
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

RESOLUTION NO. 20-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LATHROP, 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 LATHROP, 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 Lathrop on November 3, 2020, may prepare a candidate 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 5:00 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, candidate statements will be translated into all languages required by the County of San Joaquin. The County is required to translate candidate statements into Spanish.

B. The County will print and mail voter information guides and candidates statements to all voters in English and Spanish. The County will make the voter information guides and candidate statements in the required languages available at all polling places, on the County's website and in the Election Official's office.

SECTION 3. PAYMENT.

A. Translations

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

B. Printing

1. The candidate shall be required to pay for the cost of printing the candidate statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidate 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 the candidate 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 candidate 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 statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (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 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 translations.
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational 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 candidate statements are repealed.

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

SECTION 9. 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 the 8th day of June, 2020, by the following vote:

AYES:

NOES:

ABSENT:

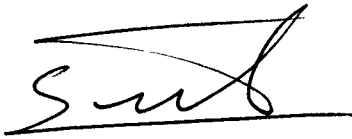
ABSTAIN:

Sonny Dhaliwal, Mayor

ATTEST:

APPROVED AS TO FORM:

Teresa Vargas, City Clerk



Salvador Navarrete, City Attorney

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