



CITY OF SAN MATEO

City Hall
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Agenda Report

Agenda Number: 18

Section Name: {{section.name}}

Account Number: 10-1511

File ID: {{item.tracking_number}}

TO: City Council

FROM: Drew Corbett, City Manager

PREPARED BY: City Clerk's Office

MEETING DATE: June 20, 2022

SUBJECT:
November 8, 2022 General Municipal Election - Calling the District Election for Candidates

RECOMMENDATION:

Adopt a Resolution to call for and conduct the November 8, 2022 General Municipal Election; request consolidation with San Mateo County for election services; and authorize the City Clerk to execute the Service Agreement for the Provision of Election Services with the County of San Mateo for the Candidate election, in substantially the form presented.

BACKGROUND:

A general municipal election for the City of San Mateo is scheduled for November 8, 2022 per the City's Charter. This is the City's first district-based election for electing City Council members. Districts 1, 3, and 5 will be holding elections in 2022. Districts 2 and 4 will hold their first elections in 2024. A Resolution is provided with this report to call the election, request consolidation with the County for conducting the election, and to identify the three at-large City Council Members whose seats term out December 5, 2022. The Council Members with terms ending are: Rick Bonilla, Joe Goethals and Eric Rodriguez.

BUDGET IMPACT:

The City has sufficient budget of \$188,500 for standard election costs in the Clerk's fiscal year 2022-23 budget. The Elections Services Agreement is included as Attachment 2.

ENVIRONMENTAL DETERMINATION:

This action calling the election is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)

NOTICE PROVIDED

All meeting noticing requirements were met.

ATTACHMENTS

Att 1 – Proposed Resolution

Att 2 – Election Services Agreement

STAFF CONTACT

Patrice Olds, City Clerk
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(650) 522-7042

**CITY OF SAN MATEO
RESOLUTION NO. __ (2022)**

**A RESOLUTION CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION
FOR THE ELECTION OF CERTAIN OFFICERS FOR SEATS REPRESENTING COUNCIL DISTRICTS 1, 3, AND 5 AND
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN MATEO TO CONSOLIDATE A GENERAL
MUNICIPAL ELECTION WITH THE STATEWIDE ELECTION ON TUESDAY, NOVEMBER 8, 2022**

WHEREAS, under the provisions of the laws relating to general law cities in the State of California and pursuant to the City of San Mateo's Charter, a General Municipal Election shall be held on November 8, 2022 for the election of three City Council members, one each from Districts 1, 3 and 5; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the County 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 Mateo canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

NOW, THEREFORE, it is hereby determined and ordered that the City Council of the City of San Mateo, California, resolves as follows:

SECTION 1. A General Municipal Election is hereby called and ordered within the City boundaries to be held in the City of San Mateo, State of California, on Tuesday, November 8, 2022, for the purpose of holding the City's first District based elections to elect three City Council members from Districts 1, 3, and 5 for terms commencing with the regular City Council meeting of December 5, 2022 and until the general municipal election the fourth year thereafter and the election and qualification of a successor.

There are three at-large incumbent council members whose terms are expiring on December 5, 2022:

The City Council seats held by Eric Rodriguez, Rick Bonilla and Joe Goethals

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. Nomination papers may be procured only from the City Clerk, who shall, at the time of issuance, sign, date, and place the name of the candidate and office sought. Nominations shall be filed with the City Clerk no earlier than July 18, 2022 and no later than 5:00 p.m. on August 12, 2022.

There will be no extended filing period as this is the first time the City has conducted district-based elections and as a result there are no incumbents for Districts 1, 3, and 5.

SECTION 4. Candidates' statements concerning their experience and qualifications, as required by Section 7.04 of the City Charter, shall be filed with the City Clerk not earlier than July 18, 2022, or by August 12, 2022. Such statement shall be accompanied by a photograph as required by said Section.

SECTION 5. The City Clerk shall publish, in the City's adjudicated newspaper of general circulation, by two insertions therein, prior to the date for said election, the Candidates' Statements required by Section 7.04 of the City Charter together with the photograph of said candidate.

SECTION 6. Pursuant to the requirements of California Election Code Section 10403, the Board of Supervisors of the County of San Mateo is hereby requested to consent and agree to consolidation of a general municipal election with the statewide election on Tuesday, November 8, 2022, and the municipal election

hereby called for November 8, 2022 shall be, and is hereby, ordered consolidated with the countywide election to be held within the City on said date, and within the territory affected by the consolidation, the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating the countywide election and as specified herein. The election shall be held and conducted in the manner prescribed by Elections Code section 10418. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 7. That pursuant to the requirements of California Election Code Section 10002, the Board of Supervisors of the County of San Mateo is hereby requested to permit the County Elections Official to render specified services to the City relating to the conduct of the election; and is hereby authorized to canvass the returns of said municipal election, and said election shall be held in all respects as if there were only one election and only one form of ballot. The County shall certify the results of the canvass of the returns of said election to the City Council of this City which shall thereafter declare the results thereof.

SECTION 8. 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 9. That the City Clerk shall cause to be published a list of the nominees in the order in which they are to appear on the ballot and the respective offices for which they have been nominated. The notice shall be in the following form:

NOMINEES FOR PUBLIC OFFICE

NOTICE IS HEREBY GIVEN that the following persons have been nominated for the offices hereinafter mentioned to be filled at the general municipal election to be held in the City of San Mateo on TUESDAY, the 8th day of November 2022.

For members of the City Council to be elected from Districts 1, 3, and 5.

SECTION 10. 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 and the City Clerk is authorized to execute a service agreement for the provision of election services with the County of San Mateo with terms approved by the City Attorney and provided the costs of such services have been appropriated by the City Council.

SECTION 11. The City Clerk and other City officers are directed to do all things necessary to meet the requirements of law for the November 8, 2022, municipal election.

SECTION 12. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the election department of the County of San Mateo.

SECTION 13. Effective date. This Resolution shall take effect upon adoption.

**SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES
BETWEEN THE CITY OF SAN MATEO AND
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR-COUNTY CLERK-RECORDER**

This Service Agreement for the Provision of Election Services ("Agreement"), entered into this _____ day of _____, 2022, by and between the City of San Mateo (the "Municipality") and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the "Chief Elections Officer");

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Chief Elections Officer has been asked by the Municipality to conduct an election on November 8, 2022 (the "Election").

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE MUNICIPALITY:

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 8, 2022 and will request the services of the Chief Elections Officer in relation to the Election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the offices to be voted on and the measure ballot questions by 88 days prior to the Election. The Municipality will submit to the Chief Elections Officer the names and ballot destinations of the candidates to appear upon the ballot by 81 days prior to the Election.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the Election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries by 125 days prior to the Election.

SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.
- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant Vote Centers, publish any required notices and conduct the Election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.
- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the Election.

8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the Election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the Election beyond those directly involved with conducting the Election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the Election, those duties remain duties of the Municipality.

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the Election to be held on November 8, 2022, including before and after said Election date.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, the unavailability of Federal, State, or County funds, COVID-19-related limitations, and/or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this Agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this Agreement.

This Agreement can be terminated by the Municipality upon 30 days written notice.

COST FOR SERVICES

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including 1) any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code and 2) any other costs associated with the Election, such as return postage costs and costs for ensuring voter accessibility, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the Election, including all such services, supplies, and other costs.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the Election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

MUNICIPALITY

Signature: _____ Date: _____

Print Name: _____

Title: _____

COUNTY

Signature: _____ Date: _____

Print Name: _____

Title: _____