



Agenda Item #: _____

Staff Report

City of Manhattan Beach

TO: Honorable Mayor Montgomery and Members of the City Council

THROUGH: Richard Thompson, Interim City Manager

FROM: Liza Tamura, City Clerk
Terri Aliabadi, Senior Deputy City Clerk

DATE: October 19, 2010

SUBJECT: Consideration of Resolutions Calling and Giving Notice of the Tuesday, March 8, 2011, General Municipal Election; Requesting Assistance from the Los Angeles County Board of Supervisors; Adopting Regulations for Candidates for Elective Office; and Providing for a Procedure to Resolve Tie Votes for Elected Offices at General Municipal Elections

RECOMMENDATION:

It is recommended that the City Council adopt Resolution Nos. 6279, 6280, 6281 and 6282 which represent the necessary actions to proceed with the holding of the Tuesday, March 8, 2011, General Municipal Election.

FISCAL IMPLICATION:

There are no fiscal implications associated with this action.

DISCUSSION:

In compliance with the California Elections Code, the following Resolutions require City Council approval to conduct the Tuesday, March 8, 2011, General Municipal Election.

Adoption of the proposed Resolutions will result in the following actions:

Resolution No. 6279 - Authorizes the “Calling” and “Giving Notice” of the Holding of a General Municipal Election for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities.

Resolution No. 6280 - Authorizes the City of Manhattan Beach to request the assistance of the Board of Supervisors of the County of Los Angeles to render specified services to the City relating to the conduct of the General Municipal Election.

Resolution No. 6281 - Adopts regulations for candidates for elective office pertaining to candidates statements submitted to the voters for the General Municipal Election.

Resolution No. 6282 – Adopts a “by lot” procedure to resolve tie votes for elective offices.

Upon passage of these election resolutions, staff will forward certified copies to the Los Angeles County Registrar-Recorder/County Clerk’s Office and the Los Angeles County Board of Supervisors to meet the November 1, 2010 filing deadline and to properly schedule and initiate the City’s General Municipal Election.

Attachments: Resolution No. 6279
Resolution No. 6280
Resolution No. 6281
Resolution No. 6282
California Election Code Section 15651

RESOLUTION NO. 6279

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, CALLING AND GIVING NOTICE FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011, 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 March 8, 2011 for the election of Municipal Officers; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, 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 Manhattan Beach, California, on Tuesday, March 8, 2011 a General Municipal Election for the purpose of electing two members of the City Council for the full term of four years.

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 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 7:00 o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code § 10242, except as provided in § 14401 of the Elections Code of the State of California.

SECTION 5. That pursuant to Elections Code § 12310, a stipend for services for the persons named as precinct board members is fixed at the sum of \$100 for each Inspector and \$80 for each Clerk for the election. In addition, the sum of \$25 will be given to each precinct board member to attend a training class. The rental of each polling place, where a charge is made, shall be the sum of \$25 for the election.

SECTION 6. 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 7. 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 8. That this resolution shall take effect immediately and that the City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

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.

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.

PASSED, APPROVED and ADOPTED this 19th day of October, 2010.

Ayes:
Noes:
Abstain:
Absent:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

RESOLUTION NO. 6280

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011

WHEREAS, a General Municipal Election is to be held in the City of Manhattan Beach, California, on March 8, 2011; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Manhattan Beach.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the provisions of § 10002 of the Elections Code of the State of California, this City Council requests the Board of Supervisors of the County to permit the County Election Department to prepare and furnish the following for use in conducting the election:

1. A listing of county precincts with number of registered voters in each, so city may consolidate election precincts into city voting precincts, and maps of the voting precincts;
2. A list of polling places and poll workers the county uses for their elections;
3. The computer record of the names and address of all eligible registered voters in the City in order that the City's consultant may:
 - a. Produce labels for vote-by-mail voters;
 - b. Produce labels for sample ballot pamphlets;
 - c. Print Rosters of Voters and Street Indexes;
4. Voter signature verification services as needed;
5. Make available to the City election equipment and assistance as needed according to state law.

SECTION 2. That the City shall reimburse the County for services performed when the work is completed and upon presentation to the City of a properly approved bill.

SECTION 3. That the City Clerk is directed to forward without delay to the Board of Supervisors and to the County Election Department, each a certified copy of this resolution.

SECTION 4. That this resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 5. That the City Clerk shall certify to the passage and adoption of this Resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 19th day of October, 2010.

Ayes:
Noes:
Abstain:
Absent:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

RESOLUTION NO. 6281

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 8, 2011

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 MANHATTAN BEACH, 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 Manhattan Beach on March 8, 2011 may prepare a candidate's 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. SPANISH LANGUAGE. The City Clerk shall have translated and printed in the voters pamphlet only the candidates statements of those candidates who request translation and printing at the candidate's expense.

SECTION 3. PAYMENT.

- a. The candidate shall be required to pay for the cost of printing their candidate statement in English in the main voter pamphlet.
- b. The candidate shall be required to pay for the cost of translating their candidate statement into any required foreign language as specified pursuant to State and/or Federal law.
- c. The candidate shall be required to pay for the cost of printing their candidate statement in a foreign language in the main voter pamphlet.
- d. The candidate, at the time of filing their candidate statement for the March 8, 2011 General Municipal Election Sample Ballot, shall remit the established cost of \$500.00 for their proportionate share of the cost of printing their volunteered candidate statement in English. If the candidate chooses to have their statement translated and printed in Spanish pursuant to Elections Code Section 13307, the candidate shall remit the additional established cost of \$650.00.

The City Clerk has estimated the total cost 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), and shall 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. 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 translators.
- b) The City Clerk shall allow bold type and bullets to the same extent and manner as allowed in previous City elections.
- c) 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 sample ballot package.

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's statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on March 8, 2011 and shall then be repealed.

SECTION 9. That this resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 19th day of October, 2010.

Ayes:
Noes:
Abstain:
Absent:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

RESOLUTION NO. 6282

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MANHATTAN BEACH, CALIFORNIA, PROVIDING FOR A
PROCEDURE TO RESOLVE TIE VOTES FOR ELECTIVE OFFICES AT
GENERAL MUNICIPAL ELECTIONS

WHEREAS, § 15651(a) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for a procedure to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MANHATTAN BEACH, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That in the event no candidate for a municipal office qualifies by receiving more than half of the votes cast for that position and an equal number of votes are cast for two or more candidates qualifying for second place, the tie to decide the second place candidate shall be resolved as outlined in Exhibit "A" attached hereto.

SECTION 2. That this Resolution shall apply only to the election to be held on March 8, 2011, and then repealed.

SECTION 3. That this resolution shall take effect immediately. The City Clerk shall make this resolution readily available for public inspection within thirty (30) days of the date this resolution is adopted.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this resolution and thenceforth and thereafter the same shall be in full force and effect.

PASSED, APPROVED and ADOPTED this 19th day of October, 2010.

Ayes:
Noes:
Abstain:
Absent:

Mayor, City of Manhattan Beach, California

ATTEST:

City Clerk

EXHIBIT "A"

By Lot: The City Council shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Council or upon a recount by a court, to appear before the Council at a time to be designated by the Council. The Council shall, at that time and place, request the City Clerk to determine the tie by lot (e.g., tossing a coin, etc.), or in order to maintain a sense of dignity in resolving a tie vote, Council may place each candidate's name in an unmarked, sealed envelope. The Mayor will then select a person to draw an envelope and read the name of the winning candidate.

Chapter 10. Tie Votes

Article 1. Elections Other than Primary Elections

15650. Application of article.

This article does not apply to any primary election.
(Added by Stats. 1994, c. 920, §2.)

15651. Procedure to resolve a tie vote; runoff election.

(a) If at any election, except as provided in subdivision (b) and an election for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him or her at the Secretary of State's office at the State Capitol at a time to be designated by him or her. The Secretary of State shall at that time and place determine the tie by lot. Except as provided in subdivision (b), in the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county or city.

(b) In lieu of resolving a tie vote by lot as provided in subdivision (a), the legislative body of any county, city, or special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10) may resolve a tie vote by the conduct of a special runoff election involving those candidates who received an equal number of votes and the highest number of votes.

A special runoff election shall be held only if the legislative body adopts the provisions of this subdivision prior to the conduct of the election resulting in the tie vote. If a legislative body decides to call a special runoff election in the event of a tie vote, all future elections conducted by that body shall be resolved by the conduct of a special runoff election, unless the legislative body later repeals the authority for the conduct of a special runoff election.

If a special runoff election is held pursuant to this subdivision, the legislative body shall call for the runoff election to be held in the local entity on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election that resulted in a tie vote. If a regular elec-

435

2010

15651.

DIVISION 15. SEMIFINAL OFFICIAL CANVASS, OFFICIAL CANVASS, RECOUNT, AND TIE VOTE PROCEDURES

tion is to be held throughout the jurisdiction within that time period, the special runoff election shall be held on the same day as, and consolidated with, the regular election.

(Amended by Stats. 1998, c. 199, §49.)

15652. Certificate of election.

If the tie vote has been determined pursuant to Section 15651, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State, the county elections official or the city elections official, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.

(Added by Stats. 1994, c. 920, §2.)

15653. Tie for Governor or Lieutenant Governor.

When two or more persons have an equal and highest number of votes for either Governor or Lieutenant Governor, the Secretary of State shall deliver a certificate to that effect to each of the tied candidates. Each tied candidate may present the certificate to the Legislature in the manner that he or she sees fit.

(Amended by Stats. 2000, c. 1081, §22.)