



**CITY COUNCIL
AGENDA REPORT**

**CITY OF MILLBRAE
621 Magnolia Avenue
Millbrae, CA 94030**

SUBJECT: Adoption of Resolutions to Order and Call a General Municipal Election to be held on November 6, 2018, to set Certain Policies Applicable to Candidates, and to Request the San Mateo County Clerk to Render Specific Election Services

ATTACHMENTS:

1. Resolution Calling a General Municipal Election
2. Resolution Establishing Policies for Candidates
3. Resolution Requesting San Mateo County Election Services
4. San Mateo County Election Service Agreement

Report No. *6127*

For Agenda of: July 10, 2018

Department: Administration

Originator: Elena Suazo *F.S.*

Approved:

Budget Action? Yes: No: X Finance Review: N/A

REPORT TYPE: ACTION X INFORMATION

ITEM TYPE: CONSENT X PUBLIC HEARING EXISTING BUSINESS NEW BUSINESS

RECOMMENDATION:

Staff recommends that the City Council adopt Resolutions to order and call a General Municipal Election to be held on November 6, 2018, to set certain policies applicable to candidates, and to request the San Mateo County Clerk to render specific election services.

BACKGROUND:

On November 6, 2018, the two Council seats currently held by Councilmembers Oliva and Hober will be voted upon. The nomination period for interested candidates opens July 16, 2018 and closes precisely at 5:00 p.m., August 10, 2018. Councilmembers Oliva and Hober are eligible for re-election to their current seats. Should the qualified incumbents not file papers by the August 10, 2018 deadline, the nomination period for non-incumbent candidates will be extended to 5:00 p.m. on Wednesday, August 15, 2018.

The City Council is required to make certain determinations as outlined below:

1. FILING FEE

The Council may impose a filing fee proportionate to the cost of processing a candidate's nomination papers, as determined by the City Council and set by Ordinance, but not exceeding \$25.00. The candidates would pay this fee at the time of filing nomination papers, pursuant to Elections Code Section 10228. Candidates in the past

elections have paid a \$25 filing fee. It is recommended that the Council establish a filing fee of \$25 for the November 6, 2018 election.

2. CANDIDATE'S STATEMENT

Each candidate may prepare a Candidate's Statement that may include the name, age, and occupation of the candidate and a brief description of the candidate's education and qualifications. The City Council may authorize an increase in the number of words in each candidate's statement from 200 to 400, pursuant to Elections Code Section 13307. The Council has traditionally limited the Candidate's Statement to 200 words. It is recommended that the Council set a limit of 200 words for the Candidate's Statement.

3. VOTER'S PAMPHLET COMPONENT OF SAMPLE BALLOTS

The sample ballot received by voters includes the written statement of each candidate. The City may bill each candidate a sum not greater than the actual pro-rated cost incurred by the City for County services relative to printing, handling, mailing, and translating the Candidate's Statement. The charges, if assessed, may also include costs incurred as a result of complying with the amended Voting Rights Act of 1965.

Pursuant to Section 203 of the Federal Voting Rights Act, the Department of Commerce has determined that San Mateo County is now subject to minority language requirements with respect to Hispanic and Chinese Americans. The formula for determining which counties are covered by the Act is contingent upon the percentage of voting age citizens in the County of a single language minority who are also of limited-English proficiency. The results of the 2010 Census revealed that there are significant numbers of Chinese and Hispanic residents living in the County who qualify under this law. Therefore, the sample ballot and voter pamphlet information will be printed in three languages – English, Spanish, and Chinese.

The cost of printing the multilingual election materials in San Mateo County may significantly increase for the November 2018 election. The exact amount of the increase is not known at this time, and is dependent upon the number of measures on the ballot, the number of candidates for office, and the length of the candidates' statements (i.e. 200 vs. 400 words). Preliminary information from the County has set the pro-rated estimate for the candidate statement fee at \$250.00. The estimate is based on 200 words per statement, and three statements per page.

If any charges are to be assessed to each candidate, only the pro-rated cost of the items described above may be imposed. Additionally, each candidate is required to be charged the same amount, pursuant to Elections Code Section 13307. Council must decide if the City will bear the expense of printing and handling each Candidate's Statement, or whether to charge the individual Candidates the pro-rated amount of \$250.00. Historically, the City Council has charged the individual Candidates the pro-rated cost, in addition to the \$25 filing fee. It is recommended that the Council charge the individual Candidates the pro-rated cost of \$250.00, plus the \$25 filing fee, for a total filing fee of \$275.00.

4. SAN MATEO COUNTY ELECTION SERVICES AGREEMENT

The Service Agreement with the San Mateo County Clerk authorizes performance of all legal actions and services for conducting the election except for those duties specified to be performed by the City Clerk. The County will arrange for the polling place locations, election inspectors and judges, the delivery and pickup of voting machines, and any other consolidated services as specified in the agreement. The agreement is attached (Attachment 4).

FISCAL IMPACT:

There are costs associated with calling and ordering a Municipal Election. The following chart depicts the City's expenses incurred for the past four elections:

November 2013	November 2015
\$21,352	\$15,957

It is too early to speculate on the cost of the November 2018 General Municipal Election. Election costs of \$50,000 have been included in the 2018-19 General Fund budget. Generally, a final invoice for election costs is not received from the County until late January or early February following the election. Depending upon the total cost of the election, a future budget adjustment may be necessary.

COUNCIL ACTION:

Adopt resolutions ordering and calling a General Municipal Election on November 8, 2018, setting certain policies applicable to candidates, and requesting the San Mateo County Clerk to render specific election services.

**CITY COUNCIL, CITY OF MILLBRAE
COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION
TO BE HELD ON NOVEMBER 6, 2018 AND PROVIDING
FOR GIVING NOTICE THEREOF**

WHEREAS, the California Government Code requires the City of Millbrae, as a general law city, to hold an election for the filling of certain offices; and

WHEREAS, pursuant to Section 12101 of the Elections Code, the City Clerk is required to publish a notice of this election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millbrae as follows:

1. A General Municipal Election shall be held in the City of Millbrae on Tuesday, November 6, 2018, for two (2) members of the City Council, each to be elected for a term of four (4) years.

2. The polls shall be open between the hours of 7:00 a.m. and 8:00 p.m. on the day of the election.

3. The City Clerk hereby is authorized and directed to publish a Notice of General Municipal Election in the form Marked Exhibit "A", attached hereto and incorporated herein by reference, within the time and manner specified in Elections Code Section 12101.

4. The City Clerk hereby is authorized to publish all other required notices in the manner prescribed by law, including the list of election officers and polling places.

REGULARLY PASSED AND ADOPTED this 10th day of July 2018.

MAYOR

ATTEST:

CITY CLERK

EXHIBIT "A"

NOTICE OF ELECTION

NOTICE IS HEREBY GIVEN that a General Municipal Election will be held in the City of Millbrae on Tuesday, November 6, 2018, for the following officers:

Two (2) Members of the City Council, each with four (4) year terms.

The polls will be open between the hours of 7:00 a.m. and 8:00 p.m.

City Clerk
City of Millbrae, California

DATED: _____

**CITY COUNCIL, CITY OF MILLBRAE
COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
SETTING CERTAIN POLICIES APPLICABLE TO
CANDIDATES IN NOVEMBER 6, 2018 GENERAL MUNICIPAL ELECTION**

WHEREAS, the City Council is authorized to establish procedures and policies pertaining to municipal elections; and

WHEREAS, the City Council of the City of Millbrae desires to establish uniform policies and procedures concerning the General Municipal Election to be held on November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Millbrae that the following policies and procedures shall govern the General Municipal Election of November 6, 2018:

1. Each candidate will be permitted to submit a Candidate's Statement of no more than 200 words.
2. Candidates will be assessed the actual prorated cost of preparation and mailing of said Candidate's Statements, with a maximum limit of \$250.00.
3. Candidates will be assessed a \$25.00 filing fee.

REGULARLY PASSED AND ADOPTED this 10th day of July 2018.

MAYOR

ATTEST:

CITY CLERK

**CITY OF MILLBRAE, COUNTY OF SAN MATEO
STATE OF CALIFORNIA**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILLBRAE
REQUESTING THE SAN MATEO COUNTY CHIEF ELECTIONS OFFICER TO
RENDER SPECIFIED ELECTION SERVICES AND TO FURNISH VOTING
MACHINES**

WHEREAS, a general municipal election in the City of Millbrae has been called on November 6, 2018 for the purpose of submitting to the qualified voters the election of two (2) members of the City Council, with each office serving a full four (4) year term; and

WHEREAS, for the proper conduct of this municipal election, the City Council desires to request the San Mateo County Chief Elections Officer to render specified services pursuant to Section 10403 of the Election Code.

**NOW, THEREFORE BE IT RESOLVED THAT THE CITY COUNCIL OF
THE CITY OF MILLBRAE REQUESTS AS FOLLOWS:**

1. That the Board of Supervisors of the County of San Mateo hereby is requested to permit the San Mateo County Chief Elections Officer to render the services hereinafter specified relating to the conduct of the Municipal Election to be held within the City of Millbrae on Tuesday, November 6, 2018, for the purpose of submitting the following to the qualified voters of the City of Millbrae:

OFFICERS

Member of City Council for the full term of four (4) years.

Member of City Council for the full term of four (4) years.

2. That the election services requested by the City of Millbrae in connection with the holding and conducting of said election are more particularly set forth in Attachment 4 (Services Agreement) attached hereto and incorporated herein by this reference.
3. That the City of Millbrae hereby accepts the terms and conditions of the performance of said services and the furnishing of voting machines, and further agrees to make the payments therefore to the San Mateo County Chief Elections Officer in a sum equal to the actual cost of said services.

4. That the City of Millbrae hereby agrees to comply with the terms and conditions of the instructions for elections prepared by the San Mateo County Chief Elections Officer.

REGULARLY PASSED AND ADOPTED this 10th day of July 2018.

Mayor

ATTEST:

City Clerk

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

This agreement, entered into this _____ day of _____, 2018, by and between the City of Millbrae (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 Municipality has asked the Chief Elections Officer to conduct an election on November 6, 2018.

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 6, 2018 and will request the services of the Chief Elections Officer in relation to that 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.

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 6, 2018, 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, 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 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, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the election, including all such services and supplies.

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: _____