



Monterey County

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Board Report

Legistar File Number: RES 17-142

August 29, 2017

Introduced: 8/10/2017

Current Status: Agenda Ready

Version: 1

Matter Type: BoS Resolution

Adopt a Resolution to:

Approve the City of Carmel-By-The-Sea's Ordinance that will move the city's municipal election date to the same day as the Statewide General Election beginning in November 2018.

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to:

Approve the Ordinance No. 2017-008 of the City of Carmel-By-The-Sea moving the date of the city's general municipal election from the second Tuesday in April of even-numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November of 2018 in accordance with the attached Exhibit A.

SUMMARY:

Sections 1301 and 10403.5 of the California Elections Code authorizes a city to require, by enactment of an ordinance, that its municipal election be held on the same day as the statewide general election, and such ordinance adopted shall become operative upon approval by the County Board of Supervisors.

The City Council of Carmel-By-The-Sea filed an ordinance with the Clerk of the Board, requesting approval of the change of election date as attached in Exhibit B.

DISCUSSION:

On June 6, 2017, the City Council of Carmel-By-The-Sea adopted Ordinance No. 2017-008 to move the city's general municipal election from the second Tuesday in April of even-numbered years to the first Tuesday after the first Monday in November of even-numbered years. Pursuant to the Ordinance, the next municipal election will be November 6, 2018 if approved by the County Board of Supervisors.

Pursuant to EC 1301, a city has the ability to transition to the statewide general election by the enactment of an ordinance.

Pursuant to EC 10403.5(a), an ordinance that is adopted by the city "shall be approved by the board of supervisors" prior to the ordinance becoming operative.

Moving the city's request would have some impact on the Registrar of Voters' (ROV) election systems, including the ballot layout, voting, ballot counting and election reporting systems. There would be an increase in the number of ballot types and possibly the length of even-year election ballots and could cause an additional ballot card. The ROV is in the process of adapting systems and infrastructure to accommodate this new law and anticipates it will be

prepared for the November 2018 election and the additional volume generated.

Pursuant to EC 10403.5(e), “within 30 days after the ordinance becomes operative, the city elections official shall cause a notice to be mailed to all registered voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed.” The City Clerk of Carmel-By-The-Sea is to prepare a mailing to all concerned voters within the timeframe, upon approval by the Board.

Pursuant to EC 10403.5(b), moving the election date from the second Tuesday in April of even-numbered years to the statewide general election in November of even-numbered years will result in an increase to each incumbent’s term that is no more than 12 months. The term of office of the Mayor and Councilmembers whose term will expire in April 2018 will be continued until the general election is held in November 2018; likewise, the term of office of the Councilmembers whose term will expire in April 2020 will be continued until the general election is held in November 2020.

The proposed resolution to approve the ordinance moving the election date change reflects state laws, as well as Election Code. Elections is recommending that the Board approve the proposed resolution to change the election date pursuant to all attachments.

OTHER AGENCY INVOLVEMENT:

The City of Carmel-By-The-Sea Council passed Ordinance No. 2017-008 and approved the election date change. County Counsel has reviewed and approved the resolution (Exhibit A).

FINANCING:

Pursuant to EC 10403.5(a), “prior to adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.” The cost-effectiveness of the proposed action is attached in Exhibit C. There is no impact to the County General Fund anticipated with this recommendation for this fiscal year.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

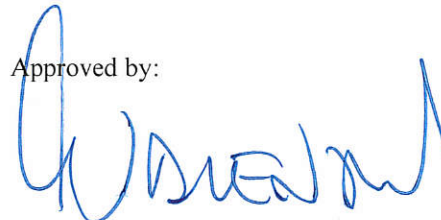
This item is in line with the Board’s vision for providing efficient service and cost neutral administration. Approval will support higher voter turnout for smaller districts and consolidate election cycles, effectively streamlining the use of resources with a positive impact to local agencies and voters.

Prepared by:



Jessica Cedillo x 1486
Program Manager

Approved by:



Claudio Valenzuela x 1499
Registrar of Voters

Attachments:

Exhibit A - [Proposed] Resolution Adopting the City of Carmel-By-The-Sea Ordinance No. 2017-008

Exhibit B - Certified Copy of the City of Carmel-By-The-Sea, Ordinance No. 2017-008

Exhibit C - Cost-effectiveness of Proposed Action to Approve Ordinance No. 2017-008

EXHIBIT A

Before the Board of Supervisors in and for the
County of Monterey, State of California

Resolution No. XX-XXX)
Resolution of the Monterey County Board of)
Supervisors to approve the election date)
change for the City of Carmel-By-The-Sea)
moving the date of the City’s general)
municipal election from the second Tuesday)
in April of even-numbered years to the same)
day as the Statewide General Election of)
even-numbered years beginning in November)
of 2018.)

WHEREAS, the County of Monterey has received the request and Ordinance No. 2017-008 of the City Council of the City of Carmel-By-The-Sea Moving the Date of the City’s General Municipal Election from the Second Tuesday in April of Even-Numbered Years to the First Tuesday After the First Monday in November of Even-Numbered Years Beginning in November of 2018, attached hereto as Exhibit B, requesting that the municipal election be conducted on the same day as the Statewide General Election; and

WHEREAS, California Elections Code sections 1301 and 10403.5 allow any city to request consolidation of their elections with the Statewide General Election; and

WHEREAS, the Monterey County Registrar of Voters has determined that the change will not cause the ballot style, computer capacity, or voter equipment to be exceeded;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors approves the City's Ordinance moving the municipal election date and directs the Monterey County Registrar of Voters to move the City of Carmel-By-The-Sea municipal election from the second Tuesday in April of even-numbered years and consolidate them with the Statewide General Election, and consolidate the city’s next election with the November 6, 2018 Statewide General Election.

PASSED AND ADOPTED upon motion of Supervisor _____, seconded by Supervisor _____ and carried this ____ day of _____, _____ by the following vote, to wit:

- AYES:
- NOES:
- ABSENT:

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book. ___ for the meeting on _____.

Dated:
File Number:

Gail T. Borkowski, Clerk of the Board of Supervisors
County of Monterey, State of California

By: _____
Deputy

EXHIBIT B



STATE OF CALIFORNIA)
COUNTY OF MONTEREY)
CITY OF CARMEL-BY-THE-SEA) CERTIFIED COPY OF ORDINANCE

I, Ashlee Wright, City Clerk for the City of Carmel-by-the-Sea in said County of Monterey, and State of California, do hereby certify Ordinance No. 2017-007, the original of which is attached hereto, was introduced on first reading on the 2nd day of May, 2017; adopted on second reading on the 6th day of June, 2017; and was published in accordance with the provisions of the Carmel-by-the-Sea Municipal Code on the 16th day of June, 2017, by the following vote:

AYES: Hardy, Reimers, Richards, Theis, Dallas
NOES: None
ABSTAIN: None
ABSENT: None

Said ordinance is effective as of 6th day of July, 2017.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of Carmel-by-the-Sea, this 29th day of June, 2017.


Ashlee Wright, City Clerk

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL

ORDINANCE NO. 2017-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE SECOND TUESDAY IN APRIL OF EVEN-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING IN NOVEMBER OF 2018.

WHEREAS, the City's general municipal elections are currently held on the second Tuesday in April of each even-numbered year; and

WHEREAS, Election Code Sections 1301 and 10403.5 authorize the City to change the date of its general municipal election to coincide with the date of the statewide general election; and

WHEREAS, the City Council wishes to consolidate its elections with the statewide general election conducted by the County of Monterey on the first Tuesday after the first Monday in November of even-numbered years beginning in 2018; and

WHEREAS, in order to accomplish the change in election date, the term of incumbent City Councilmembers who would otherwise be up for election in April 2018 shall be extended from April to December 2018 when the Councilmembers in November take office; and

WHEREAS, the adoption of this Ordinance shall set the next general municipal election of the City of Carmel-by-the-Sea on November 6, 2018, and every election thereafter on the first Tuesday after the first Monday in November of even-numbered years.

NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA DOES ORDAIN AS FOLLOWS:

Section 1. Change of Election Day. Pursuant to Elections Code Section 1301 and 10403.5, the day of the general municipal election in the City of Carmel-by-the-Sea is moved from the second Tuesday in April of every even-numbered year to the first Tuesday after the first Monday in November of each even-numbered year beginning in 2018.

Section 2. Consolidated Election. Pursuant to Elections Code Sections 1301 and 10403.5, the City hereby requests the County of Monterey ("County") approve consolidation of the City's April City Council election with the statewide general election conducted by the County in November of each even-numbered year beginning in November 2018.

Section 3. Extension of Terms of Office. Pursuant to Elections Code Sections 1301 and 10403.5, due to the change of election date, the terms of office of those members of the City Council presently serving whose terms would previously have expired in April 2018, shall instead, continue in their offices until certification of the results and administration of oaths of office after the November 2018 general municipal election and the terms of office of those City Council presently serving whose terms would previously have expired in April 2020, shall instead, continue their offices until certification of the results and administration of oaths of office after the November 2020 general municipal election.

Section 4. Effective Date. Pursuant to Elections Code Sections 1301 and 10403.5, this Ordinance shall not become operative until approved by the County of Monterey Board of Supervisors.

Section 5. Notice to Voters. Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the City Elections Official shall cause a notice to be mailed to all

registered voters, within the City of Carmel-by-the-Sea, informing the voters of the change in the election date and the extended terms of the current elected City Councilmembers.

Section 5. Chapter 2.73 of the City Of Carmel-by-the-Sea Municipal Code

Chapter 2.73 shall be incorporated to the City of Carmel-by-the-Sea Municipal Code to read as shown in Exhibit "A" attached hereto and incorporated herein.

Section 6. The City Clerk is hereby directed to:

- A. Certify to the passage and adoption of this Ordinance and cause the same to be published as required by law;
- B. Transmit, without delay, a certified copy of this Ordinance to the County of Monterey Registrar of Voters for final approval by the County of Monterey Board of Supervisors, together with the request that said Board approve this Ordinance and provide the City with notice of such approval;
- C. Within thirty (30) days after approval of this Ordinance by the County of Monterey Board of Supervisors, cause a notice to be mailed to all registered voters in the City of Carmel-by-the-Sea informing them of the change in the general municipal election date and the extended terms of the current elected and appointed City Councilmembers.

Section 7. **SEVERABILITY**

Should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect. To this end, provisions of this ordinance are severable.

INTRODUCED on the 2nd day of May and ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 6th day of June, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

SIGNED:

ATTEST:


Steve G. Dallas, Mayor


Ashlee Wright, City Clerk

EXHIBIT "A"

Chapter 2.73 Municipal Elections

2.73.010 Change of Election Day. Pursuant to Elections Code Section 1301 and 10403.5, the day of the general municipal election in the City of Carmel-by-the-Sea is moved from the second Tuesday in April of every even-numbered year to the first Tuesday after the first Monday in November of each even-numbered year beginning in 2018.

2.73.020 Consolidated Election. Pursuant to Elections Code Sections 1301 and 10403.5, the City hereby requests the County of Monterey ("County") approve consolidation of the City's April City Council election with the statewide general election conducted by the County in November of each even-numbered year beginning in November 2018.

2.73.030 Extension of Terms of Office. Pursuant to Elections Code Sections 1301 and 10403.5, due to the change of election date, the terms of office of those members of the City Council presently serving whose terms would previously have expired in April 2018, shall instead, continue in their offices until certification of the results and administration of oaths of office after the November general municipal election.

2.73.040 Effective Date. Pursuant to Elections Code Sections 1301 and 10403.5, this Ordinance shall not become operative until approved by the County of Monterey Board of Supervisors.

COST EFFECTIVENESS REPORT

On Changing the City of Carmel-By-The-Sea's Municipal General Election from April of Even-Numbered Years to November of Even-Numbered Years

Prepared by the Registrar of Voters – August 2017

The City of Carmel-By-The-Sea, which has 2,578 registered voters, currently participates in the second Tuesday of April in even-numbered year elections. The city has requested to move to the even-numbered year general election beginning in November 2018.

If the change is approved, the City of Carmel-By-The-Sea may experience some savings in future even-year general elections. The Registrar of Voters (ROV) estimates that if the city has sufficient nominees to appear on the ballot in the November 2018 Consolidated Election, its share of the election could be anywhere from \$15,468 to \$20,624. The same contest as a stand-alone municipal election most recently cost \$39,872.61.

There are many jurisdictions participating in an even-numbered year statewide election. Multiple jurisdictions - federal, state, county, city, school and special districts - share the cost of elections. The portion attributable to federal, state and county, which amounts to approximately a third of the total cost of an even-numbered year election, is absorbed by the county. Thus, the proportion chargeable to each local jurisdiction, i.e. cities, schools and special districts – is much lower in a consolidated election compared to a stand-alone election.

Moving the city's election date would have some impact on the ROV election systems, including the ballot layout, voting, ballot counting and election reporting systems. There would be an increase in the number of ballot types and possibly the length of even-year election ballots and could cause an additional ballot card. This could increase the overall cost of the election, which would then be proportionally distributed among all cities, schools and special districts.

Range provides an effective historical estimate for a variety of possible factors unknown in advance, including turnout, number of districts calling an election, number of measures and candidates who will file and staff time. The greater the number of districts that go to election and the shorter the text of the measure in the voter guide, the more likely it is actual incurred expenses will tend towards the lower end of the estimated range.