



MEMORANDUM

TO: City Council

FROM: Jessica Matson, Legislative & Information Services Director/City Clerk

SUBJECT: Consideration of Resolutions for the 2022 General Municipal Election for the Election of Certain Officers of the City

DATE: May 24, 2022

SUMMARY OF ACTION:

Calling and giving notice of the City's General Municipal Election to be held on November 8, 2022, for the election of one Councilmember for District 1, one Councilmember for District 4, and an at-large Mayor; a request to the County of San Luis Obispo for consolidation of the election; and adoption of regulations pertaining to submittal of a candidate statement.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

Funding for the November 2022 General Municipal Election has been included in the Fiscal Year 2022-23 Budget in the amount of \$28,000, based on the estimate received from the San Luis Obispo County Clerk's office.

RECOMMENDATION:

1) Adopt a Resolution calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2022, for the election of certain officers of the City; 2) Adopt a Resolution requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 8, 2022; and 3) Adopt a Resolution adopting regulations for candidates governing the submittal of a Candidate Statement.

BACKGROUND:

Historically in Arroyo Grande, the Mayor and City Council members were elected in at-large elections where each of the four Council Members and the Mayor were elected by the registered voters of the entire City. On October 2, 2019, the City received a "Notice of Violation of California Voting Rights Act" and a report from attorney Robert Goodman, brought on behalf of Maria Minicucci, asserting that the City's at-large method of conducting elections may violate the California Voting Rights Act (the "Act") and threatening litigation if the City did not voluntarily transition to a district-based election system.

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On October 16, 2019, after consideration of the information filed in the Notice of Violation, the City Council adopted Resolution No. 4949 (Attachment 4) declaring its intent to transition from at-large to district-based elections by November 2022 and entered into a Settlement Agreement with Ms. Minicucci. While the Act requires public entities complying with Elections Code Section 10010 and agreeing to transition to district-based elections to do so in an expedited fashion, Ms. Minicucci agreed to allow the City to defer implementation of the district-based election system until the November 2022 election if the City was willing to enter into a Settlement Agreement to that effect.

On April 12, 2022, after a series of public hearings and workshops in 2021 and 2022, the City Council adopted Ordinance 713 (Attachment 5) establishing a by-district election system and created district boundaries. In November 2022, electors in Districts 1 and 4 will vote for a City Councilmember from their district. In November 2024, electors in Districts 2 and 3 will vote for a City Councilmember from their district. The Mayor will continue to be elected by registered voters of the entire City (at-large).

State law establishes the dates when general law cities conduct municipal elections for the purpose of electing members of the City Council. The office of Council Member is a four-year term, with terms expiring at staggered intervals (i.e., terms of office for two members of the City Council are scheduled to expire every two years). The office of Mayor is a two-year term pursuant to a voter-approved measure adopted in 1982. The California Elections Code establishes procedures and requirements for conducting a General Municipal Election. As the first step in the election process, certain Resolutions must be adopted by the City Council.

ANALYSIS OF ISSUES:

Pursuant to Municipal Code Section 1.08.010, the City of Arroyo Grande will conduct a General Municipal Election on the same day as, and consolidated with, the Statewide General Election. The Statewide General Election is held on the first Tuesday after the first Monday in November in even numbered years. This year, the date of the Statewide General Election is Tuesday, November 8, 2022. The request for consolidation must be submitted to the County Board of Supervisors no later than August 12, 2022 (at least 88 days prior to the date of the election).

By consolidating the election with other jurisdictions in the County, costs to the City to conduct the election are substantially reduced. Following the election, the County invoices the City for its proportional share of the costs. The estimated cost of \$28,000 for the 2022 General Election has been included in the FY 2022-23 Budget.

The printing of candidate statements in the sample ballot booklet is also included in the City's election costs. Since 2008, the City has sought full cost recovery from the candidate for the publication of a candidate statement pursuant to State law, since the publication

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of a candidate statement is optional and not a requirement. This is a consistent practice among most California cities. It is recommended that the word count limit be set at 200 words per statement, consistent with previous elections. The City requires an initial deposit at the time a candidate files his/her nomination papers. Candidates are then invoiced (or sent a refund) after the County calculates the share of costs for printing/mailing of the sample ballot booklet for each agency and candidate.

In 2022, the terms of Council Member Jimmy Paulding, Council Member Keith Storton, and Mayor Caren Ray Russom are expiring.

The nomination period for candidates running for a seat on the City Council for the District 1 City Council Member position, the District 4 City Council Member position, and for Mayor is Monday, July 18, 2022, through Friday, August 12, 2022. If an incumbent does not file nomination papers and qualify by the close of the nomination period, the filing period is extended for non-incumbents for five (5) days pursuant to State law. Candidates for the District 1 City Council Member and District 4 City Council Member seats must live in the districts for which they are nominated.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. Adopt the Resolutions pertaining to the 2022 Municipal Election; or
2. Provide other direction to staff.

ADVANTAGES:

Adoption of the proposed Resolutions will meet the provisions required by the California Elections Code for calling and giving notice of a General Municipal Election, requesting the services of the County to conduct a consolidated election, and setting forth regulations for candidates pertaining to the filing of candidate statements.

DISADVANTAGES:

There are no identified disadvantages related to adoption of the proposed Resolutions as they are required by State law in order to conduct a Consolidated General Municipal Election in the City.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. A Notice of Election will be published in the newspaper pursuant to the timeline prescribed by the Elections Code.

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Attachments:

1. Proposed Resolution – Calling and Giving Notice of the November 8, 2022 Election
2. Proposed Resolution – Consolidation with the County
3. Proposed Resolution – Regulations for Candidate Statements
4. Resolution 4949
5. Ordinance 713
6. [April 12, 2022 Staff Report](#)