

RESOLUTION NO. 10372

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022; (2) REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES GRANT THE CITY'S REQUEST FOR CONSOLIDATION OF SAID GENERAL MUNICIPAL ELECTION WITH THE NOVEMBER 8, 2022 STATEWIDE GENERAL ELECTION ADMINISTERED BY THE REGISTRAR-RECORDER/COUNTY CLERK OF THE COUNTY OF LOS ANGELES ("COUNTY CLERK"); (3) REQUESTING THAT THE COUNTY CLERK PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES IN CONNECTION WITH THE CITY'S GENERAL MUNICIPAL ELECTION; AND (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE REGARDING CANDIDATE STATEMENTS

WHEREAS, to address declining voter turnout in federal, state, and municipal elections, the California Legislature adopted Senate Bill 415 ("SB 415"), which was signed into law by Governor Jerry Brown on September 1, 2015. SB 415 restricts cities from holding an election on any date other than a statewide election date beginning in 2018; and

WHEREAS, to comply with SB 415, the City Council of the City of El Monte ("City Council") adopted Ordinance No. 2885 on July 5, 2016, to set the date of its regular General Municipal Elections to coincide with the statewide election date of the Tuesday following the first Monday in November of even-numbered years beginning in 2018. The Los Angeles County Board of Supervisors (the "Board of Supervisors") approved the City's request to change election dates on September 6, 2016; and

WHEREAS, on April 5, 2022, the City Council approved Ordinance No. 3010 ("Ordinance No. 3010") which, beginning with the November 2022 General Municipal Election cycle, changes the composition of the City Council and the manner in which certain City Council members are elected to office; and

WHEREAS, prior to the enactment of Ordinance No. 3010, the City Council was composed of five (5) members total made up of four (4) regular City Council members elected at-large who serve staggered four-year terms of office; plus one (1) Mayor elected at-large who serves a two-year term of office; and

WHEREAS, under Ordinance No. 3010, the City Council will be composed of seven (7) members total made up of six (6) regular City Council members elected by districts who will serve staggered four-year terms of office and one (1) Mayor who will continue to be elected at-large, serving a two-year term of office (A map of the City Council districts is attached and incorporated hereto as **Exhibit "A"**); and

WHEREAS, the regular City Council seats for districts 2, 3, 5 and 6 will first be up for election with the November 2022 election cycle while the regular City Council seats for districts 1 and 4 will be phased-in and first be up for election with the November 2024 election cycle in order to achieve staggering of regular City Council seats; and

WHEREAS, to achieve balanced staggering of the regular City Council seats the term of office for the District 5 City Council seat will be for an abbreviated two-year term of office for the November 2022 election cycle and will be up for election again, along with districts 1 and 4 during the November 2024 election cycle at which time the District 5 seat shall thereafter be for a full four-year term of office like the City Council seats for the other districts; and

WHEREAS, under the provision of the laws relating to general law cities in the State of California, the City's next General Municipal Election will be held on Tuesday,

November 8, 2022 (said election hereinafter referred to as the "2022 City Election"), for the election of a Mayor, multiple City Council members, a City Clerk and a City Treasurer; and

WHEREAS, it is desirable that the City's 2022 City Election be consolidated with the Statewide General Election administered by the Registrar-Recorder/County Clerk for the County of Los Angeles ("County Clerk") on the same date and that the City have the same precincts, polling stations, and election officers within the City for such election; and

WHEREAS, the City Council desires that the County Clerk canvass the returns of the 2022 City Election; and

WHEREAS, the City seeks the provision of election services from the County Clerk relating to the conduct of the 2022 City Election; and

WHEREAS, the City Council further requests the printing of the information for the 2022 City Election, in the foreign languages requiring translation pursuant to the Voting Rights Act of 1965; and

WHEREAS, Elections Code Section 13307 provides that the City may adopt regulations pertaining to the recovery of certain costs associated with the printing, handling, translation, and mailing of candidate statements as filed with the elections officer; and

WHEREAS, the City shall compensate the County Clerk for all necessary expenses incurred by the County Clerk in performing election services for the City.

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

SECTION 1. The above recitals are true and correct and incorporated herein by reference.

SECTION 2. Pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council hereby calls and orders a November 8, 2022, General Municipal Election for the City of El Monte, as referenced in the recitals above, to be held in the City of El Monte for the purpose of electing the following municipal officers:

- A. *One (1) Mayor elected at-large from the entire City who will serve a two-year term of office; and*
- B. *One (1) regular City Council member elected by-districts for **City Council District 2** who will serve a four-year term of office; and*
- C. *One (1) regular City Council member elected by-districts for **City Council District 3** who will serve a four-year term of office; and*
- D. *One (1) regular City Council member elected by-districts for **City Council District 6** who will serve a four-year term of office; and*
- E. *One (1) regular City Council member elected by-districts for **City Council District 5** who will serve an abbreviated two-year term of office; and*
- F. *One (1) City Clerk elected at-large from the entire City who will serve a four-year term of office; and*
- G. *One (1) City Treasurer elected at-large from the entire City who will serve a four-year term of office.*

SECTION 3. Pursuant to the requirements of Elections Code Section 10403, it is respectfully requested that the Board of Supervisors consent and agree to the consolidation of the 2022 City Election with the County Clerk-administered Statewide General Election to be held November 8, 2022.

SECTION 4. In connection with the County Clerk's administration of the 2022 City Election, the City further requests that the County be authorized and directed to: (a) review and verify absentee voter applications and signatures; (b) conduct registered voter verifications (including signature verifications); (c) provide the City with the appropriate election precinct data, to the extent required; (d) provide election facilities, ballot casting equipment, and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisors' approval; (e) canvass the election returns; (f) print and supply ballots for the election and voting equipment; (g) mail the City's sample ballots; and (h) administer the 2022 City Election in all respects as if it were part and parcel of any other County Clerk-administered election of the same date, implementing all such legally required or customarily employed measures and practices as may be necessary to conduct the election in a timely and legally compliant manner.

SECTION 5. The City shall reimburse the County Clerk for any costs associated with the administration of the 2022 City Election.

SECTION 6. The City hereby consents to have the 2022 City Election consolidated with the County Clerk-administrated Statewide General Election of November 8, 2022, and that the 2022 City Election be administered by the County Clerk as if it were part and parcel of County Clerk-administered Statewide General Election of the same date.

SECTION 7. The ballots to be used at the election shall be in form and content as required by law or as directed by the County Clerk to facilitate the consolidation of the 2022 City Election with the County-administered election of the same date.

SECTION 8. The City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, district data, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the 2022 City Election.

SECTION 9. The polls for the 2022 City Election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, unless otherwise directed by the County Clerk, in accordance with state law.

SECTION 10. The City Council authorizes the City Clerk to cooperate and coordinate with the County Clerk in the administration of 2022 City Election and further authorizes the City Clerk to see that all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill by the County Clerk.

SECTION 11. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the 2022 City Election may prepare a candidate statement on a form acceptable to the County Clerk and made available through the City Clerk.

SECTION 12. Pursuant to Section 13307(a)(1) of the Elections Code candidate statements for the 2022 City Election may include the following:

- A. The name, age, and occupation of the candidate; and
- B. A brief description of no more than two hundred (200) words of the candidate's education and qualifications as expressed by the candidate himself or herself.

SECTION 13. Pursuant to Elections Code Section 13307(a)(1), candidate statements for the 2022 City Election shall not include the following:

- A. The party affiliation of the candidate; or
- B. References to membership or activity in partisan political organizations.

SECTION 14. All prospective candidates should be aware of the holding in *Dean v. Superior Court* (1998) 62 Cal.App.4th 638, which holds that a statement prepared by a candidate for inclusion in the voters' pamphlet may not include comments or statements concerning the qualifications (or alleged lack of qualifications) of one's opponents. Candidates, in an abundance of caution, should avoid making any reference to opponents in their candidate statements. Candidates should seek the advice of private legal counsel if unsure as to whether their candidate statement does or does not comply with applicable law before filing.

SECTION 15. The candidate statement shall be filed in typewritten form at the Office of the City Clerk at the time the candidate's nomination papers are filed. The candidate statement may be withdrawn, but not changed, during the period for filing nomination papers until 5:00 p.m. of the next working day after the close of the nomination period, August 12, 2022.

SECTION 16. Subject to any logistical constraints imposed by the County Clerk by virtue of consolidation, the City Clerk shall have translated (from the English to relevant foreign languages authorized under the Voting Rights Act of 1965) and printed in the voters' pamphlet only the candidate statement of those candidates who request such translation and printing at the time of filing of the candidate statement.

SECTION 17. No candidate for any elected office of the City shall be permitted to include additional materials in the voters' pamphlet and sample ballot package.

SECTION 18. Each candidate for any of the offices to be elected at the 2022 City Election, who files a candidate statement shall, as a condition of having his or her candidate statement included in the voters' pamphlet, concurrently deposit with the City Clerk an amount, as reasonably estimated by the City Clerk, to pay in advance his or her estimated *pro rata* share of the actual costs of printing and handling such candidate statements incurred by the County Clerk as a result of providing such service at the time of filing such statement with the City Clerk. In the event that the amount paid as a deposit by a candidate includes overpayment of actual costs incurred by the City of El Monte and/or the County Clerk, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days following the date of the election.

SECTION 19. The City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 20. Pursuant to Section 15651(b) of the Elections Code, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, there shall be held within the City a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than forty (40) nor more than one hundred twenty-five (125) days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 21. 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 22. 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 23. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 24. That the City Clerk shall forward without delay, a copy of this Resolution to Board of Supervisors and the County Clerk.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the adjourned regular meeting of this 21st day of June 2022.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Catherina A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, do hereby certify that the above and foregoing Resolution No. 10372 was passed, approved, and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at an adjourned regular meeting of said City held on this 21st day of June 2022, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Ancona, Mayor Pro Tem Puente, Councilmembers Herrera,
 and Dr. Morales

NOES: None

ABSTAIN: None

ABSENT: Councilmember Martinez Muela



Catherine A. Eredia, City Clerk
City of El Monte