

RESOLUTION NO. 10151

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 3, 2020; (2) REQUESTING CONSOLIDATION OF SUCH ELECTION WITH COUNTY OF LOS ANGELES ELECTIONS HELD ON SUCH DATE; (3) REQUESTING THE COUNTY OF LOS ANGELES TO PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES; (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE REGARDING CANDIDATE STATEMENTS; AND (5) PROVIDING FOR THE CONDUCT OF A SPECIAL ELECTION IN THE EVENT OF A TIE VOTE FOR CANDIDATES FOR OFFICE

WHEREAS, on July 6, 2004, the City Council of the City of El Monte (the "City Council" of the "City") approved Ordinance No. 2616, which moved the date of the City's general municipal election to the first Tuesday following the first Monday in November in odd-numbered years; and

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 adopted Ordinance No. 2885 on July 5, 2016, to adjust the date of its regular City elections from the Tuesday after the first Monday in November of odd-numbered years to the statewide election date of the Tuesday after the first Monday in November of even-numbered years beginning in 2018. The Los Angeles County Board of Supervisors (the "County Board") approved the City's request to change election dates on September 6, 2016; and

WHEREAS, under the provision of the laws relating to general law cities in the State of California, the City's general municipal election shall be conducted on Tuesday, November 3, 2020 (the "2020 City Election"), for the election of the following municipal officers: (i) one (1) Mayor for a full term of two (2) years; (ii) two (2) City Councilmembers, each for the full term of four (4) years; and

WHEREAS, it is desirable that the City's 2020 City Election be consolidated with any and all elections to be administered by Los Angeles County (the "County") 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 wishes for the Office of the Registrar-Recorder/County Clerk for the County (the "County Clerk") to canvass the returns of the 2020 City Election; and

WHEREAS, the City seeks the provision of election services from the County relating to the conduct of the 2020 City Election; and

WHEREAS, the City Council approves the printing of the information for 2020 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 for all necessary expenses incurred by the County in performing election services for the City; and

WHEREAS, Section 15651(b) of the Elections Code authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a so-called Special Runoff Election 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 EL MONTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and corrected 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 the 2020 City Election, as defined 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 for a full term of two (2) years; and
- B. Two (2) City Council Members, each for the full term of four (4) years

SECTION 3. Pursuant to the requirements of Elections Code Section 10403, it is respectfully requested that the County Board consent and agree to the consolidation of the 2020 City Election on Tuesday, November 3, 2020 with the County-administered election of the same date.

SECTION 4. In connection with the County's administration of the 2020 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) make available to the City such election facilities, ballot casting equipment, and assistance as may be necessary to conduct the election in compliance with state law and the County Board's approval; (e) canvass the election returns; (f) print and supply ballots for the election; (g) mail the City's sample ballots; and (h) administer the 2020 City Election in all respects as if it were part and parcel of any other County administered election, 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 of El Monte shall reimburse the County Clerk for any costs associated with the administration of the 2020 City Election.

SECTION 6. The City hereby consents to have its 2020 City Election on Tuesday, November 3, 2020 consolidated with any and all elections conducted on such date within the County.

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 2020 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, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the 2020 City Election.

SECTION 9. The polls for the 2020 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 administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

SECTION 11. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the 2020 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 2020 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 2020 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 and until 5:00 p.m. of the next working day after the close of the nomination period, August 7, 2020.

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 2020 City Election to be conducted on November 3, 2020, 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 and/or 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.

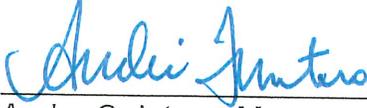
SECTION 21. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

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 County Board 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 23rd day of June, 2020.



Andre Quintero, 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. 10151 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 23rd day of June, 2020, and that said Resolution was adopted by the following votes to wit:

AYES: Mayor Quintero, Mayor Pro Tem Morales, Councilmembers Ancona and Velasco

NOES: None

ABSTAIN: None

ABSENT: Councilmember Martinez Muela



Catherine A. Eredia, City Clerk
City of El Monte