RESOLUTION NO. 20-025

RESOLUTION ORDERING AN ELECTION, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, AND REQUESTING CONSOLIDATION OF THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION FOR THE CITY OF PACIFIC GROVE

WHEREAS, in accord with Article 8 of the Charter of the City of Pacific Grove and the General Laws of the State of California, a General Municipal Election shall be held in the City of Pacific Grove for election of a Mayor for the full term of two years, and three Councilmembers for full terms of four years each. The General Election shall be held on Tuesday, November 3, 2020, from the hours of 7:00 a.m. until 8:00 p.m.; thereafter polls shall be closed.

WHEREAS, qualified electors at said Election shall be entitled to vote for nominees for the following offices: Office of Mayor (a two-year term), with one person to be elected; and Office of Councilmember (four-year terms), with three persons to be elected. Additionally, the term for any Councilmember who files for the office of Mayor shall automatically expire on the Tuesday following the election, and the nomination filing period for the unexpired term for that seat shall be extended to August 12, 2020. Qualified electors at said Election shall also be entitled to vote for any initiative(s) and/or measure(s) that may hereafter qualify for placing on the ballot.

WHEREAS, pursuant to Elections Code Section 13307, the City resolves that each candidate shall pay for cost of his or her candidate's statement; each statement shall not exceed 200 words.

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes (“tie votes”) for an office to be voted upon. The City Clerk shall resolve any tie vote by coin toss.

WHEREAS, the Pacific Grove City Council requests the Monterey County Board of Supervisors consolidate the General Municipal Election with the General Statewide Election scheduled for Tuesday, November 3, 2020. The City Council requests consolidation of election precincts, polling places and voting booths be the same as for the General Statewide Election, and to further that the form of a ballot used within the City of Pacific Grove specify duly qualified candidates for the offices and for any initiative(s) and/or measure(s) that may hereafter qualify for the ballot.

WHEREAS, the Pacific Grove City Council further requests the Monterey County Board of Supervisors order the County Registrar of Voters prepare and mail sample ballots with candidates’ statement and any initiative(s) and/or measure(s) ballot that may hereafter qualify for placement on the ballot to the qualified electors of the City; obtain appropriate precinct locations and trained precinct workers; prepare and count the ballots on Election Night or thereafter; and certify the election results, in the manner provided by law.

WHEREAS, the City Clerk and County Registrar of Voters are authorized to print forms, publish notices and provide information as may be necessary or convenient to assure the orderly conduct of the
election, and they shall do all other things necessary to facilitate the holding of the election in a manner consistent with law.

WHEREAS, pursuant to Elections Code Section 10002, The Registrar of Voters is authorized to bill the City, on a prorated basis, for costs associated with this General Municipal Election.

WHEREAS, a Notice of Election shall be published in an official newspaper of general circulation in the City in accordance with the Elections Code 12101.

WHEREAS, except as otherwise recited in this resolution, the election shall be held and conducted as provided by the general law for holding municipal elections.

WHEREAS, the City Council requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and the City shall reimburse the county in full for the services performed upon presentation of a bill pursuant to Elections Code Section 10002.

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate’s statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and
WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes (“tie votes”) for an office to be voted upon; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on a November 3, 2020;

NOW THEREFORE, BE IT RESOLVED AND ORDERED that the governing body of the City of Pacific Grove hereby orders an election be called and consolidated with any and all elections also called to be held on November 3, 2020 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full, and

BE IT FURTHER RESOLVED AND ORDERED that the Monterey County Elections Department conduct the election for the purpose of electing three (3) Council Members and one (1) Mayor to this Governing Board on the November 3, 2020 ballot.

BE IT FURTHER RESOLVED AND ORDERED that pursuant to Election Code Section 13307 the City of Pacific Grove has resolved that all costs of the Candidate’s statement be paid by the candidates and that no candidate may submit a statement of over 200 words.

BE IT FURTHER RESOLVED AND ORDERED that tie votes shall be determined by coin toss.

PASSED AND ADOPTED by the City Council of the City of Pacific Grove on this 1st day of July, 2020 by the following vote:

AYES: Mayor Peake, Mayor Pro Tem Huitt, Councilmembers Amelio, Garfield, McAdams, Smith, and Tomlinson

NOES: None.

ABSENT: None.

APPROVED: _________________________

BILL PEAKE, Mayor

ATTEST: _________________________

SANDRA KANDELL, City Clerk
APPROVED AS TO FORM:

David C. Laredo

DAVID C. LAREDO, City Attorney