



## **CITY COUNCIL AGENDA REPORT**

**Meeting Date: June 16, 2022**

**From:** Ingrid Padilla, City Clerk

**Subject:** November 8, 2022 General Municipal Election

### **COMMUNITY GOAL**

Community Building

### **RECOMMENDATION**

Adopt the attached Resolution calling a General Municipal Election to be held on Tuesday, November 8, 2022, adopting procedures pertaining to the conduct and administration of such election including requesting the San Mateo County Clerk-Recorder to provide specified elections services, and authorizing the City Manager to enter into a Service Agreement with San Mateo County Officials for election related services.

### **BACKGROUND**

The San Mateo County Elections Division will hold a General Election on November 8, 2022. This election will be an All Mailed Ballot/Vote Center Election under the California Voter's Choice Act. Every registered voter in Brisbane will receive through the mail a Vote by Mail ballot which may be returned by mail (postage prepaid) or dropped off at any Vote Center or Ballot Drop-off Box located throughout the County.

Vote Centers replace traditional polling places and are open for voting during a 29-day period prior to Election Day and on Election Day. Vote Centers provide expanded voter services such as voter registration, multilingual assistance, and disabled access voting options. Brisbane City Hall is scheduled to be a San Mateo County Voter Center and will be open three days prior to Election Day and on Election Day, i.e., November 5, 6, 7, and 8, 2022.

### **DISCUSSION**

The attached resolution calls for election to fill two City Council member terms currently held by Council members Davis and O'Connell, for a term of four years each. Citizens (including current members of the City Council) who are interested in running for City Council may pick up a nomination packet from the City Clerk between July 18 and August 12, 2022. If an incumbent chooses not to or fails to file the nomination paper during the filing period, the filing period will be extended to August 17, 2022. Nomination papers must include 20 to 30 signatures of Brisbane registered voters. There will also be some paperwork to file regarding campaign disclosures and disclosures of economic interests. Although there is no filing fee, there will be a cost to print a candidate's statement in the voter pamphlet which is estimated to be \$300, to be paid after the election. (Candidate's statement are optional.)

San Mateo County has also requested the City enter into a the attached Services Agreement for election related services. It sets forth with some specificity what services related to the November 2022 election the City will perform and what services the County election officials will perform. It also provides the City will reimburse the County for election related services the County provides. Based on past general municipal election costs, the City has budgeted \$15,000 for this election.

FISCAL IMPACT

The cost to conduct the election is determined by the number of registered voters at the time of the election. The election cost is currently budgeted at \$15,000 which will be included in the City Clerk's 2022/2023 budget.



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Ingrid Padilla, City Clerk



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Clay Holstine, City Manager

- Attachment: 1. Resolution 2022-XX  
2. Service Agreement for Election Services

# **ATTACHMENT 1**

## **DRAFT**

### **RESOLUTION NO. 2022-XX**

#### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRISBANE CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2022 IN CONJUNCTION WITH A UNIFORM DISTRICT ELECTION AND ADOPTING PROCEDURES PERTAINING TO THE CONDUCT AND ADMINISTRATION OF SUCH ELECTION INCLUDING REQUESTING THE SAN MATEO COUNTY CLERK-RECORDER TO PROVIDE SPECIFIED ELECTION SERVICES**

WHEREAS, pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, a regular general municipal election shall be held in Brisbane on the 8th day of November, 2022 for the purpose of electing three members of the City Council of Brisbane; and

WHEREAS, the November 8, 2022 election will be conducted as a General Election, i.e., an All-Mailed Ballot/Vote Center Election under the California Voter's Choice Act (Senate Bill 450) by which every registered voter will be receiving a Vote by Mail Ballot through the mail and which ballot may be returned by mail or dropped off at any Vote Center or Ballot Drop-off Box located throughout the county during the 29 day period prior to the Election Day and on Election Day; and

WHEREAS, the City Council adopted Ordinance 620 on June 1, 2017, and the San Mateo County Board of Supervisors approved the changes to comply with state legislation—the California Voter Participation Rights Act (Senate Bill 415)—that requires generally City Council elections be held in conjunction with statewide elections in even numbered years to increase voter participation; and WHEREAS, under Ordinance 620, the electors will elect two members of the City Council of Brisbane for a term of four years; and

WHEREAS, the Elections Code of the State of California authorizes the governing body of any local agency to adopt procedures pertaining to materials prepared by any candidate for a municipal election, including costs thereof;

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Brisbane, San Mateo County, California, as follows:

1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities within said State, there shall be, and there is hereby called and ordered, held in Brisbane, County of San Mateo, State of California, on Tuesday, the 8th day of November, 2022, a regular general municipal election of the qualified electors of Brisbane for the purpose of electing three members of the City Council of Brisbane for a term of four years, which election shall be conducted as a General District Election (an All Mailed Ballot/Vote Center Election) under the California Voter's Choice Act and as authority by San Mateo County.
2. That, pursuant to the Elections Code of the State of California, each candidate for elective office to be voted for at the general municipal election to be held in Brisbane on November 8, 2022 may prepare a candidate's statement on an appropriate form provided by the City Clerk, such statement shall be limited to 400 words, each candidate filing a candidate's statement shall be billed for the services rendered a sum not greater than the actual prorated

costs of printing, handling and translating, and such bill shall be due and payable immediately upon receipt thereof.

3. Said Election shall be held and conducted, the votes thereof canvassed, the returns thereof made, and the results thereof ascertained and determined as herein provided; and in all other particulars not prescribed by this resolution, the Election shall be held and conducted and the votes canvassed as provided in the Elections Code of the State of California.

4. The Board of Supervisors of the County of San Mateo is hereby requested to permit the Registrar of Voters of said County to render services relating to the conduct of said Election to be held within the City of Brisbane on Tuesday, November 8, 2022.

5. The All Mail and Vote Center coordination and officers of election shall be established, designated, and appointed as usual by the Registrar of Voters, San Mateo County, who shall also canvass the returns and prepare and mail a statement of the results thereof, all as provided by the appropriate provisions of the Elections Code of the State of California.

6. All qualified voters residing within the City of Brisbane, upon the date of the Election herein provided for, shall be qualified to vote at said Election and allowed to cast their ballot during the 29-day period prior to Election Day and on Election Day via mail, or at a Vote Center within the County.

7. The Registrar of Voters of San Mateo County shall be responsible for procuring the rosters and all other supplies necessary to properly and lawfully conduct the Election.

8. The Vote Center in Brisbane at City Hall shall be kept open from 9:00 a.m. -5:00 p.m. on November 5<sup>th</sup>,6<sup>th</sup>, and 7<sup>th</sup> and at 7:00 a.m. on Election Day- November 8<sup>th</sup>, and shall be kept open until 8:00 p.m., except as to voters in line as provided in the Elections Code.

9. That this City Council shall, and does hereby, accept the usual and customary terms and conditions of the performance of said election services by said Registrar of Voters; and the City Council further agrees to make payments therefor as may be set forth in a billing to the City of Brisbane from the Registrar of Voters prescribing the amount due for costs incurred from the rendering of election services, all as provided by the provisions of the Elections Code of the State of California.

10. Notice of election shall be posted pursuant to Elections Code.

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Coleen Mackin  
Mayor

I hereby certify that the foregoing Resolution No. 2022-XX was duly and regularly adopted at the regular meeting of the Brisbane City Council on June 16, 2022 by the following vote:

AYES:

NOES:

ABSENT:

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Ingrid Padilla  
City Clerk

**ATTACHMENT 2  
DRAFT  
SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES  
BETWEEN THE «MUNICIPALITY» AND  
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR-COUNTY CLERK-RECORDER**

This Service Agreement for the Provision of Election Services (“Agreement”), entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the «Municipality» (the “Municipality”) and San Mateo County Chief Elections Officer & Assessor – County Clerk – Recorder (the “Chief Elections Officer”);

WHEREAS, it is necessary and desirable that the Chief Elections Officer be retained for the purpose of conducting an election, described in more detail below, for the Municipality; and

WHEREAS, the Chief Elections Officer has been asked by the Municipality to conduct an election on November 8, 2022 (the “Election”).

NOW, THEREFORE, IT IS HEREBY AGREED BY THE PARTIES HERETO AS FOLLOWS:

SERVICES TO BE PERFORMED BY THE MUNICIPALITY:

- 1) Within the time frame set by statute, the Municipality will request the Board of Supervisors, through the Chief Elections Officer, to conduct an election relating to the Municipality on November 8, 2022 and will request the services of the Chief Elections Officer in relation to the Election.
- 2) The Municipality will publish the Notice of Election and the Notice to File Declarations of Candidacy for the offices to be voted on and/or the Notice to File Arguments For or Against any measure.
- 3) The Municipality will submit to the Chief Elections Officer the offices to be voted on and the measure ballot questions by 88 days prior to the Election. The Municipality will submit to the Chief Elections Officer the names and ballot destinations of the candidates to appear upon the ballot by 81 days prior to the Election.
- 4) The Municipality will prepare and deliver to the Chief Elections Officer the ballot pamphlet information containing, as applicable, candidate designations and statements, ballot measure(s), tax rate statement(s), impartial analyses, arguments for or against measures and rebuttals thereto.
- 5) The Municipality will review and sign off on the official ballot wording for measures.
- 6) The Municipality will complete any other non-delegable tasks required by law in relation to the Election.
- 7) The Municipality shall maintain records/maps regarding the boundaries of the Municipality and will notify the Chief Elections Officer of any changes/additions to those boundaries by 125 days prior to the Election.

SERVICES TO BE PERFORMED BY CHIEF ELECTIONS OFFICER:

- 1) The Chief Elections Officer will select the sample and official ballot printer(s) and translators.
- 2) The Chief Elections Officer will prepare and deliver all election information to the printers and translators.
- 3) The Chief Elections Officer will determine the appropriate translation and transliteration of all pertinent documents.

- 4) The Chief Elections Officer will issue, receive and process vote by mail ballots.
- 5) The Chief Elections Officer will set up ADA compliant Vote Centers, publish any required notices and conduct the Election.
- 6) The Chief Elections Officer will provide services for any official recount or election contest, if applicable.
- 7) The Chief Elections Officer will conduct all aspects of the Canvass of Votes Cast. Pursuant to Section 10262 of the Elections Code, the Chief Elections Officer will submit a Certificate of Chief Elections Officer to the Municipality's governing body certifying the results of the Election.
- 8) The Chief Elections Officer will conduct other various and miscellaneous election-related activities directly required to conduct the Election itself. To the extent that the Municipality has obligations under law to perform various duties that relate to the Election beyond those directly involved with conducting the Election, those duties remain the responsibility of the Municipality. If the Municipality wishes to have any such duties performed by the Chief Elections Officer, the parties must mutually agree in advance in writing to have the Chief Elections Officer perform such duties. By way of example only, if the Municipality is required to send certain notices or adopt resolutions relating to the Election, those duties remain duties of the Municipality.

TERMS:

This Agreement shall be in effect for the performance of all services incident to the preparation and conduct of the Election to be held on November 8, 2022, including before and after said Election date.

In the event the Chief Elections Officer is unable to perform services required under this Agreement as a result of employer/employee relation conditions, vendor conditions, the unavailability of Federal, State, or County funds, COVID-19-related limitations, and/or other conditions beyond the control of the Chief Elections Officer, the Chief Elections Officer will be relieved of all obligations under this Agreement. The Chief Elections Officer may terminate this Agreement after giving 72 hours written notice, at which time the Chief Elections Officer will be relieved of all obligations under this Agreement.

This Agreement can be terminated by the Municipality upon 30 days written notice.

COST FOR SERVICES

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including 1) any and all costs incurred during a recount or election contest that are not reimbursed by the voter requesting the recount or filing the contest as specified in the Elections Code and 2) any other costs associated with the Election, such as return postage costs and costs for ensuring voter accessibility, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the Election, including all such services, supplies, and other costs.

The Chief Elections Officer shall send an itemized invoice to the Municipality for all services provided pursuant to this Agreement after the Election is conducted and all related costs are determined. Payment on the full amount of the invoice shall be due and the Municipality shall submit payment to the County of San Mateo within forty-five (45) days of the date of the invoice (the "Due Date"). If the amount is not paid in full within this time, interest shall accrue monthly at a rate of 0.25% per month (equivalent to 3% annually) on the unpaid balance starting at the Due Date. Thereafter, invoices will be sent and shall be payable within thirty (30) days of the date of the invoice, with interest being added each month for any unpaid balance.

MUNICIPALITY

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

COUNTY

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_