



OFFICE OF THE CITY MANAGER

Council Meeting Date: June 17, 2014
Staff Report #: 14-111

Agenda Item #: D-1

CONSENT CALENDAR:

Adopt a Resolution: a) Calling and Giving Notice of Holding a General Municipal Election for Three Seats on the Menlo Park City Council; b) Requesting that the City Council Consolidate the Election with the Gubernatorial General Election to Be Held on November 4, 2014; and, c) Contracting with the San Mateo County Chief Elections Officer for Election Services

RECOMMENDATION

Staff recommends that the City Council take action on the proposed resolution which formally calls for the election of three City Council seats, consolidates Menlo Park's general municipal election with the Gubernatorial General Election on November 4, 2014 and approves a contract with the County of San Mateo to render services for the election.

BACKGROUND

The General Municipal Election to elect members of the Menlo Park City Council is held in November of even numbered years. City Council members are elected to rotating four-year terms. The terms of three Councilmembers (Cline, Keith and Ohtaki) will expire this year. Historically, the City of Menlo Park consolidates its general municipal election with the County of San Mateo and requests the County to provide specialized services including the printing and mailing of ballot materials, establishing and operating of polling places and the counting of ballots.

ANALYSIS

The Elections Code requires the governing body to adopt a resolution calling for the November 2014 election (Attachment A). Menlo Park consolidates its general municipal election with the County of San Mateo. In order to contract with the San Mateo County Assessor County Clerk Recorder to render services, the City Council must adopt a resolution requesting that the Board of Supervisors approve consolidation and approve a service agreement which specifies the duties of the City and the County (Attachment B)

The following are important dates for the November 4, 2014 election:

July 1 – July 15

Between these dates, the City Clerk shall cause to be published a Notice of Election for three Council seats.

July 16 – August 8

Between these dates, is the Council candidate filing period. Nomination papers, declarations of candidacy and other election materials are available during this time from the City Clerk between established business hours. Paperwork must be filed by 5:00 p.m., the close of business, on August 8, 2014.

August 13

If an incumbent has not filed nomination papers by 5:00 p.m. on August 8, further nomination of candidates, other than incumbents, for the elective offices stated will be received by the City Clerk until 5:30 p.m., the close of business, on August 13, 2014.

Alternatives

There are no alternative actions as this action is required by the Elections Code.

IMPACT ON CITY RESOURCES

According to the San Mateo County Elections Office, the estimated cost of consolidated election services for the three City Council seats is approximately \$30,000. If a Measure is added to the ballot, the estimated total cost of the election is approximately \$40,000. Funds are included in the FY 2014-15 Budget.

POLICY ISSUES

N/A

ENVIRONMENTAL REVIEW

N/A

PUBLIC NOTICE

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. Resolution
- B. Service Agreement for the Provision of Election Services between the City of Menlo Park and San Mateo County Chief Elections Officer & Assessor – County Clerk-Recorder

Report prepared by:
Pamela Aguilar
City Clerk

RESOLUTION NO.**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK CALLING AND GIVING NOTICE OF HOLDING A GENERAL MUNICIPAL ELECTION FOR THREE CITY COUNCIL SEATS; REQUESTING ELECTION CONSOLIDATION WITH THE GUBERNATORIAL GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014; AND CONTRACTING WITH THE SAN MATEO COUNTY CHIEF ELECTIONS OFFICER FOR ELECTIONS SERVICES**

WHEREAS, the City Council of Menlo Park is calling a General Municipal Election to be held on Tuesday, November 4, 2014, for the purpose of electing three council members for full terms; and

WHEREAS, the General Municipal Election is to be consolidated with the Gubernatorial General Election to be held on the same date and that the City precincts, polling places and election officers of the two elections be the same, and that the San Mateo County Assessor-County Clerk-Recorder canvass the returns of the General Municipal Election and that the Election be held in all respects as if there were only one election.

NOW, THEREFORE BE IT RESOLVED that the City of Menlo Park orders as follows:

1. Pursuant to California Elections Code Section 10403, the City Council of Menlo Park is hereby consenting and agreeing to the consolidation of a General Municipal Election with the Presidential General Election to be held on November 4, 2014.
2. That the election precincts, polling places, voting booths and election officials in each of the precincts in which this election shall be held shall be the same as provided for the Gubernatorial General Election on said date, as prescribed by the ordinance, order, resolution or notice of the Board of Supervisors of San Mateo County calling, providing for or giving notice of such other election and which sets forth such precincts, voting booths, polling places and election officials.
3. The City Council further requests that the County Board of Supervisors permit County election official(s) be authorized to render services to the City relating to the conduct of said election. The services shall be of the administrative type normally performed by such County election official(s) in conducting elections including, but not limited to, checking registrations; printing and mailing sample ballots; ballots; candidates' statements; hiring election officers and arranging for polling places; providing and distribution of election supplies; and counting ballots and canvassing returns.
4. That the San Mateo Assessor-County Clerk-Recorder is hereby authorized to canvass the returns of the General Municipal Election, and that the election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

5. The City of Menlo Park recognizes that the costs incurred by the San Mateo Assessor-County Clerk-Recorder, by reason of this consolidation, will be reimbursed by the City of Menlo Park as specified in the Services Agreement that the City of Menlo Park is approving.
6. The City Clerk is hereby directed to submit a certified copy of this resolution to the Board of Supervisors of the County of San Mateo, and to the appropriate County election officials of San Mateo. The City Clerk is also directed to file a copy of the resolution with the San Mateo County Chief Elections Officer/County Clerk.
7. That the City Clerk shall certify to the passage and adoption of this resolution.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the seventeenth day of June, 2014, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this seventeenth day of June, 2014.

Pamela Aguilar
City Clerk

**SERVICE AGREEMENT FOR THE PROVISION OF ELECTION SERVICES
BETWEEN THE CITY OF MENLO PARK AND
SAN MATEO COUNTY CHIEF ELECTIONS OFFICER & ASSESSOR - COUNTY CLERK - RECORDER**

This agreement, entered into this 17th day of June, 2014, by and between the City of Menlo Park (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 Municipality has asked the Chief Elections Officer to conduct an election on November 4, 2014.

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 4, 2014, and will request the services of the Chief Elections Officer in relation to that 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 titles and exact number of offices to be voted on, the names and ballot designations of the candidates for those offices, and/or the exact ballot measure wording to be voted on by the 85th day prior to the election, or by the 81st day prior to the election if Sections 10225, 10229, and 10407 of the Elections Code become applicable.
- 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.

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 voting centers and polling places, 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 4, 2014.

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, 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 either party upon 30 days written notice.

COST FOR SERVICES

In consideration of the performance of services and supplies provided by the Chief Elections Officer, including 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, the Municipality shall pay to the Chief Elections Officer a sum equal to the full cost of the election, including all such services and supplies.

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: _____