



Legislation Details (With Text)

File #: REPORT 19-0368 **Version:** 1 **Name:**
Type: Action Item **Status:** Municipal Matter
File created: 6/3/2019 **In control:** City Council
On agenda: 6/11/2019 **Final action:**
Title: CALLING, REQUESTING CONSOLIDATION, AND CERTAIN
OTHER RESOLUTIONS NECESSARY FOR HOLDING THE
GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2019
(City Clerk Elaine Doerfling)

Sponsors:

Indexes:

Code sections:

Attachments: 1. 1. Election Calendar, 2. 2. #19-xxxx - Call Election (officers & measures), 3. 3. #19-xxxx - County Consolidation, 4. 4. #19-xxxx - Tie Vote, 5. 5. #19-xxxx - Analysis & Arguments, 6. 6. #19-xxxx - Rebuttals

Date	Ver.	Action By	Action	Result
6/11/2019	1	City Council		

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of June 11, 2019**

**CALLING, REQUESTING CONSOLIDATION, AND CERTAIN
OTHER RESOLUTIONS NECESSARY FOR HOLDING THE
GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2019**
(City Clerk Elaine Doerfling)

Recommended Action:

The City Clerk recommends that the City Council adopt the five resolutions pertaining to the November 5, 2019 General Municipal Election to:

1. Call and give notice of the election for certain officers and one measure;
2. Request consolidation with the County of Los Angeles;
3. Provide for a special runoff election for elective officers in the event of a tie vote;
4. Set priorities for the filing of direct arguments and direct the City Attorney to prepare an impartial analysis of the measure; and
5. Provide for the filing of rebuttal arguments for the measure.

Executive Summary:

The City will conduct a General Municipal Election on Tuesday, November 5, 2019, for the election of two Members of the City Council, a City Clerk and a City Treasurer, each to an extended term of five years, and for submitting a question to the voters related to making the City Clerk an appointive position. The measure requires a majority vote for passage.

Background:

The upcoming election is the last of the City's General Municipal elections to be conducted in November of odd-numbered years. At its November 22, 2016 meeting, the Council extended to five years the terms of officers to be elected at the 2017 and 2019 municipal elections in order to accommodate the City's election-date change to November of even-numbered years as required by Senate Bill 415 and enacted by Hermosa Beach Ordinance No. 16-1363, which set November 2022 as the effective date for consolidating the City's General Municipal Elections with the Statewide General Elections conducted by the County of Los Angeles, at which time the terms of elected officials will return to four years.

The ballot measure to change the City Clerk from the elected position it has been since the City's incorporation to an appointed position was initiated by the City Council at its January 22, 2019 meeting, at which time the City Attorney was asked to prepare the ballot question to submit to voters at the November 5, 2019 General Municipal Election, which reads "Shall the office of city clerk be appointive?". The elective City Clerk position will also appear with the other officers on the ballot, as required by law, and the candidate elected by the voters will assume office as City Clerk if the ballot measure fails. The Government Code provides that, if the electors approve the measure, the City Clerk is to be appointed by the City Council, unless the Council enacts an ordinance delegating that function to the City Manager. Said ordinance may be introduced on first reading prior to or after the November election but may not be adopted until after voters approve the measure.

Resolutions for Adoption:

1. RESOLUTION NO. 19-_____ - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES AND FOR SUBMISSION TO THE VOTERS A QUESTION RELATING TO MAKING THE CITY CLERK AN APPOINTIVE POSITION."
2. RESOLUTION NO. 19-_____ - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019, WITH THE COUNTY OF LOS ANGELES GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE OF THE STATE OF CALIFORNIA."
3. RESOLUTION NO. 19-_____ - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 5, 2019."

This resolution is optional but, if adopted, it must be adopted before Election Day (it has been adopted by previous city councils). If not adopted, in the event that two or more persons receive an equal number of votes and are tied for an elective office, the Council shall determine the tie by lot, pursuant to state law.

4. RESOLUTION NO. _____ - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING THE CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE THE IMPARTIAL ANALYSIS FOR THE MEASURE TO BE SUBMITTED TO VOTERS AT THE GENERAL MUNICIPAL ELECTION TO BE HELD TUESDAY, NOVEMBER 5, 2019."

This resolution is optional but, if adopted, it must be adopted at the same meeting as the resolution calling the election. The resolution has been prepared to accommodate various options with regard to the arguments. The Council must first decide on whether or not to authorize one or more members of the City Council to file written arguments in favor of or against each of the two measures. The resolution must specify the name(s) of the Councilmember(s) authorized to prepare each argument and whether all members will be invited to sign or whether the argument will be filed with the body (City Council) listed as one of the authors. If there is no authorization for written arguments by the Council, it is recommended that the resolution be adopted with direction to the City Attorney to prepare the impartial analysis.

5. RESOLUTION NO. _____ - "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR A MEASURE TO BE SUBMITTED AT THE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2019."

This resolution is optional but, if adopted, it must be adopted tonight, at the meeting at which the measure is placed on the ballot. Rebuttal arguments have been authorized by previous city councils.

General Plan Consistency:

This report and associated recommendation have been evaluated for their consistency with the City's General Plan. Relevant Policies are listed below:

Governance Element:

- 1.1 Open Meetings. *Maintain the community's trust by holding meetings in which decisions are being made, that are open and available for all community members to attend, participate, or view remotely.*

2.1 Multiple Outreach Methods. Consistently engage in community outreach through neighborhood forums, social media, the latest technologies, personal interaction, and other methods on a regular basis.

2.6 Responsive to Community Needs. Continue to be responsive to community inquiries, providing public information and recording feedback from community interactions.

Fiscal Impact:

Sufficient funds are appropriated in the 2019-20 Budget to cover the total estimated election costs of \$203,000.

Attachments:

1. Election Calendar
2. Resolution to call and give notice of election for certain officers and a measure
3. Resolution to request consolidation with the County of Los Angeles
4. Resolution to provide for a special runoff election for elective officers in the event of a tie vote
5. Resolution to set priorities for the filing of direct arguments and direct the City Attorney to prepare an impartial analysis of the measure
6. Resolution to provide for the filing of rebuttal arguments for the measure

Submitted by: Elaine Doerfling, City Clerk

Noted for Fiscal Impact: Charlotte Newkirk, Accounting Manager

Legal Review: Mike Jenkins, City Attorney

Concur: Suja Lowenthal, City Manager