

RESOLUTION NO. R22-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA: (1) CALLING FOR AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022 FOR THE ELECTION OF THREE CITY COUNCILMEMBERS; (2) REQUESTING CONSOLIDATION OF SUCH ELECTION WITH THE COUNTY OF LOS ANGELES WITH ANY AND ALL ELECTIONS HELD ON SUCH DATE; (3) REQUESTING THE COUNTY OF LOS ANGELES TO PROVIDE SPECIFIC ELECTION ADMINISTRATION SERVICES FOR SUCH ELECTION; (4) ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE FOR SUCH ELECTION REGARDING CANDIDATE STATEMENTS; AND (5) PROVIDING FOR THE DETERMINATION OF TIE VOTES BY LOT UNLESS THE CITY COUNCIL ADOPTS THE PROVISIONS OF ELECTIONS CODE SECTION 15651(b) PRIOR TO THE CONDUCT OF THE ELECTION RESULTING IN THE TIE VOTE

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election of the City of Palos Verdes Estates (the "City") shall be conducted on Tuesday, November 8, 2022, for the election of the following municipal officers: City Councilmember, three (3) offices for four year terms.

WHEREAS, it is desirable that the City's November 8, 2022 General Municipal 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 (the "Registrar") to canvass the returns of the City's November 8, 2022 General Municipal Election; and

WHEREAS, the City seeks the provision of election services from the Registrar relating to the conduct of the City's November 8, 2022 General Municipal Election; and

WHEREAS, the City Council approves the printing of the General Municipal Election information for the election to be held on Tuesday, November 8, 2022, in the languages requiring translation pursuant to the Voting Rights Act of 1965 and other legal provisions; 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 Registrar in performing election services for the City; and

WHEREAS, tie votes shall be determined by lot unless the City Council adopts the provisions of Elections Code Section 15651(b) prior to the conduct of the election resulting in the tie vote.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALOS VERDES ESTATES, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to general law cities, the City Council hereby calls and orders a General Municipal Election on Tuesday, November 8, 2022, to be held in the City of Palos Verdes Estates for the purpose of electing three (3) City Councilmembers for the full term of four years.

SECTION 2. That pursuant to the requirements of Elections Code section 10403, it is respectfully requested that the Board of Supervisors of the County consent and agree to the consolidation of the City's General Municipal Election on Tuesday, November 8, 2022 with the County-administered election of the same date.

SECTION 3. That, in connection with the Registrar's administration of the City's November 8, 2022 General Municipal Election, the City further requests that the Registrar be authorized and directed to: (a) review and verify Vote By Mail voter applications and signatures; (b) provide the City of Palos Verdes Estates with the appropriate election precinct data, to the extent required; (c) make available to the City of Palos Verdes Estates such election facilities, ballot casting equipment and assistance as may be necessary to conduct the election in compliance with state law and the Board of Supervisor's approval; (d) canvass the election returns; (e) print and supply ballots for the election; (f) mail the City of Palos Verdes Estates' sample ballots; and (g) administer the City of Palos Verdes Estates' General Municipal 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 4. That the City of Palos Verdes Estates shall reimburse the County for any costs associated with the administration of the City's November 8, 2022 General Municipal Election.

SECTION 5. That the City hereby consents to have its General Municipal Election on Tuesday, November 8, 2022 consolidated with any and all elections conducted on such date within the County.

SECTION 6. That the ballots to be used at the election shall be in form and content as required by law or as directed by the Registrar to facilitate the consolidation of the City's November 8, 2022 General Municipal Election with the County-administered election of the same date.

SECTION 7. That vote centers for the election shall be open as required during the identified voting period pursuant to Elections Code sections 4007 and 14401.

SECTION 8. That 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 9. That pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the City's November 8, 2022 General Municipal Election may prepare a candidate statement on a form acceptable to the County Clerk and made available through the City Clerk.

SECTION 10. That pursuant to Section 13307(a)(1) of the Elections Code, candidate statements ***may*** include the following:

- (A) The name, age, and occupation of the candidate; and
- (B) A brief description of no more than 200 words of the candidate's education and qualifications as expressed by the candidate himself or herself.

SECTION 11. That pursuant to Elections Code Section 13307(a)(1), candidate statements ***shall not*** include the following:

- (A) The party affiliation of the candidate;
- (B) References to membership or activity in partisan political organizations; or
- (C) 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.

SECTION 12. That 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.

SECTION 13. That subject to any logistical constraints imposed by the Registrar by virtue of consolidation, the City Clerk shall have translated (from English to other languages authorized under the Voting Rights Act of 1965 and other legal provisions) and printed in the sample ballot only the candidate statement of those candidates who have properly requested it.

SECTION 14. That 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 15. That each candidate for any of the offices to be elected at the General Municipal Election to be conducted on November 8, 2022, who files a candidate statement shall,

as a condition of having his or her candidate statement included in the sample ballot, 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 City of Palos Verdes Estates 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 Palos Verdes Estates 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. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred.

SECTION 16. That the City Clerk shall provide each candidate or candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 17. That the City Council has determined that in the event of a tie vote (if any two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Los Angeles election department, the City Council, in accordance with Elections Code 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 18. 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 19. 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 20. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 21. That the City Clerk is hereby directed to deliver a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to transmit an electronic copy to the Board of Supervisors and the Registrar-Recorder/County Clerk.

PASSED, APPROVED AND ADOPTED by the City of Palos Verdes Estates at its regular meeting on this 28th day of June 2022.



VICTORIA A. LOZZI, Mayor

ATTEST:



KYLINN CHANEY, City Clerk

APPROVED AS TO FORM:



TREVOR RUSIN, Interim City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF PALOS VERDES ESTATES)

I, Kylynn Chaney, City Clerk for the City of Palos Verdes Estates, California, do hereby certify that the foregoing Resolution **R22-21** was duly and regularly approved and adopted by the City Council of the City of Palos Verdes Estates at its regular meeting of the City Council on the 28th day of June 2022, by the following vote:

AYES: COUNCILMEMBERS: Lozzi, Roos, Kemps, McGowan, Murdock

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:



Kylynn Chaney, City Clerk