



AGENDA REPORT

CITY OF SAN CLEMENTE

CITY COUNCIL MEETING

910 Calle Negocio
2nd Floor
San Clemente, California
www.san-clemente.org

Meeting Date: July 17, 2024

Agenda Item: 10B

Submitted By: City Clerk

Prepared By: Laura Campagnolo, City Clerk

Subject:

CALLING GENERAL MUNICIPAL ELECTION OF NOVEMBER 5, 2024

Fiscal Impact:

The estimated cost to consolidate the City of San Clemente's General Municipal Election of November 8, 2022 with the election being conducted on that date by the County of Orange Registrar of Voters' Office is \$102,818 to \$119,682. This estimated cost includes the regularly scheduled election for two Members of the City Council and one ballot measure. Should the Council determine not to bring forward a ballot measure, the estimated election cost for two Members of the City Council will be \$46,236 to \$54,509. In addition, \$5,000 in charges will likely be incurred to accommodate incidental election expenses (such as City publications, translation services, and supplies). Consequently, the City Clerk Department's budget includes an amount to fund the November 5, 2024 election.

Summary:

The next General Municipal Election in San Clemente is scheduled to take place on November 5, 2024. In November 2023, the City Council adopted Ordinance No. 1762 transitioning the City from at-large to by-district elections. Because the terms of office for two members of the City Council (currently filled by Chris Duncan and Rick Loeffler) are scheduled to expire this year, the citizens of San Clemente in Districts 3 and 4 will be asked to vote to fill one seat in each district for full terms of four years.

The candidate filing period for Members of the City Council will run from July 15, 2024 to August 9, 2024 at 5:00 p.m.

At this time, staff recommends that the City Council adopt resolutions to: 1) call the General Municipal Election for November 5, 2024, which will include the election of one Councilmember in District 3 and one Councilmember in District 4, and 2) request that the County Board of Supervisors allow the City to consolidate its election with the General Election being conducted by the County of Orange on the same date.

An optional resolution is also presented for City Council's consideration which, if adopted, would provide for the conduct of a special runoff election to resolve a tie vote among candidates who receive the same and the highest number of votes. If this resolution is not adopted prior to the election, state law provides that the winner be determined by lot.

Council Options:

- Adopt all three Resolutions.
- Adopt Resolutions to Call the Election of November 5, 2024 and Consolidate the Election with the County.

Environmental Review/Analysis:

This is not a “project” under the California Environmental Quality Act.

Recommended Actions:

Staff Recommendation

1. Resolution Calling the Election (Attachment 1)

Adopt Resolution No. 24-108 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES;

2. Resolution Requesting Election Consolidation (Attachment 2)

Adopt Resolution No. 24-109 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE;

AND

3. Determine whether to adopt the following optional resolution:

Resolution Providing for a Special Runoff Election in the Event of a Tie Vote (Attachment 3)

Resolution No. 24-110 entitled A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.

Attachment:

1. Resolution No. 24-108 calling November 5, 2024 election
2. Resolution No. 24-109 requesting election consolidation
3. Resolution No. 24-110 providing for the conduct of a runoff election in the event of a tie vote

Notification:

Orange County Board of Supervisors, Orange County Registrar of Voters.

RESOLUTION NO. 24-108

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the regularly-scheduled election of two Members of the City Council, that is, one member for District 3 and one member for District 4 (each for a full four-year term).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, 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, there is called and ordered to be held in the City of San Clemente, California, on Tuesday, November 5, 2024, a General Municipal Election for the purpose of electing two Members of the City Council, one member for District 3 and one member for District 4 (each for a full four-year term).

Section 2: That the ballots to be used at the election shall be in the form and content as required by law.

Section 3: That the City Clerk is authorized, instructed and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 4. That the precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, the election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Orange.

Section 5. 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 6. 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 7. 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 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK, Elections Official of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-108 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, _____, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, this _____ day of _____, 2024.

CITY CLERK, Elections Official of
the City of San Clemente, California

Approved as to form:

Elizabeth A. Mitchell, City Attorney

RESOLUTION NO. 24-109

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 5, 2024, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THAT DATE PURSUANT TO SECTION 10403 OF THE CALIFORNIA ELECTIONS CODE

WHEREAS, on July 17, 2024, the City Council of the City of San Clemente adopted Resolution No. 24-108, calling a General Municipal Election to be held on November 5, 2024, for the purpose of electing one City Councilmember to District 3 and one City Councilmember to District 4, both for full four-year terms, commencing in December 2024; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that the precincts, voting methods (i.e., ballot drop boxes, vote centers and vote-by-mail balloting) and election officers of the two elections be the same, and that the County Election Department of the County of Orange canvass the returns of the General Municipal Election and that the General Municipal Election be held in all respects as if there were only one election; and

WHEREAS, Elections Code section 10403 requires the City Council to adopt a resolution requesting the Board of Supervisors to consolidate San Clemente's election with the statewide election and to permit the Registrar of Voters to perform certain services in conjunction with the City's election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the California Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 5, 2024, for the purpose of electing one City Councilmember to District 3 and one City Councilmember to District 4, both for full four-year terms.

SECTION 2. That the form for election of Member of the City Council to District 3 is to appear on the ballot as follows:

CITY OF SAN CLEMENTE
Member of the City Council, District 3
Vote for no more than One

<input type="checkbox"/>	<i>(Candidate names to be inserted along with a write-in opportunity)</i>
<input type="checkbox"/>	

SECTION 3. That the form for election of Member of the City Council to District 4 is to appear on the ballot as follows:

CITY OF SAN CLEMENTE
Member of the City Council, District 4
Vote for no more than One

<input type="checkbox"/>	<i>(Candidate names to be inserted along with a write-in opportunity)</i>
<input type="checkbox"/>	

SECTION 4. That the County Election Department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the statewide election. The City acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code section 10418.

SECTION 5. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 6. That the City of San Clemente recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

SECTION 7. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Orange.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK, Elections Official of the City of
San Clemente, California

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-109 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California, this _____ day of _____, 2024.

CITY CLERK, Elections Official
of the City of San Clemente,
California

Approved as to form:

Elizabeth A. Mitchell, City Attorney

RESOLUTION NO. 24-110

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION

WHEREAS, on July 17, 2024, the City Council of the City of San Clemente adopted Resolution No. 24-108, calling a General Municipal Election to be held on November 5, 2024, for the purpose of two Members of the City Council, that is, one Councilmember to District 3 and one Councilmember to District 4 (both for full four-year terms); and

WHEREAS, Section 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN CLEMENTE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to Section 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office in each district, District 3 and/or District 4, to be voted for within the City, there shall be held within the City a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 2. That this resolution shall apply only to the election to be held on November 5, 2024 and shall then be repealed.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2024.

MAYOR of the City of
San Clemente, California

ATTEST:

CITY CLERK, Elections Official of

the City of San Clemente, California
 STATE OF CALIFORNIA)
 COUNTY OF ORANGE) SS
 CITY OF SAN CLEMENTE)

I, LAURA CAMPAGNOLO, City Clerk of the City of San Clemente, California, do hereby certify that Resolution No. 24-110 was adopted at a regular meeting of the City Council of the City of San Clemente held on the _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Clemente, California this _____ day of _____, 2024.

 CITY CLERK, Elections Official of
 the City of San Clemente, California

Approved as to form:

 Elizabeth A. Mitchell, City Attorney