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**SUBJECT:** Resolutions for the holding of a general municipal election on Tuesday, November 5, 2024.

**DEPARTMENT:** City Manager's Office

**STAFF:** Tim Ogden, City Manager  
Margaret Wimberly, City Clerk

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### **TITLE/RECOMMENDATION**

1. Adopt a Resolution calling and giving notice of the holding of a general municipal election on Tuesday, November 5, 2024, for the election of one [1] Council Member in District 1, one [1] Council Member in District 3, and one [1] candidate for Mayor to be elected at large, for four-year terms as required by the provisions of the laws of the state of California relating to general law cities; requesting the Contra Costa County Board of Supervisors consolidate a general municipal election to be held on November 5, 2024, pursuant to Elections Code § 10400, et seq.; requesting that the City Clerk file a certified copy of the Resolution with the County Board of Supervisors and the County Election Department.
2. Adopt a Resolution adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at the election.

### **FISCAL IMPACT**

The estimated expense for the November 2024 election will be included in the draft FY 2024/25 – FY 2025/26 Operating Budget being considered for adoption by the City Council on June 25, 2024. Election costs are funded by the General Fund.

The total cost for the November 2022 election was approximately \$98,987. The Contra Costa County Elections Division has provided an estimated election cost of \$2.50 to \$4.00 per registered voter. The City currently has 42,115 registered voters; therefore, the estimated cost to conduct the general municipal election would be within the range of \$105,285 to \$168,456. Staff has included a budget of \$137,000 in the draft FY 2024/25 – FY 2025/26 Operating Budget, representing the mid-range of the estimated election costs. Should the final invoice be greater than the budgeted amount, staff will return to Council to request additional budget.



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The County Elections Division has provided the cost to print candidate statements. The cost is based on the number of registered voters for each office: for each candidate for District 1 at \$345.00 (9,828 registered voters); District 3 at \$405.00 (12,851 registered voters); and for Mayor at \$984.00 (42,115 registered voters). An advance deposit of the amount appropriate for each District will be required from each candidate wishing to have their candidate statement printed, and will be reconciled after the election if costs are different.

### **BACKGROUND**

In April 2022, the City Council adopted Ordinance 1035, which completed the redistricting process that adopted a map recommended by the Redistricting Commission and updated the boundaries for all Districts for the City Council elections. Districts 1 and 3 held their first elections in 2020 under the district map adopted in 2019. Elections in Districts 2 and 4 were held with the 2022.

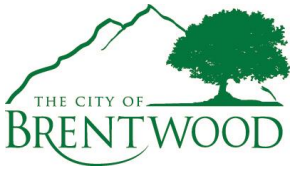
When adopting the ordinance in 2022 for the redistricting, the ordinance took into account council members who, following the redistricting process, would no longer reside in the district from which they were elected. In such instances, State law does not permit the council member to lose their seat. To ensure continued representation, the ordinance had the subject council member representing the reconstituted district until their term of office ends, and a successor takes office. With the changes to the district boundaries, the Council Member serving in District 1 no longer resides within District 1; therefore, there is not an eligible incumbent in District 1.

This evening there are multiple actions required of the City Council prior to holding the November 5, 2024, General Municipal Election. There are two resolutions accompanying this staff report to document these actions.

The first resolution includes the first step: the Council must call the election.

Next, the Council must consolidate the election with the 2024 Statewide General Election. The Mayor and two Council Members that were elected in Districts 1 and 3, who are currently holding office have terms expiring for offices in 2024. If any of them wish to run for City Council office in 2024, they will need to meet all of the candidate qualifications, including residing in either Districts 1 or 3, or within the City limits for the position of Mayor. This resolution also requires the City to reimburse Contra Costa County for providing election services to the City.

In addition, the resolution sets forth the procedures in the event of a tie and, similar to a recently tied City Council election in Contra Costa County, specifically provides that a tie be decided by lot, which would consist of the tied candidates (or their authorized representatives) rolling a multi-sided die for three rounds. The number on each roll would be recorded after each roll, and after three rounds the candidate with the highest total number would be the successful candidate. Should the City Council



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decide that a tie should not be decided by lot, a run-off election would need to take place. If a run-off election occurs, the City would be responsible for the run-off election costs, which could be up to \$8.00 - \$10.00 per registered voter, or \$336,920 to \$421,150.

Finally, it is recommended that the Council consider a second resolution related to the costs associated with the printing of candidate statements and the payment of candidate statement costs. The publication of a candidate statement is optional, and the cost associated with its printing is the candidate's responsibility. The cost provided for candidate statements is an estimate:

| <b>Office</b>             | <b>Cost</b> | <b>Registered Voters*</b> |
|---------------------------|-------------|---------------------------|
| Council Member District 1 | \$345.00    | 9,828                     |
| Council Member District 3 | \$405.00    | 12,851                    |
| Mayor (at large)          | \$984.00    | 42,115                    |

\*Number of total Registered Voters as of February 22, 2024

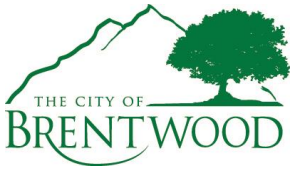
Staff will review the actual charges once an invoice is received from the County. In the event of an overpayment by the candidate, the overpaid amount would be refunded; if there is an underpayment by the candidate, staff would bill the additional amount to the candidate.

Publication costs are based on the number of registered voters in each district. Contra Costa County Elections indicated there are 42,115 registered voters citywide. The above cost estimates are for a statement that will fit on one-quarter of a standard letter-sized page.

The voter guide contains three languages, English, Spanish, and Chinese. Staff further recommends that the word count for the candidate statements be set at 250 words per statement, which is consistent with the 2022 General Municipal Election. (Under the Elections Code, the City Council may authorize a candidate statement of up to 400 words.)

Should an incumbent not file for a position, the filing period for that position, may be extended five calendar days to August 14, 2024 (see [Elections Code Section 10225](#)). As stated above, the Council Member serving in District 1 no longer resides within District 1; therefore, there is not an eligible incumbent in District 1. When there is no incumbent eligible to be elected, the nomination period extension provided for in Elections Code Section 10225 is not applicable. Therefore, for District 1 nomination period will close on Friday, August 9, 2024, at 5:00 p.m.

Pursuant to [Election Code Section 10229\(a\)](#), should the number of persons nominated for the available seats not exceed the number to be filled at the election, the City Clerk is to submit a certificate with that information to the City Council. The City Council could then proceed with one of the following options: 1) appoint to the



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office the person who has been nominated; 2) appoint to the office an eligible elector if no one has been nominated (an 'eligible elector' is any person who is a resident of Brentwood, is 18 years or older, is a registered voter, and for a district election, resides in the subject district); or 3) hold the election, if either no one or only one person has been nominated for each seat.

The process associated with Election Code Section 10229(a) does not apply if there has been more than one person nominated to another city office which will be elected on a citywide basis, or if there is a city measure to be submitted to the voters at that municipal election.

Under [Elections Code Section 10220](#), the nomination period for candidates will occur during normal business hours between 8:00 a.m. and 5:00 p.m. at the City Clerk's Office located on the 3<sup>rd</sup> Floor of City Hall. The nomination period will start on Monday, July 15, 2024, and end on Friday, August 9, 2024 (*should an eligible incumbent not file, this period will be extended to August 14, 2024 at 5:00 p.m.*).

Appointments are strongly encouraged. Interested parties may contact the City Clerk at [cityclerk@brentwoodca.gov](mailto:cityclerk@brentwoodca.gov) to set an appointment to pull nomination papers.

**CITY COUNCIL STRATEGIC INITIATIVE**

Not Applicable.

**PREVIOUS ACTION**

There is no previous action associated with the 2024 General Municipal Election.

**DATE OF NOTICE**

Not Applicable.

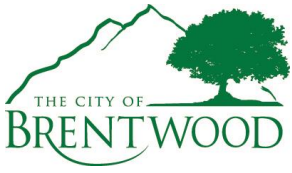
**ENVIRONMENTAL DETERMINATION**

Not Applicable.

**ALTERNATIVE OPTION(S)**

Alternative Options to the Staff Recommendation:

1. Continue the item with direction for staff to return with additional information, but note that a Resolution to consolidate the election must be filed with the County not later than July 6, 2024.



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**ATTACHMENT(S)**

1. Resolution Calling the Election, Consenting to the Consolidation of the Election, Providing for Reimbursement of Election Costs, Setting the Candidate Statement Word Limit, Requesting Publication of a Notice of Election, Determining Action to be Taken in the Event of a Tie, and Requesting the City Clerk Forward the Resolution to the County
2. Resolution Adopting the Fee for Candidate Statements