



DATE: December 19, 2022

TO: Honorable Mayor and Members of the City Council through City Manager

FROM: Kendall Sawyer, MPA, CMC, City Clerk

SUBJECT: Resolution Declaring Canvass of Returns and Results of the General Municipal Election Held November 8, 2022 in Consolidation with the Statewide General Election in Accordance with Section 7 of Article III of the Petaluma Charter and Finding This Item is Not a “Project” Pursuant to CEQA Guidelines Section 15378(b)(5)

RECOMMENDATION

It is recommended that the City Council adopt the Resolution (Attachment 1) declaring the canvass of returns and results of the General Municipal Election held November 8, 2022 in consolidation with the Statewide General Election in accordance with Section 7 of Article III of the Petaluma Charter.

BACKGROUND

A regular General Municipal Election was held in the City of Petaluma, California, on Tuesday, November 8, 2022, in consolidation with the Statewide General Election, for consideration of the election of three district representative City Council members and one at-large Mayor. The Sonoma County Registrar of Voters has certified the election and provided Certified Statements of the Votes Cast (Attachments 2) in the City of Petaluma on December 5, 2022.

Section 7 of Article III of the Petaluma City Charter provides as follows:

The election returns from each municipal election precinct shall be filed with the city clerk, who shall immediately place them in the safe or vault in the city clerk’s office, and no person shall be permitted to handle, inspect, examine, or in any manner interfere with the same until canvassed by the city council. After having been canvassed, they shall be sealed up and kept by the city clerk for six months, and no person shall have access to them, except on the order of a court of competent jurisdiction. On the first Monday after the election and at their usual time and place of meeting, the city council shall meet and canvass the returns and declare the results.

Section 8 of Article III of the Petaluma City Charter further provides:

After the result of an election is declared, or when an appointment is made, the city clerk under his or her hand and official seal, shall issue a certificate therefor and serve the same personally or by depositing such certificate with the postage prepaid, in the United States post office in Petaluma, addressed to the person elected or appointed, and such person must, within sixty days after receiving such certificate, file his official bond, if a bond is required of him by this Charter or the ordinances of the city, and take and subscribe to the oath of office and any other oath required of him by this Charter or any statute of the State of California which oath must be filed with the city clerk. All elective officers shall take office at the first regular meeting of the city council in January after the result of each election shall have been officially declared, and shall hold office for such term as in this Charter provided and until the election and qualification of their successors.

The City has for some time contracted with the County of Sonoma for performance of vote tabulation and certification services by the County Registrar of Voters. Nonetheless, the Petaluma City Clerk remains the City's Elections Official responsible for execution of the duties of the City's Elections Official pursuant to the City's Charter and applicable provisions of state law. The purpose of this item is to execute the City Clerk's responsibilities as the City's Election Official with regard to the results of the November 8, 2022 Petaluma General Municipal Election, which was consolidated with the Statewide General Election, and provide for certification of the election results by the City Council.

DISCUSSION

The Sonoma County Registrar of Voters has received and canvassed the votes from the November 8, 2022 election. The canvass commenced, in accordance with Elections Code §15301, no later than the Thursday following the election, was open to the public, and continued daily, Saturdays, Sundays, and holidays excepted, for not less than six hours each day until completed. The canvass included, but was not limited to, the following tasks as prescribed by Elections Code §15302:

- a. An inspection of all materials and supplies returned by poll workers.
- b. A reconciliation of the number of signatures on the roster with the number of ballots recorded on the ballot statement.
- c. In the event of a discrepancy in the reconciliation required by (b) above, the number of ballots received from each polling place was reconciled with the number of ballots cast, as indicated on the ballot statement.
- d. A reconciliation of the number of ballots counted, spoiled, canceled, or invalidated due to identifying marks, overvotes, or as otherwise provided by statute, with the number of votes recorded, including vote-by-mail and provisional ballots, by the vote counting system.
- e. Processing and counting any valid vote-by-mail and provisional ballots not included in the semifinal official canvass.
- f. Counting any valid write-in votes.
- g. Reproducing any damaged ballots, if necessary.
- h. Reporting final results to the governing board and the Secretary of State, as required.

The canvass of votes confirms the following candidates received the highest number of votes for the elected office:

Mayor: Kevin McDonnell
Councilmember, District 1: Janice Cader-Thompson
Councilmember, District 2: John Shribbs
Councilmember, District 3: Karen Nau

In accordance with the Petaluma City Charter, the elective officers shall take office at City Council Regular Meeting on Monday, January 9, 2023.

PUBLIC OUTREACH

This agenda item appeared on the City’s tentative agenda document on December 5, 2022, which was a publicly-noticed meeting.

ENVIRONMENTAL REVIEW

The proposed action is exempt from the requirements of the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15378(b)(5), in that adopting a resolution certifying the results of the election does not meet CEQA's definition of a “project,” because the action does not have the potential for resulting either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment, and because this is a personnel-related action that constitutes organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.

FINANCIAL IMPACTS

None by this action.

ATTACHMENTS

1. Draft Resolution
2. Statement of the Votes from Sonoma County Registrar of Voters