

RESOLUTION NO. 9330

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS CALLING A GENERAL MUNICIPAL ELECTION FOR TUESDAY, NOVEMBER 5, 2024, AND REQUESTING SERVICES OF THE SANTA CLARA COUNTY REGISTRAR OF VOTERS AND CONSOLIDATION OF THE ELECTION

WHEREAS, the City Council has adopted Section 1.00 of Chapter 200, Title I of the Milpitas Municipal Code pursuant to Elections Code of the State of California Section 1301, determining that all General Municipal Elections shall be held on the Statewide General Election Day; and

WHEREAS, pursuant to Section 1001 of the Elections Code of the State of California, there is a scheduled Statewide General Election to be held on Tuesday, November 5, 2024; and

WHEREAS, a General Municipal Election is necessary to fill the offices of Mayor and two (2) members of the City Council, whose terms are expiring; and

WHEREAS, pursuant to Part 3, Consolidation of Elections, and commencing with Section 10400 of the Elections Code of the State of California, such municipal election may be either completely or partially consolidated and held on the same day as a statewide election, upon order of this City.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. Pursuant to Section 10403 of the Elections Code of the State of California, the City Council of Milpitas calls a Municipal Election to be held on Tuesday, November 5, 2024; and requests the Board of Supervisors of the County of Santa Clara to completely consolidate the election with the General Statewide election. The consolidated election will be held, regulated, and conducted in accordance with the provisions of law.

2. The offices to be voted upon at such election are as follows:

(1) Mayor of the City of Milpitas, full term, (2) two years;

(2) Member of the City Council of the City of Milpitas, full term, (4) four years;

3. Pursuant to section 10002 of the Elections Code of the State of California, the City of Milpitas requests the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters of the County of Santa Clara to render such services to the City as requested by the City Clerk, and shall reimburse the county for the costs incurred by the County of Santa Clara Registrar of Voters in conducting the General Statewide election for the City. The City requests the County of Santa Clara Board of Supervisors to permit the County of Santa Clara Registrar of Voters to prepare the City's election materials. The election services to be performed shall include the preparation, printing and mailing of official ballots and county voter information guides; the establishment of precincts, election ballots, return mail envelopes, ballot drop boxes, vote centers, election officers, and producing such publications as are required by law in connection therewith; the furnishing of ballots, envelopes, and other necessary supplies and materials for voting places; the canvassing of the returns of the election; the furnishing of the results of such canvassing to the City Clerk; and, the performance of other election services as may be requested by the City Clerk.

7. That the City Council of the City of Milpitas requests the Board of Supervisors of the County of Santa Clara to hold and conduct the municipal election in the manner prescribed in section 10418 of the Elections Code of the State of California, and to further provide that the Registrar of Voters canvass the returns of the municipal election. The County of Santa Clara is hereby authorized to certify the returns of the municipal election.

4. Pursuant to section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for in the City of Milpitas on November 5, 2024, may prepare a candidate's statement on an appropriate form provided by the City Clerk, as the City's Election Official, or their designee. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. Any candidate's statement submitted shall be limited to a recitation of the candidate's own personal background and qualifications and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities.

4. Each candidate shall be required to pay for the cost of printing, translating, and distributing said candidate's statement and each candidate who files such a statement shall be required to pay in advance the estimated cost of printing, handling, and mailing said candidate statement.

5. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Santa Clara. The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Vietnamese and Tagalog. The County will print and mail separate sample ballots and candidates' statements in Spanish, Chinese, Vietnamese and Tagalog to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

6. That pursuant to section 10522 of the Elections Code of the State of California, a current map showing the City boundaries has been submitted to the Registrar of Voters.

9. Pursuant to section 15651 of the Elections Code of the State of California, the method of determining the winner or winners in the event of a tie vote (two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Santa Clara Registrar of Voters, the City Council of the City of Milpitas, in accordance with Section 15651(a), any tie vote shall be resolved "by lot."

10. The City Clerk shall publish a "Notice of Election" pursuant to the Elections Code of the State of California section 12101. The City Clerk is authorized, instructed and directed to prepare any documents and take any additional actions that may be necessary in order to properly and lawfully conduct the election.

11. The Vote Centers in the City of Milpitas for the municipal election on November 5, 2024 shall be open at 7:00 a.m. on the day of said election and shall remain open continuously from said time until 8:00 p.m. of the same day, when said polls shall be closed, except as provided in Elections Code of the State of California section 14401.

12. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

13. The City Clerk is hereby directed to forward certified copies of this Resolution to the Clerk of the Board of Supervisors of Santa Clara County and the Registrar of Voters of Santa Clara County promptly upon its adoption.

PASSED AND ADOPTED this 4th day of June 2024, by the following vote:

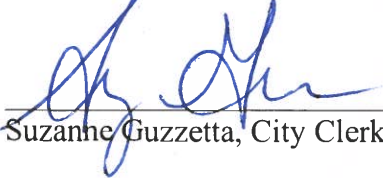
AYES: (5) Councilmembers Barbadillo, Lien, Phan, Vice Mayor Chua, Mayor Montano

NOES: (0) None

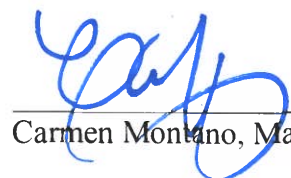
ABSENT: (0) None

ABSTAIN: (0) None

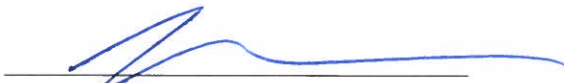
ATTEST:


Suzanne Guzzetta, City Clerk

APPROVED:



Carmen Montano, Mayor

APPROVED AS TO FORM:


Michael Mutalipassi, City Attorney

I, SUZANNE GUZZETTA, City Clerk of the City of Milpitas, do hereby certify that the attached Resolution No. 9330 is an original resolution, or true and correct copy of a city Resolution, duly adopted by the Council of the City of Milpitas at a regular meeting of said Council held on the 4th day of June, 2024, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Milpitas this 14th day of June, 2024.



Suzanne Guzzetta, CMC
City Clerk of the City of Milpitas

(Seal)