



City of San Juan Bautista

The "City of History"

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AGENDA

SPECIAL CITY COUNCIL MEETING

TUESDAY ~ AUGUST 9, 2022 ~ 12:00 PM

CITY HALL COUNCIL CHAMBERS
311 Second Street
San Juan Bautista, California

– HYBRID MEETING – PUBLIC PARTICIPATION BY ZOOM AND IN PERSON

THIS MEETING WILL BE CONDUCTED PURSUANT TO GOVT. CODE §54953(e)(1)(A).

In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom webinar and will be offering alternative options for public participation. You are encouraged to watch the meeting live on Zoom or Facebook.

THIS MEETING WILL BE OPEN TO THE PUBLIC UNDER THE FOLLOWING CONDITIONS:

All Attendees must comply and wear a face covering if not fully vaccinated and show proof. If providing proof attendees will not need to wear a face covering. If you are exempt from the state face covering guidance or not fully vaccinated, you will be required to wear a mask to attend the meeting; All attendees must comply with any other rules of procedures/instructions announced by the Mayor and/or City Staff. Any violations of the above may result in the Mayor closing the meeting, effective immediately, or clearing the room, as well as other enforcement actions. The meeting will be available through Zoom for those who wish to join or require accommodations with the instructions below:

The meeting can also be accessed by the public in the following methods: Through Zoom (<https://zoom.us/join>) per the instruction stated below, and on Facebook.

Join Zoom Webinar <https://us02web.zoom.us/j/86006618849>

or call 1 (669) 900-6833

Webinar ID: 86006618849

PUBLIC COMMENTS WILL BE TAKEN ON AGENDA ITEMS BEFORE ACTION IS TAKEN BY THE CITY COUNCIL. DURING THE MEETING: TO PROVIDE VERBAL PUBLIC COMMENTS ON AN AGENDA ITEM DURING THIS MEETING CALL THE PHONE NUMBER LISTED ABOVE OR LOG INTO ZOOM AND ENTER THE MEETING ID NUMBER AS LISTED ABOVE.

When the Mayor announces public comment is open for the item which you wish to speak, press *9 on your telephone keypad or if joining by Zoom, use the raise your hand icon. When called to speak, please limit your comments to three (3) minutes, or such other time as the Mayor may decide, consistent with the time limit for all other speakers for the particular agenda item. Comments from other platforms will not be considered during the meeting. If you would like to participate during the meeting you MUST use Zoom.

If you are unable to join the meeting, written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to deputycityclerk@san-juan-bautista.ca.us not later than 11:00 a.m. on August 9, 2022, and will be read into the record during public comment on the item.

In compliance with the Americans with Disabilities Act, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

Materials related to all items on this agenda are available in the agenda packet on the City website www.san-juan-bautista.ca.us subject to Staff's ability to post the documents before the meeting, or by emailing deputycityclerk@san-juan-bautista.ca.us or calling the Deputy Clerk (831) 623-4661 during normal business hours.

1. Call to Order

**Pledge of Allegiance
Roll Call**

2. Public Comment

This portion of the meeting is reserved for persons desiring to address the Council on matters not on this agenda. The law does not permit Council action or extended discussion of any item not on the agenda except under special circumstances. If Council action is requested, the Council may place the matter on a future agenda.

3. 3. Action Items

A. Approve Affidavit of Posting Agenda

B. Adopt a Resolution of the City Council of the City of San Juan Bautista

1. Amending Resolution 2022-55 to set forth the manner of their election and the term of office for persons elected to the City Council, to the Office of Clerk, and to the office of City Treasurer at the November 8, 2022, General Municipal Election

2. Requesting the Mayor to draft arguments for the appointment of City Clerk and City Treasurer for the ballot before the August 12, 2022 deadline

4. Adjournment

AFFIDAVIT OF POSTING

I, MELISSA LEE, DO NOW DECLARE, UNDER THE PENALTIES OF PERJURY THAT I AM THE OFFICE ASSISTANT FOR THE CITY OF SAN JUAN BAUTISTA, AND THAT I POSTED THREE (3) TRUE COPIES OF THE ATTACHED CITY COUNCIL MEETING AGENDA. I FURTHER DECLARE THAT I POSTED SAID AGENDA ON THE 5th DAY OF AUGUST 2022, AND I POSTED THEM IN THE FOLLOWING LOCATIONS IN SAID CITY OF SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA.

1. ON THE BULLETIN BOARD AT CITY HALL, 311 SECOND STREET.
2. ON THE BULLETIN BOARD AT THE CITY LIBRARY, 801 SECOND STREET.
3. ON THE BULLETIN BOARD AT THE ENTRANCE TO THE UNITED STATES POST OFFICE, 301 THE ALAMEDA

SIGNED AT SAN JUAN BAUTISTA, COUNTY OF SAN BENITO, CALIFORNIA,
ON THE 5th DAY OF AUGUST 2022.



MELISSA LEE, DEPUTY CITY CLERK/ADMIN SERVICES MANAGER

RESOLUTION NO. 2022-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA
AMENDING RESOLUTION 2022-55 TO SET FORTH THE MANNER OF THEIR ELECTION AND THE TERM OF
OFFICE FOR PERSONS ELECTED TO THE CITY COUNCIL, TO THE OFFICE OF CLERK, AND TO THE OFFICE OF
CITY TREASURER AT THE NOVEMBER 8, 2022, GENERAL MUNICIPAL ELECTION

WHEREAS, on June 14, 2022, at a special meeting of the San Juan Bautista City Council the Council adopted Resolution 2022-55 calling a General Municipal Election to be held on November 8, 2022, requesting that the County of San Benito agree to consolidation of said election with the Statewide General Election to be held on said date, and requesting the County to render services in connection with said consolidated election, and in all particulars not recited in Resolution 2022-55 to conduct the General Municipal Election as provided by law for holding municipal elections; and

WHEREAS, the November 8, 2022 , General Municipal Election was called for the purpose of electing three members of the City Council, the City Clerk, and the City Treasurer and for such other matters as therein stated; and

WHEREAS, a person elected to the City Council at the November 8, 2022, General Municipal Election shall serve a four-year term, that is, until a successor shall have qualified at the November 3, 2026, General Municipal Election; and

WHEREAS, at the General Municipal Election held on November 3, 2020, Shawna Freels was elected to the office of City Clerk to serve a four-year term; and

WHEREAS, on January 23, 2022, Shawna Freels resigned as City Clerk of the City of San Juan Bautista; and

WHEREAS, no person having been subsequently appointed to the office of City Clerk a vacancy exist in that office and has continued to exist for more than 60 days; and

WHEREAS, in accordance with Election Code §36512(b)(1) the vacancy in office of City Clerk shall be filled by special election to be held with the General Municipal Election called by the City Council on June 14, 2022, the next regularly established election date, to be consolidated with the Statewide General Election and held on November 8, 2022; and

WHEREAS, a person elected to the office of City Clerk at the General Municipal Election to be held on November 8, 2022, shall serve for the unexpired term of the former incumbent, that is, for a two-year term until a successor shall have qualified at the November 5, 2024, General Municipal Election; and

WHEREAS, no person having been declared elected to the office of City Treasurer for a four-year term at the General Municipal Election held on November 3, 2020, and

WHEREAS, on January 19, 2021, the City Council appointed Michelle Sabathia to the office of Appointed City Treasurer; and

WHEREAS, in accordance with Elections Code §36512(b)(2)(A) an appointed City Treasurer shall hold office until the next regularly established General Municipal Election, that is, until the General Municipal Election called by the City Council on June 14, 2022, to be consolidated with the Statewide General Election and held on November 8, 2022; and

WHEREAS, a person elected to the office of City Treasurer at the General Municipal Election held on November 8, 2022, shall serve for the unexpired balance of the term of that office, as provided for by the election on November 3, 2020, that is, for a two-year term until a successor shall have qualified at the November 5, 2024, General Municipal Election; and

WHEREAS, the City Council now wishes to amend Resolution 2022-55 to set forth the manner of their election and the term of office for persons elected to the City Council, to the office of City Clerk, and to the office of City Treasurer at the November 8, 2022, General Municipal Election.

NOW, THEREFORE, the City Council of the City of San Juan Bautista does hereby resolve as follows:

1. The Recitals set forth above are true and correct.
2. Resolution 2055-22 is amended as provided herein.
3. A person elected to the City Council at the General Municipal Election to be held on November 8, 2022, shall serve a four-year term, that is, until a successor shall have qualified at the November 3, 2026 General Municipal Election.
4. A person elected to the office of City Clerk at a special election to be held with the General Municipal Election on November 8, 2022, shall serve for the unexpired term of the office provided for by the November 3, 2020, General Municipal Election, that is, for a two-year term, until a successor shall have qualified at the November 5, 2024 General Municipal Election.
5. A person elected to the office of City Treasurer at the General Municipal Election to be held on November 8, 2022, shall serve for the unexpired balance of the term of the former incumbent, that is, for a two-year term, until a successor shall have qualified at the November 5, 2024, General Municipal Election.
6. A certified copy of this resolution shall be provided to the office of the San Benito County Registrar of Voters.

Resolution 2022-_____
August 16, 2022

PASSED AND ADOPTED this 16th Day of August 2022, at a regular meeting of the San Juan Bautista City Council by the following vote:

AYES:

NOES;

ABSTAIN;

ABSENT:

Mayor Leslie Q. Jordan

Melissa Lee, Deputy City Clerk

RESOLUTION NO. 2022-55

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA CALLING A GENERAL MUNICIPAL
ELECTION TO BE HELD ON NOVEMBER 8, 2022, REQUESTING
THAT THE COUNTY OF SAN BENITO AGREE TO CONSOLIDATION
OF SAID ELECTION WITH THE STATEWIDE GENERAL
ELECTION TO BE HELD ON SAID DATE, AND REQUESTING
THE COUNTY TO RENDER SERVICES IN CONNECTION
WITH SAID CONSOLIDATED ELECTION**

WHEREAS, Section 2-1-200 of the San Juan Bautista Municipal Code provides that City's General Municipal Election shall be held on the same day as the Statewide General Election on the first Tuesday following the first Monday of November in every even-numbered year; and

WHEREAS, the terms of three members of the City Council, namely Leslie Q. Jordan, Cesar E. Flores, and Mary V. Edge, will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November of 2022; and

WHEREAS, the term of the City Clerk and City Treasurer will expire as of the regular City Council meeting on November 15, 2022, thus their successors shall be elected at the General Municipal Election in November 2022; and

WHEREAS, this Council also desires to submit to the electorate two measures concerning appointment of two City officials, namely the City Clerk and City Treasurer; and

WHEREAS, consistent with past practice, this Council desires that City's General Municipal Election be consolidated with the Statewide General Election, and that the County be requested to render specified services in connection with said consolidated election; and

WHEREAS, the City recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA DOES RESOLVE AS FOLLOWS:

SECTION 1. Pursuant to San Juan Bautista Municipal Code, Section 2-1-200, this Council hereby calls a General Municipal Election to be held on November 8, 2022, for the purpose of the election of three (3) members of the City Council, the City Clerk and the City Treasurer, FURTHER, in accordance with California Government Code §§36508-36509, this Council hereby submits two (2) separate ballot questions to the electorate, to wit:

“SHALL THE OFFICE OF CITY TREASURER BE APPOINTIVE?”

and

“SHALL THE OFFICE OF CITY CLERK BE APPOINTIVE?”

The words “yes” and “no” shall be printed on the ballots so that the voters may express their choice as to each of these two questions.

SECTION 2. This Council hereby requests, pursuant to California Elections Code, Section 10403, that the San Benito County Board of Supervisors consent to consolidation of the General Municipal Election with the Statewide General Election, and therefore to permit the San Benito County Clerk and the County Elections Department to render services in all phases relating to the conduct of the City of San Juan Bautista General Municipal Election to be held on November 8, 2022.

SECTION 3. The ballots to be used at the General Municipal Election shall be in form and content as required by law.

SECTION 4. In all particulars not recited in this Resolution, the General Municipal Election shall be held and conducted as provided by law for holding municipal elections.

SECTION 5. Notice of time and place of holding the General Municipal Election is given and the City Clerk is authorized, instructed, and directed to give further or additional notices of said election, in time, form, and manner as required by law.

SECTION 6. Written arguments, not to exceed three hundred (300) words, in favor or opposition to the measures described herein, may be submitted to the Acting City Clerk no later than eleven a.m. on August 12, 2022. Rebuttal arguments, not to exceed two hundred and fifty (250) words, to arguments in favor of or in opposition to said measures may be submitted to the Acting City Clerk no later than eleven a.m. on August 19, 2022.

SECTION 7. The City Attorney shall prepare impartial analyses of the two ballot questions not to exceed five hundred (500) words in length showing the effect of the measure on the existing law and the operation of the question. The impartial analyses shall be filed by eleven a.m. on August 12, 2022.

SECTION 8. The City Clerk shall certify to the passage and adoption of this Resolution and shall as soon as practicable present and file it with the San Benito County Board of Supervisors, with a copy to the County's election official.

PASSED AND ADOPTED this 14th day of June, 2022, at a special meeting of the San Juan Bautista City Council, by the following vote:

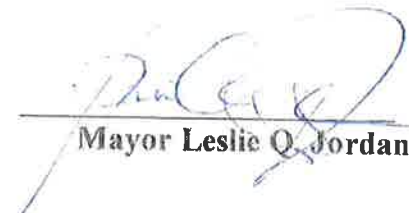
AYES: Jordan, Edge, Flores, Freeman

NOES: Freels

ABSTAIN: None

ABSENT: None

ATTEST: None



Mayor Leslie Q. Jordan



Don Reynolds, Acting Deputy City Clerk

From: Attys@WellingtonLaw.com
To: [Don Reynolds](#); "[Lori Frontella](#)"
Cc: [Melissa Lee](#); Attys@WellingtonLaw.com
Subject: Re: Notice: Arguments Supporting Local Measures for November 8, 2022, General Election
Date: Friday, August 5, 2022 9:54:12 AM
Attachments: [image001.png](#)

Don - FYI ,our Office Outlook email is down this morning so I'm sending this through another means.

It would be very helpful, and possibly essential given past election results, for someone to be found who would agree to write an argument to appear in the ballot information in support of making the office of City Treasurer and that of City Clerk appointive (two separate measures, captioned respectivley, Measure V (Treasurer) and Measure W (Clerk) - so two separate measures and two separate arguments.)

The Council did not delegate anyone to write an argument on its behalf when it approved Resol 2022-55 putting the measures on the November ballot but any individual voter eligible to vote on the measures (or an bona fide association of citizens or a combination of the two) may file up to 300-words as a written argument in favor of each measure.

Alternatively, I suppose we could add to the special meeting another resolution authorizing and delegating a Council member or members to write the argument on behalf of the Council and see if they're willigt to delegate that job to a member or members and if those individuals are willing to take it on. (Absent delegation, an individual Council member cannot write an argument, which keeps a minority of the Council from speaking for the whole.) The arguments are due to the City Clerk by 11:00 a.m. next Friday, August 12, and to the County Election Dept. by August 18.

I'm attaching the relevant section of Election Code 9282 here:

b) For measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of voters and associations, may file a written argument for or against any city measure.

(c) An argument shall not exceed 300 words in length.

(d) The city elections official shall include the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments:

"Arguments in support or opposition of the proposed laws are the opinions of the authors."

(e) The city elections official shall enclose a printed copy of both arguments with each voter information guide, but only those arguments filed pursuant to this section shall be printed and enclosed with the voter information guide. The printed arguments are "official matter" within the meaning of [Section 13303](#).

(f) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure ____" or "Argument Against Measure ____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in these titles.

Bob
(831) 424-3672
robertrathie@aol.com (alternate email while Outlook is down)
attys@wellingtonlaw.com

From: Don Reynolds <citymanager@san-juan-bautista.ca.us>
Sent: Monday, August 1, 2022 12:20 PM
To: Attys@WellingtonLaw.com <attys@wellingtonlaw.com>; 'Lori Frontella' <lfrontella@rgs.ca.gov>
Cc: Trish Paetz <deputycityclerk@san-juan-bautista.ca.us>; Don Reynolds <citymanager@san-juan-bautista.ca.us>
Subject: RE: Notice: Local Measure Letter Designations for November 8, 2022, General Election

What do I need to do?

Don Reynolds
City Manager
San Juan Bautista
P.O. Box 1420
311 Second Street
San Juan Bautista CA 95045
(831) 623-4661 x 14
C (831) 594-6322 (New!)

From: Attys@WellingtonLaw.com <attys@wellingtonlaw.com>
Sent: Thursday, July 28, 2022 12:35 PM
To: 'Lori Frontella' <lfrontella@rgs.ca.gov>
Cc: Trish Paetz <deputycityclerk@san-juan-bautista.ca.us>; Don Reynolds <citymanager@san-juan-bautista.ca.us>; Attys@WellingtonLaw.com
Subject: RE: Notice: Local Measure Letter Designations for November 8, 2022, General Election

Lori –

I need to provide the impartial analyses for both Measures by Friday, August 12. The Council did not designate anyone to write an argument on its behalf but perhaps one or two of them may want to do so in their individual capacities (not on behalf of the Council). I will check with Don (copied here) when he gets back on Monday from a short vacation (I hear some people take them!).

Primary arguments would be due to the City also by August 12 with rebuttals due by August 19.

I know these dates are before these items are due to the County, but I wanted to set them as such in the resolution in the case (possibly unlikely) that multiple arguments for or against a measure was received.

Thanks for providing the Measure Letters – Letter “V” and “W” look like winners to me!

Cordially,

Bob

From: Lori Frontella <lfrontella@rgs.ca.gov>

Sent: Thursday, July 28, 2022 10:28 AM

To: attys@wellingtonlaw.com

Subject: FW: Notice: Local Measure Letter Designations for November 8, 2022, General Election

Please see attachment, does your firm need to do anything with the Measure?

Lori

Please respond

From: Francisco Diaz <fdiaz@cosb.us>

Sent: Thursday, July 28, 2022 9:12 AM

Cc: SBC Vote <SBCVote@cosb.us>

Subject: Notice: Local Measure Letter Designations for November 8, 2022, General Election

Good morning,

I'm writing to share with you the Measure Letter Designations for the November 8, 2022 General Election.

If you have any questions, please don't hesitate to reach out. Thank you.

Respectfully,

Francisco Diaz

Assistant County Clerk-Recorder



County Clerk-Recorder-Elections

440 Fifth Street, Room 206 Hollister, CA 95023

Phone: (831) 636-4016 | Cell: (831) 902-9607

Website: www.SBCVote.us | Email: fdiaz@cosb.us