

July 29, 2020

Honorable Members of the Board of Supervisors
County of Santa Barbara
Att: Chelsea Lenzi
Agenda Coordinator
Clerk of the Board
105 E. Anapamu Street, Room 407
Santa Barbara, CA 93101

RE: Request for Election Services for the November 3, 2020 General Election – Recall Process


Dear Ms. Lenzi:

Enclosed, please find one original and twelve copies of the following:

1. A Resolution No 20-1116, A Resolution of the City Council of the City of Solvang, California, accepting the certificate of sufficiency of signatures on the petition to recall Council Member Niels Chris Djernaes and scheduling the call for election to occur on July 27, 2020; and
2. A Resolution No. 20-1117, A Resolution of the City Council of the City of Solvang, California, calling for the holding of a General Municipal Election to be held on Tuesday, November 3, 2020 for the submission of the question of the recall of certain officers and the election of candidates to fill the vacancy or vacancies if the recall prevails; and
3. A Resolution No. 20-1118, A Resolution of the City Council of the City of Solvang, California, requesting the Board of Supervisors of the County of Santa Barbara to consolidate the recall election to be held on Tuesday, November 3, 2020 with the Statewide General Election to be held on that date pursuant to Section 10403 of the Elections Code.

At this time, I am requesting that this item be placed on the agenda of the next regularly scheduled Board of Supervisors meeting. If you have any questions, please feel free to contact my office at 805-688-5575.

Sincerely,



Xenia Bradford,
City Manager/City Clerk

Cc: Mayor & City Council
Chip Wullbrandt, City Attorney

Enclosures

RESOLUTION NO. 20-1116

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG, CALIFORNIA, ACCEPTING THE CERTIFICATE OF SUFFICIENCY OF SIGNATURES ON THE PETITION TO RECALL COUNCILMEMBER NIELS CHRIS DJERNAES AND SCHEDULING THE CALL FOR THE ELECITON TO OCCUR ON JULY 27, 2020

WHEREAS, on June 25, 2020, the City Clerk/Elections Official received a copy of the Notice of Intention to Circulate Recall Petition, which proposed the recall of Council Member Niels Chris Djernaes; and

WHEREAS, on July 2, 2020; Council Member Djernaes filed and Answer to the Notice of Intention; and

WHEREAS, on July 2, 2020, the Petition for Recall form was determined to meet the statutory requirements and thus approved for signature gathering; and

WHEREAS, Elections Code Section 11220 states the number of requisite signatures must be equal to not less than the following percent of registered voters in the electoral jurisdiction: twenty five percent (25%) if the registration is less than 10,000 but at least 1,000; and

WHEREAS, according to the Report of Registration filed with the Secretary of State, Solvang has 3,679 registered voters, and thus 920 verified signatures were required for this Petition; and

WHEREAS, on July 20, 2020 the Petition to Recall Council Member Niels Chris Djernaes was filed with the City Clerk's Office in accordance with Elections Code Section 11220, prior to the established deadline of September 2, 2020; and

WHEREAS, after completing the prima facie review of signatures, the City Clerk/Elections Official identified 1359 unverified signatures, which is greater than the minimum 920 required, and provided the petition to the Santa Barbara County Clerk-Recorder and Elections Department for examination and verification of the signatures on July 20, 2020; and

WHEREAS, on July 24, 2020, Santa Barbara County Clerk-Recorder and Elections Department provided information for the Certificate of Sufficiency of the Recall Petition, indicating the following, and attached herein.

- (a) The name of the Officer whose recall is sought – Niels Chris Djernaes
- (b) The title of his or her office – Council Member of the City of Solvang
- (c) The number of signatures required by law - 920
- (d) The total number of signatures on the petition - 1342

(e) The number of valid signatures on the petition - 1156

(f) The number of signatures which were disqualified - 186

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Solvang, California hereby accepts the Certificate of Sufficiency of the signatures on the Petition to Recall Council Member Niels Chris Djernaes and determines that the call for election shall be scheduled for City Council action on July 27, 2020.

SECTION 1. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

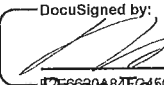
PASSED, APPROVED, AND ADOPTED this 27th day of July 2020 by the following roll call vote:

AYES: Mayor Toussaint, Council Members Clarke, & Waite

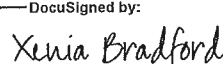
NOES: Council Member Johnson

ABSTAIN: Council Member Djernaes

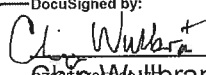
ABSENT: None

DocuSigned by:

Ryan Toussaint, Mayor

ATTEST:

DocuSigned by:

Xenia Bradford,
City Manager/City Clerk

APPROVED AS TO FORM:

DocuSigned by:

Christopher Wulbrandt, City Attorney

RESOLUTION NO. 20-1117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 3, 2020, FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND THE ELECTION OF CANDIDATE TO FILL THE VACANCY IF THE RECALL PREVAILS

WHEREAS, under the provisions of the law relating to cities in the State of California, recall petitions were filed demanding the recall of Niels Chris Djernaes, Council Member; and

WHEREAS, the petitions were signed by more than 25 per cent of the voters of the City of Solvang; and

WHEREAS, on July 2, 2020, the Petition for Recall form was determined to meet the statutory requirements and thus approved for signature gathering; and

WHEREAS, candidates shall be elected to fill the vacancy or vacancies if the recall prevails; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed recall to the voters.

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

SECTION 1. That pursuant to the requirements of the City of Solvang Charter, there is called and ordered to be held in the City of Solvang, California, on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting the question of the recall of Niels Chris Djernaes, Council Member, and the election of candidates to fill the vacancy or vacancies, if the recall prevails.

SECTION 2. That on the ballots to be used at the election, in addition to any other matters required by law, there shall be printed substantially the following:

Shall Neils Chris Djernaes be recalled (removed) from the office of City of Solvang Council Member?	YES
	NO
For City of Solvang Councilmember To succeed Niels Chris Djernaes if he is recalled. Term Ending December 2022 (Followed by the list of candidates qualifying for this office)	Vote for ONE

(Note: List of Candidates to be presented following close of the nomination period August 7, 2020 or August 12, 2020 if any of the incumbents fails to file, meaning extended deadline)	
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SECTION 3. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 4. That the City Clerk is authorized, instructed and directed 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 5. That the polls shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until 8:00 o'clock p.m. of the same day when the polls shall be closed, pursuant to Elections Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 6. 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 7. 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, from and manner as required by law.

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 27th day of July 2020 by the following roll call vote:

AYES: Mayor Toussaint, Council Members Clarke, & Waite

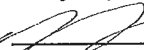
NOES: Council Member Johnson

ABSTAIN: Council Member Djernaes

ABSENT: None

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DocuSigned by:



Ryan Toussaint, Mayor

ATTEST:

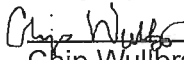
DocuSigned by:



Xenia Bradford,
City Manager/City Clerk

APPROVED AS TO FORM:

DocuSigned by:



Chip Wulbrandt, City Attorney

RESOLUTION NO. 20-1118

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA BARBARA TO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020 FOR SUBMISSION OF THE QUESTION OF THE RECALL OF CERTAIN OFFICERS AND THE ELECTION OF CANDIDATE TO FILL THE VACANCY IF THE RECALL PREVAILS

WHEREAS, a General Municipal Election is to be held in the City of Solvang, California, (the "City") on Tuesday, November 3, 2020; and

WHEREAS, in the course of conduct of the Election, it is necessary for the City to request services of the County; and

WHEREAS, The City Council of the City of Solvang, California, desires to submit to the voters of the City at a General Municipal Election, the question of the recall of Niels Chris Djernaes and the election of candidate to fill the vacancy if the recall prevails; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed question of the recall to the voters and election of candidate to fill the vacancy if the recall prevails; and

WHEREAS, It is desirable that the recall election be consolidated with the City of Solvang's General Municipal Election with the Santa Barbara County and State of California Statewide Election to be held on the same date and that within the City, the precincts, polling places and election officers of the elections be the same, and that County Elections Department of the County of Santa Barbara canvass the returns of the recall election and that the Election be held in all respects as if there were only one Election.

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

SECTION 1. That pursuant to the requirements of 10403 of the Elections Code, the Board of Supervisors of the County of Santa Barbara is hereby requested to consent and agree to the consolidation of a recall election with the City of Solvang's General Municipal Election with the Santa Barbara County and State of California Statewide Election to be held on Tuesday, November 3, 2020, for the purpose of the election of one (1) Member of the City Council for the remainder of the term ending in December 2022 if the recall of Niels Chris Djernaes prevails.

SECTION 2. That the County Elections Department is authorized to canvass the returns of the recall 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.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the County Elections Department to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Solvang, 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 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Elections Department of the County of Santa Barbara.

SECTION 6. 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 27th day of July 2020 by the following roll call vote:

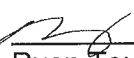
AYES: Mayor Toussaint, Council Members Clarke, & Waite

NOES: Council Member Johnson

ABSTAIN: Council Member Djernaes

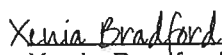
ABSENT: None

DocuSigned by:


Ryan Toussaint, Mayor

ATTEST:

DocuSigned by:


Xenia Bradford,
City Manager/City Clerk

APPROVED AS TO FORM:

DocuSigned by:


Chip Whitbrandt, City Attorney