



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL AGENDA

Mayor Dave Potter, Council Members Jeff Baron,
Karen Ferlito, Bobby Richards, and Carrie Theis
Contact: 831.620.2000 www.ci.carmel.ca.us

All meetings are held in the City Council Chambers
East Side of Monte Verde Street
Between Ocean and 7th Avenues

CITY COUNCIL SPECIAL MEETING Tuesday, December 13, 2022 4:30 PM

THIS MEETING IS VIA TELECONFERENCE AND IN-PERSON AT CITY HALL.
Governor Newsom's Executive Order N-29-20 has allowed local legislative bodies to hold public meetings via teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body.

To that end, this meeting will be held via teleconference and in-person in the City Council Chambers at City Hall located on Monte Verde Street between Ocean and Seventh Avenue. To participate via teleconference click the following link to attend via Zoom (or copy and paste link in your browser): <https://ci-carmel-ca-us.zoom.us/j/87049323833> Meeting ID: 870 4932 3833 Passcode: 519094 Dial in: (253) 215-8782

The COVID-19 Community Level for Monterey County as of the date of this agenda posting on December 9, 2022, is **MEDIUM**. Per Urgency Ordinance 2022-006, wearing a face mask to attend a meeting of a legislative body inside a City facility is **REQUIRED**, regardless of vaccination status, when the community level is medium or high. Seating will be limited and available on a first come first served basis.

OPEN SESSION

CALL TO ORDER AND ROLL CALL

PLEDGE OF ALLEGIANCE

PUBLIC APPEARANCES

Members of the Public are invited to speak on any item that does not appear on the Agenda and that is within the subject matter jurisdiction of the City Council. The exception is a Closed Session agenda, where speakers may address the Council on those items before the Closed Session begins. Speakers are usually given three (3) minutes to speak on any item; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak. If an individual wishes to submit written information, he or she may give it to the City Clerk. Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

ORDERS OF BUSINESS

Orders of Business are agenda items that require City Council, Board or Commission discussion, debate, direction to staff, and/or action.

1. Resolution 2022-109 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 8, 2022; and the appointment of Mayor Pro Tempore for 2023

EXTRAORDINARY BUSINESS

- A. Remarks by outgoing Council Member Carrie Theis
- B. Administer Oath of Office to Dave Potter, Jeff Baron, and Alissandra Dramov
- C. Remarks by newly sworn Mayor and/or members of the City Council

ADJOURNMENT

This agenda was posted at City Hall, Monte Verde Street between Ocean Avenue and 7th Avenue, outside the Park Branch Library, NE corner of Mission Street and 6th Avenue, the Carmel-by-the-Sea Post Office, 5th Avenue between Dolores Street and San Carlos Street, and the City's webpage <http://www.ci.carmel.ca.us> in accordance with applicable legal requirements.

SUPPLEMENTAL MATERIAL RECEIVED AFTER THE POSTING OF THE AGENDA

Any supplemental writings or documents distributed to a majority of the City Council regarding any item on this agenda, received after the posting of the agenda will be available for public review at City Hall located on Monte Verde Street between Ocean and Seventh Avenues during regular business hours.

SPECIAL NOTICES TO PUBLIC

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk's Office at 831-620-2000 at least 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to the meeting (28CFR 35.102-35.104 ADA Title II).



CITY OF CARMEL-BY-THE-SEA CITY COUNCIL Staff Report

December 13, 2022
ORDERS OF BUSINESS

TO:	Honorable Mayor and City Council Members
SUBMITTED BY:	Nova Romero, City Clerk
APPROVED BY:	Chip Rerig, City Administrator
SUBJECT:	Resolution 2022-109 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 8, 2022; and the appointment of Mayor Pro Tempore for 2023

RECOMMENDATION:

1. That City Council Adopt Resolution 2022-109 declaring the results of the General Municipal Election held in the City of Carmel-by-the-Sea on November 8, 2022.
2. That the Mayor appoint the Mayor Pro Tempore for the 2023 calendar year.

BACKGROUND/SUMMARY:

Declaring the results of the November 8, 2022 Election

On June 6, 2022, the City Council of the City of Carmel-by-the-Sea adopted Resolution 2022-043 (Attachment 1) which authorized an election to be consolidated with the Statewide General Election on Tuesday, November 8, 2022, for the purpose of electing the Mayor for a full term of two years and electing two members of the City Council for full terms of four years.

The Monterey County Registrar of Voters has completed the canvass of voters and sent the Certificate of Election Results to Carmel-by-the-Sea on December 1, 2022 (Attachment 3). The certified election results for the City of Carmel-by-the-Sea are as follows:

The whole number of votes cast in said election was **1,956**.

OFFICE	CANDIDATE	TOTAL VOTES
Mayor	Dave Potter	1,422
Council Member	Alissandra Dramov	800
Council Member	Jeff Baron	998
Council Member	Ashley Stoddard	708
Council Member	Parker Logan	513

Mayor Dave Potter was elected for a two (2) year term as Mayor ending December 2024; Council Member

Alissandra Dramov and Council Member Baron were each elected for four (4) year terms as Council Member, ending December 2026.

California Elections Code sections 10262, 10263, and 10264 require, among other things, the City Council to declare the results of the election no later than the next regularly scheduled City Council meeting following the presentation of the canvass of returns, or at a Special Meeting called for this purpose. Adoption of Resolution 2022-109 satisfies these requirements (Attachment 2).

Appointment of Mayor Pro Tempore

City Council Policy No. C89-02 (Attachment 4), which was last revised in October 2020, states that the Mayor Pro Tempore is "appointed by the Mayor in December or at the first meeting after the City Council is seated following an election". It further states that the appointment is announced by the Mayor, and does not need to be ratified by the City Council.

Mayor Dave Potter will announce the appointment of Mayor Pro Tempore for the 2023 calendar year after the adoption of Resolution 2022-109 declaring the November 8, 2022, Election results.

FISCAL IMPACT:

Estimated cost of a consolidated election with Monterey County is \$12,000 - 13,000. Adopted FY Budget 22-23, has budgeted \$13,400 for the election in account 101-111-11-42001.

PRIOR CITY COUNCIL ACTION:

June 6, 2022, adopted Resolution 2022-043 calling for the Election.

ATTACHMENTS:

- Attachment 1) Resolution 2022-043 Calling for a Consolidated Election
- Attachment 2) Resolution 2022-109, Certifying the 2022 Election Results
- Attachment 3) Certificate of the Registrar of Voters for the Nov. 8, 2022 Election
- Attachment 4) City Council Policy C89-02

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2022-043

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
CALLING FOR THE HOLDING OF A MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 8, 2022 REQUESTING THE COUNTY ELECTIONS
DEPARTMENT TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION OF
THE ELECTION, AND PROVIDING FOR A PROCEDURE FOR DETERMINING A TIE
VOTE FOR THE NOVEMBER 8, 2022 CITY OF CARMEL-BY-THE-SEA MUNICIPAL
ELECTION**

WHEREAS, under the provisions of the applicable laws in the State of California, a General Municipal Election shall be held on Tuesday, November 8, 2022 for the election of Municipal Officers; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 8, 2022.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:

The City of Carmel-by-the-Sea hereby orders an election be called and consolidated with any and all elections also called to be held on Tuesday, November 8, 2022 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403, and;

Pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full.

RECITALS

Section 1: The General Municipal Election for the year 2022 is hereby called and shall be held in Carmel-by-the-Sea, under and by virtue of the provisions of California Elections Code on the 8th day of November, 2022, said date being the Tuesday following the first Monday in November, 2022.

Section 2: The following officers of Carmel-by-the-Sea shall be elected at said General Municipal Election:

- Mayor, one (1) for a full term of two years
- Member of the City Council, two (2) for a full term of four years

Section 3: Nomination papers shall be filed with the City of Carmel-by-the-Sea's City Clerk not later than 5:00 p.m. on Friday, August 12, 2022, except that the nomination filing period will be extended to 5:00 p.m. on Wednesday, August 17, 2022, if an incumbent does not file or fails to qualify by close of the regular nomination period on August 12, 2022.

Section 4: Pursuant to California Elections Code Section 13307, the City of Carmel-by-the-Sea has determined that candidates for office may file a written statement of qualifications (Candidate Statement), not to exceed 200 words, with their nomination papers, and has resolved that all costs of the Candidate Statement as determined by the Registrar of Voters shall be paid by the candidate.

Section 5: Pursuant to California Elections Code Section 15651, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, the tie votes shall be resolved by lot. "By lot" means, by deciding the matter through implementing a method of chance, in order to afford each candidate receiving tie votes a fair opportunity at the election. In the interest of maintaining decorum, fairness and transparency, the method implemented for resolving tie votes in Carmel-by-the-Sea's November 8, 2022 General Municipal Election shall be drawing of names in accordance with the following procedure:

The City Clerk shall type the name of each candidate who has tied for office on a separate, but identical piece of paper, which shall be folded and deposited into a container and mixed so that the pieces of paper become indistinguishable. The City Clerk shall then draw from the container as many pieces of paper as there are seats on the City Council to be filled by the candidates who have tied. The candidate(s) whose name(s) appear(s) upon the drawn piece(s) of paper shall be deemed elected.

Section 6: The City authorizes the Registrar of Voters to consolidate this election with any other election on November 8, 2022 for the convenience of the registered voters and to effectuate any cost savings by such consolidation.

Section 7: This Resolution shall apply only to the election to be held on Tuesday, November 8, 2022 and shall be repealed upon the City Council's declaration of election results.

Section 8: The County of Monterey Elections Department is hereby directed to publish such notices as are provided by law for the holding of the Municipal Election, which said notices shall be published as required by law.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 6th day of June, 2022, by the following vote:**

AYES: COUNCIL MEMBERS BARON, FERLITO, THEIS, MAYOR PRO TEM
RICHARDS, MAYOR POTTER

NOES: NONE

ABSENT: NONE

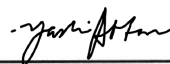
ABSTAIN: NONE

APPROVED:

ATTEST:



Dave Potter
Mayor



Yashin Abbas
Interim City Clerk

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2022-109

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
DECLARING THE RESULTS OF THE GENERAL MUNICIPAL ELECTION HELD IN THE CITY
OF CARMEL-BY-THE-SEA ON NOVEMBER 8, 2022**

WHEREAS, on June 6, 2022 the City Council adopted Resolution 2022-043 calling for the holding of a Municipal Election for the purpose of electing a Mayor for a full term of two-years and two Council Members for full-terms of four-years; and

WHEREAS, Resolution 2022-043 requested the County Elections Department to conduct the Election, requested consolidation of the Election and provided a procedure for determining a tie for the November 8, 2022 General Municipal Election; and

WHEREAS, the Monterey County Elections Department canvassed the returns of the election, has provided the results and those results are hereby attached and made a part hereof as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
CARMEL-BY-THE-SEA:**

All absentee and provisional ballots have been duly received and canvassed in the time, form and manner as required by Law.

The whole number of votes cast in said election was **1,956** as follows:

OFFICE	CANDIDATE	TOTAL VOTES
Mayor	Dave Potter	1,422
Council Member	Alissandra Dramov	800
Council Member	Jeff Baron	998
Council Member	Ashley Stoddard	708
Council Member	Parker Logan	513

The number of votes cast at each precinct are as provided in Exhibit A.

NOW THEREFORE, BE IT FURTHER RESOLVED that:

Dave Potter is hereby elected to the office of Mayor for a two-year term; and

Jeff Baron and Alissandra Dramov are hereby elected to the office of City Council Member each for a four-year term.

The City Clerk is instructed to issue a Certificate of Election to Dave Potter, Jeff Baron and Alissandra Dramov and administer the Oath of Office to each elected person and shall have them subscribe to it and file it in the Office of the City Clerk.

The City Clerk is instructed to enter into the records of this City Council this Resolution as a statement of the result of said election.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-
THE-SEA this 13th day of December, 2022, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

—

Dave Potter
Mayor

Nova Romero, MMC
City Clerk

(“EXHIBIT A” ATTACHED)

MONTEREY COUNTY ELECTIONS

1441 Schilling Place-North Building
Salinas, CA 93901

PO Box 4400
Salinas, CA 93912

831-796-1499 Phone
831-755-5485 Fax

www.MontereyCountyElections.us

elections@co.monterey.ca.us

Gina Martinez
Registrar of Voters

Jessica Cedillo
Assistant Registrar of Voters



November 30, 2022

City of Carmel-By-The-Sea
Attention: Nova Romero, City Clerk
PO Box CC
Carmel, CA 93921

Subject: Certificate of the Registrar of Voters for the November 8, 2022 General Election

Attached hereto is the Certificate of the Registrar of Voters in connection with the November 8, 2022 General Election.

Sincerely,

Gina Martinez
Registrar of Voters

Enclosures

CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST
at the **General Election** } ss
held on November 8, 2022

I, **Gina Martinez**, Registrar of Voters of the County of Monterey, State of California
hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-By-The-Sea**
on November 8, 2022 for the purpose of electing **(1) Mayor** to the **City of Carmel-By-The-**
Sea, and; I caused to have processed and recorded the votes from the canvass of all ballots
cast at said election within the boundaries of the **City of Carmel-By-The-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set
forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set
forth at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this
Wednesday, November 30, 2022 and filed this date with the **City of Carmel-By-The-Sea**.



Gina Martinez
Registrar of Voters



Certificate of Election and Oath of Office

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, Gina Martinez, Registrar of Voters, in and for the County of Monterey, do hereby certify that at the **General Election** held in and for the **City of Carmel-By-The-Sea**, on **November 8, 2022**, **Dave Potter** was elected to the office of **Mayor** for a term of **2** years as appears by the official returns of said election, and the Official Statement of Votes Cast now on file in my office.



In Witness Whereof, I have hereunto affixed my hand and official seal on **November 30, 2022**.

Gina Martinez,
Monterey County Registrar of Voters

By

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, **Dave Potter**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

(Signature)

Subscribed and sworn to before me, this ____ day of _____, 20__.

(Signature of Person Administering Oath)

(Title)

EXHIBIT A**City of Carmel-By-The-Sea, Mayor (Vote for 1)** **** - Insufficient Turnout to Protect Voter Privacy

District	Turnout	Registered Voters	DAVE POTTER		Total Votes
Countywide					
Electionwide					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
Electionwide - Total	1,956	2,548	1,422	100.00%	1,422
Congressional					
19th Congressional District					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
19th Congressional District - Total	1,956	2,548	1,422	100.00%	1,422
Senatorial Districts					
17th State Senatorial District					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
17th State Senatorial District - Total	1,956	2,548	1,422	100.00%	1,422
Assembly Districts					
30th State Assembly District					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
30th State Assembly District - Total	1,956	2,548	1,422	100.00%	1,422
Supervisory Districts					
5th Supervisorial District					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
5th Supervisorial District - Total	1,956	2,548	1,422	100.00%	1,422
City Districts					
City of Carmel-By-The-Sea					
Vote by Mail (VBM)	1,790	2,548	1,319	100.00%	1,319
Early Voting (EV)	7	2,548	6	100.00%	6
Polling Place (PP)	159	2,548	97	100.00%	97
City of Carmel-By-The-Sea - Total	1,956	2,548	1,422	100.00%	1,422
City Districts sub-district					
Unincorporated Area					

EXHIBIT A**City of Carmel-By-The-Sea, Mayor (Vote for 1)** **** - Insufficient Turnout to Protect Voter Privacy

Precinct	Turnout	Registered Voters	DAVE POTTER		Total Votes
Countywide					
Electionwide					
5120					
Vote by Mail (VBM)	928	1,341	677	100.00%	677
Early Voting (EV)	4	1,341	****	****	****
Polling Place (PP)	82	1,341	50	100.00%	50
Total	1,014	1,341	731	100.00%	731
5121					
Vote by Mail (VBM)	862	1,207	642	100.00%	642
Early Voting (EV)	3	1,207	****	****	****
Polling Place (PP)	77	1,207	47	100.00%	47
Total	942	1,207	691	100.00%	691
Electionwide - Total	1,956	2,548	1,422	100.00%	1,422

MONTEREY COUNTY ELECTIONS

1441 Schilling Place-North Building
Salinas, CA 93901

PO Box 4400
Salinas, CA 93912

831-796-1499 Phone
831-755-5485 Fax

www.MontereyCountyElections.us

elections@co.monterey.ca.us

Gina Martinez
Registrar of Voters

Jessica Cedillo
Assistant Registrar of Voters



November 30, 2022

City of Carmel-By-The-Sea
Attention: Nova Romero, City Clerk
PO Box CC
Carmel, CA 93921

Subject: Certificate of the Registrar of Voters for the November 8, 2022 General Election

Attached hereto is the Certificate of the Registrar of Voters in connection with the November 8, 2022 General Election.

Sincerely,

Gina Martinez
Registrar of Voters

Enclosures

CERTIFICATE OF REGISTRAR OF VOTERS

In the Matter of the CANVASS OF THE VOTES CAST
at the **General Election**
held on November 8, 2022

} ss

I, **Gina Martinez**, Registrar of Voters of the County of Monterey, State of California
hereby certify;

THAT an election was held within the boundaries of the **City of Carmel-By-The-Sea**
on November 8, 2022 for the purpose of electing **(2) Member(s), City Council** to the **City of Carmel-By-The-Sea**, and; I caused to have processed and recorded the votes from the
canvass of all ballots cast at said election within the boundaries of the **City of Carmel-By-The-Sea**.

I HEREBY FURTHER CERTIFY that the record of votes cast at said election is set
forth in Exhibit "A" attached hereto and incorporated herein by reference as though fully set
forth at length.

IN WITNESS WHEREOF, I have hereunto affixed my hand and official seal this
Wednesday, November 30, 2022 and filed this date with the **City of Carmel-By-The-Sea**.



Gina Martinez
Registrar of Voters



Certificate of Election and Oath of Office

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, Gina Martinez, Registrar of Voters, in and for the County of Monterey, do hereby certify that at the **General Election** held in and for the **City of Carmel-By-The-Sea**, on **November 8, 2022**, **Jeff Baron** was elected to the office of **Member, City Council** for a term of **4** years as appears by the official returns of said election, and the Official Statement of Votes Cast now on file in my office.



In Witness Whereof, I have hereunto affixed my hand and official seal on **November 30, 2022**.

Gina Martinez,
Monterey County Registrar of Voters

By

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, **Jeff Baron**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

(Signature)

Subscribed and sworn to before me, this ____ day of _____, 20____.

(Signature of Person Administering Oath)

(Title)

Certificate of Election and Oath of Office

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, Gina Martinez, Registrar of Voters, in and for the County of Monterey, do hereby certify that at the **General Election** held in and for the **City of Carmel-By-The-Sea**, on **November 8, 2022**, **Alissandra Dramov** was elected to the office of **Member, City Council** for a term of **4** years as appears by the official returns of said election, and the Official Statement of Votes Cast now on file in my office.



In Witness Whereof, I have hereunto affixed my hand and official seal on **November 30, 2022**.

Gina Martinez,
Monterey County Registrar of Voters

By

STATE OF CALIFORNIA }
COUNTY OF MONTEREY } ss

I, **Alissandra Dramov**, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California, that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.

(Signature)

Subscribed and sworn to before me, this ____ day of _____, 20____.

(Signature of Person Administering Oath)

(Title)

EXHIBIT A**City of Carmel-By-The-Sea, Member, City Council (Vote for 2)**

**** - Insufficient Turnout to Protect Voter Privacy

District	Turnout	Registered Voters	ALISSANDRA DRAMOV		JEFF BARON		ASHLEY STODDARD		DANIEL PARKER LOGAN		Total Votes
Countywide											
Electionwide											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
Electionwide - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
Congressional											
19th Congressional District											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
19th Congressional District - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
Senatorial Districts											
17th State Senatorial District											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
17th State Senatorial District - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
Assembly Districts											
30th State Assembly District											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
30th State Assembly District - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
Supervisorial Districts											
5th Supervisorial District											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
5th Supervisorial District - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
City Districts											
City of Carmel-By-The-Sea											
Vote by Mail (VBM)	1,790	2,548	740	26.35%	953	33.94%	666	23.72%	449	15.99%	2,808
Early Voting (EV)	7	2,548	4	50.00%	1	12.50%	2	25.00%	1	12.50%	8
Polling Place (PP)	159	2,548	56	27.59%	44	21.67%	40	19.70%	63	31.03%	203
City of Carmel-By-The-Sea - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019
City Districts sub-district											
Unincorporated Area											

EXHIBIT A**City of Carmel-By-The-Sea, Member, City Council (Vote for 2)**

**** - Insufficient Turnout to Protect Voter Privacy

Precinct	Turnout	Registered Voters	ALISSANDRA DRAMOV		JEFF BARON		ASHLEY STODDARD		DANIEL PARKER LOGAN		Total Votes
Countywide											
Electionwide											
5120											
Vote by Mail (VBM)	928	1,341	332	23.10%	520	36.19%	365	25.40%	220	15.31%	1,437
Early Voting (EV)	4	1,341	****	****	****	****	****	****	****	****	****
Polling Place (PP)	82	1,341	24	22.43%	25	23.36%	20	18.69%	38	35.51%	107
Total	1,014	1,341	359	23.15%	546	35.20%	387	24.95%	259	16.70%	1,551
5121											
Vote by Mail (VBM)	862	1,207	408	29.76%	433	31.58%	301	21.95%	229	16.70%	1,371
Early Voting (EV)	3	1,207	****	****	****	****	****	****	****	****	****
Polling Place (PP)	77	1,207	32	33.33%	19	19.79%	20	20.83%	25	26.04%	96
Total	942	1,207	441	30.04%	452	30.79%	321	21.87%	254	17.30%	1,468
Electionwide - Total	1,956	2,548	800	26.50%	998	33.06%	708	23.45%	513	16.99%	3,019

CITY OF CARMEL-BY-THE-SEA POLICY AND PROCEDURE

Subject: City Council Meetings/Orders of Council/Agenda Packets/Minutes of Meeting and Agenda Distribution	Policy/Procedure No: C89-02
Effective Date: 2 August 1988	Authority: Resolution No. 88-89

Purpose:

To provide a guide for the City Council and staff for the conduct of public meetings, agenda and minute preparation and distribution of agenda packets.

Policy/Procedure:

1. Adoption of action minutes as outlined in the attached memorandum from the League of California Cities .
2. Adoption of City Clerk's policy regarding agenda packets (No packets shall be disseminated until the packets are made available to the City Council).
3. Adoption of the sequence of the Orders of Council as set forth in the policy attached.

Responsible Party:

City Administrator/City Clerk

Department of Origin:

Administration/City Council

Revision Dates:

2 March 2009 (28 October 2008 Council Retreat)
5 June 2012 (Resolution No. 2012-33)
6 October 2020 (Resolution No. 2020-063)

Rescinded Date :

C89-02

CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL
RULES AND PROCEDURES

The City Council is composed of five members: Mayor and four Council Members. The Mayor serves a two-year term and members of the City Council serve four year terms.

I. ELECTED OFFICIALS

A. Mayor (directly elected since 1978)

The Mayor is the chair of the meeting and, as such, presides at all Council meetings. As the titular head of the City Council, the Mayor represents the City at quasi-governmental and social functions and may represent the City Council before other governmental bodies on specific matters as may be authorized by the City Council.

B. Mayor Pro Tempore

The Mayor Pro Tempore is appointed by the Mayor in December or at the first meeting after the City Council is seated following an election. This appointment is announced by the Mayor, but does not need to be ratified by the City Council. In the absence of the Mayor, the Mayor Pro Tempore shall chair the City Council meetings and may attend social/quasi-governmental functions on behalf of the City.

C. Absence of both the Mayor and Mayor Pro Tempore

In the absence of both the Mayor and Mayor Pro Tempore, members of the City Council shall appoint an acting Mayor Pro Tempore, who shall have the powers and duties of the Mayor Pro Tempore as described above.

II. CITY COUNCIL MEETINGS

City Council meeting dates and types (e.g. Regular, Special, Closed Session, Tour of Inspection) are regulated by Chapter 2 of the Municipal Code.

A. Agenda

Only items that are agendized may be acted on at any Council meeting.

- Agenda Preparation

The draft agenda is prepared by the City Administrator and City Clerk with the input of all department directors and is reviewed at weekly staff Management meetings.

- Agenda Finalization

The Mayor and Mayor Pro Tempore meet with the City Administrator and City Clerk prior to the meeting to finalize the draft agenda.

C89-02

- Continuance of Agenda Item

Any City Council member who is ill or will be away from the City may request, in writing, that an item of "personal interest" or a "major issue" be continued to the next meeting. The City Council shall vote on the issue of continuance.

- Agenda Posting

The Agenda is posted (City Hall, Main Library and Post Office bulletin boards and on the City Website) 6 days prior to a regular meeting and a minimum of 24 hours prior to a Special Meeting.

B. Orders of City Council Business

The Orders of City Council business are adopted by Resolution of the City Council. The Orders of City Council Business are:

- Extraordinary Business

This category allows the City Council to recognize volunteers, employees, present certificates of appreciation and awards.

- Announcements from City Council Members & City Administrator

This category allows an opportunity for City Council Members to comment on meetings attended of outside agencies and the City Administrator to give a brief report to the City Council and receive presentations that require little or no action.

- Public Appearances

The public has opportunities to speak to the City Council. The Public Appearances section allows persons to speak a maximum of three minutes, or as otherwise established by the City Council, on items of City business, other than those scheduled agenda items. Matters not appearing on the City Council's agenda will not receive action at that meeting but may be referred to staff for a future meeting or resolution outside of a City Council meeting. The City Council reserves the right to limit the duration of the Public Appearances section of the agenda to thirty minutes total.

Members of the public are entitled to directly address the City Council concerning any item that is described in the notice of the City Council meeting during consideration of that item. Public comments or testimony on agenda items other than Public Appearances shall be limited to a maximum of three minutes per speaker.

- Consent Agenda

Consent Agenda items will be voted on in one motion unless removed. The Consent Agenda consists of routine and non-controversial City matters that can be as a whole approved by a single majority vote. Any City Council Member or member of the public may ask to have an item pulled from the Consent Agenda for discussion. Such items are normally moved to the end of the meeting.

If a City Council Member has a question for information only about a Consent Agenda item, the Member should ask prior to the meeting, rather than pulling the item for discussion during the meeting.

Corrections to the Minutes are given to the City Clerk prior to the meeting so that corrections can be made prior to their adoption.

- Orders of Council

Orders of Council include reports of committee/commissions, ordinances and resolutions, public hearings, reports of officials, unfinished business, and council matters.

Public Hearings consist of zoning amendments, General Plan amendments, appeals of Commission decisions and other items mandated by the State. If the Public Hearing is an appeal, appellants are allowed a total of 10 minutes to speak on their own behalf after the staff report and at the close of public comment in order to have the opportunity to rebut public comments. Other speakers will be allowed three minutes. Formal Public Hearings must be advertised pursuant to State and Government Codes.

Ordinances are the most binding form of action the City Council can take. They are codified as the Municipal Code of the City of Carmel-by-the-Sea which is the municipal law of the City. The City Council has authority to pass ordinances through Government Code Section 37100, as long as these ordinances do not conflict with the laws and Constitution of the State of California or of the United States. Ordinances require two readings and do not become effective until 30 days after the second reading, unless it is an Urgency Ordinance

A resolution is a formal form of a motion normally utilized to set forth policy of the City. Each resolution, in addition to being referenced by number and brief title in the minutes, will be recorded as provided by law and maintained in numerical sequence as a permanent record of the City in a separate set of books. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research.

III. CONDUCT OF CITY COUNCIL MEETINGS

A. General Procedure

It is the policy of the Council not to become involved in entanglements over parliamentary procedure. Pursuant to the Municipal Code, the Chair shall have authority to prevent the misuse of motions, or the abuse of any privilege, or obstruction of the business of the Council by ruling any such matter out of order. The Mayor will assist the Council to focus on the agenda, discussions and deliberations. He/she has been delegated the responsibility to control the debate and order of the speakers.

B. Questions Addressed to a Council Member

With the concurrence of the Mayor, a Council Member holding the floor may address a question to another Council Member. That Council Member may respond while the floor is still held by the Council Member asking the question.

Council Members will limit their comments to the subject matter, item or motion being currently considered by the Council. They will govern themselves as to the length of their comments or presentation.

C. Meeting Procedures for review of Each Item on the Agenda (with the exception of Public Hearings:

- The Mayor will read the agenda item under discussion.
- Staff will present a brief report.
- City Council questions of staff.

Upon recognition by the Mayor, Members of City Council may ask questions of the staff prior to opening of the discussion to members of the audience.

D. Public input/oral presentations

Any member of the public wishing to address the Council orally on a specific agenda item may do so when the item is taken up by Council, or as otherwise specified by the Council or its presiding officer. Oral presentations are limited to three minutes, unless otherwise provided.

Persons who anticipate oral presentations exceeding three minutes are encouraged to submit comments in writing to the City Clerk, by the Tuesday prior to the meeting so they may be included in the agenda packet. In order to expedite matters and to avoid repetitious presentations, whenever any group of persons wishes to address Council on the same subject matter, the presiding officer may request that a spokesperson be chosen by the group. A specified time limit also may be set for the total presentation for any group.

- Close of Public Comment

Once public comment is closed, it cannot be reopened unless Council agrees by consensus.

- Staff response to questions from the public.

Based on staff responses to the public, members of the City Council may wish to address further questions to staff.

- The Mayor/City Administrator/Attorney shall remind the City Council of the action before Council.
- City Council discussion
- City Council action/motions

Before a motion can be considered or debated, it must be seconded. Once the motion has been properly made and seconded, the Chair shall open the matter for discussion offering the first opportunity to the moving party and, thereafter, to any City Council Member properly recognized by the Chair. Once the matter has been fully discussed and the Chair calls for a vote, no further discussion will be allowed.

Council Members may be allowed to explain their vote briefly for the record. Once a vote is taken, all Council Members shall support the action taken.

- Substitute motions

When a motion is on the floor, any member of City Council may make a substitute motion. If the substitute motion is seconded, it shall be acted upon prior to acting on the main motion.

- Tie votes

A tie vote results in a failed motion. In such an instance, any member of the Council may offer a motion for further action. If there is no action by an affirmative vote, the result is no action. If the matter involves an appeal and an affirmative vote does not occur, the result is that the decision appealed stands as decided by the decision-making persons or body from which the appeal was taken.

- Motions to reconsider

Motions to reconsider a matter may be made at the same meeting or at the next succeeding meeting following a Council action for reconsideration. Such motions must be made by a Council Member voting in favor of the original motion.

- Staff announcement of decision

The Mayor, City Administrator, City Attorney, or City Clerk shall announce the vote and passage or failure of an item.

E. Meeting Procedure for formal Appeals/Public Hearings

When a matter for public hearing comes before the City Council, the Mayor shall inquire if there are any persons present who desire to speak on the matter which is to be heard or to present any evidence regarding the matter.

The procedure for holding City Council appeals differs from other items where the public is allowed to speak in that appellants are allowed to have 10 minutes to make a presentation, including closing comments. The public testimony follows, after which the appellants are given an opportunity for rebuttal or closing arguments.

- Public comments/discussion

No person will be permitted during the hearing to speak about matters or present any evidence that is not germane to the matter being considered. A determination of relevance shall be made by the Mayor or City Attorney, but may be appealed by any Member of the City Council.

F. Minutes of Meeting Policy (C 89-02)

The Minutes of the City Council meeting are action minutes and do not reflect City Council commentary and discussion. However, if a Council Member wishes to include comments in the record, they will be included if so requested at the meeting (e.g. "for the record, I wish to state..."). All motions made, even those made without a second are to be included in the minutes.

- Items entered into the record

All agenda items/documentation/correspondence received at a Council meeting shall be retained in the City's records.

- Distribution

The minutes shall be distributed to members of the City Council for comment and/or correction in the Council packet. The City Clerk will correct the minutes prior to the meeting, and if the correction is substantive, copies of the corrected minutes shall be distributed to all members of the Council.

G. Official Recordings of the Meeting

All City Council meetings are recorded. This ensures accuracy of the minutes and provides a temporary record of the City Council proceedings. Once the minutes are approved, legally, the recordings do not have to be retained. However, recordings of the Council meetings; Planning Commission meetings, and recordings of other commissions/boards shall be retained pursuant to the City's adopted Retention Schedule.

Amended: October 6, 2020

COUNCIL MINUTES

A. PREFACE

City Clerks in general law cities are specifically required to keep a record, journal or minutes of the council meetings (Gov. C. 36814, 40801). Cities governed by freeholder's charters are usually subject to the same requirements. Although there is no legal necessity to do so, it is appropriate to mention, introductorily, in the minutes that the meeting was convened and held as noticed.

B. PURPOSE OF COUNCIL MINUTES

A most important principle of corporation law, applicable to private, public, and municipal corporations, is that such organizations can only act through their officers and employees. These corporations are governed by fixed rules found in the basic law of the organization; in charter and state statutes in the case of municipal corporations.

When these factors are considered, the keeping of a good record of council proceedings becomes obvious. A sufficient record must be kept to furnish evidence that the City Council has complied with the law or rules by which it is governed, thus pointing to the need for accurate and clear records of council proceedings. Finally, if accurate, complete, and unambiguous minutes of City Council meetings are recorded, these facts themselves will be treated as conclusive evidence of the facts therein stated.

C. FORM AND CONTENTS OF COUNCIL MEETING MINUTES

1. Standard Forms:

Use of standardized format is recommended to develop uniformity on minute entries and to save time in composing the record.

2. Jurisdictional Matters

To establish proof that jurisdictional requirements for holding a meeting have been complied with, it is important that minutes contain the following:

- a. Date, hour, and place of meeting.
- b. Whether it is a regular, adjourned, or special meeting.
- c. A proper notice has been given if it is a special meeting.
- d. The names of council members in attendance (in case a council member arrives late, or departs before adjournment, the minutes should show the time of arrival and/or departure at that point in the proceedings).

3. Approval of Minutes of Previous Meetings

Although there is no legal requirement that minutes be approved by the City Council, this traditional procedure is advisable as it lends further weight to the accuracy and completeness of the record. It is recommended that the City Council be furnished copies of minutes in sufficient time prior to a City Council meeting to avoid any necessity of reading of the minutes by the clerk. When approved as written, or as changed by the City Council, the minutes are considered to be official.

4. Record of Action Taken

The minutes need only record:

a. Petitions and communications

1. Date of the document
2. Subject
3. Authors, if only a few
4. Number of signers, if numerous
5. Action taken

The minutes need not record the comments made by members of the City Council concerning the merit or lack of merit of the petition or requests contained in the document, unless expressly requested by the officer making such comment. The reason for the latter observation is that the document speaks for itself, and it has no legal significance until the City Council acts or refuses to act with respect thereto.

b. Consideration of bids

1. Record of bids filed and opened
 - a. The subject matter of the bids
 - b. The compliance with all requirements for the advertising for such bids.
 - c. The names of all bidders, and the total amounts of their respective bids.
2. Action taken with respect to bids.
 - a. It is preferable that a resolution, prepared or approved by the City Attorney, be used in awarding contracts to the successful bidder. When this is done, the minutes need only refer to the resolution in recording the action taken.
 - b. If the City Council determines to accept a bid which is not the lowest in amount, it is advisable that the minutes show that such bid was "the lowest reasonable bid". Whether the minutes should include a record of the matters leading to the determination of "responsibility" is a decision clerks might well review with their City Attorneys.
 - c. Ordinances and resolutions

1. Introduction

The information which should be recorded in City Council minutes, with respect to the introduction of an ordinance, depends upon the particular rules or practices of each city on the subject. Thus, if the practice requires that before an ordinance or resolution can be acted upon, it shall be introduced by one City Council Member, and seconded by another, this information should be recorded in the minutes. Generally speaking, minutes should record the following data concerning the introduction of an ordinance or resolution:

- aa. The title or subject matter
- bb. The names of the City Council Members introducing and seconding

2. Compliance with jurisdictional requirements prior to action taken on ordinances or resolutions

Whenever the basic law or rules of a city require that a certain procedure must be followed prior to any action taken in adopting an ordinance or resolution, the minutes should show such compliance. This would include a statement referring to the previous introduction of the ordinance and would include a reference on an urgency ordinance that it is an urgency ordinance.

3. Votes cast for or against adoption of ordinances and resolutions

aa. Presumption of validity of ordinances and resolutions. There is a presumption in favor of the due and regular adoption or rejection of a city ordinance or resolution, if there are any official records to support that presumption, and that the votes were cast in substantial accordance with the requirements of the law or regulations pertaining to such matters.

This is particularly true where the ordinance or resolution contains a certificate signed by the mayor and/or clerk.

bb. Voting procedure governing adoption of ordinances and regulations (See Chapter VI on legislative Procedures)

d. Reports of officers

1. Written reports

Since any written record is the best evidence of its contents, a written report presented at a City Council meeting need only be mentioned in the minutes by reference to:

- aa. Name or title of the officer
- bb. Date of the report
- cc. Subject or title of report
- dd. Disposition made of report, if any