

16. Certifying Results of the Primary Municipal Election held on March 5, 2024

Recommendation:

Adopt Resolution No. 2024-077 of the Mayor and City Council of the City of San Bernardino, California, reciting the facts of the Primary Municipal Election held on March 5, 2024, certifying the election results and such other matters as provided by law.



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: April 17, 2024

To: Honorable Mayor and City Council Members

From: Genoveva Rocha, City Clerk

Department: City Clerk

Subject: **Certifying Results of the Primary Municipal Election held on March 5, 2024**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino adopt Resolution No. 2024-077 of the Mayor and City Council of the City of San Bernardino, California, reciting the facts of the Primary Municipal Election held on March 5, 2024, certifying the election results and such other matters as provided by law.

Executive Summary

Adopt the resolution associated with the results of the City of San Bernardino Primary Municipal Election. The County of San Bernardino Registrar of Voters completed a canvass of the votes and provided the results of the election of the City Clerk Department on April 5, 2024. In accordance with Election Code section 15372 (a), the results of the Municipal Election held on March 5, 2024, must be certified by the governing body.

Background

In accordance with Article 8, Section 800, of the City Charter, the City of San Bernardino shall consolidate the Primary Municipal Election and General Municipal Election with the state Primary and General Municipal Election every two years.

On September 6, 2023, Resolution No. 2023-137 was approved by the Mayor and City Council, Calling a Primary Municipal Election. On March 5, 2024, the Primary Municipal Election was held by the San Bernardino County Registrar of Voters for the office of Third Ward City Council Member, Fifth Ward City Council Member, Sixth Ward City Council Member, and Seventh Ward City Council Member for the City of San Bernardino.

Discussion

The Primary Municipal Election was conducted on March 5, 2024, by the San Bernardino County Registrar of Voters. The final results of the election were released by the San Bernardino County Registrar of Voters on March 29, 2024, and were received via mail by the City Clerk Department on April 5th. According to the Statement of Votes cast report provided by the Registrar of Voters, the City of San Bernardino has 60,808 registered voters in the Wards up for election. Of the total combine candidate votes, 10,488 voted in the Primary Municipal Election, resulting in an 17.24% voter turnout.

The Statement of Votes declares the following:

- Juan Figueroa was re-elected as a Member of the City Council, Ward 3
- Mario Flores was elected as a Member of the City Council, Ward 6

The following candidates received the highest percentage of votes for Fifth Ward City Council Member and Seventh Ward City Council Member and will be entered into the General Municipal Run-Off Election to be held on November 5, 2024:

- Fifth Ward Council Member
 - Kim Knaus with 37.13%
 - Henry Nickel with 25.12%
- Seventh Ward Council Member
 - Treasure Ortiz with 39.04%
 - James F. “Jim” Penman with 31.12%

The candidates elected to office will be seated in December following the certification of the results for the General Municipal Election.

2021-2025 Strategic Targets and Goals

Certifying the results of the election aligns with Goal No. 2: Focused, Aligned Leadership and Unified Community.

Fiscal Impact

There is no fiscal impact by adopting this Resolution.

Conclusion

Adopt Resolution No. 2024-077 of the Mayor and City Council of the City of San Bernardino, California, reciting the facts of the Primary Municipal Election held on March 5, 2024, certifying the election results and such other matters as provided by law.

Attachments

Attachment 1 – Resolution No. 2024-077 Certifying the Result of the Primary Municipal Election

Attachment 2 – Resolution No. 2024-077 Exhibit ‘A’ – Final Certified Elections

Results

Attachment 3 – County of San Bernardino Certification of Elections Results of March 29, 2024

Ward:

All Wards

Synopsis of Previous Council Actions:

On September 6, 2023, the Mayor and City Council adopted Resolution No. 2023-137, calling for a Primary Municipal Election.

RESOLUTION NO. 2024-077

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
RECITING THE FACTS OF THE PRIMARY MUNICIPAL
ELECTION HELD ON MARCH 5, 2024, CERTIFYING THE
ELECTION RESULTS AND SUCH OTHER MATTERS AS
PROVIDED BY LAW.**

WHEREAS, the Primary Municipal Election was consolidated with the Statewide Primary Election and was conducted in the City of San Bernadino, California on Tuesday March 5, 2024, as required by law; and

WHEREAS, notice of the election was given in the time, form and manner as provided by law; that voting precincts were properly established; that elections officers were appointed and that in all respects the election was held and conducted and the votes were cast, received, and canvassed and the returns made and declared in the time, form and manner as required by the provisions of the Elections Code of the State of California and the Charter of the City of San Bernardino for holding of elections; and

WHEREAS, the Registrar of Voters of the County of San Bernardino canvassed the returns of the election and has certified the results to this City Council, the results are received, attached, and made a part hereof as ‘Exhibit “A.”

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF
SAN BERNARDINO AS FOLLOWS:**

SECTION 1. That the whole number of ballots cast in the City of San Bernardino was 10,488.

SECTION 2. That the Names of Persons and the offices for which they were voted are as follows:

<u>For the Office of Member of the City Council Ward 3</u>	<u>Votes</u>
Juan Figueroa	1,028
Christian T. Shaughnessy	903
<u>For the Office of Member of the City Council Ward 5</u>	<u>Votes</u>
Henry Nickel	974
Rose Ward	162
Ben Reynoso	812
Chas A. Kelley	490

Kim Knaus	1,440
<u>For the Office of Member of the City Council Ward 6</u>	<u>Votes</u>
Mario Flores	939
Bessine Littlefield Richard	585
Write -In Candidate – Kimberly Calvin	273
<u>For the Office of Member of the City Council Ward 7</u>	<u>Votes</u>
Damon L. Alexander	860
Treasure Ortiz	1,125
James F. “Jim” Penman	897

SECTION 3. That the number of votes given at each precinct and the number of votes given in the City to each of the persons above named for the respective offices for which the persons were candidates were as listed in Exhibit “A” attached.

SECTION 4. Pursuant to San Bernardino Municipal Code section 2.56.040, the City Council does declare and determine that Juan Figueroa was re-elected as a Member of the City Council to represent Ward 3 for the full term of four years; Mario Flores was elected as a Member of the City Council to represent Ward 6 for the full term of four years. The successful candidates shall be seated and shall begin their new term of service in December 2024. In addition, pursuant to San Bernardino Municipal Code Section 2.56.040, the City Council does declare and determine that the candidates for the office of Fifth Ward Council Member and Seventh Ward Council Member with the highest number of votes shall be entered into and appear on the ballot as the Fifth Ward Council Member and Seventh Ward Council Member candidates at the General Municipal Run Off Election to be held November 5, 2024, those candidates are Kim Knaus, Henry Nickel, Treasure Ortiz and James F. “Jim” Penman.

SECTION 5. The City Clerk shall enter on the records of the City Council of the City, a statement of the results of the election showing: (1) The whole number of ballots cast in the City; (2) The names of the persons voted for; (3) For which office each person was voted for; (4) The number of votes given at each precinct to each person.

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.

SECTION 7. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that

the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 8. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 9. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this ____ day of ____ 2024.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2024-XX, adopted at a regular meeting held on the ____ day of _____ 2024 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2024.

Genoveva Rocha, CMC, City Clerk

City of San Bernardino Member, City Council Ward 3 (Vote for 1)

Precincts Reported: 49 of 49 (100.00%)

	Mail Ballot	Designated M	Polling Place	Provisional	Total	
Times Cast	1,965	0	220	8	2,193 / 14,045	15.61%
Undervotes	210	0	45	4	259	
Overvotes	3	0	0	0	3	
Candidate	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
JUAN FIGUEROA	927	0	98	3	1,028	53.24%
CHRISTIAN T. SHAUGHNESSY	825	0	77	1	903	46.76%
Total Votes	1,752	0	175	4	1,931	
	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
Unresolved Write-In	0	0	0	0	0	

City of San Bernardino Member, City Council Ward 5 (Vote for 1)

Precincts Reported: 18 of 18 (100.00%)

	Mail Ballot	Designated M	Polling Place	Provisional	Total	
Times Cast	3,677	0	474	19	4,170 / 17,139	24.33%
Undervotes	255	0	29	2	286	
Overvotes	6	0	0	0	6	
Candidate	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
HENRY NICKEL	819	0	152	3	974	25.12%
ROSE WARD	142	0	20	0	162	4.18%
BEN REYNOSO	734	0	76	2	812	20.94%
CHAS A. KELLEY	439	0	48	3	490	12.64%
KIM KNAUS	1,282	0	149	9	1,440	37.13%
Total Votes	3,416	0	445	17	3,878	
	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
Unresolved Write-In	0	0	0	0	0	

City of San Bernardino Member, City Council Ward 6 (Vote for 1)

Precincts Reported: 39 of 39 (100.00%)

	Mail Ballot	Designated M	Polling Place	Provisional	Total	
Times Cast	1,807	0	177	21	2,005 / 14,371	13.95%
Undervotes	179	0	21	5	205	
Overvotes	3	0	0	0	3	
Candidate	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
MARIO FLORES	842	0	88	9	939	52.25%
BESSINE LITTLEFIELD	531	0	49	5	585	32.55%
RICHARD	1,625	0	156	16	1,797	
Total Votes						
	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
Kimberly Calvin	252	0	19	2	273	15.19%
Unresolved Write-In	0	0	0	0	0	

City of San Bernardino Member, City Council Ward 7 (Vote for 1)

Precincts Reported: 15 of 15 (100.00%)

	Mail Ballot	Designated M	Polling Place	Provisional	Total	
Times Cast	2,655	0	429	17	3,101 / 15,253	20.33%
Undervotes	184	0	31	2	217	
Overvotes	2	0	0	0	2	
Candidate	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
DAMON L. ALEXANDER	719	0	134	7	860	29.84%
TREASURE ORTIZ	990	0	130	5	1,125	39.04%
JAMES F. "JIM" PENMAN	760	0	134	3	897	31.12%
Total Votes	2,469	0	398	15	2,882	
	Mail Ballot	Designated Mail Ballot	Polling Place	Provisional	Total	
Unresolved Write-In	0	0	0	0	0	



Registrar of Voters

Stephenie Shea
Registrar of Voters

CERTIFICATION OF REGISTRAR OF VOTERS OF THE RESULTS OF THE CANVASS OF THE MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION

STATE OF CALIFORNIA)
) ss.
SAN BERNARDINO COUNTY)

I, Stephenie Shea, Registrar of Voters of San Bernardino County, do hereby certify that, in pursuance of the provisions of Elections Code section 15300, et seq., I did canvass the results of the votes cast in the Presidential Primary Election held in said County on March 5, 2024, for measures and contests that were submitted to the vote of the voters, and that the Certified Election Results to which this certificate is attached is full, true and correct.



I hereby set my hand and official seal this 29th day
of March, 2024, at San Bernardino County.

Stephenie Shea
Registrar of Voters
San Bernardino County
State of California

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