

City of Brisbane

Agenda Report

DATE: City Council Meeting of February 2, 2017

TO: Mayor Liu and Members of the City Council

FROM: Michael H. Roush, City Attorney

SUBJECT: Ordinance No. 614 Changing the Year in which City Council Elections Must be Held to June in Even Numbered Years (in Connection with the Statewide Election) and Extending the Terms of Office for Current City Council Members By Six Months

RECOMMENDATION

Adopt Ordinance No. 614 that (a) changes the month and year in which City Council elections must be held to June in even numbered years, in order to comply with new State legislation that mandates such a change, and (b) extends the term of office for current Council members by six months.

BACKGROUND

At its December 8, 2016 meeting, City Council considered an agenda report that explained why the City is required to hold its municipal elections in even numbered years, beginning no later than November 2022. Attached to that agenda report was a proposed Ordinance that would have extended the terms of office for current Council members by one year. That is, the Council members elected in 2013 would serve until December 2018 and Council members elected in 2015 would serve until December 2020. Municipal elections would be held in November of even numbered years, beginning November 2018.

After hearing from the public and after discussion, Council did not take action on the Ordinance. Instead, it directed staff to prepare other Ordinances that would assume Council elections would continue to be held in 2017 and 2019 but that (a) in one scenario the terms of office would be shortened by one year and (b) in a different scenario the terms of office would be extended by one year.

In either case, the City would conduct its municipal elections in even numbered years by no later than November 2022, in compliance with the new state legislation.

Council considered those draft ordinances at its meeting on January 5, 2017. After hearing from the public and after discussion, Council, on a 3-2 vote, introduced an ordinance (Ordinance No. 614) to change the month and year in which City Council elections must be held to June in even numbered years and to extend the terms of office for current Council members by six months. That is, the terms of office for Council members Conway, Lentz and Liu would be extended from December 2017 until the election results of June 2018 are certified, either in late June or early July 2018. The terms of office of Council members Davis and O'Connell would be extended from December 2019 until the election results of June 2020 are certified, either in late June or early July 2020.

DISCUSSION

This item is on for a second reading of the Ordinance. If there are three votes to approve, it will become effective 30 days thereafter.

Election Costs

Council also asked what the costs of a June 2018 and/or a November 2017 election would be. City staff has discussed this with representatives of the County Registrar of Voters. The answer, as Council might expect, depends on a number of factors, such as the number of other jurisdictions that might have matters on the same ballot.

Nevertheless (with an estimated 2500 registered voters in Brisbane), the County estimates that if Brisbane conducted its municipal election in June 2018 with a polling place, along with the Statewide primary election, the cost would be about \$4/voter or about \$10,000. By contrast, it is estimated that a November 2018 municipal election, with a polling place, would cost about \$2.70/voter or \$6750. Based on previous elections, the County also estimates Council candidates' statements would cost about \$300.

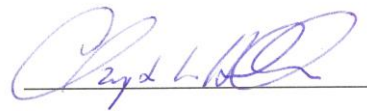
Concerning a November 2017 municipal election (with an estimated 2500 registered voters in Brisbane), if all the jurisdictions that historically have conducted their elections in odd numbered years in

November were to continue that practice, Brisbane's costs would be about \$1.40/voter or \$3,500. Staff knows, however, that a number of cities have decided to move their municipal elections to November 2018. Currently there are six cities, including Brisbane, that are undecided about a November 2017 election. If all six conduct their election in November 2017, it is estimated that the cost to Brisbane would be about \$3.30 per voter or about \$8,250. On the other hand, to date only the Cities of San Mateo and Burlingame have decided to conduct their municipal elections in November 2017 (San Mateo needs to amend its charter to change its election date and those elected in Burlingame in 2017 will serve a five year term). If only San Mateo, Burlingame and Brisbane conduct municipal elections in November 2017, it is estimated Brisbane's cost would be about \$7 per voter or \$17,500.

Complicating this is other, recent statewide legislation concerning all mail in ballots. Under AB 2020, if all jurisdictions in San Mateo County that are conducting an election in November 2017 concur, such elections could be conducted by all mail in ballots, which would reduce Brisbane's costs to \$1.50/voter or \$3750 (with an estimated 2,500 registered voters for the City). Under SB 450, the County Board of Supervisors, after conducting public hearings and receiving input from the cities in San Mateo County, could adopt legislation that would mandate all mail in ballots beginning in November 2018. If that were to become law, that would also reduce Brisbane's election costs when compared to an election with polling places.



Michael H. Roush
City Attorney



Clay Holstine
City Manager

Attachment:

1. Ordinance No. 614, as introduced on January 5, 2017

ATTACHMENT 1:

ORDINANCE NO. 614

AN ORDINANCE OF THE CITY OF BRISBANE AMENDING SECTION 1 (PART) OF ORDINANCE NO. 286 AND CHAPTER 2.38 OF THE BRISBANE MUNICIPAL CODE CONCERNING GENERAL MUNICIPAL ELECTIONS

THE CITY COUNCIL OF THE CITY OF BRISBANE HEREBY ORDAINS AS FOLLOWS:

Section 1: Section 1 (part) of Ordinance No. 286 and Chapter 2.38 of the Brisbane Municipal Code are amended to read as follows:

“Chapter 2.38 General Municipal Elections

2.38.010 Election date designated.

The general municipal election for the offices of city council members shall be held on the first Tuesday following the first Monday in June of even numbered year, commencing June 2018.

2.38.020 Consolidation of elections.

The city clerk shall petition the County of San Mateo to consolidate the City of Brisbane general municipal election with the statewide election held on first Tuesday following the first Monday in June of each even numbered year, commencing June 2018.

2.38.030 Terms of Office—City Council members elected in November 2013.

The term of office for each City Council member elected in November 2013 is extended to the beginning of the term of office for each City Council member elected in June 2018.

2.38.040 Terms of Office—City Council members elected in November 2015.

The term of office for each City Council member elected in November 2015 is extended to the beginning of the term of office for each City Council member elected in June 2020.

2.38.050 Terms of Office—City Council members generally

The term of each City Council member elected in June 2018 and June 2020, and in each subsequent general municipal election shall be for a term of four years, from the time each member is elected and qualified until his/her successor is elected and qualified.

2.38.060 Notice to inform voters

Within 30 days after the Ordinance codified in this Chapter becomes operative, the City Clerk shall cause a notice to be mailed to all registered voters in the City informing them of the change in the election date. The notice shall also inform the voters that as a result of the change in the election date, the term of office for each current City Council member has been extended.”

Section 2. This Ordinance shall be in full force and effect 30 days after its passage and adoption.

The above and foregoing Ordinance was regularly introduced and, after the waiting time required by law, thereafter passed and adopted at a regular meeting of the City Council of the City of Brisbane held on February 2, 2017, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney