

City of Brisbane

Agenda Report

DATE: City Council Meeting of March 2, 2017

TO: Mayor Liu and Members of the City Council

FROM: Michael H. Roush, City Attorney

SUBJECT: **Ordinance No. 614 Changing the Year to which City Council Elections Must be Held to Even Numbered Years (Statewide Elections), Extending By Six Months the Terms of Office for Current City Council Members and Providing for a Term of Office of 4.5 years for Persons Elected to City Council in June 2018 and June 2020**

RECOMMENDATION

Adopt Ordinance No. 614 changing the year at which City Council elections must be held to even numbered years, in order to comply with new State legislation that mandates such a change and in the Ordinance, extending the term of office for current Council members by six months, and providing for a term of office of 4.5 years for persons elected to City Council in June 2018 and June 2020.

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 to change the year at which City Council elections must be held to June in

even numbered years and extending the terms of office for current Council members by six months. That is, the terms of office for Council members Conway, Lentz and Lui 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.

At its meeting on February 2, 2017, after further public input and Council discussion, Council, on a 3-1 vote (with Council member Davis absent), re-introduced Ordinance No. 614 to provide that generally, municipal elections will be held in November of even numbered years except in 2018 and 2020 when the municipal elections will be held in June.

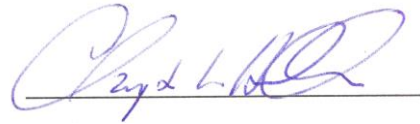
If the Ordinance is adopted and becomes effective, the terms of office of Council members Conway, Lentz and Liu would be extended from December 2017 until the election results of the June 2018 election are certified (likely July 2018) and the terms of office of Council members Davis and O'Connell would be extended from December 2019 until the election results of June 2020 election are certified (likely July 2020). Moreover, the terms of office of those persons elected in June 2018 and June 2020 would be until December 2022 and December 2024, respectively (a term of about 4.5 years). Thereafter, elections would be held in November of even numbered years, with a four year term of office.

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.



Michael H. Roush
City Attorney



Clay Holstine
City Manager

Attachment:

1. Ordinance No. 614, as re-introduced on February 2, 2017

ORDINANCE NO. 614

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.

As mandated by State law (the California Voter Participation Rights Act [SB 415]), in even numbered years, the general municipal election for the offices of city council members shall be held on the first Tuesday following the first Monday in November, commencing November 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 (a) on the first Tuesday following the first Monday in June 2018, (b) on the first Tuesday following the first Monday in June 2020 and thereafter (c) on the first Tuesday following the first Monday in November of each even numbered year, commencing November 2022.

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.

2.38.035 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.

2.38.040 Terms of Office—City Council members elected in June 2018

The term of office for each City Council member elected in June 2018 shall be until the term of office for each Council member elected in November 2022 begins.

2.38.045 Terms of Office—City Council members elected in June 2020

The term of office for each City Council member elected in June 2020 shall be until the term of office for each Council member elected in November 2024 begins.

2.38.050 Terms of Office—City Council members generally

The term of each City Council member elected in November 2022 and November 2024, 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 effective and the County of San Mateo has confirmed the consolidation of the City's general municipal elections with the statewide elections as provided in this Ordinance, the City Clerk shall cause a notice to be mailed to all registered voters in the City informing them of the changes in the election dates. The notice shall also inform the voters that as a result of the change in the election dates, the term of office for each current Council member has been extended by six months and the term of office for Council members elected in June 2018 and June 2020 shall be for 4.5 years.

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

Lori S. Liu, Mayor

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

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Ingrid Padilla, Interim City Clerk

APPROVED AS TO FORM:

Michael Roush, City Attorney