

# City of Brisbane

## Agenda Report

DATE: City Council Meeting of January 5, 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) and Determining Whether to Shorten or Extend the Terms of Office for City Council Members**

### RECOMMENDATION

Introduce 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 determine whether (a) to extend the term of office for current Council members by one year, i.e., to 2018 and 2020, respectively (Attachment 1), (b) to shorten the term of office for Council members elected in 2017 and 2019 by one year, i.e., to 2020 and 2022, respectively, (Attachment 2), (c) to extend the term of office for Council members elected in 2017 and 2019 by one year, i.e., to 2022 and 2024, respectively (Attachment 3) or (d) some other formula so long as municipal elections are held in even numbered years beginning in November 2022.

### 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 614 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.

## DISCUSSION

Attached are three draft Ordinance. Attachment 1 is the Ordinance that was attached to the December 8, 2016 agenda report that would extend the terms of office for Council members elected in 2013 (Conway, Lentz and Liu) to 2018 and would extend the terms of office for Council members elected in 2015 (Davis, O'Connell) to 2020. Municipal elections would be held in November of even numbered years beginning in November 2018 and Council members elected in 2018 (and 2020) would serve four year terms.

Attachment 2 is an Ordinance that would keep in place municipal elections in November 2017 and 2019 but those members elected in 2017 and 2019 would serve only three years, i.e., to 2020 and 2022, respectively. Municipal elections would be held in November of even numbered years beginning in November 2020 and Council members elected in 2020 (and 2022) would serve four years.

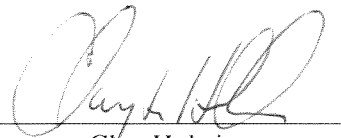
Attachment 3 is an Ordinance that would keep in place municipal elections in November 2017 and 2019 but those members elected in 2017 and 2019 would serve five years, i.e., to 2022 and 2024, respectively. Municipal elections would be held in November of even numbered years beginning in November 2022 and Council members elected in 2022 (and 2024) would serve four years.

There are other options the Council could consider and still comply with the State law. For example, Council members elected in 2017 could be elected to four year terms and those elected in 2021 could serve a three year term (to 2024). If that were to occur, then members elected in 2019 would need to serve a three year term (to 2022) in order to comply with the new state law. Or, as stated in the prior agenda report, City Council could wait until after the election in November 2017 and have this issue decided in December 2017 in that the legislation only requires the Council to have a "plan" in place by January 2018 concerning municipal elections in even numbered years beginning November 2022.



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Michael H. Roush  
City Attorney



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Clay Holstine  
City Manager

### Attachments:

1. Ordinance extending current Council members' terms of office by one year
2. Ordinance shortening current Council members' terms of office by one year
3. Ordinance extending the terms of office for Council members elected in 2017 and 2019 by one year

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 November of even numbered year, 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 on first Tuesday following the first Monday in November of each even numbered year, commencing November 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 November 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 November 2020.

2.38.050 Terms of Office—City Council members generally

The term of each City Council member elected in November 2018 and November 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.”

\_\_\_\_\_  
Lori S. Liu  
Mayor

**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 \_\_\_\_\_, 2017, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

\_\_\_\_\_  
Ingrid Padilla  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Roush  
City Attorney

ATTACHMENT 2

ORDINANCE NO. 614

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**“Chapter 2.38 General Municipal Elections**

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The general municipal election for the offices of city council members shall be held on the first Tuesday following the first Monday in November of even numbered year, commencing November 2020.

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 November of each even numbered year, commencing November 2020.

2.38.030 Terms of Office—City Council members elected in November 2017.

The term of office for each City Council member elected in November 2017 is shortened to the beginning of the term of office for each City Council member elected in November 2020.

2.38.040 Terms of Office—City Council members elected in November 2019.

The term of office for each City Council member elected in November 2019 is shortened to the beginning of the term of office for each City Council member elected in November 2022.

2.38.050 Terms of Office—City Council members generally

The term of each City Council member elected in November 2020 and November 2022, 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 City Council member elected in 2017 and 2019 shall be shortened by one year.”

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

\_\_\_\_\_  
Lori S. Liu  
Mayor

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NOES:  
ABSENT:  
ABSTAIN:

ATTEST:

\_\_\_\_\_  
Ingrid Padilla  
Interim City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Michael Roush  
City Attorney

## ATTACHMENT 3

### 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.

The general municipal election for the offices of city council members shall be held on the first Tuesday following the first Monday in November of even numbered year, commencing November 2022.

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 November of each even numbered year, commencing November 2022.

2.38.030 Terms of Office—City Council members elected in November 2017.

The term of office for each City Council member elected in November 2017 is extended to the beginning of the term of office for each City Council member elected in November 2022.

2.38.040 Terms of Office—City Council members elected in November 2019.

The term of office for each City Council member elected in November 2019 is extended to the beginning of the term of office for each City Council member elected in November 2024.

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 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 City Council member elected in 2017 and 2019 shall be extended by one year.”

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

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Lori S. Liu  
Mayor

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Michael Roush  
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