

Item 8
Revised on dais
8/5/14

RESOLUTION NO. 2014-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA (1) WAIVING CITY COUNCIL POLICY NO. 103-02; (2) AMENDING RESOLUTION 2014-120 CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 4, 2014 TO ORDER SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A MEASURE TO AMEND CHULA VISTA CITY CHARTER SECTIONS ~~300~~ AND 303 TO: (A) ELIMINATE THE MANDATORY RUN-OFF REQUIREMENT FOR ~~GENERAL MUNICIPAL ELECTIONS, AND FOR SPECIAL~~ ELECTIONS TO FILL A VACANCY, IN WHICH ONE CANDIDATE RECEIVES MORE THAN FIFTY PERCENT OF THE VOTE; AND (B) ALLOW THE COUNCIL TO FILL A CITY COUNCIL VACANCY BY APPOINTMENT, OR BY CALLING A SPECIAL ELECTION, IF THE REMAINING TERM IS MORE THAN ONE YEAR BUT LESS THAN TWENTY FIVE MONTHS; AND (3) APPROPRIATING FUNDS THEREFOR

WHEREAS, Resolution No. 2014-120 calling a Special Municipal Election to be held on Tuesday, November 4, 2014 was adopted on July 8, 2014; and

WHEREAS, by adoption of Resolution No. 2014-120, the City requested that the County of San Diego Board of Supervisors permit the Registrar of Voters to perform and render all services and proceedings related to the conduct of the November 4, 2014 election; and

WHEREAS, the Charter of the City of Chula Vista, Article III, Section 300, provides for the election of the Mayor and City Council members, and Section 303 provides for the filling of vacancies on the City Council; and

WHEREAS, the City Charter should provide that, if a candidate in a ~~general municipal election, or in a~~ special election called to fill a vacancy, receives more than fifty percent of the votes cast, then that candidate should be deemed elected; and

WHEREAS, the City Charter should require a run-off election ~~only~~ if no candidate in a ~~general municipal election, or in a~~ special election called to fill a vacancy, receives more than fifty percent of the votes cast; and

WHEREAS, the City Charter should provide that, if a vacancy is declared on the City Council, with more than one year and less than 25 months remaining in the term, from the date of declaration, the Council shall either fill the vacancy either by appointment or by special election, and shall decide which method will be used to fill the vacancy within 14 days of declaring the vacancy; and

WHEREAS, the City Charter should provide that the City Council shall not fill a vacancy by appointment if it would result in more than two members being on the City Council by virtue of appointment; and

WHEREAS, City staff estimates that placing a measure on the November 2, 2014 ballot will cost approximately \$47,000.00.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chula Vista, that it does hereby declare, determine and order as follows:

SECTION 1. That the City Council, pursuant to its right and authority, does hereby place a measure amending Chula Vista City Charter sections ~~300 and~~ 303, a copy of which is attached hereto as Exhibit A, on the ballot for the Special Municipal Election, to be held on November 4, 2014, and orders submitted to the voters the following question:

Shall the City Charter be amended so that in any municipal general election, or any special election to fill a vacancy, a candidate receiving over 50% of votes cast is deemed the winner with no run-off required; and so that, if a City Council seat becomes vacant with more than 12 <u>months</u> and less than 25 months remaining in the term, the Council may fill the vacancy by appointment or call a special election; <u>and so that in any special election to fill a vacancy, a candidate receiving over 50% of votes cast is deemed the winner with no run-off required?</u>	YES	
	NO	

SECTION 2. Should the question be approved by the requisite vote, the measure attached hereto as Exhibit A, and incorporated by this reference shall be enacted.

SECTION 3. The City Attorney shall cause the preparation of an impartial analysis of the measure, which shall be due August 18, 2014.

SECTION 4. The City Clerk is directed to prepare and publish a notice of the measures to be voted on. Direct Arguments shall be due by **August 20, 2014, in the City**

Clerk's office, and the 10-day public review period for the arguments shall be August 21, 2014 to September 1, 2014.

SECTION 5. The City Council hereby acknowledges its authority, pursuant to California Elections Code section 9282, to submit a written argument not to exceed 300 words in length.

SECTION 6: Pursuant to a resolution previously adopted by the Council allowing rebuttal arguments, rebuttal arguments will be allowed in accordance with Elections Code section 9285. Rebuttal arguments may not exceed 250 words. The deadline for rebuttal arguments will be **August 28, 2014**, in the City Clerk's office, and the 10-day public review period for the arguments shall be **August 29, 2014 to September 8, 2014**.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. The City Clerk is hereby directed to forthwith file a certified copy of this resolution with the Board of Supervisors and the Registrar of Voters of the County of San Diego and to issue instructions to the Registrar of Voters to take any and all steps necessary for the holding of the elections.

SECTION 9. The City Clerk shall certify to the passage and adoption of this resolution and file it with the City's original resolutions.

BE IT FURTHER RESOLVED that the City Council of the City of Chula Vista appropriates \$47,000 from the General Fund reserves to the City Clerk's supplies and services expenditure category to fund the costs of such ballot measure.

Presented by:

Approved as to form by:

Glen R. Googins
City Attorney

Glen R. Googins
City Attorney