

Chula Vista City Council meeting, July 22, 2014
Mayor's Comments

**CONSIDERATION OF INCLUDING ON THE AUGUST 5, 2014 AGENDA AN ITEM
PLACING A MEASURE ON THE NOVEMBER 4, 2014 BALLOT AMENDING THE CHULA
VISTA CHARTER TO ELIMINATE THE REQUIREMENT OF A RUN-OFF ELECTION
WHEN A CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST
IN A GENERAL ELECTION OR SPECIAL ELECTION HELD TO FILL A VACANCY**

First, I would like to apologize for my request for consideration of a ballot item at the Council's August 5 meeting, as the request is much later than I would have preferred for an important issue that could save taxpayers over 1 million dollars.

The fact is that last Wednesday, as I was doing some research, I realized the city could soon be in a position of spending approximately 1 million to 1.2 million dollars on future special elections and run-offs. That said, we as a Council can give taxpayers an opportunity to safeguard their money from this expense in two ways:

BACKGROUND

Chula Vista's Charter terminology for the June election is a general election. The November election is a special election.

And then there are special elections to fill a vacancy.

A November 2012, voter-approved a Charter amendment requires a run-off election (i.e., a second special election) even if a candidate in the special election receives a majority (50% +1) of votes cast.

Prior to November 2012, if a candidate received a majority (50% + 1) of the votes, s/he was declared the winner, without the requirement of a second special election.

This is what is at stake today:

FIRST

Charter Section 300.A.4 states that the mandatory run-off election requirement shall take effect in 2014. Should a Council seat vacancy occur, here's what happens:

Section 303.C.2 requires a Council seat vacancy with more than one year remaining in the term to be filled by a special election within 120 days from the declaration of vacancy.

Section 303.C.2.a holds that in the first of two special elections to fill a vacancy, the two candidates for the newly vacant Council seat receiving the highest number of votes, regardless of the top candidate receiving more than 50 percent of votes cast, and the

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candidate with the second highest number of votes shall be the candidates in a second, special run-off election.

The City Clerk estimates the fiscal impact of the first special election to cost \$500,000 to \$600,000. She estimates the same amount for the run-off special election, or 1 million to 1.2 million dollars for both elections. This amount can be cut by half by removing from the Charter the provision for a mandatory run-off. Filling a Council seat vacancy would cost \$500,000 to \$600,000, not a million dollars.

Filling a Council seat by special election and a mandatory run-off if more than one year remains in the term, means that the first of two special elections would likely be held five to six months from the time of declaration of vacancy. The second run-off special election would be from five to six months from the first special election. The Council would be required to operate one Councilmember short for almost a year.

SECOND

Charter Section 303.C.1, says that if a vacancy one year or less remains in the term from the date of declaration, the Council shall within 45 days appoint someone to fill the vacant seat on the City Council.

Elections are very expensive, particularly so in off years.

Modifying Section 303.C.1 to extend the time period a little longer, to read, "if a vacancy two years and one month or less remains in the term from the date of declaration, the Council may within 45 days appoint someone to fill the vacant seat on the City Council" 100% of the cost could be avoided, at the decision of the City Council. If the Council decides to hold a special election to fill a vacancy, the specificity of 25 months moves the timeline out and avoids some of the delay in filling a vacated seat.

SUMMARY

If the Council supports my request to discuss on August 5th a ballot item that would

1) eliminate the requirement of a run-off (i.e., a second special) election when a candidate receives a majority (50% +1) of the votes cast in a general election or special election held to fill a vacancy, and

2) allow the Council to choose between a special election and a Council appointment when the remaining term is less than 25 months,

I will ask staff to seek the Charter Review Commission's input by asking the Commission either to call a Commission meeting to discuss this request or participate in a joint Council/Commission meeting on August 5th when the item is on the Council's agenda.

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