

ATTACHMENT 4

ARTICLE III.

CITY COUNCIL.

Sec. 300.

Members, Eligibility and Terms.

A. There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected at the times and in the manner provided in this Charter.

1. The Mayor shall be elected from the City at large. No person shall be eligible to hold the office of Mayor, or to be elected or appointed to the office of Mayor, unless such person is a resident and registered voter of the City or territory annexed to the City. To be eligible to seek election to the office of Mayor, a person must be a resident and registered voter of the City or territory annexed to the City at the time of filing the nomination papers for such office.

2. Each of the four Councilmembers shall be elected by district in the manner provided in paragraph (3) below. To be eligible to seek election, or appointment, to the office of Councilmember, a person must be a registered voter of the City or territory annexed to the City and resident of the Council district which that person seeks to represent at the time of filing the nomination papers for such office, or at the time of appointment to such office, respectively. No person shall be eligible to hold the office of Councilmember unless that person is a registered voter of the City or territory annexed to the City and resident of the Council district which that Councilmember represents.

3. In the general municipal election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district. If one candidate from a district receives more than fifty percent of the votes cast by the voters of that district, that candidate shall be deemed elected in that district. † If no candidate receives more than fifty percent of the vote in a district, and then the two (2) candidates for Councilmember in thateach district receiving the highest and second highest number of votes cast by the voters of their district shall be the candidates in a run-off election to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted,

then on the first Tuesday after the first Monday of November of each even numbered year). ~~If only two qualified candidates from a Council district file nomination papers to participate in the general municipal election in that district, no general election shall be held and the two candidates shall be the candidates at the run-off election for the office of City Councilmember from that district.~~ If two or more candidates from a district tie in the receipt of the highest number of votes in the general municipal election, all such candidates shall appear on the run-off election ballot and no candidate(s) receiving the second-highest number of votes shall appear on the run-off election ballot. If one candidate from a district receives the highest number of votes and two or more candidates from the same district tie in the receipt of the second-highest number of votes, all such candidates shall appear on the run-off election ballot. In the run-off election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from each district for which a Councilmember is to be elected, and the candidate for Councilmember from each district receiving the highest number of votes cast shall be elected.

4. Notwithstanding any other provision in this Section 300 or Section 300.5, ~~the mandatory run-off election requirement in subparagraph 300.A.3., above, shall take effect in 2014. Notwithstanding that the mandatory run-off elections shall commence in 2014,~~ the transition to by-district elections for Councilmembers shall not commence until 2016 as provided in Section 300.5. Until the 2016 general municipal election, Councilmembers shall continue to be elected at large.

B. The term of each member of the City Council shall be for a nominal term of four years and shall commence on the first Tuesday of December of the year of the election, and shall continue until a qualified successor takes the oath of office. Notwithstanding the foregoing, if the official results for the election of the office of Mayor or the office of Councilmember are not certified before the first Tuesday in December, the term for the Mayor or Councilmember(s) elected at such election shall be deemed to commence upon taking the oath of office, which shall be given at the first scheduled City Council meeting following certification of the election results.

C. No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may again seek nomination and election to said offices of Council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Councilmember or Mayor may not seek nomination and election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter. Any person elected in a special election for the balance of a regular term of Mayor and/or Councilmember for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

D. Each Council district shall be numbered one (1) through four (4) respectively. Any person running for the office of Councilmember shall designate, as the office for which such person seeks election, one of the numbered Council districts as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in any Council district, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered district on their nominating papers.

E. Any person to be elected at a general municipal election for the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of a majority of the votes cast for the office of Mayor at the election. If no candidate at such general municipal election receives a majority of the votes cast, there shall be a special runoff election, to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even-numbered year), between the two candidates receiving the highest and second highest number of votes in the general municipal election for the office of Mayor, in order to determine the winner. By way of clarification, ties among the candidates receiving the two highest number of votes at the general municipal election shall be resolved by a special runoff election. ~~Beginning in 2014, the elections for the office of Mayor shall be held in the same manner as provided in Section~~

~~300.A., provided, however, that voters of the City at-large shall be entitled to vote in such elections.~~

F. Vacancies and elections to fill vacancies for the office of Councilmember or the office of Mayor, shall be determined in accordance with Section 303.C.2.

G. If one of the two eligible candidates dies on or before the ninetieth day prior to a special run-off election required under this Section, his or her name shall not be placed on the ballot. The candidate receiving the third highest number of votes in the general municipal election for the office of Councilmember or the office of Mayor shall be offered by the City Clerk, the opportunity to be placed on the ballot in lieu of the deceased. The City Clerk shall make the offer in writing immediately upon notification of the death. The candidate shall accept or reject in writing to the Clerk within five calendar days of receipt of the City Clerk's offer. If accepted, the special run-off election between the remaining candidate and the candidate receiving the third highest number shall be held. If rejected, there shall be no run-off election, and the remaining candidate shall be deemed elected as of the date of such death.

H. Any person to be elected at a special run-off election required under this Section shall be deemed elected upon receipt of the highest number of votes for the particular office of Councilmember or the office of Mayor and shall be seated upon taking the oath of office. Ties at such special run-off election shall be resolved by lot.

Sec. 303. Vacancies.

A. When a Vacancy Occurs; Granting Permission for Absences.

If a member of the City Council is absent from four (4) consecutive regular meetings of the City Council scheduled and held, unless by permission of the City Council expressed in its official minutes contemporaneously with such absences or sooner, or is convicted of a felony or crime involving moral turpitude, or submits a letter of resignation to the City Clerk, or because of the election of the current office holder to another seat on the City Council, or other office requiring the surrender of the City office seat, the office shall become vacant as of the date of the last absence (in the case of four unexcused, consecutive absences from regular City Council meetings), the date of such conviction (in the case of conviction of a felony or crime involving moral turpitude), ~~or~~ the effective date of resignation as set forth in such letter of resignation, or the date on which the current office holder is sworn into another office (in the case of an election to another office), as applicable. The permission of the Council shall be granted for any temporary illness of the requesting Councilmember disabling him or her from attendance at such meeting. The City Council shall declare the existence of any vacancy or anticipated vacancy as soon as practicable.

B. Anticipated Vacancies with Intervening Consolidated Elections; Duration of Elected Replacer's Term.

If (1) a vacancy is expected to occur in an office of any member of the City Council or Mayor because of either the election of the current office holder to another seat on the Council or other office requiring the surrender of the City office seat, and (2) if, between the time the expectation of vacancy occurs (by final election results for the other election contest having been announced) and the time the actual vacancy is expected to occur, any other federal, state or local (non-City) election involving all the electors of the City is scheduled to be held at such a time that permits a special election to be called and consolidated with such other federal, state or local election, then (A) the City Council shall call and request consolidation of such special election with such other election or elections, and (B) the vacancy so expected to be created shall be filled by such special election. A person elected in such special election to fill a vacancy shall serve for the remainder of the term of the office and until a successor qualifies.

C. Unanticipated Vacancies Filling Vacancies: Appointments and Special Elections.

Except under the circumstances hereinabove provided in paragraph B, the City Council shall fill such vacancy by election or appointment as set forth herein.

1. If a vacancy is declared by the Council with one (1) year or less remaining in the term from the date of declaration, the Council shall within 45 days appoint a person to fill the vacant seat on the City Council.

In the event Council shall make such an appointment, such an appointee office holder shall be entitled to hold office until a successor subsequently qualifies at the expiration of the remaining Council or Mayoral term.

If the Council is unable to make an appointment, the Council's power to appoint within 45 days of declaration of vacancy is hereby terminated for the duration of such minimal remaining term and the seat will remain vacant. The Council shall use good faith and best efforts to reach agreement on such an appointment. If the Council is unable to make an appointment during the allotted time, the Council's power to appoint is terminated.

Notwithstanding anything else in this section, if an appointment would result in a majority of the members serving on the City Council being appointed, the Council shall not fill the vacancy by appointment. Rather, the Council shall call a special election in accordance with section 303.C.2., below.

2. If a vacancy declared by the Council occurs with ~~more than one (1) year~~ 25 months or more remaining in the term from the date of said declaration, the Council shall call a special election to be held on the next established election date, as specified in the Elections Code of the State of California, or within 120 days from the declaration of vacancy, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy. If there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy, the Council may consolidate the special election with that election, as provided by the Elections Code.

a. In the special election, the voters in the district for which a vacancy shall be filled shall be entitled to vote for one (1) candidate from the district. If a candidate receives the majority of the votes cast in that candidate's district, that candidate shall be deemed and declared by the Council to be elected to the vacant office; the two (2) candidates for Councilmember in the district receiving the highest and second highest number of votes ~~east by the voters of the district shall be the candidates in a special run-off election, as provided in subparagraph b., below.~~ Ties among candidates shall be resolved in the manner provided in Section 300.A.3.

b. If no candidate receives a majority of votes cast in the special election, to fill a vacancy, a special run-off election shall be held in the district in which the vacancy exists, on the next established election date, as specified in the Elections Code, or within 120 days following the certification of the special election results, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days following the certification of the special election results, at which time the Council may consolidate the special run-off election with that election, as provided by the Elections Code. The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat and the name of only those two (2) candidates shall be printed on the ballot for that seat.

c. A vacancy in the office of Mayor shall be filled in the same manner as provided in subparagraphs a., and b., above, except that the voters of the City at-large shall be entitled to vote.

3. If a vacancy is declared by the Council with more than one year but less than 25 months remaining in the term from the date of declaration, the Council may either appoint a person to fill the vacant seat on the City Council, pursuant to subsection C.1., above, or call a special election to fill the vacancy, pursuant to subsection C.2., above. The Council shall determine, by majority vote within fourteen days of the declaration of vacancy, whether to fill the vacancy by appointment or by special election.

If the Council determines to fill the vacancy by appointment and is unable to make an appointment within 45 days of the Council declaring a vacancy, the Council's power to appoint is terminated and the Council shall call a special election pursuant to section 303.C.2., above.