



# City of Chula Vista

## Legislation Details (With Text)

<b>File #:</b>	16-0157	<b>Name:</b>	Removing District 3 Councilmember Position from June 2016 election
<b>Type:</b>	Consent Item	<b>Status:</b>	Passed
		<b>In control:</b>	City Council
<b>On agenda:</b>	4/5/2016	<b>Final action:</b>	4/5/2016
<b>Title:</b>	RESOLUTION NO. 2016-057 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING RESOLUTION 2016-005 TO REMOVE THE ELECTION OF MEMBER OF THE CITY COUNCIL, DISTRICT 3, FROM THE JUNE 7, 2016 GENERAL ELECTION		
<b>Sponsors:</b>			
<b>Indexes:</b>	1. Operational Excellence, 5. Connected Community		
<b>Code sections:</b>			
<b>Attachments:</b>	1. Item 5 - Resolution		

Date	Ver.	Action By	Action	Result
4/5/2016	1	City Council	approve	Pass

RESOLUTION NO. 2016-057 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING RESOLUTION 2016-005 TO REMOVE THE ELECTION OF MEMBER OF THE CITY COUNCIL, DISTRICT 3, FROM THE JUNE 7, 2016 GENERAL ELECTION

### RECOMMENDED ACTION

Council adopt the resolution.

### SUMMARY

On January 12, 2016, the Council adopted Resolution No. 2016-005 to set June 7, 2016 as the date of the General Municipal Election to elect two members of the City Council, representing Districts 3 and 4. Adoption of the attached resolution removes the District 3 City Council position from the General Municipal Election since only two candidates qualified for placement on the ballot. The two qualified candidates for District 3 will be placed on the ballot for the November runoff election, pursuant to Chula Vista Charter section 300.A.3.

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### Environmental Determination

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

## **BOARD/COMMISSION RECOMMENDATION**

Not Applicable.

## **DISCUSSION**

The City Council on January 12, 2016 adopted Resolution 2016-005 to call for a June 2016 General Municipal Election to elect two members of the City Council, representing Districts 3 and 4, each for a full term commencing December 2016. Only two candidates for District 3 submitted sufficient nomination papers and qualified for placement on the ballot. In accordance with Section 300.A.3 of the Chula Vista Charter, it is recommended that the City Council remove the District 3 Member of the City Council position from the June 2016 ballot. Because there are only two qualified candidates, the election to the position will occur at the November runoff election.

Section 300.A.3 of the Chula Vista Charter provides that:

“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 candidates at the run-off election for the office of City Councilmember from that district.”

## **Related Issues For Future Consideration**

Although not agendized for discussion tonight, the cancellation of the June election for District 3 has ripple effects that may warrant future Council consideration and action.

### Write-in Candidates

The first ripple effect is the impact on write-in candidacy. Since the June election for District 3 will not be held, there can be no opportunity for write-in candidates in June. As for November, the Charter, as amended in 2012, does not directly address whether write-in candidates would be permitted in the November run-off election. The plain language of the Charter does, however, clearly indicate that the November election was intended to be a run-off election between the two top vote-getters, only. As such, the City Clerk and the City Attorney agree that overall structure of this system suggests that write-in candidates in November were not intended to be allowed. The City Council could propose a Charter amendment or adopt an ordinance supplementing the Charter if it wishes to address this issue with respect to future elections. Staff may bring this item forward for City Council consideration if a clarifying ordinance becomes necessary.

### Campaign Contributions

Another ripple effect that has arisen in light of the cancellation of the District 3 election relates to campaign contributions. Chapter 2.52 of the City's Municipal Code places certain limits on campaign contributions for City election contests. It provides that a candidate may receive up to \$320.00 from a person and \$1,080 from a Political Party committee (both limits are adjusted biannually) in each of the general and special election contests. It further provides that a candidate may not solicit funds more than eleven months prior to an election contest and may not solicit funds for the special (November) election prior to the holding of the general (June) election. The Code does not address what occurs if the June election is cancelled. Based on this ordinance, the contributions that have been raised by the candidates to-date, could only have been raised for the June election contest. Candidates are permitted to solicit funds from the same source for each election contest. Thus, our

interpretation of the ordinance is that the candidates for District 3 should be permitted to solicit funds for the November election contest once the June election is cancelled, even if the source of the funds has already contributed to their campaign. The candidates have been apprised of this interpretation. In the future, we will be bringing forward proposals for an updated campaign contribution ordinance for the Council's consideration which will address this and other issues that have recently come to light.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site specific and consequently, the 500-foot rule found in California Code of Regulations section 18704.2 (a)(1), is not applicable to this decision. Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. While conducting the election is not specifically associated with one of the City's strategic goals, carrying out this important function in an ethical, impartial, transparent manner aligns with the City's goals of Operational Excellence and Connected Community.

#### **CURRENT YEAR FISCAL IMPACT**

Removing a position from the ballot is anticipated to save an estimated \$20,000 to \$30,000. The final election costs will not be known until after the election is conducted. No budgetary amendment is recommended at this time.

#### **ONGOING FISCAL IMPACT**

There are no ongoing costs associated with adoption of this resolution.

#### **ATTACHMENTS**

None

*Staff Contact: Kerry Bigelow*