



City of Chula Vista

Staff Report

File#: 14-0167, **Item#:** 11.

RESOLUTION NO. 2014-058 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING RESOLUTION 2014-007 TO REMOVE THE CITY ATTORNEY POSITION FROM THE JUNE 3, 2014 ELECTION

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

On January 14, 2014, the Council adopted Resolution No. 2014-007 to set June 3, 2014 as the date of the General Municipal Election to elect a Mayor, two members of the City Council to fill seats 1 and 2, and a City Attorney, each for a full term of four years commencing December 2014. Adoption of the amended resolution is required to remove the City Attorney position from the General Municipal Election because only one qualified candidate submitted nomination papers for the position and the City Attorney election will therefore occur at the November runoff election pursuant to the Chula Vista Charter, with the only qualified candidate as the sole candidate on the ballot for the position.

ENVIRONMENTAL REVIEW

The Development Services Director 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(b)(5) of the State CEQA Guidelines because it involves only an action to remove a position from the ballot; and therefore is an organizational or administrative activity of government that will not result in a direct or indirect 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 necessary.

BOARD/COMMISSION RECOMMENDATION

Not Applicable.

DISCUSSION

As recently amended by the voters, Section 503.C of the Chula Vista Charter provides that the City Attorney shall be nominated and elected in the same manner and at the same election as the Mayor. Section 300.E of the Chula Vista Charter provides that, beginning in 2014, the Mayor shall be elected as provided in Section 300.A of the Chula Vista Charter, except that voters of the City at-large shall be entitled to vote for the position. As applicable here, Section 300.A of the Chula Vista Charter also requires a General Municipal Election and a mandatory runoff election for the position.

Consistent with the Chula Vista Charter, the City Council on January 14, 2014 adopted Resolution 2014-007 to call for a June 2014 General Municipal Election to elect a Mayor, two members of the City Council to fill seats 1 and 2, and a City Attorney, each for a full term commencing December 2014. However, only one candidate timely submitted nomination papers to qualify for election to the

File#: 14-0167, Item#: 11.

position of City Attorney at the June election. In accordance with Section 300.A.3 of the Chula Vista Charter, it is recommended that the City Council remove the City Attorney position from the June 2014 ballot. Because there is only one qualified candidate, 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.

Section 300.A.3 applies to the City Attorney position through Sections 503.C and 300.E. Although only one qualified candidate (rather than two) filed nomination papers for the City Attorney position, Section 300.A.3 most closely governs the situation presented here and requires that the General Municipal Election for the position not be held and the one qualified candidate be placed on the ballot for the November 2014 runoff election.

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.

CURRENT YEAR FISCAL IMPACT

Removing a position from the ballot is anticipated to save an estimated \$25,000. The final election costs will not be known until after the election is conducted. No budgetary amendment is recommended.

ONGOING FISCAL IMPACT

There are no ongoing costs associated with conducting the election.