



City of Chula Vista

Staff Report

File#: 16-0469, Item#: 2.

RESOLUTION NO. 2017-022 OF THE CITY COUNCIL OF THE CITY OF CHULA VISTA AMENDING CHAPTER 2 (GENERAL GOVERNMENT FEES) OF THE MASTER FEE SCHEDULE TO ESTABLISH A FEE TO FILE A NOTICE OF INTENT TO CIRCULATE AN INITIATIVE PETITION

RECOMMENDED ACTION

Council adopt the resolution.

SUMMARY

Adoption of the resolution would establish a \$200 fee to file a notice of intent to circulate an initiative petition, which would be refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition, in accordance with Elections Code section 9202(b).

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 this activity is not a “Project” as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change to 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

Pursuant to City Charter section 903 and California Elections Code section 9201, electors of the City may submit a proposed ordinance to the city council by filing a petition with the city clerk that contains the required number of signatures and is otherwise compliant with applicable law. Upon receiving a sufficient petition, the city council must either adopt the proposed ordinance or call for an election to be held to allow electors to vote on the issue.

Basic steps in the initiative process:

1. A registered voter in the City files a notice of intent to circulate a petition (“notice of intent”), accompanied by the written text of the measure, with the city clerk.

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2. Within 15 days, the city attorney provides an official ballot title for and summary of the proposed measure.
3. The proponent publishes the notice and circulates the initiative petition to collect the required number of signatures from registered voters in the City.
4. The petition with signatures is submitted to the city clerk for verification. Proponents have 180 days (approximately 6 months) to submit the petition.
5. Upon submission of the petition, the city clerk either certifies the sufficiency of the petition or rejects the filing if it does not meet the applicable requirements.

Elections Code section 9202(b) provides that any person filing a notice of intent with the elections official shall pay a fee to be established by the legislative body not to exceed two hundred dollars (\$200) to be refunded to the filer if, within one year of the date of filing the notice of intent, the elections official certifies the sufficiency of the petition.

The City has never established a fee to file a notice of intent. The number of notices of intent that are filed typically ranges from zero to three per year.

Once a notice of intent is filed, the City Clerk is obligated to process the matter and the City Attorney must provide a ballot title and summary of the proposed measure, whether or not the petition is eventually certified as sufficient. Some individuals file the notice of intent but do not subsequently submit a sufficient petition within the required timeframe, at which point the petition becomes void. Sufficiency was only certified for 3 out of the last 10 petitions for which a notice of intent was filed.

Staff has prepared a cost estimate (Exhibit 1) based on the amount of time it would take to process a filed notice and provide the required ballot title and summary of the proposed measure. Staff estimates that the Offices of the City Clerk and City Attorney spend approximately nine hours to receive and process each notice of intent filing. Based on the time estimate, the cost per filing is estimated at \$2,242. Therefore, staff recommends setting the fee at \$200, which is the maximum amount allowable by Elections Code section 9202(b).

In a survey of cities in San Diego County, of the cities that responded, approximately 50% charged a filing fee and the fee for those that charged was \$200. Establishing a nominal fee of \$200 would ensure the City's compliance with the Elections Code, defray a small portion of the City's costs of reviewing and processing an initiative petition, and encourage prudent filings.

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 Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Councilmember, 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. Adoption of this item supports the City's goal of providing responsible public service and fostering public trust through an open and ethical government.

CURRENT YEAR FISCAL IMPACT

Staff is currently performing this work; the fee would help mitigate some of the costs associated with this program. Anticipated revenues are \$0-\$200 this year.

ONGOING FISCAL IMPACT

The ongoing anticipated revenues are estimated at \$0-\$600 per year. These revenues would help to mitigate the cost of the staff time spent on reviewing the required documentation related to filing a notice of intent to circulate an initiative petition.

ATTACHMENTS

1. Cost Estimate
2. Fee Bulletin 2-200: Administrative Fees

Staff Contact: Kerry Bigelow, Assistant City Clerk