

**Agenda Date:** 7/19/2016

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Mark Danaj, City Manager

**FROM:**

Liza Tamura, City Clerk

Quinn Barrow, City Attorney

Matthew Cuevas, Management Analyst

**SUBJECT:**

Consideration of Potential Election Date Change Alternatives to Meet the California Voter Participation Rights Act (California State Senate Bill 415) Requirements for the City of Manhattan Beach Including Introduction of Ordinance No. 16-0014 Changing the City's Election Date and Extending Current Elected Officials Terms by One Year (City Clerk Tamura).

**DISCUSS AND PROVIDE DIRECTION; WAIVE FURTHER READING AND INTRODUCE ORDINANCE NO. 16-0014**

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**RECOMMENDATION:**

Staff recommends that the City Council waive further reading and introduce Ordinance No. 16-0014 which would change the City's election date from March 2017 to November 2017 and would extend the current terms of the City's elected officials by one year in order to satisfy State mandates imposed by California Senate Bill 415 (SB 415). Staff also recommends that the City Council consider other potential election date change alternatives for future municipal elections for the City of Manhattan Beach.

**FISCAL IMPLICATIONS:**

The fiscal implications associated with the passage of this new state legislation will impact the City's finances when it conducts its municipal election. On average, for the past five municipal elections, the City Clerk's office has budgeted approximately \$73,735 to conduct the municipal election every other odd-numbered year in March. City staff will utilize this amount as a baseline for future budgeting of municipal elections with relevant cost increases factored into future years to account for supplies, postage and election materials.

**BACKGROUND:**

At the June 7, 2016 Regular City Council meeting, City Council directed staff to prepare a

draft resolution to extend the current terms of the City's elected officials by one year in order to facilitate discussion on how to comply with SB 415 requirements. In conducting the research for the proposed resolution, it was determined that a proposed ordinance was necessary to facilitate the legal change of election dates.

The California Voter Participation Rights Act (SB 415) was passed on September 1, 2015. This new legislation prohibits a local government from holding an election on any date other than a statewide election date if doing so in the past has resulted in a significant decrease in voter turnout. This new law will go into effect on January 1, 2018. SB 415 requires cities with insufficient voter turnout to either change their election dates to June or November of even years, or, prior to January 1, 2018, adopt a plan to consolidate its election with the statewide election no later than the November 8, 2022 statewide general election.

**DISCUSSION:**

As noted above, at the June 7, 2016 Regular City Council meeting, City Council directed staff to prepare a draft resolution to extend the current terms of the City's elected officials by one year in order to facilitate discussion on how to comply with SB 415 requirements. The attached draft ordinance coincides with Option 2 that was presented to City Council at the June 7, 2016 Regular City Council meeting. ([The previous staff report and subsequent options from the June 7, 2016 meeting can be reviewed through this link <https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=2740290&GUID=485BA709-A505-4604-99D0-1A8680E00C0C>](https://manhattanbeach.legistar.com/LegislationDetail.aspx?ID=2740290&GUID=485BA709-A505-4604-99D0-1A8680E00C0C)). This option, Option 2, calls for extending current elected City officials' terms in a two-step process. The attached draft ordinance is the first step in proceeding with Option 2 and would extend current elected officials terms by one year. This ordinance would extend three current City Councilmember terms from March 2017 to November 2017, and two current City Councilmember terms from March 2019 to November 2019.

Elections Code Section 10403.5(b) requires that "no term of office shall be increased or decreased by more than 12 months ..." which limits the City's ability to comply with SB 415. Typically, when faced with changes in state law addressing election dates, cities will increase terms, rather than decrease terms. However, here, the City's regular election is in March of odd years, which means that any term increase to June or November of the following even year exceeds the 12 month cap imposed by Elections Code Section 10403.5(b). Thus, the City would need to conduct stand-alone municipal elections in November 2017 and November 2019. The subsequent terms of office would then run from November 2017 to November 2021, and from November 2019 to November 2023 respectively.

If City Council decides to introduce Ordinance No. 16-0014, staff would move forward with step two of the process. Step two would establish the City's new municipal election dates in November of 2022 and November of 2024 in order to consolidate the City's municipal elections with statewide general elections in even-numbered years to satisfy the requirements established by SB 415. In addition to considering Ordinance No. 16-0014, the City Council should also weigh other options available for changing the City's future municipal election date.

In order to satisfy the requirements of SB 415, as noted in the original staff report, below are several options for consideration:

- 1) Decrease the term starting in March 2017 by four months (March of an odd year, to the prior November of an even year).
- 2) Extend current elected City officials terms to November of 2017, and conduct a municipal election in November 2017.
- 3) Wait until the end of 2017 to see if the State Legislature will change SB 415. As part of this option, the Council may want to pursue joining in a possible petition effort.

**PUBLIC OUTREACH/INTEREST:**

In accordance with City Council direction from the June 7, 2016 City Council meeting, staff placed a half-page advertisement in the June 23, 2016; June 30, 2016, and a quarter page ad in the July 14, 2016 editions of the Beach Reporter. City staff also distributed notices through the City's social media platforms including Twitter and Facebook, as well as two e-notifications to 805 subscribers. In addition, an online topic was also created on the City's Open City Hall forum to gather additional input from the community. At the time the agenda packet was assembled, the Open City Hall topic garnered 59 visitors and 12 responses which is equal to 36 minutes of public comment.

**ENVIRONMENTAL REVIEW:**

The City 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; 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.

**LEGAL REVIEW:**

The City Attorney has reviewed the draft ordinance and "Approved as to Form." In the event the City Council does not introduce this ordinance, the City Attorney and City Clerk will collaborate to accomplish the direction provided by City Council to ensure the City will be in full compliance with this new legislation by January 1, 2018.

Attachments:

1. Ordinance No. 16-0014
2. Advertisements in June 23, 2016, June 30, 2016, and July 14, 2016 Editions of the Beach Reporter
3. Open City Hall Forum Responses
4. PowerPoint Presentation from June 7, 2016 City Council Meeting
5. Public Comment - Tim Lilligren
6. Public Comment - Jan Dennis