



Legislation Text

File #: 18-0259, **Version:** 1

TO:

Honorable Mayor and Members of the City Council

THROUGH:

Bruce Moe, City Manager

FROM:

City Attorney, Quinn M. Barrow

Liza Tamura, City Clerk

George Gabriel, Management Analyst

SUBJECT:

Request by Councilmember Montgomery to Discuss the Impacts of Senate Bill 415 and the Possibility of Changing the March 5, 2019 General Municipal Election to Another Date.

DISCUSS AND PROVIDE DIRECTION

RECOMMENDATION:

At the request of Councilmember Montgomery, discuss the impacts of Senate Bill 415 and provide direction on possibly changing the March 5, 2019 General Municipal Election to another date.

FISCAL IMPLICATIONS:

No fiscal implications associated with the recommended action. However, should the City Council direct staff to draft the necessary ordinance and/or resolutions to change the election date for Council consideration at a future meeting, an assessment of election costs will be performed for a standalone general municipal election versus a consolidated general municipal election with Los Angeles County.

BACKGROUND:

The California Voter Participation Rights Act, known as Senate Bill 415 (SB 415), was passed on September 1, 2015. This legislation prohibits a local government from holding an election on any date other than a statewide election date, if doing so in the past resulted in a lower voter turnout. The law went 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. The public policy behind SB 415 is to address waning civic engagement in politics as illustrated by declining voter turnout in federal, state, and municipal elections. The legislative analysis asserts that one major contributing factor to low voter turnout - the timing of elections - could be addressed by synchronizing municipal elections with statewide elections. The Public Policy Institute of California surveyed 350 California cities and found that moving municipal elections to coincide with statewide elections could result in a 20-36% boost in voter turnout.

The voter participation rates for the City of Manhattan Beach for the past four statewide elections are below:

November 2008 - 90.72%
November 2010 - 68.44%
November 2012 - 84.39%
November 2014 - 47.88%
November 2016 - 81.00%

The voter participation rates for the City of Manhattan Beach for the past four municipal elections are below:

March 2009 - 24.03%
March 2011 - 21.41%
March 2013 - 21.84%
March 2015 - 19.4%
March 2017 - 28.6%

In response to the requirements set forth in SB 415, the City Council held multiple public discussions on how the City should proceed with future elections. At the June 7, 2016 City Council meeting, City Council directed staff to place an advertisement in the local newspaper informing the public that members can provide input regarding SB 415, and for the City Attorney and City Clerk to return on July 19, 2016 with the necessary ordinance and resolutions to increase the terms in the following two-step process:

Step 1: (1) Change the election dates for the next two elections to extend the then-current terms eight months as follows: (a) the election, originally scheduled for March 2017, would be changed to November 2017, and (b) the election, originally scheduled for March 2019, would be changed to November 2019.

Step 2: Then, the election dates for the next two elections would be extended by one year as follows: (a) Officials elected in November 2017 (Step 1(a)) would have five-year terms ending in November 2022; and (b) Officials elected in Step 1(b) in November 2019 would have five-year terms ending in November 2024.

After further public input at the July 19, 2016 City Council meeting, City Council modified its direction to reduce terms by four months so that: 1) the three city councilmembers elected at the March 7, 2017 general municipal election would serve a term of three years and eight months, and 2) the two city councilmembers elected at the March 5, 2019 general municipal election would serve a term for three years and eight months.

At the October 18, 2016 City Council meeting, City Council adopted Ordinance No. 16-0026 establishing new general municipal election dates to be held in November of even years beginning in November 2020, to meet State mandates imposed by California Senate Bill 415. Ordinance No. 16-0026 read, "An Ordinance of the City of Manhattan Beach moving the date of the City's general municipal election from the first Tuesday after the first Monday in March of odd numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November 2020." Adopting the Ordinance set forth election dates for the City of Manhattan Beach in the coming

years to:

- March 7, 2017
- March 5, 2019
- November 3, 2020
- November 8, 2022

DISCUSSION:

At the March 6, 2018 City Council meeting, Councilmember Montgomery requested to agendaize discussion of SB 415 and the possibility of changing the March 5, 2019 general municipal election to another date.

The City Clerk's office and City Attorney's office have researched a variety of considerations and laws that the City must be mindful of in creating options. These include:

1. Compliance with SB 415

- SB 415 requires that the City have a plan to consolidate its general municipal election with the statewide election no later than the November 8, 2022 statewide.

2. Councilmember terms cannot be extended beyond one additional year.

- Elections Code Section 10403.5(b) requires that "no term of office shall be increased or decreased by more than 12 months ..."

3. Timing Considerations

- The City Clerk's office will need to prepare an ordinance for City Council consideration. Pursuant to Elections Code Section 1301, the City Council must enact an ordinance to effectuate the change to the City's general municipal election date. Pursuant to Government Code Section 36937, the ordinance becomes effective immediately. However, per Elections Code Sections 1301 and 10403.5, the adopted ordinance becomes operative only upon approval by the Los Angeles County Board of Supervisors (Board). Once the ordinance is adopted by City Council, staff will submit the ordinance to the Board for consideration and approval. The County Board of Supervisors will have 60 days to consider the elections date change. If the Board approves the ordinance, the ordinance will become operative. Within 30 days of becoming operative, the City Clerk's office will mail notices to all registered voters informing the voters of the change in the election date and the changes of terms of office of City officeholders.

4. Limits on Allowable Terms to Amend

- As stated in the background section of the staff report, the City adopted Ordinance No. 16-0026 which amended the terms of those elected at the March 7, 2017 general municipal election to three years and eight months. Elections Code 1301, subsection d, "If the date of a general municipal election is changed pursuant to subdivision (b), at least one election shall be held before the ordinance, as approved by the county board

of supervisors, may be subsequently repealed or amended.”

Below is a breakdown of various options related to changing the election date. Staff has provided an attachment of the options to the City Council in a graphical format (Attachment #2).

Option #1- Move General Municipal Election from March 2019 to November 2019 and Shorten Terms.

1. Move general municipal election date from March 2019 to November 2019.
 - Thereby, extending Councilmember Howorth and Lesser terms to November 2019, creating an eight month extension of their terms.
2. Shorten term for 2019 elected officials from three years and eight months to three years, to coincide with November 2022 statewide general election.

Option #2 - Move General Municipal Election from March 2019 to March 2020 and Shorten Terms.

1. Move general municipal election date from March 2019 to March 2020.
 - a. Thereby, extending Councilmember Howorth and Lesser terms to March 2020, creating a one year extension of their terms.
2. Shorten term for 2019 elected officials from three years and eight months to two years and eight months to coincide with November 2022 election.

Pending City Council direction, the City Clerk's Office and City Attorney's Office will prepare the necessary Ordinance to effectuate the direction expressed by the City Council at a future meeting.

PUBLIC OUTREACH/INTEREST:

Public outreach for this issue has not been taken recently but has been done in the past. 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 editions of the Beach Reporter and a quarter page ad in the July 14, 2016 edition 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 at the time. In addition, an online topic was also created on the City's Open City Hall forum to gather additional input from the community. The Open City Hall topic garnered 59 visitors and 12 responses.

LEGAL REVIEW

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

Attachments:

1. Senate Bill 415
2. Election Date Change Options (Graphical Format)