

RESOLUTION CONFIRMING PLAN TO COMPLY WITH THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (SB 415) BY CONDUCTING 2017 AND 2019 ELECTIONS FOR THREE-YEAR COUNCILMEMBER TERMS; PROVIDING DIRECTION REGARDING THE TERM OF THE ELECTED MAYOR; AND DIRECTING STAFF TO PREPARE AN ORDINANCE AMENDING SECTION 2.32.010 OF THE SAN BRUNO MUNICIPAL CODE

WHEREAS, Section 2.04.010 of the Municipal Code, adopted in 1980, provides that the general municipal election for City Council members shall be held in accordance with state law. Section 2.32.010 states that the "election shall be held on the same day as the school district elections in November of odd-numbered years pursuant to Section 36503.5 of the Government Code; and

WHEREAS, recent state legislation, the California Voter Participation Rights Act (SB 415), was adopted to maximize participation in municipal elections, recognizing that the highest voter turnout occurs in even-numbered years. If voter turnout at an odd-numbered year election is less than 75% of the average voter turnout in the even-year elections, the municipal election must be held in conjunction with statewide elections, i.e., in November or June of even numbered years. A city may nevertheless hold an election other than on a statewide election date if, by January 1, 2018, the city has adopted a plan to consolidate future elections with a statewide election by no later than November 8, 2022; and

WHEREAS, with the adoption of SB 415, a city shall not hold an election for its members other than on a statewide election date if holding an election on a non-current date has previously resulted in a significant decrease in voter turnout. A statewide election date is either the first Tuesday after the first Monday in November of even numbered years or the first Tuesday after the first Monday in June in even numbered years. A significant decrease in voter turnout means the voter turnout for a regularly scheduled election is at least 25% less than the average voter turnout for the previous four statewide general elections. A statewide general election is the first Tuesday after the first Monday in November in even numbered years. Voter turnout means the percentage of voters who are eligible to cast ballots with the city who voted; and

WHEREAS, the City Clerk, in consultation with the County Registrar of Voters, has determined that indeed there has been a significant decrease in voter turnout in odd-numbered years, and that therefore the City must comply with SB 415; and

WHEREAS, to comply with SB 415, the City Council will need to amend the Municipal Code such that the election of Council members will occur at a statewide election (November or June of even numbered years) by no later than November 8, 2022, which would require Councilmember terms to be either shortened or lengthened by one year, or lengthened by half a year; and

WHEREAS, on November 22, 2016, the City Council held a study session during which it discussed five options available to the City to comply with SB 415, and there was a majority consensus to proceed with the approach to extend terms by one year; and

WHEREAS, on January 24, 2017, staff presented an ordinance for introduction to extend the terms of each incumbent councilmember by one year, and a majority of the City Council decided to hold elections in 2017 and 2019 for three-year councilmember terms. The City Council requested that staff return with information regarding the options available to modify the two-year elected mayoral term such that it would ultimately coincide with the required even-year election schedule.

NOW, THEREFORE, BE IT RESOLVED that the City will conduct municipal elections in 2017 and 2019 for three-year Councilmember terms, and that staff is directed to prepare an ordinance amending section 2.32.010 of the Municipal Code accordingly, which includes the City Council's direction regarding the term of the elected Mayor in 2017 for a three-year term.

I hereby certify that foregoing **Resolution No. 2017 - 34**
was introduced and adopted by the San Bruno City Council at a regular meeting on
April 11, 2017, by the following vote:

AYES: Councilmembers: Ibarra, M. Medina, R. Medina, Mayor Ruane

NOES: Councilmembers: O'Connell

ABSENT: Councilmembers: None



I hereby certify this to be a full, true and correct
copy of the document it puports to be, the
original of which is on file in my office.



Carol Bonner, City Clerk

Dated: 6-12-17



City Clerk of the City of San Bruno

ORDINANCE NO. 1856

ORDINANCE OF THE SAN BRUNO CITY COUNCIL OF THE CITY OF SAN BRUNO AMENDING SECTION 2.32.010 OF THE SAN BRUNO MUNICIPAL CODE TO COMPLY WITH THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (SB 415) BY CONDUCTING 2017 AND 2019 ELECTIONS FOR THREE-YEAR COUNCILMEMBER TERMS AND A THREE-YEAR TERM OF THE ELECTED MAYOR

The City Council of the City of San Bruno does ordain as follows:

SECTION 1: FINDINGS

WHEREAS, the state legislature recently adopted SB 415, which requires cities that hold odd-year elections and that have experienced a significant decrease in voter turnout must develop a plan by January 2018 to hold elections on an even-year statewide election date no later than the November 2022 general election, and

WHEREAS, the City of San Bruno is required to comply with SB 415 because voter turnout in its odd-year municipal elections has been significantly lower, as defined by state law, than in statewide election years, and

WHEREAS, on April 11, 2017, the City Council adopted a resolution evidencing its intent to comply with SB 415 by consolidating the City's general municipal election with a statewide general election date by holding the November 2017 and November 2019 elections to elect two councilmembers respectively for three-year terms, and an election in 2017 to elect a Mayor for a three-year term, and

WHEREAS, on April 25, 2017, the City Council introduced an ordinance consistent with the resolution,

NOW THEREFORE, it is the intent of the City Council in enacting this ordinance to implement SB 415 by changing the City's odd-year elections to even-year elections as provided herein.

SECTION II. Chapter 2.32.010 of the City of San Bruno's Municipal Code is hereby amended as reflected below:

2.32.010 General municipal elections.

Pursuant to Elections Code section 1301 and 10403.5, the general municipal election shall be the first Tuesday after the first Monday in November of even-numbered years commencing in November 2020.

- (a) The two councilmembers elected in the November 2017 and in the November 2019 general municipal elections shall each serve for a term of three years, from the Tuesday succeeding their election and until their successors are elected and qualified in 2020 and 2022, respectively.
- (b) The Mayor elected in the November 2017 general municipal election shall serve for a term of three years until a successor is elected and qualified in 2020.
- (c) The terms of councilmembers elected in November 2020 and in November 2022, and in each subsequent general municipal election shall be, in accordance with state law, for a term of four years, from the Tuesday succeeding their election and until their successors are elected and qualified.

SECTION III. Pursuant to Elections Code section 1301 and 10403.5, this ordinance shall not become operative until approved by the San Mateo County Board of Supervisors.

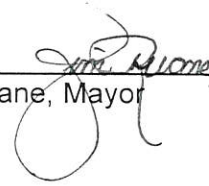
SECTION IV. Pursuant to Elections Code section 10403.5(e), within thirty days after the ordinance becomes operative, the City Clerk shall cause a notice to be mailed to all registered voters within the City of San Bruno informing the voters of the change in the election dates and the change in the length of terms for councilmembers and the Mayor elected in 2017 and 2019.

SECTION V. It is the intent of the City Council of the City of San Bruno to supplement applicable state law and not to duplicate or contradict such law and this ordinance shall be construed consistently with that intention. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this ordinance, or its application to any other person or circumstance. The City Council of the City of San Bruno hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

SECTION VI. This Ordinance shall take effect and be in full force and effect as prescribed in state law.

SECTION VII. The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

ATTEST:


Jim Ruane, Mayor


Carol Bonner, City Clerk

APPROVED AS TO FROM:


Marc Zafferano, City Attorney

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I hereby certify that foregoing **Ordinance No. 1856**
was introduced at a regular meeting of the San Bruno City Council on
May 9, 2017, and adopted by the San Bruno City Council at a regular meeting on
May 23, 2017, by the following vote:

AYES: Councilmembers: Ibarra, M. Medina, R. Medina, Mayor Ruane

NOES: Councilmembers: O'Connell

ABSENT: Councilmembers: None

**I hereby certify this to be a full, true and correct
copy of the document it purports to be, the
original of which is on file in my office.**

Dated: 6-12-17


City Clerk of the City of San Bruno


Carol Bonner, City Clerk

