



County of San Mateo

Inter-Departmental Correspondence

Department: BOARD OF SUPERVISORS
DISTRICT 3
File #: 24-589

Board Meeting Date: 7/22/2024

Special Notice / Hearing: None
Vote Required: Majority

To: Honorable Board of Supervisors
From: Supervisor Ray Mueller, District 3
Subject: Amended Resolution on Ballot Measure Revising Membership of Pescadero Municipal Advisory Council

RECOMMENDATION:

Adopt resolution amending Resolution No. 080461:

- A) Calling and providing for an election to submit to the qualified electors of the Pescadero Municipal Advisory Council, for their approval, a ballot measure reducing the membership of the Pescadero Municipal Advisory Council to five members elected at-large and providing for the initial election of council members in the reduced membership body; and
- B) Requesting that the election of the ballot measure be consolidated with the November 5, 2024 General Election.

BACKGROUND:

On July 7, 1992, the Board of Supervisors adopted Resolution No. 56280 establishing the Pescadero Municipal Advisory Council ("PMAC"), subject to approval of voters, to advise the Board on matters of concern that relate to the greater Pescadero area community.

In November 1992, the registered voters residing in the area covered by PMAC, which includes the unincorporated areas of Pescadero, Loma Mar, South Coast, and Butano (the "PMAC Area"), approved the measure establishing PMAC, which measure, as included on the ballot, read as follows:

Shall a thirteen (13) member Pescadero Municipal Advisory Council be established to advise the San Mateo County Board of Supervisors on matters including, but not limited to, public health, safety, welfare, public works and planning which affect the unincorporated areas of Pescadero, Loma Mar, South Coast, and Butano.

The thirteen (13) PMAC councilmembers currently provided for under Resolution No. 56280 are elected by the registered voters of the PMAC Area, with six (6) members being residents of the Pescadero district; two (2) members being residents of the Loma Mar district; two (2) members being residents of the South Coast district; two (2) members being residents of the Butano district, and one (1) member being elected at-large. Elections are supposed to be held every two (2) years, with councilmembers holding office for terms of four (4) years. In the event of a vacancy, including where an insufficient number of candidates run for election, PMAC is authorized to appoint a successor to fill the vacancies.

Since its establishment in 1992, PMAC has experienced challenges in filling all thirteen of its seats through elections, and on numerous occasions either no candidate or an insufficient number of candidates have filed to run for election. Currently, only six (6) of PMAC's thirteen (13) councilmember seats are filled, with no councilmembers representing the South Coast district (2 designated seats) or the Butano district (2 designated seats), and only one (1) member representing the Loma Mar district (2 designated seats). None of the six current councilmembers were elected by voters to terms extending past 2024.

DISCUSSION:

Given the history of vacancies among PMAC councilmembers, the increasing costs of elections, the fact that relatively few PMAC councilmembers actually run for election, and PMAC's history of filling its membership through appointment (with nearly all members representing the Pescadero district), it is in the County's best interest to reduce PMAC's membership from a thirteen-member to a five-member, generally-elected, advisory council, subject to the approval of eligible voters in the PMAC Area.

This matter previously came before the Board on June 25, 2024 and, as originally presented, the resolution called for an election on the proposal to reduce the number of PMAC councilmembers from thirteen to five. In response to public comment, the proposed resolution was moved from the consent agenda to the regular portion of the agenda and, after discussion, the Board revised and adopted the resolution (Resolution No. 080461) to call for an election to reduce the number of PMAC councilmembers from thirteen to seven, rather than five.

Based on further public input requesting that the prior vote of the PMAC endorsing the reduction in the number of PMAC councilmembers to five be honored, I request that the Board adopt a resolution to amend Resolution No. 080461 to implement the original recommendation to call a vote to reduce the PMAC's membership to five, rather than seven, councilmembers.

If the amended resolution is adopted, an election would be held on November 5, 2024 (and consolidated with the General Election) for the purpose of submitting to the qualified voters within the PMAC Area, for their approval, a ballot measure reducing PMAC's membership from thirteen (13) councilmembers to five (5) councilmembers; revising the election of councilmembers on the reduced five-member PMAC such that councilmembers would no longer be elected to seats based on their residency within a particular geographic district of the PMAC Area and all five (5) councilmembers would, instead, be elected at-large; and establishing the initial terms of the councilmembers serving on the reduced five-member PMAC (the "Measure").

The proposed ballot question for the Measure would read as follows:

Shall the Pescadero Municipal Advisory Council's membership be reduced from thirteen councilmembers to five councilmembers, all five of whom to be elected at-large to serve four-year terms, except that, for those councilmembers elected at the November 5, 2024 election, the three candidates receiving the highest number of votes to serve initial four-year terms commencing January 1, 2025, and the two candidates receiving the next highest number of votes to serve initial two-year terms commencing January 1, 2025?

Yes _____

No _____

The Measure passes if it receives approval from a majority (i.e., 50% + 1) of eligible voters.

Should the Measure pass, councilmembers would thereafter be elected at-large, meaning that all councilmembers will be elected to serve on PMAC regardless of their residency within any specific geographic district of the PMAC Area, and the following language in Resolution No. 56280 would no longer apply: "Six (6) members of the Council shall be residents of the Pescadero area; two (2) members shall be residents of the Loma Mar area; two (2) members shall be residents of the South Coast area; two (2) members shall be residents of the Butano area[;] and one member shall be elected at large."

Any councilmembers elected at the November 5, 2024 Election would be elected to serve four (4) year terms, except that the initial terms of two (2) of the councilmembers would be two (2) years. The determination of which councilmembers would have initial terms of four (4) years and which would have initial terms of two (2) years is based on the number of votes received, with the three (3) candidates receiving the highest number of votes serving four (4) year terms initially, and the next two (2) candidates receiving with the next highest number of votes serving two (2) year terms initially. All terms would commence January 1, 2025.

In the event there are fewer than three (3) candidates elected as councilmembers at the November 5, 2024 Election, the Board would appoint as many councilmembers as are necessary in order for PMAC to reach three (3) members and those councilmembers, upon assuming office, would then fill the remaining two (2) positions pursuant to PMAC's established appointment process. In the event that there are either three (3) or four (4) candidates elected at the November 5, 2024 Election, those elected councilmembers would fill the remaining councilmember position(s) pursuant to PMAC's established appointment process.

Should the Measure pass, PMAC's councilmembers, after assuming office, would be required to amend PMAC's bylaws consistent with its reduced membership and the elimination of PMAC's geographic areas/districts.

FISCAL IMPACT:

The County would be required to cover the costs of the election on the Measure, which costs the Elections Department has estimated will total between \$9,000 and \$10,800.