

Meeting Date: 2/9/2016

Report Type: Consent

Report ID: 2016-00175

Title: Charter Amendment Pertaining to When Elected Officials Take Office

Location: Citywide

Recommendation: Pass a Resolution approving Charter amendment language pertaining to when elected officials take office for placement on the June 7, 2016, primary municipal election ballot.

Contact: Wendy Klock-Johnson, Assistant City Clerk, (916) 808-7509; Shirley Concolino, City Clerk, (916) 808-5442, Office of the City Clerk

Presenter: None

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

1-Description/Analysis

2-Background

3-Resolution

City Attorney Review

Approved as to Form
Matthew Ruyak
2/3/2016 5:56:07 PM

Approvals/Acknowledgements

Department Director or Designee: Shirley Concolino - 1/26/2016 10:21:45 PM

Description/Analysis

Issue Detail: Sacramento City Charter section 153, setting the date on which elected officials take office, is out of alignment with the statutory time to canvass the vote under California Elections Code section 15372. These two provisions have been misaligned since the passage of Measure O in 1989, when the City's municipal elections were consolidated with the statewide primary and general elections.

Policy Considerations: Revising Section 153 of the City Charter is necessary to account for the timeline of vote-canvassing pursuant to California Elections Code Section 15372, so that all newly elected officials take office together after the County completes the canvass of the vote.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: City Charter section 153 provides that officials take office the fourth Tuesday following the first Monday in the month of November. This is 21 days following the date of the election. However, California Elections Code section 15372 provides that the canvass of the vote be completed within 30 days of the election. Due to the volume of permanent vote-by-mail ballot voters and election-day provisional ballots, along with the three-day waiting period for receipt of vote-by-mail ballots, the County Registrar of Voters cannot complete the canvass in less than 30 days.

As a result, candidates successful in the June election may have a different commencement date than candidates successful in the November election. This occurred in all four elections from 2008 through 2014. The misalignment was not apparent until 2008, when an increase in voter registration and vote-by-mail ballots caused the canvass to take longer, and the misalignment is now a regular occurrence.

Financial Considerations: The placement of this measure on the June 7, 2016 primary municipal election ballot will cost \$13,292.

Local Business Enterprise (LBE): Not applicable.

BACKGROUND:

Sacramento City Charter section 153, setting the date on which elected officials take office, is out of alignment with the statutory time to canvass the vote under California Elections Code section 15372. These two provisions have been misaligned since the passage of Measure O in 1989, when the City's municipal elections were consolidated with the statewide primary and general elections.

With the passage of Measure O, the City of Sacramento began consolidating its elections with the County of Sacramento. Under consolidation, the County Registrar of Voters follows California Elections Code section 15372, which provides up to 30 days to complete the canvass of the vote.

Charter Section 153 provides that officials take office the fourth Tuesday following the first Monday in the month of November. This is 21 days following the date of the election, and nine days short of the statutory time allowed by California Elections Code section 15372. Once the canvass is complete, a certified statement of the result is provided to the City for acceptance by the City Council at the next regularly scheduled meeting for which the item can be legally agendaized. This variance can be up to 14 days following the date the Charter prescribes for taking office, and therefore causes the City to be out of compliance with the Charter.

As a result, candidates successful in the June election may have a different commencement date than candidates successful in the November election. This occurred in all four elections from 2008 to 2014. The misalignment was not apparent until 2008, when an increase in voter registration and vote-by-mail ballots caused the canvass to take longer. As the popularity of vote-by-mail ballots increase, the time to canvass the election is not expected to decrease.

Additionally, with recent changes in Elections Code, the canvass is further impacted as the County Registrar of Voters is now required to count vote-by-mail ballots with postmarks up to three days after election day.

Additionally, when outgoing members leave and new members take office, the transition can be confusing and complicated. Outgoing members are still serving their constituents while new members are readying themselves for end-of-year Council meetings. This timing also creates vacancies in joint powers authority (JPA) seats until new appointments are made in January. Another challenging aspect is the transition of physically moving out and in of the office space all while preparing for the last scheduled meeting of the year and before winter recess.

To align the City Charter and the Elections Code, and to provide for a smoother transition in taking office, staff is recommending that the City Council approve the placement of a question before the voters that provides for the taking of office to be the date of the last regularly scheduled council meeting in December of the year of their election. (Note: This would not

necessarily apply to councilmembers elected at a special election, which is covered in another section of the Charter.)

This would eliminate year-end vacancies to JPAs, allow seated councilmembers to serve until the last scheduled council meeting of the year, allow for the physical moving of outgoing officials and staff after the last council meeting of the year, allow newly elected officials and staff to move in during recess, and allow for the newly elected officials to reasonably prepare for the first scheduled council meeting of the calendar year.

The proposed amendment, in redline/strikeout form, would be:

~~All eElected officials shall take office the fourth Tuesday following the first Monday in the month of November in~~ on the day of the last regularly scheduled city council meeting in December of the year of their election, and their terms of office ~~shall~~ commence on that day.

If approved by the voters, the amended provision would apply to those officials taking office in 2016.

RESOLUTION NO.

Adopted by the Sacramento City Council

AUTHORIZE PLACEMENT OF A MEASURE ON THE JUNE 7, 2016 PRIMARY MUNICIPAL ELECTION BALLOT AMENDING CITY CHARTER SECTION 153, RELATING TO THE DATE ELECTED OFFICIALS TAKE OFFICE

BACKGROUND

- A. On September 26, 1989, the voters of the City of Sacramento passed Measure O, which amended City Charter Section 152 to provide that the City's primary and general municipal elections be held on the same dates as the California statewide primary and general municipal elections. This created consolidated elections.
- B. As a result of passing Measure O, Sacramento City Charter section 153, relating to the date elected officials take office, conflicts with the statutory date for completion of the canvass under California Elections Code section 15372.
- C. In 2008, 2010, 2012, and 2014 those officials who participated in a November general election could not take office on the date provided in City Charter section 153, because the canvass of the vote had not yet been completed by that prescribed date. Those officials who were successful in the June primary elections, on the other hand, did take office on the date provided in Section 153. This resulted in different term commencement dates for councilmembers.
- D. The City Council desires that all elected officials running during an election year take office on the same date.
- E. The City Council also desires to align the taking of office with the statutory deadline for the general municipal election canvass.
- F. The City Council desires to submit the measure to the voters at the June 7, 2016 primary municipal election.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1: The proposed question for a ballot measure pertaining to the date elected officials take office is:

Measure __ – Charter amendment relating to the date elected officials take office

“Shall City of Sacramento Charter section 153, relating to the day on which elected officials take office, be amended so that elected officials take office on the day of the last regularly scheduled city council meeting in December of the year of their election?”