



Staff Report

File #: REPORT 16-0703, Version: 1

**Honorable Mayor and Members of the Hermosa Beach City Council
Regular Meeting of November 22, 2016**

CONSIDERATION OF OPTIONS FOR CONSOLIDATING FUTURE GENERAL MUNICIPAL ELECTIONS (CURRENTLY HELD IN ODD-NUMBERED YEARS) WITH STATEWIDE ELECTIONS HELD IN EVEN-NUMBERED YEARS IN COMPLIANCE WITH SENATE BILL 415; REDUCING OR EXTENDING THE TERMS OF ELECTED OFFICIALS ACCORDINGLY; AND INTRODUCING AN ORDINANCE TO CHANGE THE DATE OF GENERAL MUNICIPAL ELECTIONS BEGINNING IN EITHER NOVEMBER 2018 OR NOVEMBER 2020

(Continued from meeting of October 13, 2016)

(City Clerk Elaine Doerfling)

Recommended Action:

It is recommended that the City Council, after the public hearing and Council discussion, take one of the following actions:

1. Waive full reading and introduce by title "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVERY ODD-NUMBERED YEAR TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVERY EVEN-NUMBERED YEAR BEGINNING IN NOVEMBER 2018" (and specify whether terms would be reduced or expanded by one year - not part of the ordinance)

-OR-

2. Waive full reading and introduce by title "AN ORDINANCE OF THE CITY OF HERMOSA BEACH, CALIFORNIA, MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVERY ODD-NUMBERED YEAR TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVERY EVEN-NUMBERED YEAR BEGINNING IN NOVEMBER 2020" (and specify whether terms would be reduced or expanded by one year - not part of the ordinance)

-OR-

3. Provide direction for additional information and/or options to comply with Senate Bill 415.

Background:

This item was initially scheduled as a public hearing at the October 13 meeting, where it was tabled (with no discussion) to a future meeting. Since it had not been continued to a date certain, a new notice was published November 10 in the Easy Reader informing the public of the November 22 public hearing. (My original staff report has also been updated to reflect any new information received.)

The California Voter Participation Rights Act (Senate Bill 415), signed into law by the Governor on September 1, 2015, was enacted to help remedy low voter turnout in local elections. This new legislation, which takes effect January 1, 2018, prohibits a local government from holding its general municipal elections on any date other than a statewide election date if doing so in the past has resulted in a significant decrease in voter turnout (at least 25% less than the average turnout within the jurisdiction for the last four statewide general elections). Cities with insufficient turnout are required, prior to January 1, 2018, to adopt a plan to consolidate their municipal elections with statewide elections no later than the November 8, 2022 statewide general election.

Elections Code Section 1001 defines statewide election dates as those held the first Tuesday after the first Monday in both June and November of even-numbered years - with the statewide general election in November (per Section 1200) and the statewide primary election in June (per Section 1201).

With the exception of the criteria specified for comparing Hermosa's voter turnout between the City's most recent municipal election and the average (less 25%) of the previous four "statewide general elections," SB 415 uses the term "statewide election" throughout, which applies to both June and November elections.

A quick review of Hermosa's voter turnout at recent June primary elections showed a high of 53.53% in this year's presidential primary, with 30% or less in previous years, which is more in line with City election turnout.

Since voter turnout at the November statewide general elections significantly exceeds turnout at the June statewide primary elections, moving City elections to June seems counterproductive and would serve to defeat the purpose of SB 415, which is to increase voter turnout at local elections. Therefore, my report presents no options for June and focuses only on November elections

I reached out to the County for input to factor into my report concerning their ability to accommodate cities as early as the November 2018 election and any preference they might have between June and November elections. The County responded that:

- To date no city has expressed to the County any interest in a June election, which may be a more appropriate choice for larger cities that conduct both primary and runoff elections. The County also confirmed my previously-stated concern about lower voter turnout in June elections.
- The County's new voting system will be fully implemented in 2020, and it is the ballot capacity of the current voting system that could impact the County's ability to accommodate a city's request to consolidate for the November 2018 election.

(Please note: SB 415 applies only to general municipal elections, and has no effect on special municipal elections.)

Analysis:

The City of Hermosa Beach currently consolidates with the County of Los Angeles to conduct its general municipal elections on the first Tuesday after the first Monday in November of each odd-numbered year. The City Clerk has conducted an analysis of voter turnout and determined that the City falls below the threshold established by SB 415 and is, therefore, required to change its election date.

Although higher than in many other cities, voter turnout at Hermosa's general municipal elections has been consistently low when compared with the much higher participation by Hermosa Beach voters during November statewide general elections. In the City's general municipal elections of November 2007, 2009, 2011, 2013 and 2015, voter turnout percentages were 17.59%, 23.51%, 24.81%, 36.54%, and 26.92%, respectively.

The attached chart compares Hermosa Beach voter turnout percentages for the last four statewide general elections (71.79% average) with the voter turnout percentage of the City's last general municipal election (26.92%).

To avoid the need to change the City's general election date, the voter turnout at our last municipal election would have to have reached at least 57.43% (which is 25% less than the 71.79% statewide average noted above). Given that the City's 26.92% turnout is well below the required threshold, it is reasonable to expect that consolidating the City's general elections with statewide general elections would have the positive affect of increasing voter participation in the election of City candidates and measures.

Options:

SB 415 requires that, by January 1, 2018, cities must adopt a plan to consolidate their future elections with a statewide election not later than the November 8, 2022 statewide general election.

Bringing the issue forward sooner rather than later enables the City Council to consider the widest possible range of options, including consolidating at the earliest allowable statewide election date of November 6, 2018. Due to the constraints of the County's current voting system, time is of the essence for submitting a request for consolidation for the 2018 election and obtaining necessary approval from the Board of Supervisors, which some cities have already done. Also, any term changes for the November 2017 election would need to be established before May 2017, when the election process begins.

Pursuant to Elections Code Section 10403.5(2)(b), *"As a result of the adoption of an ordinance pursuant to this section, no term of office shall be increased or decreased by more than 12 months. As used in this subdivision, 12 months means the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the 12th month before or after that day, inclusive."*

The City Council has the option to either extend or reduce terms, since moving elections from

November of odd-numbered years to November of even-numbered years (in either direction) does not exceed 12 months.

Option 1 - Change election date to November 2018 and reduce or extend terms
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This option would require that two of the current Council incumbents, Jeff Duclos and Justin Massey (whose terms are set to expire in November 2019), would have their terms either reduced by one year to end November 2018 or extended by one year to end November 2020. (This option applies as well to the current City Clerk and City Treasurer.)

Three councilmembers will be elected in the City's next general municipal election scheduled for November 7, 2017 (which would be the City's last odd-numbered year election before consolidating with the statewide general election of November 2018). This option would also change the normal four-year terms of councilmembers elected in that 2017 election by one year, either reducing those terms to three years or expanding them to five years. Council term changes are shown in the chart below.

	Election Date (per current odd-year municipal election)	End of Term (per current odd-year election schedule)	New End for Reduced Term	New End for Extended Term
Councilmember 1 (incumbent)	November 2015	November 2019	November 2018	November 2020
Councilmember 2 (incumbent)	November 2015	November 2019	November 2018	November 2020
Councilmember 3	November 2017	November 2021	November 2020	November 2022
Councilmember 4	November 2017	November 2021	November 2020	November 2022
Councilmember 5	November 2017	November 2021	November 2020	November 2022

As previously noted, by choosing Option 1, the City would conduct only one more odd-numbered year election in November 2017, after which all elections moving forward would be consolidated with the statewide general elections beginning November 2018.

Cities that already changed their election dates from November of odd-numbered years to November of even-numbered years beginning with the statewide general election of November 6, 2018, and submitted their requests to the County, with one-year term extensions, include Agoura Hills,

Calabasas, and Westlake Village. At least one of the three (Agoura Hills) cancelled its November 7, 2017 election and set its next general municipal election for November 6, 2018, thereby extending the terms of all current elected officials by one year.

Option 2 - Change election date to November 2020 and reduce or extend terms

This option would reduce or extend by one year the terms of the three councilmembers to be elected at the City's next election on November 7, 2017, either reducing those normal four-year terms to three years or expanding them to five years.

This option would also reduce or extend by one year the terms of the two council members to be elected at the City election of November 5, 2019, which would be the City's last odd-numbered year election before consolidating with the statewide general elections on November 2020. (This option applies as well to the offices of City Clerk and City Treasurer.) Council term changes are shown in the chart below.

	Election Date (per current odd-year municipal election)	End of Term (per current odd-year election schedule)	New End for Reduced Term	New End for Extended Term
Councilmember 1	November 2017	November 2021	November 2020	November 2022
Councilmember 2	November 2017	November 2021	November 2020	November 2022
Councilmember 3	November 2017	November 2021	November 2020	November 2022
Councilmember 4	November 2019	November 2023	November 2022	November 2024
Councilmember 5	November 2019	November 2023	November 2022	November 2024

As previously noted, by choosing Option 2, the City would conduct only two more odd-numbered year elections, in November 2017 and November 2019, after which all City elections moving forward would be consolidated with the statewide general elections beginning November 2020.

Cities that have already acted to change their election dates from March of odd-numbered years to November of even-numbered years beginning in November 2020 include Manhattan Beach and West Hollywood, with the terms of those elected in March 2017 and March 2019 reduced by four months.

Fiscal Implications:

The City already consolidates general municipal elections with Los Angeles County and is billed for the direct costs of our portion of the ballot along with a pro rata share of the basic cost of conducting the election. The same would apply if we consolidated with the statewide elections.

Attachments:

1. Turnout Comparison Chart
2. Draft ordinance for 2018 election change
3. Draft ordinance for 2020 election change
4. Copy of Elections Code per SB 415

Submitted by: Elaine Doerfling, City Clerk

Legal Review: Mike Jenkins, City Attorney

Approved: John Jalili, Interim City Manager