

# **CHARTER REVIEW COMMISSION**

## **WORKSHOP PACKET**



**CITY OF  
CHULA VISTA**

**September 7, 2017**

**Charter Review Commission**  
**Proposed Work Plan**  
**2017-2018**

## **Charter Review Commission Proposed Work Plan 2017-2018**

The Charter Review Commission is established under Chapter 2.29 of the Municipal Code. Its purpose is to review and recommend Charter changes to the City Council and City Manager.<sup>1</sup> Set forth below is a summary of work the Commission has performed recently, as well as work it intends to take up during 2017-2018. The Commission welcomes suggestions from the City Council and desires to know the Council's priorities.

### **I. Recent Work**

#### **A. Amendments Approved by Voters and Enacted**

1. **November 2012** - Charter Amendment to Article III, regarding Council Districts and establishing the powers and duties of the Districting Commission
2. **November 2014** – Charter Amendments to Sections 1009 and 1010 – updating Contracting by Public Works

#### **B. Draft Amendments Prepared But Not Enacted (“On the Shelf” for Future Consideration)**

##### **1. City Attorney Qualifications, Powers and Duties (Section 503)<sup>2</sup>**

- a. Require the City Attorney to be a resident of Chula Vista (503(new d))
- b. Clarify and update powers and duties of City Attorney (503(b))
- c. Allow Council flexibility in setting the City Attorney salary (503(c))
- d. Increase term limits of City Attorney from two to three
- e. Modify the role of the Legislative Counsel (503.1)

##### **2. Council Members, Eligibility and Terms (Section 300)<sup>3</sup>**

- a. Delete language that has become superfluous/outdated, since implementation of District elections (300.A.; 300.E.)
- b. Change June Election to “Primary,” and November to “General” (replacing current “Regular” and “Special” language)
- c. Prohibit write-in candidates in the General election, unless only one qualified candidate (300.A.3.)
- d. Revise when oath of office will be administered to allow time for certification of results (300.B.)

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<sup>1</sup> A copy of Chula Vista Municipal Code section 2.29, which established and governs the Commission, is attached for reference as Exhibit 1.

<sup>2</sup> A copy of 8/2/16 City Council Staff Report, Section 503, with the Commission's proposed revisions in redline/strikeout, and Information Summary Regarding California Elected City Attorneys, is attached as Exhibit 2.

<sup>3</sup> A copy of Chula Vista Charter Section 300, which establishes Council Members Eligibility and Terms with the Commission's proposed revisions in redline/strikeout, is attached as Exhibit 3.

- e. Clarify language so that one running for office after one year “sit-out” period has elapsed, may start soliciting campaign contributions at same time as other candidates (300.C.)
- f. Clarify what happens in event of death of candidate (300.G.)

**3. City Council Vacancies (Section 303)<sup>4</sup>**

- a. Further define what constitutes a Vacancy (303.A.)
- b. Delete “Anticipated Vacancies” Section (303.B.)
- c. Revise Process for Filling Vacancies [(303.C. (new B.)]
- d. Provide for Vote-By-Mail Balloting for unconsolidated special elections (new 303.B.6.)

**II. Proposed Future Work**

**A. Consideration of and Preparation of Potential Additional Charter Amendments**

- 1. Continue a summary review** of the Charter to identify potential amendments for recommendation to the City Council in order to update and improve the Charter. This will be done in conjunction with City staff based upon input from City staff, the Commission, the Council and the public
- 2. Improve communication** with the public and gather public input on potential revisions
- 3. Potential New Amendments Per Commission**
  - a. Potential amendment suspending elected officials for certain events such as felony indictment
- 4. Potential New Amendments Per City Staff Input**
  - a. City Council Meetings, and Ordinances and Resolutions (306, 308, and 311): Revise to update consistent with Current City practices and to remove requirement to read titles during adoption of Consent Calendar
  - b. Publication of Notices and Ordinances (312, and 313): Revise to allow for publication on internet, rather than newspaper
  - c. Articles IV, V, and I: Update to reflect current organizational structure and positions, and revise oath language to conform to current legal requirements
  - d. Article X: Revise to clarify budget adoption process, update to be consistent with current legal requirements and processes
  - e. Revise other Articles as needed to change June Election to “Primary,” and November to “General”

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<sup>4</sup> A copy of Chula Vista Charter Section 303, which establishes and governs City Council Vacancies with the Commission’s proposed revisions in redline/strikeout, is attached as Exhibit 4 along with election cost estimates.

**5. Potential New Amendments Per Public Input**

- a. Section 310: Clarify language regarding who can speak at City Council meetings; currently states all “citizens” have the right
- b. Section 602(d): Change requirement that appointees to boards and commissions must be “qualified electors”

**B. Increase Public Outreach**

1. Work with City staff to distribute more Commission-related information to City residents and to broaden its dissemination.
2. Take steps to solicit more public input regarding potential amendments to the City’s Charter, including holding Commission meetings in various venues throughout the City.

# **Exhibit 1**

## **Chula Vista Municipal Code (Section 2.29)**

## **Chapter 2.29 CHARTER REVIEW COMMISSION**

Sections:

- 2.29.010 Creation.**
- 2.29.020 Purpose and intent.**
- 2.29.030 Functions and duties.**
- 2.29.040 Membership.**
- 2.29.050 Meeting schedule.**

### **2.29.010 Creation.**

There is hereby created a Charter Review Commission. The provisions of Article VI of the City Charter, Chapter [2.25](#) CVMC and this chapter shall govern this Commission. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

### **2.29.020 Purpose and intent.**

It is the purpose and intent of the City Council in establishing the Charter Review Commission to create an advisory body to serve as a resource to advise and make recommendations to the City Council and the City Manager on issues affecting the provisions of the City Charter. The Commission will review the organizational framework of City government, work to identify language to amend the City Charter to clarify or improve the workings of the City government, and recommend changes sufficiently in advance of elections to allow thoughtful City Council review and determination of whether to place the matter on the ballot. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

### **2.29.030 Functions and duties.**

The functions and duties of the Charter Review Commission shall be as follows:

- A. Constitute a forum for City-wide discussions, research and analysis of matters relating to current or proposed provisions of the City Charter, and amendments thereto.
- B. Help coordinate citizen and staff ideas with regard to potential Charter changes.
- C. Formulate specific language for proposed Charter changes to be submitted to the City Council in a form appropriate for placement on the ballot at an election wherein the proposed Charter changes can be submitted to the electorate.
- D. Provide analyses and reports to the City Council in connection with said recommendations.

E. Prepare and submit proposed ballot arguments in favor of or against proposed Charter changes. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

**2.29.040 Membership.**

The Commission shall consist of seven voting members, to be appointed in accordance with Article VI of the City Charter and Chapter [2.25](#) CVMC. (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

**2.29.050 Meeting schedule.**

A. Regular Meetings. The Commission shall hold regular meetings on the date and at the time as called by the chair or a majority of the Commission, in the Community Room, located in the Chula Vista Police Department at 315 Fourth Avenue.

B. Pre-Election Meetings. The Commission shall meet no later than the first Wednesday of the seventh month preceding the next regularly scheduled municipal election, at which time the Commission shall assign duties to its members as may be necessary; and consider agenda issues for further deliberation and discussion by the Commission. If a pre-election meeting is the Commission's first meeting held during the City's fiscal year, it shall constitute a "regular meeting," as that term is used in CVMC [2.25.180](#).

C. The Commission may change its regular meeting day, time or location by written resolution in accordance with CVMC [2.25.200](#). (Ord. 3211 § 3, 2011; Ord. 2518 § 2, 1992; Ord. 2400 § 1, 1990).

**Exhibit 2**  
**City Council Staff Report (8/2/16); and**  
**Section 503 with redline revisions**



# City of Chula Vista

## Staff Report

**File#:** 16-0362, **Item#:** 8.

CITY COUNCIL CONSIDERATION OF CHARTER CHANGES REGARDING THE CITY ATTORNEY AND LEGISLATIVE COUNSEL RECOMMENDED BY THE CHARTER REVIEW COMMISSION FOR PLACEMENT ON THE NOVEMBER 2016 BALLOT

### RECOMMENDED ACTION

Council consider the Charter Review Commission’s recommendation and take action as appropriate.

### SUMMARY

The City’s Charter Review Commission is recommending that sections 503 and 503.1 of the City Charter be amended to revise certain provisions regarding the elected City Attorney position. The proposed amendments include requiring that the City Attorney be a City resident, increasing the number of terms the City Attorney can serve to four, updating the City Attorney’s duties, and revising certain provisions pertaining to the Office of Legislative Counsel.

### ENVIRONMENTAL REVIEW

#### Environmental Notice

The activity is not a “Project” as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

#### Environmental Determination

The Development Services Director has reviewed the proposed activity, Recommendation by the Charter Review Commission Regarding a Proposed Charter Amendment to Require that the City Attorney be a City Resident, for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a “Project” as defined under Section 15378(b)(4) of the State CEQA Guidelines because it involves only a recommendation that the City Charter be amended to revise certain provisions relating to the City Attorney and Legislative Counsel, and does not involve a potential physical change in the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines the activity is not subject to CEQA.

### BOARD/COMMISSION RECOMMENDATION

The Charter Review Commission recommends that the City Council take action to place a measure on the November 8, 2016 ballot amending sections 503 and 503.1 of the Charter, as described below and reflected in Attachment 1 to this report.

### DISCUSSION

#### I. Background

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The City's Charter Review Commission is an independent City advisory commission. One of its stated purposes is to, "work to identify language to amend the City Charter to clarify or improve the workings of the City government." The Commission recently took up discussions regarding Charter section 503, "City Attorney; Election, Powers and Duties." On June 7, 2016, the Commission presented a recommendation that the City Council place a measure on the November 8, 2016 ballot, amending Charter section 503 to require that the City Attorney be a City resident. The City Council members provided comments during that meeting suggesting that Commission consider whether or not changes should be made to other elected City Attorney provisions. The Commission has held three meetings since that time and has prepared a revised recommendation for the Council's consideration. The revised recommendation was approved by the Commission 5-1-1 (with member Ross voting against and member Spethman absent; although member Ross cast the lone dissenting vote, he was generally in favor of the proposed amendments, with a couple of limited reservations). The specific amendments proposed are reflected in redline in Attachment 1 to this Staff Report, and are summarized below.

## II. Proposed Amendments

### A. City Attorney Powers and Duties [Section 503(b)]

The proposed amendments would clarify and update the specified powers and duties of the City Attorney to more accurately describe current practices and policies. The only substantive change would be to require that requests for formal written legal opinions be made by the entire Council as opposed to each individual Councilperson. (Language authorizing the City Manager and the Mayor to request written legal opinions remains unchanged, and the City Clerk has been added to the list.) All changes in this Subsection were initially drafted and proposed by the City Attorney, but now have the support and recommendation of the Commission. The City Attorney will be available to present the specifics of these changes and answer any City Council questions at the Council meeting.

### B. City Attorney Salary [Section 503(c)]

The original 2008 Charter provisions for the elected City attorney set the "minimum" salary based on the median of the city attorney salaries for the six cities closest in population to Chula Vista. Charter revisions approved in 2012 revised the City Attorney salary to be equivalent to the salary of a Judge of the Superior Court of California. In reviewing this provision, the Commission considered a number of possible approaches ranging from "no change" to increasing the percentage of a judge's salary, reverting back to the formula in the original elected City Attorney measure, or some other "market survey" based formula. Ultimately, the Commission concluded that its best recommendation would be to revise this section to provide that the City Attorney's salary be determined by the City Council, to be *no less than* that of a Judge of the Superior Court of California. The Commission's thinking was to return some flexibility to the City Council if it deemed increases in the City Attorney's salary appropriate (for example, if and when other City employees were to get increases, to respond to market trends for municipal attorney salaries generally, and/or to make it more likely that highly qualified candidates would choose to run for the office).

### C. City Attorney Residency [Section 503(d)]

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The proposed imposition of a residency requirement for the City Attorney was what initiated the Commission's review of the Charter provisions in this area originally. At the June 7<sup>th</sup> City Council meeting, the Commission recommended section 503 be amended to require that the City Attorney be a resident of the City. At that time, it was the only proposed revision. The Commission revisited that recommendation in light of the City Council members' comments at the June 7 meeting, by conducting additional research and engaging in further discussion on the matter. The Commission concluded that the importance of residency for the elected City Attorney outweighed possible limitations on the qualified applicant pool. Accordingly, the Commission has reiterated its recommendation that City residency be required for the elected City Attorney.

**D. City Attorney Qualifications [New/renumbered Section 503(e)]**

The Commission recommends creating separate subsections for the residency requirement and other types of qualifications for the City Attorney office. These requirements had been combined in one section (Section 503(d)) and are now presented as Sections 503(d) and (e) respectively. (The subsections following have been renumbered accordingly). The Commission discussed increasing, but decided not to change, the requirement that City Attorney candidates be licensed in California for a minimum of 7 years as an attorney before assuming office.

**E. City Attorney Term of Office [Section 503(f)]**

The Commission increased the term limit, from that of the Mayor and Council (two), to four consecutive terms. The Commission believed this increase was appropriate due to the unique qualifications and experience necessary for the office.

**F. Legislative Counsel [Section 503.1]**

In 2012 a majority of the City Council proposed the creation of the Office of "Legislative Counsel." The primary expressed purpose for this was to give the City Council its own legal advisor when the elected City Attorney had "conflicts of interest." Other proposed authority for Legislative Counsel included advising the City Council on "legislative" matters, advising the Board of Ethics, and advising the Charter Review Commission. Along with the imposition of term limits, and the reduction in the City Attorney's salary, the provision for "Legislative Counsel" was approved by the voters in 2012 and added to the Charter as Charter Section 503.1. An ordinance implementing the creation of Legislative Counsel was initially approved by the City Council in the fall of 2012. That approval was subsequently reconsidered and repealed. The City Attorney strongly opposed the creation of Legislative Counsel in the manner it was proposed as being undermining of the authority of the elected City Attorney, costly, redundant and confusing. Accordingly, when the City Council referred back to the Charter Review commission consideration of other elements of the elected City Attorney position, the City Attorney proposed material changes to the Legislative Counsel provisions in the Charter. The City Attorney's proposal eliminates the roles for Legislative Counsel as the Council's advisor on "legislative matters" and as the advisor to the BOE and Charter Review Commission. Legislative Counsel would retain authority to advise the Council when the City Attorney had an actual conflict, or to advise individual Councilmembers on conflicts of interest that they may or may not have. There is also a provision for hiring special counsel if both Legislative Counsel and the City Attorney have conflicts. The Commission agreed with the City Attorney's revisions and has

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incorporated them into its recommendation.

### G. Other Considerations

1. Elected Versus Appointed City Attorney. The Commission discussed this issue as part of the City Council referral. Most members of the Commission had mixed feelings about whether or not it was better to have an elected or appointed City Attorney. Their primary concern was making sure the City Attorney was selected in a way that the City would end up with the most highly professionally qualified person for the job. There are currently only 11 elected City Attorneys in the State of California. For reference, there are 482 cities in California. Of the 15 largest cities by population, which would include Chula Vista, only 6 have elected City Attorneys. The Commission ultimately decided not to recommend changing back to an appointed City Attorney at this time. This was primarily based upon the following: Voters only recently changed the requirement to elected and there are no perceived problems with the elected City Attorney; therefore, there is no reason to argue to revert to the former process.

2. Vacancy and other issues. The Commission discussed the vacancy subsection and others issues per the Council's direction related to the letter from Mr. Ross. The Commission decided to leave these sections as currently written.

3. Ballot Measure Required. The Commission's recommendation to amend the Charter would require a ballot measure. The Commission recommends that it be placed on the November 2016 ballot. If the Council approves the recommendation, City staff would return to the City Council with a resolution to add the measure to that ballot, direct the City Attorney to prepare an impartial analysis of the measure and authorize the Mayor to submit ballot arguments in favor of the measure. Should the Council desire to place this matter on the November 2016 ballot, it would need to be submitted to the Registrar of Voters by August 12, 2016.

### III. Conclusion

The Commission requests that the City Council consider its recommendation and place the proposed amendments to Charter sections 503 and 503.1, either in whole or in part, on the November 2016 ballot. If the Council directs staff to place a measure on the November 2016 ballot in response to this item, staff will return on August 9<sup>th</sup> with the requisite resolution.

### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18702.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

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**LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Council's consideration of the Charter Review Commission's recommendation relates to its goal to stay connected to the community, in that, the Charter Review Commission is made up of residents of the City.

**CURRENT YEAR FISCAL IMPACT**

If the City Council determines to proceed with implementing the Charter Review Commission's recommendation, it would require a ballot measure be submitted to the electorate to amend the City Charter. If it were added to the November 2016 ballot, the estimated cost would be approximately \$50,000.

**ONGOING FISCAL IMPACT**

There is no anticipated ongoing fiscal impact associated with this item.

**ATTACHMENTS**

Attachment 1: Proposed amendments to City Charter sections 503 and 503.1

*Staff Contact: Jill Maland, Assistant City Attorney*

*(Prepared with input from the Charter Review Commission Subcommittee, Carra Rhamy, Tom O'Donnell, and Randy Bellamy)*

**Sec. 503. City Attorney: Election, Powers and Duties.**

(a) Designation as Officer. The City Attorney shall be an officer of the City, in addition to any other officers designated pursuant to this Charter. Except as otherwise provided by this Charter, it is the intent of the voters that the City Attorney shall be sufficiently independent of the City Council and other city officials to advise the City while also acting in the best interests of the public.

(b) Powers and Duties of the City Attorney. The City Attorney shall:

(1) Represent and advise the City Council and all city officers in all matters of law pertaining to their offices and advise all boards, commissions, and other agencies of the City on legal matters referred to him or her, and render written legal opinions when the same are requested in writing by the Mayor or ~~a member of the City Council~~ or the City Manager, the City Clerk or any ~~other officer~~, board or commission of the City;

(2) Represent and ~~appear defend for~~ the City, and any city officer or employee, or former City officer or employee as may be required by law or in accordance with City policy, in any or all legal actions and proceedings in which the City or any such officer or employee in or by reasons of his or her official capacity, is concerned or is a named party;

(3) Attend and advise at all regular meetings of the City Council and special meetings as necessary and appropriate; ~~and give his or her opinion in writing whenever requested to do so by the City Council or by any of the boards or officers of the City~~;

(4) ~~Approve the form of~~ Oversee the preparation of all contracts made by and all bonds given to the City, ~~endorsing approval thereon~~ and approve the form of same in writing.

(5) Oversee the preparation of ~~Prepare~~ any and all proposed ordinances or resolutions for the City, and approve the form of same in writing ~~amendments thereto~~;

(6) Prosecute, ~~if so directed by ordinance of the City Council, in his or her professional discretion~~, all offenses against the ordinances of the City and ~~for~~ such offenses against the laws of the State as may be authorized or required by law; ~~and the City Attorney shall also~~ have concurrent jurisdiction with the District Attorney of the County of San Diego to prosecute persons charged with or guilty of the violation of the State laws occurring within the City limits of the City of Chula Vista for offenses constituting criminal misdemeanors;

(7) Whenever a civil cause of action exists in favor of the City ~~(a)~~, exercise discretion as to when to commence or maintain legal proceedings, subject to the approval or ratification by the City Council, when the basis for such action is within the knowledge of the City Attorney, or, ~~he or she shall (b)~~ commence or maintain legal proceedings as directed by the City Council; and

(8) Surrender to his or her successor all books, papers, files and documents pertaining to the City's affairs.

~~The Council may empower the~~ The City Attorney, ~~at his or her request, to~~ may employ special legal counsel, ~~and/or he or she shall have the power to appoint~~ appraisers, engineers ~~and or~~ other technical and expert services necessary for the handling of any pending or proposed litigation, proceeding or other legal matter as he or she deems necessary or appropriate, to assist with performance of the above-described duties, subject to available funds and City's procurement policies. Upon the City Attorney's recommendation and the approval of the Council, when ~~he or she~~ the City Attorney has a conflict of interest in litigation involving another officer or employee of the City ~~in acting in~~ his/her official capacity, such other officer/employee may be authorized to retain special legal counsel at City expense. Nothing in this Section 503 shall be construed to prevent the City Attorney from giving confidential advice to the City when otherwise allowed by law.

(c) Election; Compensation of City Attorney. The City Attorney shall be nominated and elected in the same manner and at the same election as the Mayor, except as otherwise provided in this section. The annual salary of the elected City Attorney shall be determined by the City Council and shall be no less than ~~equivalent to~~ the salary of a Judge of the Superior Court of the State of California. The City Attorney shall also receive reimbursement on the order of the Council for Council-authorized travel and other expenses when on official duty out of the City. The City Council may also provide, by resolution, for the payment of an allowance of a sum certain per month, as reimbursement for

additional demands and expenses made upon and incurred by the City Attorney. The City Attorney's salary may not be reduced during the City Attorney's term of office, except as part of a general reduction of salaries of all City officers and employees in the same amount or proportion. In addition, the City Attorney shall be entitled to such benefits as are granted to other management employees of the City, as established by the City Council from time to time. ~~The City Attorney shall be in the Unclassified Service.~~

(d) ~~Residency Requirements for the Qualifications of City Attorney. The residency requirements for the shall be the same as the residency requirements for the Mayor, as set forth in section 300.A.1. of this Charter. No person shall be eligible for or continue to hold the Office of City Attorney, either by election or appointment, unless he or she is a citizen of the United States, a qualified elector, and a California resident, licensed to practice law in all courts of the State of California and so licensed for at least seven years preceding his or her assumption of office following election under this charter.~~

(e) Qualification Requirements for the City Attorney. The City Attorney shall be licensed to practice law in all courts of the State of California, and so licensed for at least seven years preceding his or her assumption of office following election under this Charter.

(f) Term of Office of the City Attorney. The City Attorney shall be elected to a nominal term of four years, which term shall commence upon the taking of the oath of office and shall commence on the first Tuesday of December of the year of the election, and shall continue until a successor qualifies. The oath of office shall be administered at, or immediately prior to, the first City Council meeting held following the Friday after which the official election results are certified. No person shall be eligible to serve more than four consecutive four-year terms as City Attorney. The City Attorney shall be subject to the same limits on terms of service as are applicable to the Mayor and City Council under Section 300(C).

(fg) Vacancy, Filling of. Upon the declaration of vacancy in the Office of the City Attorney, the Office of the City Attorney shall be filled by appointment by the majority vote of the members of the Council; provided, that if the Council shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, or if the unexpired term of the City Attorney shall exceed 24 months at the time of the appointment, the City Council shall cause a special election to be held to fill such vacancy, as provided in Section 303.C.2. An appointee or the person elected to the Office of City Attorney for the balance of an unexpired term shall hold office until the next general election for the Office of the City Attorney.

(gh) Vacancy, What Constitutes. The Office of City Attorney shall be declared vacant by the Council when the person elected or appointed thereto fails to qualify within ten days after his or her term is to begin, dies, resigns, ceases to be a resident of the City or territory annexed to the City, State or absents himself or herself continuously from the State for a period of more than thirty days without permission from the Council, absents himself or herself from any seven consecutive regular meetings except on account of own illness or when absent from the City by permission of the Council, is convicted of a felony, is judicially determined to be an incompetent, is permanently so disabled as to be unable to perform the duties of his or her office, forfeits his or her office under any provision of this Charter, or is removed from office by judicial procedure. A finding of disability shall require the affirmative vote of at least two-thirds of the members of the Council after considering competent medical evidence bearing on the physical or mental capability of the City Attorney.

### **Sec. 503.1 Office of Legislative Counsel; Duties.**

Notwithstanding any other provision of this Charter, the Council may establish by ordinance the office of Legislative Counsel, as described in this section.

(a) Legislative Counsel may be selected by the Council and serve at the pleasure of the Council, on terms and conditions prescribed by Council. Appointment or dismissal of the Legislative Counsel shall be approved by a majority vote of the Council.

(b) Legislative Counsel may advise the Council (a) on matters where the City Attorney has determined that he/she has a conflict of interest; (b) on matters relating to City Councilmember conflicts of interest; and/or (c) on ~~regarding its legislative duties. Legislative Counsel shall neither oppose nor urge enactment of any legislation.~~

~~(c) Legislative Counsel may also advise the Council regarding conflicts of interest involving the City Attorney, and whether the hiring of special counsel is therefore warranted~~ if both the City Attorney and Legislative Counsel have a conflict of interest. If the Council approves the hiring of such special counsel, Legislative Counsel may assist the Council in the selection and appointment of special counsel.

~~(d) Legislative Counsel may further advise the Council or the City's Board of Ethics concerning the City's Code of Ethics and alleged violations thereof and further may advise the City's Charter Review Commission. Legislative Counsel may also provide such other assistance to the Board of Ethics in investigating or assisting the Board in the conduct of hearings, including the hiring of special counsel to the Board.~~

~~(e)~~ (ec) The Council may further provide by ordinance that the advice of the Legislative Counsel on the matters set forth in this section 503.1 shall be in lieu of that of the City Attorney. The Counsel may additionally or alternatively provide by ordinance for the prevention or resolution of conflicts and/or disputes between the City Attorney and Legislative Counsel.

**Exhibit 3**  
**Council Members, Eligibility & Terms**  
**(Section 300); and Information Summary re:**  
**Elected City Attorneys**

**Sec. 300. Members, Eligibility and Terms.**

A. There shall be a City Council of five members, consisting of four Councilmembers and a Mayor, elected at the times and in the manner provided in this Charter.

1. The Mayor shall be elected from the City at large. No person shall be eligible to hold the office of Mayor, or to be elected or appointed to the office of Mayor, unless such person is a resident and registered voter of the City or territory annexed to the City. To be eligible to seek election, or appointment, to the office of Mayor, a person must be a resident and registered voter of the City or territory annexed to the City at the time of filing the nomination papers for such office.

2. Each of the four Councilmembers shall be elected by district in the manner provided in paragraph (3) below. To be eligible to seek election, or appointment, to the office of Councilmember, a person must be a registered voter of the City or territory annexed to the City and resident of the Council district which that person seeks to represent at the time of filing the nomination papers for such office, or at the time of appointment to such office, respectively. No person shall be eligible to hold the office of Councilmember unless that person is a registered voter of the City or territory annexed to the City and resident of the Council district which that Councilmember represents.

3. In the general~~primary~~ municipal election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from their district, ~~and the two (2) candidates for Councilmember in each district receiving the highest and second~~ The two candidates receiving the highest number of votes cast by the voters of their district shall be the candidates in a general~~run-off~~ election to be held on the same date as the statewide election date in November immediately following the primary~~general~~ municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even numbered year). If only two qualified candidates from a Council district file nomination papers to participate in the general~~primary~~ municipal election in that district, no general~~primary~~ election shall be held and the two candidates shall be the candidates at the run-off~~general~~ election for the office of City Councilmember from that district. If two or more candidates from a district tie in the receipt of the highest number of votes in the general~~primary~~ municipal election, all such candidates shall appear on the run-off~~general~~ election ballot and no candidate(s) receiving the second-highest number of votes shall appear on the run-off~~general~~ election ballot. If one candidate from a district receives the highest number of votes and two or more candidates from the same district tie in the receipt of the second-highest number of votes, all such candidates shall appear on the run-off~~general~~ election ballot. In the event a primary election is held, write-in candidates shall be permitted.

In the run-off~~general~~ election, the voters in each district from which a Councilmember is to be elected shall be entitled to vote for one (1) candidate from each district for which a Councilmember is to be elected, and the candidate for Councilmember from each district receiving the highest number of votes cast shall be elected. Write-in candidates shall not be permitted in the general election when there are two or more qualified candidates from a district, or for the office of Mayor; write-in candidates shall be permitted when there are less than two qualified candidates from a district, or for the office of Mayor.

~~4. Notwithstanding any other provision in this Section 300 or Section 300.5, the mandatory run-off election requirement in subparagraph 300.A.3., above, shall take effect in 2014. Notwithstanding that the mandatory run-off elections shall commence in 2014, the transition to by-district elections for Councilmembers shall not commence until 2016 as provided in Section 300.5. Until the 2016 general municipal election, Councilmembers shall continue to be elected at large.~~

B. The term of each member of the City Council shall be for a nominal term of four years and shall commence upon the member's taking of the oath of office, ~~on the first Tuesday of December of the year of the election, and shall continue until a qualified successor takes the oath of office. The oath of office shall be administered at the first City Council meeting held following the Friday after which the official election results are certified. The member's term shall continue until a qualified successor takes the oath of office, or until the member vacates the seat, whichever occurs first.~~ Notwithstanding the foregoing, if the official results for the election of the office of Mayor or the office of Councilmember are not certified before the first Tuesday in December, the term for the Mayor or Councilmember(s) elected at such election shall be deemed to commence upon taking the oath of office, which shall be given at the first scheduled City Council meeting following certification of the election results.

C. No person shall be eligible for nomination and election to the office of City Councilmember or Mayor for more than two (2) consecutive terms, and no person who has held a Council office for a period of two (2) consecutive terms or the office of Mayor for two (2) consecutive terms, may appear on the ballot for~~again seek nomination and~~ election to said offices of Council or Mayor respectively until a period of one (1) year from the termination of the second term for Councilmember or Mayor has elapsed; provided, however, that any person who is appointed by the Council to fill the office of Councilmember or Mayor may not appear on the ballot for~~seek nomination and~~ election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter. Any person elected in a special election for the balance of a regular term of Mayor and/or Councilmember for a period of two (2) years or less may seek nomination and election for two (2) full terms thereafter.

D. Each Council district shall be numbered one (1) through four (4) respectively. Any person running for the office of Councilmember shall designate, as the office for which such person seeks election, one of the numbered Council districts as memorialized by resolution of the Chula Vista City Council on file in the office of the City Clerk. Should a vacancy occur at any time in any Council district, if said vacancy is to be filled by a special election as provided in Section 303 of the Charter, candidates for said vacancy shall similarly designate the appropriate numbered district on their nominating papers.

~~E. Any person to be elected at a general municipal election for the office of Mayor for which nomination papers have been filed shall be deemed elected upon receipt of a majority of the votes cast for the office of Mayor at the election. If no candidate at such general municipal election receives a majority of the votes cast, there shall be a special runoff election, to be held on the same date as the statewide election date in November immediately following the general municipal election (if no statewide election is conducted, then on the first Tuesday after the first Monday of November of each even numbered year), between the two candidates receiving the highest and second highest number of votes in the general municipal election for the office of Mayor, in order to determine the winner. By way of clarification, ties among the candidates receiving the two highest number of votes at the general municipal election shall be resolved by a special run-off election. Beginning in 2014, the elections for the office of Mayor shall be held in the same manner as provided in Section 300.A., provided, however, that voters of the City at large shall be entitled to vote in such elections.~~

F. Vacancies and elections to fill vacancies for the office of Councilmember or the office of Mayor, shall be determined in accordance with Section 303.C.2.

~~GF.~~ If one of ~~the~~ two eligible candidates dies on or before the ninetieth day prior to a general, or special run-off, election required under this Section or Section 303.C.2., his or her name shall not be placed on the ballot. The candidate receiving the third highest number of votes in the primary or special~~general municipal~~ election for the office of Councilmember or the office of Mayor shall be offered by the City Clerk, the opportunity to be placed on the ballot in lieu of the deceased. The City Clerk shall make the offer in writing immediately upon notification of the death. The candidate shall accept or reject in writing to the Clerk within five calendar days of ~~receipt of~~ the City Clerk's delivering the offer. If the offer is accepted, ~~the special run-off election between~~ the remaining candidate and the candidate receiving the third highest number shall be the only candidates in the general, or special run-off, election held. If rejected, ~~there shall be no run-off election, and~~ the remaining candidate shall be the only candidate in the general, or special run-off, election~~deemed elected as of the date of such death.~~

~~HG.~~ Any person to be elected at a ~~special run-off~~general election required under this Section shall be deemed elected upon receipt of the highest number of votes for the particular office of Councilmember or the office of Mayor and shall be seated upon taking the oath of office. Ties at such special run-off election shall be resolved by lot.

INFORMATION SUMMARY REGARDING CALIFORNIA ELECTED CITY ATTORNEYS*						
AUGUST 30, 2017						
NO.	CITY	RESIDENCY REQUIREMENT	TERM LIMITS	SALARY	POPULATION	NOTES
1.	Albany	Was required at time of issuance of nomination papers (election) or assuming office (appointment)	No term limit	Not known	19,688	<ul style="list-style-type: none"> <li>• Albany no longer has an elected City attorney</li> <li>• Electorate voted in 2010 to go back to appointed City attorney</li> <li>• Reasons cited in Arguments for Measure in favor of appointed City attorney:                             <ul style="list-style-type: none"> <li>○ Widens Albany’s pool of legal expertise</li> <li>○ More rigorous selection process</li> <li>○ Decreases conflicts of interest</li> <li>○ Brings legal costs under tighter control</li> </ul> </li> </ul>
2.	Chula Vista	No	Yes: two, 4-year terms (Charter Art. V, §503)	Equivalent to salary of judge of Superior Court (Charter Art. V, §503)	267,172	
3.	Compton	Yes: 30 days prior to issuance of nomination papers (election) or assuming office (appointment) (Charter Art V., §503)	No term limit, each term is 4 years	Set by ordinance; Cannot be changed during term (Charter Art. V, §504)	97,550	
4.	Huntington Beach	Yes: At time of issuance of nomination papers (election) or assuming office (appointment) (City Code §2.04.030)	Yes: two, 4-year terms	Not specified	200,652	

5.	Long Beach	Yes: At time of issuance of nomination papers (election) or assuming office (appointment) (Charter Art. V, §502)	Yes: two, 4-year terms	Set by resolution (Charter Art. V, §503)	470,130	
6.	Los Angeles	Yes: 30 days prior to issuance of nomination papers (election) or assuming office (appointment) (Charter Art. IV, §407)	Yes: two, 4-year terms (Charter Art. II, §206)	20% more than City Council member; City Council members are paid same salary as Los Angeles Municipal Court judges (Charter §218)	3,976,322	
7.	Oakland	Yes: 30 days [Charter Art. IV, §401(2)]	No term limit	Set by Charter at “not less than 70% nor more than 90% of the average salaries of the City Attorneys of California cities within the three immediate higher and the three immediate lower cities in population to Oakland” [Charter Art. IV, §401(1)]	420,005	<ul style="list-style-type: none"> <li>• Attempted to go back to appointed in 2011 election; didn't pass</li> </ul>

8.	Redondo Beach	Yes: 30 days prior to issuance of nomination papers (election) or assuming office (appointment) (Charter Art. X, §10.3)	No term limit	Set by ordinance; Cannot be changed during term (Charter Art. X, §10.1)	67,867	
9.	San Bernardino	Yes: 30 days prior to issuance of nomination papers (election) or assuming office (appointment) (Charter Art. V, §55)	At will once appointed official is assigned	Set by Council, but not less than \$7,500/year(Charter Art. V, §55)	216,239	<ul style="list-style-type: none"> <li>• Electorate voted to go back to appointed City attorney</li> <li>• The current elected City Attorney will finish his term in 2020, after which the City Attorney will be appointed</li> </ul>
10.	San Diego	Yes (Charter Art. II, §7)	Yes, two 4-year terms (Charter Art V, §40)	Set by Council, but no less than \$15,000/year; can't be decreased during term (Charter Art V, §40)	1,406,630	
11.	San Francisco	Yes (Charter Art. XIII, §13.106)	No term limit	Set by Civil Service Commission, based on salary survey (Charter, Appendix A, A8.409-1)	870,887	
12.	San Rafael	Yes: 1 year prior to election (Charter Art. VI, §8)	No term limit, each term is 4 years	Set by resolution (Code Title 2, §2.08.160)	58,954	

\*All cities listed are chartered cities. There is a total of 482 cities in California; 121 chartered and 361 general law.

**Exhibit 4**  
**City Council Vacancies (Section 303);**  
**and Election Cost Estimates**

**Sec. 303. Vacancies.**

A. Definition of~~When a~~ Vacancy~~-Occurs~~; Granting Permission for Absences.

1. Definition of Vacancy. A vacancy on the City Council is deemed to occur in each of the following instances, and is effective on the corresponding date indicated:

<u>Occurrence of Vacancy</u>	<u>Vacancy Effective Date</u>
<u>A member is absent from four consecutive regular meetings of the City Council, scheduled and held, without obtaining excuse for such absences pursuant to section 303.A.2., below</u>	<u>The date of the member's last unexcused absence</u>
<u>A member is convicted of a felony or crime involving moral turpitude</u>	<u>The date of the conviction</u>
<u>A member submits a letter of resignation to the City Clerk</u>	<u>The effective date of the resignation, as set forth in such letter of resignation, or if no date is specified, the date it is submitted to the City Clerk</u>
<u>The election of a member to another office requiring the surrender of the member's current seat</u>	<u>The earlier of the date on which the member is: sworn into another office, or the election results are certified, or the City Council declares the seat vacant</u>
<u>A member ceases to be a resident of City, or of the District which the member represents</u>	<u>The earlier of the date which the member provides to the City Council or City Clerk as the last date of residency; or the date which a court of competent jurisdiction determines the member's residency ended</u>

The City Council may identify additional occurrences of vacancy by ordinance.

~~If a member of the City Council is absent from four (4) consecutive regular meetings of the City Council scheduled and held, unless by permission of the City Council expressed in its~~

~~official minutes contemporaneously with such absences or sooner, or is convicted of a felony or crime involving moral turpitude, or submits a letter of resignation to the City Clerk, or because of the election of the current office holder to another seat on the City Council, or other office requiring the surrender of the City office seat, the office shall become vacant as of the date of the last absence (in the case of four unexcused, consecutive absences from regular City Council meetings), the date of such conviction (in the case of conviction of a felony or crime involving moral turpitude), the effective date of resignation as set forth in such letter of resignation, or the date on which the current office holder is sworn into another office (in the case of an election to another office), as applicable. The City Council shall declare the existence of any vacancy or anticipated vacancy as soon as practicable.~~

2. Excusing Absences. A Councilmember may request that the City Council excuse the member's absence from a City Council meeting. The request permission of the Council shall be granted for any temporary illness of the requesting Councilmember disabling him or her from attendance at such meeting and may be granted in other instances, on a majority vote of the City Council. The granting of any such request shall be expressed in the City Council's official minutes of the meeting at which the request is granted. ~~The City Council shall declare the existence of any vacancy or anticipated vacancy as soon as practicable.~~

~~B. Anticipated Vacancies with Intervening Consolidated Elections; Duration of Elected Replacer's Term.~~

~~If (1) a vacancy is expected to occur in an office of any member of the City Council or Mayor because of either the election of the current office holder to another seat on the Council or other office requiring the surrender of the City office seat, and (2) if, between the time the expectation of vacancy occurs (by final election results for the other election contest having been announced) and the time the actual vacancy is expected to occur, any other federal, state or local (non-City) election involving all the electors of the City is scheduled to be held at such a time that permits a special election to be called and consolidated with such other federal, state or local election, then (A) the City Council shall call and request consolidation of such special election with such other election or elections, and (B) the vacancy so expected to be created shall be filled by such special election. A person elected in such special election to fill a vacancy shall serve for the remainder of the term of the office and until a successor qualifies.~~

~~C. Filling Vacancies: Appointments and Special Elections.~~

~~Except under the circumstances hereinabove provided in paragraph B, t~~In the event of vacancy,  
the City Council shall fill such vacancy by election or appointment as set forth herein.

1. Vacancy with Less Than One Year Remaining in Term. If a vacancy is declared by the Council with one (1) year or less remaining in the term from the date of declaration, the Council shall within 45 days appoint a person to fill the vacant seat on the City Council.

In the event the Council shall make such an appointment, such an appointee office holder shall be entitled to hold office until a successor subsequently qualifies ~~at the expiration of the remaining Council or Mayoral term.~~

If the Council is unable to ~~make an appointment, the Council's power to~~ appoint a person to fill the vacancy within 45 days of declaration of vacancy, the Council's power to appoint is thereby terminated for the duration of such minimal remaining term and the seat will remain vacant. The Council shall use good faith and best efforts to reach agreement on such an appointment. ~~If the Council is unable to make an appointment during the allotted time, the Council's power to appoint is terminated.~~

23. Vacancy with 25 Months or More Remaining in Term. If a vacancy declared by the Council occurs with 25 months or more remaining in the term from the date of said declaration, the Council shall call a special election. The special election shall be held on the earliest Established Election Date ("EED"), as specified in the California Elections Code, on which it is practicable to hold such special election. If the City Council determines that the time between the vacancy and such EED is excessive, the City Council may determine to hold the election on an earlier date, after consultation with the Registrar of Voters. If there is a federal, state, or local election scheduled to be held on such EED, the election shall be consolidated with that election. Notwithstanding the foregoing, the City Council may opt to conduct an all vote-by-mail ("All VBM") ballot election pursuant to section 303.B.6., below, to be held on the next established election date, as specified in the Elections Code of the State of California, or within 120 days from the declaration of vacancy, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy. If there is a federal, state, or local election scheduled to be held within 180 days of the declaration of the vacancy, the Council may consolidate the special election with that election, as provided by the Elections Code.

a. Majority of Votes Cast for One Candidate. In the special election, the voters in the district for which a vacancy shall be filled shall be entitled to vote for one (1) candidate from the district. If a candidate receives the majority of the votes cast in that candidate's district, that candidate shall be deemed ~~and declared by the Council to be~~ elected to the vacant office. Ties among candidates shall be resolved in the manner provided in Section 300.A.3.

b. Majority of Votes Not Cast for One Candidate. If no candidate receives a majority of votes cast in the special election, to fill a vacancy, a special run-off election shall be held in the district in which the vacancy exists, on the ~~next earliest EED on which it is practicable to hold such special election. If the City Council determines by majority vote that the time between the vacancy and such EED is excessive, the City Council may determine to hold the election on an earlier date, after consultation with the Registrar of Voters. established election date, as specified in the Elections Code. If there is a federal, state, or local election scheduled to be held on that established election date, or within 120 days following the certification of the special election results, whichever is practical, unless there is a federal, state, or local election scheduled to be held within 180 days following the certification of the special election results, at which time~~ the Council ~~may shall~~ consolidate the special run-off election with that election, ~~as provided by the Elections Code.~~ The two (2) candidates receiving the highest number of votes cast for the vacant seat in the first special election shall be the only candidates for the vacant Council seat, except in the event of a tie. and the name of only those two (2) candidates shall be printed on the ballot for that seat. Ties shall be resolved in the manner provided in Section 300.A.3. No "write-in" candidates shall be allowed.

c. Mayoral Vacancy. A vacancy in the office of Mayor shall be filled in the same manner as provided in subparagraphs a., and b., above, except that the voters of the City at-large shall be entitled to vote.

32. Vacancies with More Than One Year, but Less than 25 Months. If a vacancy is declared by the Council with more than one year but less than 25 months remaining in the term from the date of declaration, the Council may either appoint a person to fill the vacant seat on the City Council, pursuant to subsection BC.1., above, or call a special election to fill the vacancy, pursuant to subsection BC.2., above. The matter shall be placed on the agenda for the City Council's consideration at the next City

~~Council meeting following the City Council's declaration of vacancy. The Council shall determine, by majority vote within fourteen days of the declaration of vacancy, whether to fill the vacancy by appointment or by special election.~~

If the Council ~~determines to~~ does not fill the vacancy by appointment ~~and is unable to make an appointment~~ within 6045 days of the Council declaring a vacancy, the Council's power to appoint is terminated and the Council shall call a special election pursuant to section 303.~~BC.32.~~, below.

4. Majority of Council Members Cannot be Appointed. Notwithstanding any other provision in this Section ~~303.BC~~ to the contrary, if an appointment would result in a majority of the members serving on the City Council being appointed, the Council shall not fill the vacancy by appointment; rather: (a) where the vacancy is for a remaining term of one year or less, the office shall remain vacant; and (b) where the vacancy is for a remaining term of more than one year but less than 25 months, the Council shall call a special election to fill the office in accordance with section 303.~~BC.23.~~

5. Appointee One-Year Waiting Period. As provided in Section ~~300.C~~, any person who is appointed by the Council to fill the office of Councilmember or Mayor may not seek nomination and election to said offices of Councilmember or Mayor until a period of one year from the termination of the appointed term has elapsed. Said appointee shall be eligible to seek nomination and election for two (2) full terms thereafter.

6. All Vote-By-Mail Balloting. Notwithstanding any other provision in this Section 303.B to the contrary, if a City Council or Mayoral vacancy is to be filled utilizing a special election that is not consolidated with a scheduled federal, state or local polling place election, the City Council may, upon a majority vote, allow such election to be conducted using an All VBM ballot. The All VBM ballot election shall be conducted in accordance with applicable City ordinances. The City Council shall adopt an ordinance governing the manner in which All VBM ballot elections are to be conducted, prior to holding the first All VBM ballot election. If the City Council determines to hold the special election utilizing an All VBM ballot election, the "next EED" referenced in section B.3., above, shall mean the next established mail election date, as set forth in the California Elections Code.

**From:** Kerry Bigelow  
**Sent:** Tuesday, August 29, 2017 4:35 PM  
**To:** Jill Maland <[JMaland@chulavistaca.gov](mailto:JMaland@chulavistaca.gov)>  
**Subject:** FW: Estimates for City of Chula Vista

Hi Jill,  
Please see the ROV's estimates below. I highlighted in yellow the estimates for special elections (polls and mail) for a candidate and in blue the estimates for special elections (polls and mail) for mayor.

You and Mr. Ross may already have background from Donna on why the estimate range is so large. If I can explain further or request additional information from the ROV, please let me know.

Sincerely,  
Kerry

Kerry Bigelow | Acting City Clerk  
(619) 407-3590 | [kbigelow@chulavistaca.gov](mailto:kbigelow@chulavistaca.gov)

*Please note that email correspondence with the City of Chula Vista, along with attachments, may be subject to the California Public Records Act, and therefore may be subject to disclosure unless otherwise exempt.*

**From:** Lau, Liliana [<mailto:Liliana.Lau@sdcounty.ca.gov>]  
**Sent:** Tuesday, August 29, 2017 2:28 PM  
**To:** Kerry Bigelow <[KBigelow@chulavistaca.gov](mailto:KBigelow@chulavistaca.gov)>  
**Subject:** RE: Estimates for City of Chula Vista

Hi Kerry,

Please see my responses in red below. Let me know if you need additional information.

Thanks,  
Liliana

**From:** Kerry Bigelow [<mailto:KBigelow@chulavistaca.gov>]  
**Sent:** Wednesday, August 23, 2017 1:41 PM  
**To:** Lau, Liliana  
**Subject:** FW: Estimates for City of Chula Vista

Hi Liliana,  
I believe that Jennifer Uebbing has retired and you have assumed her position. If I should direct this elsewhere, please let me know!

I'm looking for updates to a few estimates she has provided us in the past. I've forwarded the emails below, in case that helps with context.

Can you please provide the following estimates:

1. Consolidated elections for Councilmember in District 1 *(or whichever district has the highest number of registered voters, if it is no longer District 1)* with 5 candidates in June and 2 candidates in November. (Please use the presidential cycle.)

The preliminary cost projection for:

- June: \$10K – \$35K
- November: \$5K - \$30K

This amount may change due to the uncertainty at this time of the contests that will ultimately appear on the ballot. Because election costs are shared among participants in a consolidated election, we do not have sufficient information of all the jurisdictions who will be participating at this time. Costs incurred during a regular consolidated election are shared by the jurisdictions through the use of a weighted average method. Costs are attributed to each jurisdiction based on the number of contests, the number of registered voters, and the number of sample ballot pages. The actual costs are likely to vary depending on how many jurisdictions participate during the regular consolidated election.

2. Consolidated elections for Councilmember in Mayor with 5 candidates in June and 2 candidates in November. (Please use the presidential cycle.)

The preliminary cost projection for:

- June: \$50K - \$90K
- November: \$40K - \$80K

This amount may change due to the uncertainty at this time of the contests that will ultimately appear on the ballot. Because election costs are shared among participants in a consolidated election, we do not have sufficient information of all the jurisdictions who will be participating at this time. Costs incurred during a regular consolidated election are shared by the jurisdictions through the use of a weighted average method. Costs are attributed to each jurisdiction based on the number of contests, the number of registered voters, and the number of sample ballot pages. The actual costs are likely to vary depending on how many jurisdictions participate during the regular consolidated election.

3. Consolidated elections for Ballot Measure in June and November. (Please use the presidential cycle.)

The preliminary cost projection based on 12 page measure for:

- June: \$80K - \$120K
- November: \$70K – \$110K

This amount may change due to the uncertainty at this time of the contests that will ultimately appear on the ballot. Because election costs are shared among participants in a consolidated election, we do not have sufficient information of all the jurisdictions who will be participating at this time. Costs incurred during a regular consolidated election are shared by the jurisdictions through the use of a weighted average method. Costs are attributed to each jurisdiction based on the number of contests, the number of registered voters, and the number of sample ballot pages. The actual costs are likely to vary depending on how many jurisdictions participate during the regular consolidated election.

5. Special, stand alone, VBM and Polls elections for Councilmember in District 1 *(or whichever district has the highest number of registered voters, if it is no longer District 1)* – assuming 5 candidates.

For question 5:

The City of Chula Vista requested cost projection for a special election in 2018. The assumptions that were used to develop the cost projections are:

- Number of registered voters as of 8/04/17: 36,586;
- Estimating a 16-page sample ballot pamphlet which includes ballot facsimile, voter instructions, ballot measure, and possible filler pages;
- Election material will be translated into Chinese, Spanish, Filipino, and Vietnamese per our Federal Language requirement;
- Higher labor costs;
- For a polls special election, four poll workers at each site; and
- The cost projection does not include a Vote-by-Mail Drop-Off Program.
- 

There are several items that are not included in the cost projections because we can't determine how they will impact the costs:

- Conditional Election Day Registration will be implemented in 2017 since the state-wide voter database (Vote Cal) was certified in September 2016.

Based on the above assumptions, the preliminary cost projection is:

- Standard Poll Sites and Vote-by-Mail Election: \$350K - \$600K.
- Vote-by Mail Election: \$250K-\$500K. There is no current data on the cost of a special VBM election.

4. Special, stand alone, VBM and Polls elections for Mayor – citywide, assuming 5 candidates
6. Special, stand alone, VBM and Polls elections for Ballot Measure.

For questions 4 and 6:

The City of Chula Vista requested cost projection for a special election in 2018. The assumptions that were used to develop the cost projections are:

- Number of registered voters as of 8/04/17: 129,799;
- Estimating a 16-page sample ballot pamphlet which includes ballot facsimile, voter instructions, ballot measure, and possible filler pages;
- Election material will be translated into Chinese, Spanish, Filipino, and Vietnamese per our Federal Language requirement;
- Higher labor costs;
- For a polls special election, four poll workers at each site; and
- The cost projection does not include a Vote-by-Mail Drop-Off Program.

There are several items that are not included in the cost projections because we can't determine how they will impact the costs:

- Conditional Election Day Registration will be implemented in 2017 since the state-wide voter database (Vote Cal) was certified in September 2016.

Based on the above assumptions, the preliminary cost projection is:

- Standard Poll Sites and Vote-by-Mail Election: \$900K - \$1.3M
- Vote-by Mail Election: \$700K - \$1.1M. There is no current data on the cost of a special VBM election.

For comparison, I am providing you with the costs based on a past special election. The cost was \$651,618 for a standard poll sites and vote-by-mail election that was conducted in February 2016 for the City of Carlsbad, which had 63,265 registered voters.

There are factors that can affect costs if a special election takes place. If any type of special election is called, we can initiate a cost projection. Without the specificity required, there is too broad of a cost range to make an appropriate projection. Once a special election is called, if you have additional information that may affect the cost projection, please let us know at that time.

If it would be at all possible to get this information by the end of the week or Monday/Tues of next week, it would be much appreciated! Our Charter Review Commission will be meeting with our City Council and would like to consider VBM in Chula Vista.

Thank you in advance for your assistance!

Sincerely,  
Kerry

Kerry Bigelow, MPA, MMC | Acting City Clerk  
(619) 407-3590 | [kbigelow@chulavistaca.gov](mailto:kbigelow@chulavistaca.gov)

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