



DATE: June 10, 2014

CATEGORY: Unfinished Business

DEPT.: City Clerk/City Attorney

TITLE: **General Municipal Election –
November 4, 2014**

RECOMMENDATION

1. Adopt resolutions pertaining to the 2014 General Municipal Election as follows:
 - a. A Resolution and Order of the City Council of the City of Mountain View Calling a General Municipal Election to be Held on Tuesday, November 4, 2014, and Related Actions, for the purpose of electing three (3) members of the City Council, to be read in title only, further reading waived (Attachment 1 to the Council report).
 - b. A Resolution of the City Council of the City of Mountain View Submitting a Ballot Measure Regarding Council Compensation to the Voters at the General Municipal Election to be Held on Tuesday, November 4, 2014, and Related Actions, to be read in title only, further reading waived (Attachment 2 to the Council report).
 - c. A Resolution Requesting the Board of Supervisors to Authorize the Registrar of Voters to Contract for Election Services and Authorizing the City Clerk to Contract with the County of Santa Clara Pertaining to Services to be Performed by the County in Connection with the General Municipal Election to be Held on Tuesday, November 4, 2014, to be read in title only, further reading waived (Attachment 3 to the Council report).
 - d. A Resolution Adopting a 200-Word Maximum for a Candidate's Statement of Qualifications and Charging Each Candidate for a Fixed Share of Costs of the Printing and Handling for the General Municipal Election to be Held on Tuesday, November 4, 2014, to be read in title only, further reading waived (Attachment 4 to the Council report).

2. Direct the City Attorney to prepare an impartial analysis of the Charter Amendment Measure.
3. Direct the City Clerk and the City Attorney to take all necessary actions to do the following:
 - a. Call a General Municipal Election;
 - b. Request the Board of Supervisors of the County of Santa Clara to consolidate a General Municipal Election with the State-wide election to be held on Tuesday, November 4, 2014;
 - c. Submit a proposed Charter Amendment Measure; and
 - d. Take related actions.

BACKGROUND/ANALYSIS

Council is required to take certain actions in order to consolidate the election of the three Councilmembers with the General Municipal Election of November 4, 2014. In conjunction with this election, the City Council directed staff on April 22, 2014 to prepare the necessary documents to submit a Charter Amendment Measure to the voters during the November 4, 2014 General Municipal Election. The proposed Charter Amendment would increase Council compensation to a new baseline amount of \$1,000 per month, with automatic future adjustments in an amount that is the lesser of the Consumer Price Index and any cost-of-living adjustment granted to the miscellaneous bargaining groups. The April 22, 2014 Council report regarding this item is attached as Attachment 5.

As part of calling the election, Council must also take an action regarding the statements of the candidates that are included in the voter's pamphlets. Candidates who file a statement of acceptance of the Voluntary Expenditure Limit (VEL) and pay the first \$500 for the cost of publishing the 200-word candidate statement will be eligible to have the City pay for the balance of the cost of the candidate statement subject to certain limitations. The estimated full cost of a candidate statement is \$2,014. The VEL, campaign finances, and the candidate statements are interrelated. A VEL for each candidate for each election to City elective office was established in 2000 in the amount of Fifteen Thousand Dollars (\$15,000) and provides an automatic adjustment of the expenditure ceiling at the rate of 3 percent per year to keep pace with the changes in the cost of living. The VEL for the November 4, 2014 election is \$22,689. Each candidate is

required to file, at the time of filing his/her nomination papers, a statement of acceptance or rejection of the voluntary expenditure ceiling.

The cost of the candidate statement, whether paid by the candidate or the City, and contributions returned by the candidate to the contributor within 30 days of receipt do not count toward the VEL. A penalty for violation of the VEL is established which requires the posting of a notice of violation on the City's website and at the official posting board at City Hall, and forwarding the notice to a newspaper of general circulation for publication. A repayment to the City of the costs of the candidate's statement is required if a candidate exceeds the VEL. Repayment is due within 30 days of exceeding the limit. The candidate must repay the City 25 percent of the amount the City paid toward the candidate statement if he/she exceeds the VEL by no more than Five Hundred Dollars (\$500). The candidate must repay the City the entire amount of the City contribution if he/she exceeds the VEL by more than Five Hundred Dollars (\$500).

All candidates, officeholders, individuals, and committees participating in local elections for City Council who file campaign disclosure reports under the Political Reform Act or State law shall also file such reports with the City Clerk. The campaign contribution disclosure threshold is set at \$100. A cut-off date of seven (7) days prior to the election (October 28) is established for candidates to accept contributions, or 5:00 p.m. the Tuesday before the election. Candidates or Councilmembers-elect can continue to accept contributions beginning the Wednesday after the election (November 5). The filing of a Third Preelection Statement or final disclosure report is required five (5) days prior to the election, or 5:00 p.m. the Thursday before the election (October 30). Campaign disclosure reports submitted by each candidate or committee are posted on the City's website within five (5) business days from the date of receipt of the reports.

A method of collection is established directing the City Auditor to deduct any delinquent amounts on a month-to-month basis until paid in full from any Councilmember-elect's City paycheck, and directing the City Clerk to not accept nomination papers for future election until any delinquency from a prior election is paid in full, including interest.

FISCAL IMPACT

One Hundred Thousand Dollars (\$100,000) has been proposed for the Fiscal Year 2014-15 budget to conduct the election of Councilmembers, based on an estimate provided by the County Registrar of Voters. This estimate includes the amount required to cover a portion of the cost of the candidate statement fee the City pays for each candidate who

accepts the Voluntary Expenditure Limit (VEL) of \$22,689 pursuant to Campaign Finance and Voluntary Expenditure Limit Program (MVCC §2.100 *et seq.*).

Adding the Charter Amendment Measure to the ballot would increase the costs by approximately \$67,000, totaling \$167,000 for the Council candidates and ballot measure costs. The additional \$67,000 has been included in the Fiscal Year 2014-15 Proposed Budget and would be funded from the available carryover funds from Fiscal Year 2013-14, if Council submits a proposed Charter amendment to the voters. If the ballot measure is successful, an additional appropriation would be necessary to fund the increase in compensation. The estimated additional cost is \$17,400 in Fiscal Year 2014-15 and \$34,800 annually thereafter (plus the inflater).

CONCLUSION

The attached resolutions set forth the actions required to consolidate the forthcoming election, place the proposed annual compensation measure on the ballot, and establish a 200-word limit for candidate statements. The resolutions conform with our City Charter which incorporates the provisions set forth in the California Elections Code.

ALTERNATIVES

1. Do not include a Charter Amendment Measure on the November 4, 2014 ballot.
2. Modify the language in the proposed Charter Amendment Measure ballot.
3. Do not consolidate the election.

PUBLIC NOTICING – Agenda posting.

Prepared by:

Lorrie Brewer, MMC
City Clerk

Jannie L. Quinn
City Attorney

LB-JLQ/KB/7/CAM
015-06-10-14CR-E

- Attachments:
1. Resolution Calling a General Municipal Election to be Held on Tuesday, November 4, 2014
 2. Resolution Submitting a Ballot Measure Regarding Council Compensation to the Voters at the General Municipal Election to be Held on Tuesday, November 4, 2014
 3. Resolution Relating to Services to be Performed by the County Registrar of Voters
 4. Resolution Adopting a 200-Word Maximum for a Statement of Qualifications of Candidate
 5. [April 22, 2014 Council Report](#)

Exhibit: A. MVCC §2.100 *et seq.*, Ordinance No. 4-06