

## TOWN OF WOODSIDE

Report to Town Council

Agenda Item # 3

From: Kevin Bryant, Town Manager

December 13, 2016

**SUBJECT: ADOPTION OF AN ORDINANCE ADDING SUBSECTION (C) TO SECTION 30.01 TO TITLE III, ADMINISTRATION, OF THE WOODSIDE MUNICIPAL CODE TO CONSOLIDATE MUNICIPAL ELECTIONS WITH STATEWIDE ELECTIONS BEGINNING IN 2018, AS MANDATED BY SENATE BILL 415**

**RECOMMENDATION**

It is recommended that the Town Council adopt an Ordinance adding Subsection (C) to Section 30.01 (Regular Meetings of Council) to Title III, Administration, of the Woodside Municipal Code to consolidate municipal elections with statewide elections beginning in 2018, as mandated by Senate Bill (SB) 415.

**DISCUSSION/ANALYSIS**

On October 25, 2016, the Town Council introduced the attached draft ordinance, which would consolidate the Town's general municipal election with the statewide election beginning in 2018. The terms of currently seated elected officials would be extended by no more than 12 months pursuant to Elections Code section 10403.5, subdivision (b). Elected officials whose terms are scheduled to end in 2017 will have their terms extended to 2018 and elected officials whose terms are scheduled to end in 2019 will have their terms extended to 2020.

SB 415 prohibits a local government, like the Town of Woodside ("Town"), from holding an election on any date other than a statewide election date if doing so has resulted in local election turnout that is at least twenty-five percent (25%) below the average Woodside turnout in the last four statewide general elections.

The table below shows the voter turnout percentages in the past four statewide elections (even numbered years) and the Town's voter turnout in the regular municipal elections in 2015, 2013, 2011 and 2009. Given these percentages, Woodside must comply with SB 415.

<b>SB 415 - Percent Turnout per Election</b>								
<b>Municipal Elections</b>	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>	<b>2010</b>	<b>2009</b>	<b>2008</b>
Woodside	38.5%	55.4%	23.8%	84.2%	31.1%	76.4%	24.8%	84.2%
# Registered Voters	3,796	3,806	3,889	3,920	3,699	3,775	3,696	4,088

Once the Ordinance is adopted, it will then require approval of the County Board of Supervisors. Within thirty (30) days after the approval by the County Board of Supervisors, the Town Clerk will send out a notice to all registered voters in the Town informing them of the change in the general municipal election date and elected officials' terms affected by the Ordinance, as per Election Code section 10403.5, subdivision (e).

If the Town fails to comply with SB 415 and holds a nonconcurrent, odd-numbered year municipal election after 2018 without a plan in place to align the local elections with the statewide elections by 2022, the Town may be subject to a lawsuit initiated by any local voter. The same would be true if the Town held an off-cycle, odd-numbered year regular election any time after 2022, even with a plan in place.

The initial cost savings to the Town of consolidating its 2017 election with the statewide 2018 election is unknown, and will depend on how many other jurisdictions consolidate their off-cycle elections with the statewide election, but it is anticipated that the Town will realize some election related cost savings beginning in 2018.

#### **CONCLUSION**

It is recommended that the Town Council adopt an Ordinance adding Subsection (C) to Section 30.01 to Title III of the Woodside Municipal Code to consolidate municipal elections with statewide elections beginning in 2018, as mandated by Senate Bill 415.

**Attachment:** Ordinance Adding Subsection (C) to Section 30.01  
(Regular Meeting of the Council) to Title III of the  
Woodside Municipal Code

**ORDINANCE NO. 2016-\_\_\_\_\_**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE  
AMENDING WOODSIDE MUNICIPAL CODE CHAPTER 30: TOWN  
COUNCIL, SECTION 30.01**

**WHEREAS**, following the enactment of Senate Bill 415, all California cities with municipal elections held in a year that was not concurrent with statewide elections and resulted in a significant decrease in voter turnout must align its municipal elections with the statewide elections beginning in 2018 or have a plan in place to do so by 2022; and

**WHEREAS**, the Town wishes to align the Town’s general municipal elections with statewide elections beginning in 2018.

**IT IS HEREBY ORDAINED** by the Town Council of the Town of Woodside to amend the Woodside Municipal Code as follows:

**SECTION ONE:** Chapter 30, Town Council, Section 30.01, of the Woodside Municipal Code is hereby amended as follows:

**§30.01 REGULAR MEETING OF THE COUNCIL.**

(A) All regular meetings of the Council shall be held at Independence Hall in Woodside, California. Regular meetings of the Town Council shall be held on the second and fourth Tuesday of each month. All regular meetings shall commence at the hour of 7:30 p.m.

(B) In years of general municipal elections, for Town Council positions, no regular or special meeting of the Town Council shall be held ‘immediately after said general municipal election’, excepting for an emergency meeting, as defined in Government Code § 54956.5, until the said general municipal election results have been canvassed and certified.

(C) After January 1, 2018, the general municipal elections of the town shall be consolidated with the statewide election date in accordance with Elections Code sections 1301, 10000 to 10735, and 14050 to 14057, as amended. The terms for the local elected officials that are scheduled to end in 2017 and 2019 are hereby extended by 12 months. As used in this section, “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.

**SECTION TWO:** In the event that any provision of this ordinance is in conflict with any other ordinances of the Town of Woodside or the Woodside Municipal Code, the provisions of this ordinance shall prevail.

**SECTION THREE:** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional or

invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of the Ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

**SECTION FOUR:** Pursuant to Section 36937 of the Government Code of the State of California, the Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

**SECTION FIVE:** The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

\* \* \* \* \*

I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2016- \_\_\_ of the Town of Woodside entitled as above; that it was introduced on the 25<sup>th</sup> day of October, 2016, and was passed and adopted by the Town Council on the 13<sup>th</sup> day of December, 2016, by the following vote:

AYES, COUNCIL MEMBERS:

NOES, COUNCIL MEMBERS:

ABSENT, COUNCIL MEMBERS:

ABSTAIN, COUNCIL MEMBERS:

\_\_\_\_\_  
Mayor of the Town of Woodside

ATTEST:

\_\_\_\_\_  
Town Clerk of the Town of Woodside