

RESOLUTION NO. 2016-25

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING (1) CHANGING THE TERM FOR ELECTION OF THE MAYOR TO FOUR (4) YEARS COMMENCING WITH THE 2018 ELECTION RESULTS; (2) PLACING THIS MATTER ON THE 2016 ELECTION BALLOT; (3) OR A SEPARATE OR DIFFERENT PROCESS FOR SELECTION OF THE MAYOR; AND (4) REQUEST THAT THE CITY STAFF AND/OR THE CITY ATTORNEY PROVIDE THE CITY COUNCIL WITH THE INFORMATION AND TIME SCHEDULE TO COMPLETE THIS PROCESS.

WHEREAS, the elected position of Mayor is the most influential, and thus the most important position in Marina City Government, and;

WHEREAS, the Mayor serves at many city functions as the spokesperson for the city. (ex.: annual tree lighting ceremony, ribbon cutting ceremony at Dunes housing, ribbon cutting ceremony at the movie theater), and;

WHEREAS, presently each city council member has a four (4) year term, but the mayor has a two (2) year term, and;

WHEREAS, an election for the Mayoral position every two years potentially adds to the sitting Mayor's work load in that he/she is seeking campaign contributions, votes and support in addition to devoting his/her time to city matters, and;

WHEREAS, the possibility exists that every two years a totally new city council majority could be elected, and;

WHEREAS, the election of three individuals who are unfamiliar with the matters facing the city would place an additional burden on the city manager and city attorney to educate new members as to the issues and processes.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Marina does hereby:

1. Adopting a resolution changing the term for election of the mayor to four (4) years commencing with the 2018 election results;
2. placing this matter on the 2016 election ballot; or
3. request that the city staff and/or the city attorney provide the city council with the information and time schedule to complete this process.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 2nd day of February, 2016 by the following vote:

AYES, COUNCIL MEMBERS: Brown, Morton, O'Connell

NOES, COUNCIL MEMBERS: Amadeo

ABSTAIN, COUNCIL MEMBERS: Delgado

ABSENT, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

March 12, 2014

Memo to: Mayor & Council Members

From: Rob Wellington, City Attorney

Re: Agenda Item 11_ ; Step 2 - Discuss and Consider
Taking Action Relative to the Elected Mayor Position

At its March 4, 2014, meeting, the City Council took Step One in the Two Step Process by setting for discussion at this meeting the possible options for replacing the current practice of the electorate selecting a mayor for a two year term. Setting aside for the moment the matter of where new, if any, such provisions might appear, there are several options available to the Council. A few of them are:

One. Submit to the electorate the question whether, or not, to repeal the current two-year elected mayor provision. It is the Marina electorate that must decide, as the electorate enacted this provision in 1978. (In 1982 the electorate rejected a proposal to eliminate the elected two-year provision.) If the electorate were to respond by now eliminating the provision, with there being nothing else before the electorate as an alternative, then the Council would be left with the general law mayoral (mayor and mayor pro tem) selection process (Government Code, Section 36801) . . . by the Council at the meeting where results of the general municipal election are declared. It is not express on the face of Section 36801 whether a mayor shall be elected for a one, two, or either one or two, year term. Many cities, general as well as charter, do select every year, not only in general election years.

Two. Submit to the electorate the question whether to amend the two-year, electorate-elected mayor to an elected four-year term. (As we understand, the possibility under discussion is a possible measure for the 2014 election with, if enacted, the successful mayoral candidate in 2016 then being the first to serve four years.) There are Government Code provisions (Sections 34900-34906) dealing with this matter. The measure would include statutory text for inclusion in the appropriate document if passed. Failure to pass would leave the two-year elected term in place.

Three. Submit a measure to the electorate in the form of three choices ("vote for only one"): (1) leave it at two year elected, (2) change to four year elected, or (3) change to the general law council selection process. If one of the three achieves a majority vote, it would be enacted. *However*, if none achieves a majority, all three fail. So, a sub-option here (avoiding the three-choice issue) might be submission of a first question asking whether or not to do away with the two-year elected term. If a majority say "Yes," then a second measure on the ballot (four year or council selection, "vote for only one of these TWO") would determine the replacement practice. Majority saying "No" on the first would moot the second.

A further question to discuss at some time, in our view, is where should such a city law be found. We suggest you consider the Charter. Many (we have not done a survey, but believe most) charter cities have chosen to provide for most everything pertaining to election of council members and mayors in their charters.¹ For example, Palo Alto and Chico (both provide for council selection of mayor and mayor pro tern) do so, as do San Luis Obispo, Monterey and Pacific Grove (all three provide for a two year elected mayor). Proposed charter amendments, of course, are submitted to the people², and if approved become part of the charter, a city's "constitution," the basic and fundamental piece of a charter city's existence.

We look forward to your discussion on March 18th and will of course be available for questions and direction.

- R.R.W.

cc: City Manager

¹California Constitution art XI, Section 5, provides that corporate powers are a municipal affair for charter cities that are to be "free from legislative interference with respect to matters of local or internal concern." Formation and election of the governing body (city council, mayor) are of local concern, i.e. "municipal affairs," and for charter cities to sort out and determine.

² There are distinct Government Code sections dealing with the process of adopting and amending charters.

January 26, 2016

Item No: **11c**

Honorable Mayor and Members of the
Marina City Council

City Council Meeting of
February 17, 2016

CITY COUNCIL CONSIDER ADOPTING A RESOLUTION 2016-, (1) CHANGING THE TERM FOR ELECTION OF THE MAYOR TO FOUR (4) YEARS COMMENCING WITH THE 2018 ELECTION RESULTS; (2) PLACING THIS MATTER ON THE 2016 ELECTION BALLOT; (3) OR A SEPARATE OR DIFFERENT PROCESS FOR SELECTION OF THE MAYOR; (4) AND REQUEST THAT THE CITY STAFF AND/OR THE CITY ATTORNEY PROVIDE THE CITY COUNCIL WITH THE INFORMATION AND TIME SCHEDULE TO COMPLETE THIS PROCESS. (O'Connell)

REQUEST:

1. City Council consider adopting a resolution changing the term for election of the mayor to four (4) years commencing with the 2018 election results;
2. placing this matter on the 2016 election ballot; or
3. a separate or different process for selection of the mayor; and
4. request that the city staff and/or the city attorney provide the city council with the information and time schedule to complete this process.

BACKGROUND:

On March 4, 2014 Councilmember O'Connell had the following placed on the City Council agenda as agenda item 11b.

"City Council to discuss and consider taking the action that is necessary to make the Mayoral position: (a) four (4) year term commencing with the expiration of the mayor's two (2) year term that shall commence with the results of the certified election results of 2014. or (b) an appointed position of a council member made by the city council on a yearly basis in January following each November election. The City Council to provide staff with further direction on this matter." [O'Connell] Step One of Two Step Process"

At the City council meeting of March 4, 2014, the following motion was made, seconded and passed:

"MORTON/BROWN: TO PROCEED TO THE SECOND STEP to have consideration on whether the term for election of the mayor should be changed or should there be a separate or different process for selection of the mayor. 3-2(Amadeo, Delgado)-0-0 Motion Passes

Mayor Pro-Tern O'Connell requested a friendly amendment to add: *"and request that that the city staff and/or the city attorney provide us what the necessary steps would be and time schedule we would need to do this if in fact we decide when it comes back we want to do it."*

**Council Member Morton -Accepted friendly amendment
Council Member Brown -Second holds**

Final Motion

MORTON/BROWN: TO PROCEED TO THE SECOND STEP TO HAVE CONSIDERATION ON WHETHER THE TERM FOR ELECTION OF THE MAYOR SHOULD BE CHANGED OR SHOULD THERE BE A SEPARATE OR DIFFERENT PROCESS FOR SELECTION OF THE MAYOR; AND REQUEST THAT THAT THE CITY STAFF AND/OR THE CITY ATTORNEY PROVIDE US WHAT THE NECESSARY STEPS WOULD BE AND TIME SCHEDULE WE WOULD NEED TO DO THIS IF IN FACT WE DECIDE WHEN IT COMES BACK WE WANT TO DO IT. 3-2(Amadeo/Delgado)-0-0 Motion Passes"

The matter was brought back to the City Council as the second step on March 18, 2014. Pursuant to the motion that was made and passed on March 4, 2014, the city attorney's office submitted an opinion letter ("**EXHIBIT A**") as to the process and alternative approaches available to the City Council. At the City council meeting of March 18, 2014, Councilmember O'Connell pulled the matter from consideration by the City Council.

ANALYSIS:

The elected position of mayor is the most influential, and thus the most important position in Marina city government. He/She serves at many city functions as the spokesperson for the city. (ex.: annual tree lighting ceremony, ribbon cutting ceremony at Dunes housing, ribbon cutting ceremony at the movie theater).

Presently each city council member has a four (4) year term, but the mayor has a two (2) year term. This means that if an individual desires to be re-elected as mayor in the City of Marina he/she basically is on the "campaign trail" after the first year of being in office. This lessens the time available to the mayor to address city matters. It also adds to his/her work load in that he/she is seeking campaign contributions, votes and support instead of being able to devote all of his/her time to city matters.

The luxury that the elected city council members have is not available to the mayor. Each council member does not have to even consider re-election until the beginning of the fourth year of the respective term. The mayor has a one year term of dedicated service to the city and another year of dedication with campaigning for re-election. The second year campaigning reduces the otherwise strong efforts that help the city.

Most importantly is the possibility that every two years a totally new city council majority could be elected. This could result in three individuals who are unfamiliar with the matters facing the city. It also places an additional burden on the city manager and city attorney to educate new members as to the issues and processes. A four year mayoral position eliminates the possibility of this happening in the city elections every two years.

RECOMMENDATION:

It is recommended that this City Council adopt a resolution placing this matter on the 2016 election ballot so that the Marina residents may decide whether or not the term of the mayor should be changed, or alternatively a different approach be enacted for the appointment/ election of the mayor.

FISCAL:

There will be an additional expense to the city for this matter to be placed on the election ballot. Since this is a general election there is no additional cost to the city that would have to be paid to the Monterey County Election Office.

Frank O'Connell

Marina City Councilmember

Layne Long
City Manager
City of Marina