ORDINANCE NO. 08-322

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS, CALIFORNIA, DELETING SECTION 2.04.040 OF THE LOS ALTOS MUNICIPAL CODE, ENTITLED "ELECTION DATE FOR COUNCIL MEMBERS" AND REPLACING IT WITH A NEW SECTION 2.04.040 "ELECTION DATE FOR COUNCIL MEMBERS" WHICH SHALL MOVE THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY OF NOVEMBER IN EVEN-NUMBERED YEARS

WHEREAS, the City's General Municipal Election is now scheduled for the first Tuesday after the first Monday of November in odd-numbered years; and

WHEREAS, the California Election Code sections 1301 and 10403.5 authorize the City to reschedule its General Municipal Election from the first Tuesday after the first Monday of November in each odd-numbered year to the first Tuesday after the first Monday of each even-numbered year; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970 ("CEQA"), as amended, and the guidelines promulgated thereunder and further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 2.04.040 of the Los Altos Municipal Code is hereby amended by deleting Section 2.04.040 in its entirety and by replacing it with a new Section 2.04.040 entitled "Election date for council members" which shall read as follows: .

2.04.40 Election date for council members.

A regular election to select members of the council shall be held on the first Tuesday after the first Monday in November of each even-numbered year.

SECTION 2. In accordance with the change of election date, the term of office of those members of the City Council presently serving in 2007-2011 shall be extended for a period not to exceed twelve (12) months, or until 2012. Thereafter, the term of office shall be for a four (4) year term.

SECTION 3. In accordance with the change of election date, the term of office of those members of the City Council presently serving in 2005-2009 shall be extended for a period not to exceed twelve (12) months, or until 2010. Thereafter, the term of office shall be for a four (4) year term.

SECTION 4. This Ordinance shall take effect thirty (30) days after its final passage provided that, pursuant to Election Code sections 10403.5 and 1301, this Ordinance shall only become operative upon approval by the Santa Clara County Board of Supervisors.

SECTION 5. Within thirty (30) days of this Ordinance becoming operative, the City Clerk shall cause a notice to be mailed to all registered voters of the City informing them of the change in the election date. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was duly and regularly introduced at a regular meeting of the Los Altos City Council held on March 25, 2008, and was thereafter, at a regular meeting of the Los Altos City Council held on April 22, 2008, duly passed and adopted by the following vote:

PASSED FOR THE PURPOSE OF PUBLICATION this 22nd day of April, 2008, by the following vote:

Ayes:	PACKARD, CASAS, BECKER, CARPENTER
Noes:	SATTERLEE
Absent:	NONE

Valorie Al Carp

Valorie Cook Carpenter, MAYOR

Attest:

Susan Kitchens

Susan Kitchens, CITY CLERK

Date: April 22, 2008

RESOLUTION BY THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CLARA
APPROVING CHANGING THE DATE FOR ELECTION
OF CITY COUNCIL MEMBERS IN THE CITY OF LOS ALTOS
TO THE SAME DAY AS THE STATWIDE GENERAL ELECTION

WHEREAS, the County of Santa Clara has received the request by Ordinance from the City of Los Altos No. 08-322, attached hereto, requesting that the election of City Council members be conducted on the same day as the Statewide General Election; and

WHEREAS, California Elections Code Sections 1301 and 10403.5 allow cities to request consolidation of their election with the Statewide General Election; and

WHEREAS, The County of Santa Clara Registrar of Voters has determined that the change will not cause the ballot style, computer capacity, or voter equipment to be exceeded;

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors that the Registrar of Voters of the County of Santa Clara move the City's odd-year elections and consolidate them with the Statewide General Election, and consolidate the City's next election with the November 2, 2010 Statewide General Election.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Clara, State of California, on May 20, 2008, by the following vote:

AYES: Supervisors ALVARADO, GAGE, KNISS, ~~McHUGH, YEAGER~~
NOES: Supervisors NONE
ABSENT: Supervisors McHUGH, YEAGER

BLANCA ALVARADO VICE CHAIR
Board of Supervisors

ATTEST:

PHYLLIS A. PEREZ
Clerk of the Board of Supervisors

The foregoing instrument is a correct copy of the original.
ATTEST: Phyllis A. Perez
Clerk of the Board

BY: _____
Deputy Clerk
Date: MAY 2 0 2008

APPROVED AS TO FORM AND LEGALITY:

5/7/2008
SUSAN SWAIN
Lead Deputy County Counsel

MAY 2 0 2008

FILED

APR 2 3 2008

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA
By _____ Deputy

CERTIFIED AS A TRUE COPY
Susan Fitchen
City Clerk, City of Los Altos, CA

ORDINANCE NO. 08-322

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WHEREAS, the City's General Municipal Election is now scheduled for the first Tuesday after the first Monday of November in odd-numbered years; and

WHEREAS, the California Election Code sections 1301 and 10403.5 authorize the City to reschedule its General Municipal Election from the first Tuesday after the first Monday of November in each odd-numbered year to the first Tuesday after the first Monday of each even-numbered year; and

WHEREAS, the Ordinance amendments set forth below have been reviewed and considered by the City Council in accordance with the provisions of the California Environmental Quality Act of 1970 ("CEQA"), as amended, and the guidelines promulgated thereunder and further, said Council finds that it can be seen with certainty that there is no possibility that said amendments may have a significant effect on the environment and said amendments are therefore exempt from the requirements of CEQA pursuant to the provisions of Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations.

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SECTION 4. This Ordinance shall take effect thirty (30) days after its final passage provided that, pursuant to Election Code sections 10403.5 and 1301, this Ordinance shall only become operative upon approval by the Santa Clara County Board of Supervisors.

SECTION 5. Within thirty (30) days of this Ordinance becoming operative, the City Clerk shall cause a notice to be mailed to all registered voters of the City informing them of the change in the election date. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published according to law.

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PASSED FOR THE PURPOSE OF PUBLICATION this 22nd day of April, 2008, by the following vote:

Ayes:	PACKARD, CASAS, BECKER, CARPENTER
Noes:	SATTERLEE
Absent:	NONE

Valorie Al Carp

Valorie Cook Carpenter, MAYOR

Attest:

Susan Kitchens

Susan Kitchens, CITY CLERK

Date: April 22, 2008

CALIFORNIA CODES
ELECTIONS CODE
SECTION 1300-1304

1301. Date of general municipal elections.

(a) Except as required by Section 57379 of the Government Code, and except as provided in subdivision (b), a general municipal election shall be held on an established election date pursuant to Section 1000.

(b) (1) Notwithstanding subdivision (a), a city council may enact an ordinance, pursuant to Division 10 (commencing with Section 10000), requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, on the day of school district elections as set forth in Section 1302, the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April in each year. Any ordinance adopted pursuant to this subdivision shall become operative upon approval by the board of supervisors.

(2) In the event of consolidation, the general municipal election shall be conducted in accordance with all applicable procedural requirements of this code pertaining to that primary, general, or school district election, and shall thereafter occur in consolidation with that election.

(c) If a city adopts an ordinance described in subdivision (b), the municipal election following the adoption of the ordinance and each municipal election thereafter shall be conducted on the date specified by the city council, in accordance with subdivision (b), unless the ordinance in question is later repealed by the city council.

(d) If the date of a general municipal election is changed pursuant to subdivision (b), at least one election shall be held before the ordinance, as approved by the board of supervisors, may be subsequently repealed or amended.

CALIFORNIA CODES
ELECTIONS CODE
SECTION 10400-10418

10403.5. Board of Supervisors shall approve consolidation unless cannot be handled.

(a) (1) Any city ordinance requiring its general municipal election to be held on a day specified in subdivision (b) of Section 1301 shall be approved by the board of supervisors unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. Prior to adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(2) A city, by itself or in concert with other cities, may purchase or otherwise contribute to the purchase of elections equipment, including, but not limited to, a computer for the purposes of conducting a consolidated election when the equipment shall be owned by the county.

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

(c) If an election is held on a day specified in subdivision (b) of Section 1301, and the election is consolidated with another election this part, except Section 10403, shall govern the consolidation and, if the county elections official is requested to conduct the municipal election, Section 10002 shall be applicable to that election.

(d) If a general municipal election is held on the same day as a statewide election, those city officers whose terms of office would have, prior to the adoption of the ordinance, expired no later than the next regularly scheduled city council meeting after receipt of the certification of the results from the elections official shall, instead, continue in their offices until not later than that meeting.

(e) Within 30 days after the ordinance becomes operative, the city elections official shall cause a notice to be mailed to all registered voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed.

IMPACT ANALYSIS/COST EFFECTIVENESS REPORT
On Changing the Election of Officials for the City of Los Altos from Odd-Year to Even-Year General Elections

Prepared by the Registrar of Voters – May 2008

The City of Los Altos currently participates in an odd-numbered year election. The city wants to reduce future election costs by moving to an even-numbered year general election.

If the change is approved, the City of Los Altos will experience significant savings in future even-year elections. The ROV estimates that the city's share of the cost would be approximately $160,000 in November 2009, assuming that no other jurisdictions share in the odd-year election costs with the city. The same contest in November 2010 would cost approximately $95,000.

The reason for the City of Los Altos' higher cost to hold odd-year elections is that sometimes it has to assume the full cost of a ballot type in an odd-year election. Normally, other jurisdictions, such as Cupertino Union School District, Los Altos School District, and Foothill De Anza College, who share the same pool of voters or ballot type with the City of Los Altos, participate and share in the cost of odd-year elections with the city. However, sometimes, one or more of these jurisdictions do not have sufficient nominees to go to election. Therefore, the remaining jurisdiction that goes to election will have to assume the full cost of a ballot type.

The total cost of conducting an odd-numbered year election is allocated to a smaller number of participating jurisdictions. Thus, the amount chargeable to each jurisdiction in an odd-numbered year election is usually much higher than the amount chargeable in an even-numbered year statewide election.

There are many jurisdictions participating in an even-numbered year statewide election. Multiple jurisdictions - federal, state, county, city, school and special districts - share the cost of elections. The portion attributable to federal, state and county, which amounts to approximately 70% of the total cost of an even-numbered year election, is absorbed by the county. Thus, the amount chargeable to each local jurisdiction, i.e. cities, schools and special districts – are much lower in an even-numbered year election compared to an odd-numbered year election.

Loss of this one city in odd-year elections changes the allocation of the total election cost by reducing the aggregate registered voter base used for allocation. As a result of this change, the local jurisdictions remaining in the odd-numbered year elections will realize an increase in their share of the cost of elections. In May 2007, the Saratoga Fire District moved their election date from an odd-numbered year to an even-numbered year. If more and more jurisdictions move over to the even-numbered year general elections, the proportional costs allocated to each of the remaining jurisdictions in the odd-number year elections will increase to a point where it is no longer economically feasible for a jurisdiction to hold an election in the odd-numbered years.

Moving the election date from an odd-numbered year to an even-numbered year also results in an additional year added to each incumbent's term. If their term would be ending in November 2009, and this change is processed, incumbents' terms would automatically extend for one year for the city, until the next even-year election.

Moving a city of this size would have only a minor impact on the Registrar of Voters' (ROV) election systems, including the ballot layout, voting, ballot counting and election reporting systems. There would be an increase of one ballot type to the even-year general elections, which would be paid by the city.