



# TOWN OF FAIRFAX

## STAFF REPORT

April 5, 2017

**TO:** Mayor and Town Council

**FROM:** Garrett Toy, Town Manager *GT*  
Michele Gardner, Town Clerk  
Janet Coleson, Town Attorney

**SUBJECT:** Discuss/consider options for compliance with SB 415 to hold regular municipal elections in even-numbered years

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### RECOMMENDATION

Discuss/consider options for compliance with SB 415 to hold regular municipal elections in even-numbered years, direct staff to prepare an ordinance to reflect the Council's selected option, and schedule a special meeting for the Council's consideration of an ordinance.

### DISCUSSION

The California Voter Participation Rights Act (also known as "SB 415") is a new state law aimed at increasing voter participation in local elections. It requires jurisdictions that hold their regular elections on a *non*-statewide election date (June or November of odd-numbered years) to consolidate their elections to a statewide election date (June or November of even-numbered years) if their most recent local election is shown to have a voter turnout of at least 25% less than the average voter turnout of the previous four statewide general elections.

Currently, the Town of Fairfax holds its regular municipal elections in November of odd-numbered years, and the difference in voter turnout between the the most recent regular local election (37.50%) was 42.47% lower than the average voter turnout of the previous four statewide elections (79.97%), exceeding the 25% threshold of the new law. The table below shows the voter turnout data for the Town for the last four even and odd year elections. (Note: the 2015 regular municipal election was cancelled because there were no contested seats and no measure.)

#### **Statewide general elections (even)**

2016: 89.18%  
2014: 62.49%  
2012: 89.05%  
2010: 79.16%

#### **Fairfax local elections (odd)**

2013: 37.50%  
2011: 46.77%  
2009: 47.66%  
2007: 44.01%

**Turnout Average: 79.97%**

**Turnout Average: 43.99%**

Based on the data, the Town is required to move its regular municipal elections to a date of either June or November of even-numbered years. SB 415 requires the Town to have a plan to change the election dates to even years by January 1, 2018, and to have that plan fully implemented no later than November 8, 2022.

Currently, the Town holds staggered elections for the Town Council every two years for 4-year terms. Three members of the Town Council have terms ending in November 2017 and two members have terms ending in November 2019. In order to transition to the statewide election dates, the terms of office of all five Council member seats will need to increase or decrease based upon the election schedule, but no term of office may be increased or decreased by more than 12 months. It should be noted that the terms of the Town Clerk and Town Treasurer would also be affected by this change.

### **Process to change election dates**

Municipal election dates must be adopted by the Town Council by ordinance and approved by the Board of Supervisors. The election date change becomes operative upon approval. The Town Clerk mails a notice to all registered voters in the Town informing them of the change in election date and the change in the terms of office of the elected Town officeholders.

### **Options**

In order to keep terms staggered and to continue to hold elections in November, the Town has three basic options for each of the upcoming elections.

1. Change the 2017 and 2019 election dates to 2018 and 2020 respectively, and extend for 12 months the terms of those currently in office and up for reelection in 2017 and 2019. This would achieve compliance with SB 415 quickly and without holding an additional election.
2. Hold the 2017 and 2019 elections and officers elected at that time would serve shortened three-year terms. This would require holding an additional election.
3. The Council could hold the 2017 and 2019 elections and officers elected at that time could serve lengthened five-year terms, although it is arguable whether the five-year terms of 2019-2024 achieve consolidation by 2022. Both the second and third options would allow voters to be made aware that they are electing council members to non-standard terms in order to comply with SB 415.

The table below illustrates the various options on the timing of the elections.

Options (terms)	2017	2018	2019	2020	2021	2022 deadline	2023	2024
1. Increase current terms by 12 months to <b><u>5 years</u></b>	<b>Change</b> to 2018	Hold election 4 yr terms → <b>2022</b>	<b>Change</b> to 2020	Hold election 4 yr terms → <b>2024</b>		Hold election 4 yr terms		Hold election 4 yr terms
2. Decrease terms to <b><u>3 years</u></b>	<b>Hold &amp; decrease</b> terms by 12 mos → <b>2020</b>		<b>Hold &amp; decrease</b> terms by 12 mos → <b>2022</b>	Hold election 4 yr terms		Hold election 4 yr terms		Hold election 4 yr terms
3. Increase terms to <b><u>5 years</u></b>	<b>Hold &amp; increase</b> terms by 12 mos → <b>2022</b>		<b>Hold &amp; increase</b> terms by 12 mos → <b>2024</b>			Hold election 4 yr terms		Hold election 4 yr terms

Staff recommends the Council select one of the above three options. The selected option will require the Council to adopt an ordinance to amend the Town’s election code. We are recommending a special April meeting to introduce the ordinance so that the second reading of the ordinance can occur at the regularly scheduled Council meeting in May. This would allow sufficient time for the County Board of Supervisors to consider the request and the noticing requirements to be met prior to the July deadline to call for the November 2017 election.

Other Marin municipalities are also considering or have considered this issue. Four city/town councils have made decisions on the issue. Tiburon and San Anselmo have chosen to use shortened terms. San Rafael and Corte Madera have chosen extended terms. Three municipalities already hold elections in even years, and three are still in the process of determining their plans. For details, please see the attached matrix.

**FISCAL IMPACT**

Fairfax consolidates its local municipal elections with the County of Marin, at a cost of between \$1.75 and \$3.00 per registered voter. The exact cost each year depends on several factors, including the number of public agencies (e.g., municipalities, school districts, special districts) with contests and/or measures on the ballot. The County Registrar of Voters has indicated that the cost per voter for the November 2017 election will likely increase to as much as \$4.00 to \$6.00 per voter due to the number of agencies moving their election date from 2017 to 2018 to comply with SB 415. The last two Fairfax regular election costs (2011 and 2013) were approximately \$12,731 and \$8,237. Based on the voter turnout in 2013, the cost for the November 2017 election could be \$10,000 to \$15,000.

**ATTACHMENT**

Matrix: Marin Municipalities – SB 415 Plans

## Marin Municipalities – SB 415 Plans

Municipality	Current Election Date	Plans to Comply with SB 415
City of Mill Valley	November, odd-numbered year elections	To be Determined (TBD)
San Rafael	November, odd-numbered year elections	Prior to this year's election, extend the terms of the Mayor and all Councilmembers to 5 years, proceed with the 2017 election, and then schedule the next general municipal election for November, 2020. The result of this would be that at the November 7, 2017 election, two City Council seats would be open for election to a 5-year term ending in 2022. The office of Mayor and two City Council seats that would otherwise have ended in 2019 would be extended to 2020 and would become 5-year terms.
Tiburon	November, odd-numbered year elections	Council Candidates will be elected to 3 year terms beginning in 2017.
Larkspur	November, odd-numbered year elections	TBD
Corte Madera	November, odd-numbered year elections	November 2017 and November 2019 Elections will elect Councilmembers to 4.5 year terms. The terms of those elected in November, 2017, will expire in 2022 and the terms of those elected in November, 2019, will expire in June 2024 – at which point, the terms of those elected in June 2022 and June 2024 will return to 4 years.
Fairfax	November, odd-numbered year elections	TBD
Ross	June, even-numbered year elections	No change needed.
Sausalito	November, even-numbered year elections	No change needed.
Belvedere	June, even-numbered year elections	No change needed.
San Anselmo	November, odd-numbered year elections	Council Candidates will be elected to 3 year terms beginning in 2017.
Novato	November, odd-numbered year elections	TBD - Initial discussion/presentation on the topic will be held at the April 4, 2017 Regular City Council meeting.

## Marin Municipalities – SB 415 Plans

Mill Valley School District	November, odd-numbered year elections	Moving its election from the first Tuesday after the first Monday in November of each odd-numbered year, to the first Tuesday after the first Monday in November of each even-numbered year (adding one year to Board member terms).
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Note: Matrix prepared by Mill Valley City Clerk Kelsey Rogers