

RESOLUTION NO. 2023-XX

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
ADOPTING AN AMENDED RESIDENCY POLICY FOR
ELECTED OFFICIALS AND CANDIDATES FOR ELECTED
OFFICE.**

WHEREAS, the City of San Bernardino is a charter city operating under a council-manager form of government; and

WHEREAS, the City's Charter is the document adopted by voters that defines the organization, powers, functions, and essential procedures of the City's government; and

WHEREAS, the City's Municipal Code contains the local laws and regulations adopted by the Mayor and City Council; and

WHEREAS, the City Clerk serves as the City's Elections Official and shall carry out or cause to be carried out, all the duties imposed on the Elections Official by the California Elections Code, except those duties that may be carried out by the San Bernardino County Elections Official for consolidated elections; and

WHEREAS, on February 2, 2022, the Mayor and City Council approved Resolution No. 2022-24, establishing the City's Residency Policy for Elected Officials and Candidates for Elected Office (the "Policy"); and

WHEREAS, it has come to the attention of City staff that technical corrections must be made to the Policy to align with Article III, Section 301(b) of the City's Charter titled "Eligibility," which reads:

"Only registered voters of the City shall be eligible to hold the office of Council member or Mayor. Those elected shall have been qualified electors and residents of their respective wards for a period of at least thirty (30) consecutive days immediately preceding the date of **filing** their nomination papers for the office"; and

WHEREAS, any mention of proof of residency in the Policy shall specify that the provision indicates filing of the nomination paper, rather than the issuance of the nomination paper; and

WHEREAS, City staff has prepared this Resolution to amend the Policy to address this discrepancy.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN BERNARDINO, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Recitals. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Adoption of Amended Policy. The City hereby adopts the revised Residency Policy for Elected Officials and Candidates for Elected Office, attached hereto as Exhibit A. All other provisions of Resolution No. 2022-24 remain in full force and effect except as stated herein.

SECTION 3. Certification. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

SECTION 4. Not Subject to CEQA. The Mayor and City Council find that this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 5. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 6. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 6th day of September 2023.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-XX, adopted at a regular meeting held on the 6th day of September 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this 6th day of September 2023.

Genoveva Rocha, CMC, City Clerk