



CONSENT CALENDAR

City of San Bernardino Request for Council Action

Date: September 6, 2023

To: Honorable Mayor and City Council Members

From: Genoveva Rocha, City Clerk

Department: City Clerk

Subject: **Approve Technical Corrections to the City of San Bernardino Residency Policy for Elected Officials and Candidates for Elected Office**

Recommendation:

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution 2023-140, Adopting an Amended Residency Policy for Elected Officials and Candidates for Elected Office.

Background

On February 2, 2022, the Mayor and City Council approved Resolution No. 2022-024, establishing the City's Residency Policy for Elected Officials and Candidates for Elected Office (the "Policy").

The City of San Bernardino is a Charter City operating under a council-manager form of government. The City's Charter is the document adopted by voters that defines the organization, powers, functions, and essential procedures of the City's government. The City's Municipal Code contains the local laws and regulations adopted by the Mayor and City Council. In addition to the City Charter and Municipal Code, it is important for the City to implement policies and procedures that ensure City employees and both elected and appointed officials operate under a clear set of guidelines that align with the laws and regulations that govern the City.

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.

In accordance with the City Charter, the City will participate in the statewide Primary Election on March 5, 2024, and the statewide General Election on November 8, 2024,

if a run-off election is necessary.

Discussion

Although the City's current Policy and City Charter were successfully utilized when processing candidates for the statewide Primary Election on June 7, 2022, and the statewide General Election on November 8, 2022, staff has determined that some administrative revisions are necessary. These revisions will not change the context of the Policy; rather, they will enhance the Policy's clarity for candidates, staff, and elected officials.

Article III, Section 301(b) of the City's Charter titled "Eligibility" states the following: "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."

The current Policy has several references to the issuance of "nomination papers." Nomination papers are the forms filed with the appropriate office by a person wishing to declare the person's intent to become a candidate for a particular political office. The proposed Policy amendment is to ensure that the Policy correctly reflects the Charter excerpt above. Therefore, any mention of proof of residency shall specify that the provision indicates filing of the nomination paper (rather than the issuance of the nomination paper) and reinforces the thirty (30) consecutive day residency requirement.

Additional minor changes were made to the Policy's language in order to provide clarity, increase transparency and confirm accuracy.

These clarifications to the Policy will increase transparency in the nomination process for local elected office, as well as ensure continued proof of residency throughout elected officials' terms.

Mayor, City Council and City Manager Goals and Objectives

The proposed amendment to the Policy aligns with Goal Number 5: Improving City Government Operations, by clarifying clear residency guidelines for candidates and elected officials.

Fiscal Impact

There is no fiscal impact of adopting the revised Policy

Conclusion

It is recommended that the Mayor and City Council of the City of San Bernardino, California, adopt Resolution 2023-140, Adopting an Amended Residency Policy for Elected Officials and Candidates for Elected Office.

Attachments

Attachment 1: Resolution 2023-140

Attachment 2: Residency Policy – Revised (Resolution 2023-140 Exhibit A)

Attachment 3: Residency Policy (redline)

Attachment 4: Original Residency Policy

Ward:

All Wards

Synopsis of Previous Council Actions:

February 2, 2022

The Mayor and City Council adopted Resolution 2022-024, establishing a residency policy for Mayor and City Council candidates. .