

RESOLUTION NUMBER R- 313511

DATE OF FINAL PASSAGE APR 29 2021

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
SAN DIEGO ADOPTING ADJUSTMENTS TO THE  
CANDIDATE NOMINATING FEE PURSUANT TO  
SAN DIEGO MUNICIPAL CODE SECTION 27.0220,  
TO BE EFFECTIVE JULY 1, 2021.

WHEREAS, the City of San Diego's (City) election code ordinance required by San Diego Charter section 8 and codified in Chapter 2, Article 7 of the San Diego Municipal Code (Election Code), describes the requirements for running for elected office in the City, including Candidate Nominating Fees; and

WHEREAS, the current Candidate Nominating Fee for candidates for the Council of the City of San Diego (Council) is \$200 and the current Candidate Nominating Fee for candidates for Mayor and City Attorney is \$500. The City has not updated the amount of the Candidate Nominating Fees for candidates and write-in candidates for elected office since 1985; and

WHEREAS, on January 30, 2020, the Council approved an amendment to San Diego Municipal Code section 27.0220 to base the Candidate Nominating Fees on a user fee model consistent with the City's User Fee Policy as set forth in Council Policy 100-05; and

WHEREAS, pursuant to Council Policy 100-05, every three years, the City is to perform a comprehensive user fee study, which includes an analysis of the cost of services and the fees charged, but this study has been delayed due to the ongoing COVID-19 pandemic; and

WHEREAS, the City desires to adjust the Candidate Nominating Fee before the City will complete the next comprehensive user fee study so that the new Candidate Nominating Fee will be in place for the 2022 election cycle; and

WHEREAS, approved by the voters in 2010, Proposition 26 amended articles XIII A and XIII C of the California Constitution to provide that a levy, charge, or exaction of any kind imposed, increased, or extended by a local government is a tax unless an exemption applies; and

WHEREAS, exceptions to Proposition 26 include user fees, government service or product fees, regulatory fees, government property entrance fees, fines and penalties imposed by a court or local government, property development impact fees, and assessments and property-related fees governed by Proposition 218; and

WHEREAS, each Proposition 26 exception involves its own legal standard for determining the amount of a legally permissible fee; and

WHEREAS, user fees and regulatory costs in support of proposed user fee adjustments and additions may not exceed the reasonable costs of providing a service, product, or regulation which includes all reasonable direct and indirect expenses incurred by City; and

WHEREAS, an analysis of the cost of providing a service assumes a full cost recovery for City services, including direct and indirect costs associated with the particular service. The Council can decide to set a user fee to collect less than the full cost of providing a service but cannot set a user fee to be more than full cost of providing that service; and

WHEREAS, to calculate the proposed Candidate Nominating Fee, the City analyzed the time spent to historically process nominations and several efficiencies that have been developed throughout the last few election cycles. Additionally, the City used an average of 18 candidates, which is the average number of candidates per election cycle over the last 17 election cycles; and

WHEREAS, in calculating the proposed Candidate Nominating Fee, the City analyzed City staff time spent on the following activities: preparing candidate nominating packets, verifying voter registration, creating the nomination petition, creating and updating the candidate

folders, setting up the Statement of Economic Interest (SEI) Portal, assistance with SEI disclosures, reviewing and accepting candidate nominating forms electronically and in person, updating public portals with candidate information for transparency, and communicating with candidates, such as sending reminders, answering questions, and providing material outside of what is provided as part of the candidate manual. Because the candidate orientation and manual are optional for candidates, the City did not include the time spent developing and providing those materials in the calculation; and

WHEREAS, following this analysis, the City determined that the cost of providing this service was \$574 and that services provided to candidates for citywide and district offices are the same; and

WHEREAS, the proposed Candidate Nominating Fee reflects only the costs required by the nomination process established within City's Election Code to be completed for the candidate by the Office of the City Clerk; and

WHEREAS, on March 7, the Budget and Government Efficiency Committee forwarded the proposed increase of the Candidate Nominating Fee to the Council for consideration; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the following user fee increase is adopted for the purpose of recovering costs incurred by the City of San Diego in providing services, goods, or regulation, or as otherwise permitted under articles XIII A and XIII C of the California Constitution:

- (1) The Candidate Nominating Fee for candidates for City Council shall be increased from \$200 to \$574; and

(2) The Candidate Nominating Fee for candidates for Mayor or City Attorney shall be increased from \$500 to \$574.

BE IT FURTHER RESOLVED, that the increase to the Candidate Nominating Fee shall be effective as of July 1, 2021.

BE IT FURTHER RESOLVED, that City Clerk is hereby directed to amend the Ratebook of City Fees and Charges in the City Clerk's Office to include the fees described above.

APPROVED: MARA W. ELLIOTT, City Attorney

By Kathy Steinman  
Kathy J. Steinman  
Deputy City Attorney

KJS:myb  
April 9, 2021  
Or.Dep: City Clerk  
CC No. N/A  
Doc. No.: 2626040

I certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of 04/27/2021

ELIZABETH S. MALAND  
City Clerk

By /s/ Connie Patterson  
Deputy City Clerk

Approved: 4/29/21  
(date)

Todd Gloria  
TODD GLORIA, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Mayor

Passed by the Council of The City of San Diego on APR 27 2021, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 29 2021.

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California  
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