

DATE ISSUED:

REPORT NO.

ATTENTION: Honorable Mayor and Members of the City Council
Docket of November 26, 2002

SUBJECT: Annual Election of North Bay Redevelopment Project Area Committee
(PAC) Members

SUMMARY :

Issue - Should the City Council ratify the results of the North Bay Redevelopment Project PAC Election of October 30, 2002?

City Manager's Recommendation - Ratify the PAC Election

Fiscal Impact - None. Administration of the PAC is funded through the Redevelopment Agency Annual Project Budget. The estimated cost for administering the North Bay PAC this fiscal year is \$30,000.

Environmental Impact - This activity is not a "project" and is therefore exempt from CEQA pursuant to the State CEQA Guidelines Section 15060 (c) (3).

BACKGROUND:

Formation of the thirty (30) member North Bay Redevelopment Project PAC was authorized by the City Council on September 30, 1997 to advise the Council and Redevelopment Agency regarding adoption and implementation of the North Bay Redevelopment Project. The City Council ratified the first PAC election results in November 1997, in accordance with the North Bay Redevelopment Project PAC Formation Procedures.

DISCUSSION:

The North Bay Redevelopment Project was adopted on May 18, 1998, by Ordinance No. 0-18516. On October 30, 2002, the North Bay PAC conducted its Annual Election in accordance with the PAC Procedures. Ten (10) PAC vacancies were available to be filled at the Annual Election. The vacant categories included: 1-Residential Tenant; 4 -Business/Property Owner; 1 - Community Organization; 4- Planning Group.

The results of the October 30, 2002 PAC Election are:

Residential Tenant (1 seat):

Judith E. Coker – 8 votes

Business/Property Owner (4 seats):

At Large (1 seat)

Mary Perreira – 6 votes

Greg Finley – 6 votes

Mary Perreira won the tie-break according to the Formation Procedures of the North Bay Project Area Committee by random draw conducted at the City Clerk's office by Bonnie Stone, Elections Analyst at 3:30 p.m. on Tuesday, Nov. 5, 2002.

Linda Vista Area (1 seat)

Melanie Sepe – 6 votes

Mission Valley Area (1 seat)

No candidate

Uptown Area (1 seat)

No candidate

Community Organization (1 seat):

Chet Nelson (San Diego Audubon Society) – 21 votes

Community Planning Group (4 seats):

Peninsula Community Planning Board

Maggie Valentine – 24 votes

Clairemont Mesa Planning Committee

Billy Paul – 14 votes

Linda Vista Community Planning Group

Gail Cole – 23 votes

Old Town Community Planning Committee

Richard Stegner – 19 votes

Two (2) of the ten (10) open seats had no eligible candidate (Business/Property Owner – Mission Valley and Uptown). Therefore, two (2) of the ten (10) seats remain vacant. The PAC is authorized to fill vacancies (for those positions not filled at the Annual Election) through appointment, until the next annual PAC election.

According to the PAC Formation Procedures, there are fifteen (15) calendar days after the election (through November 14, 2002) during which challenges to the election may be submitted.

The Agency has so far received one challenge to this election, faxed to the Agency on November 5, 2002. The challenge by Mary Perreira (see Attachment A) made several comments:

1. that Ken Klempan was originally running against her, but did not appear on the ballot.

Staff Response: Mr. Klempan was never running for this year's seat. Rather, he was the previous occupant of that seat and had been elected three years ago.

2. that voters were not present in the room at the time of the candidate forum, which started at 4:20 instead of at 4:00 p.m.

Staff Response: Voters and the public were invited and allowed to attend the forum, but none showed up. Staff waited until 4:20 to hold the forum in case there were late arrivals.

3. that Greg Finley, a write-in candidate, switched the seat he was running for at the last minute before the polls opened, after speaking in the candidate forum as the candidate for another seat.

Staff Response: Greg Finley was eligible for two seats on the PAC – Business/Property Owner for Linda Vista and At Large. The Formation Procedures for the North Bay PAC make no mention of write-in candidates, but as a matter of precedent, North Bay PAC elections had always included the option to be a write-in candidate up to and even during the balloting process.

This year, following that precedent, staff permitted Mr. Finley's write-in candidacy and, as he was not pre-printed on the ballot and could have simply registered as a candidate even after the polls opened, he was also permitted to change the seat he was running for before the polls opened. Once he changed, it was immediately noted in large writing on the dry erase board in the center of the election room.

4. That Ms. Perreira heard Greg Finley had attended a special meeting of the PAC, and he had stated that he had already confirmed his re-election before the tie-break had been held.

Staff Response: If Mr. Finley made this statement, it has no bearing on the officially recognized tie-break, which occurred on November 5th, 2002.

In addition, Section 33386 of the CRL specifies that, "The redevelopment agency through its staff, consultants, and agency members shall, upon the direction of and approval of the legislative body consult with, and obtain the advice of, the project area committee concerning those policy matters which deal with the planning and provision of residential facilities or replacement housing for those to be displaced by project activities. The agency shall also consult with the committee on other policy matters which affect the residents of the project area." The CRL indicates that the PAC's emphasis should be on housing and residential issues and further

emphasizes the importance of representation of residential tenants and residential owner-occupants on the PAC.

PAC members are also required under the Fair Political Practices Commission (FPPC) Regulations to complete a Statement of Economic Interests (Form 700) annually. As of October 2002, fifteen (15) out of a total of twenty-three (23) voting members of the North Bay PAC had submitted such forms to the Agency.

At the PAC's May 1, 2002 meeting, PAC members voted to continue having regular quarterly meetings during the next year with provision that more frequent meetings will be scheduled as necessary. On July 15, 2002 the Council reaffirmed that the North Bay Project Area Committee will remain for another year, until May 18, 2003. In accordance with the Council's procedures regarding the formation of the North Bay Redevelopment PAC, City Council ratification of the 2002 Annual election results is now required.

Respectfully submitted,

Hank Cunningham
Director
Community and Economic Development
Department

Approved: Bruce A. Herring
Deputy City Manager

HOOKS / CJM