

April 17, 2024

ITEM TITLE: APPROVAL OF RESOLUTION NO. 2024-021 TO APPOINT SPECIAL COUNSEL TO ASSIST THE CITY WITH THE 2024 ELECTION CYCLE AND AUTHORIZE THE CITY MANAGER TO ENTER INTO A LEGAL SERVICES AGREEMENT. (0430-40 & 0440-30)

ORIGINATING DEPARTMENT:

City Clerk

EXECUTIVE SUMMARY:

Each election cycle, the City hires special counsel to assist with any election related issues that arise. This year, the City Council also approved a new ordinance related to local campaign contribution limits, and the ordinance requires the City Council to appoint special counsel at least 90 days prior to the election to perform the enforcement of the local campaign regulations. This item allows the Council to approve a resolution to appoint special counsel for the 2024 election cycle.

RECOMMENDATION:

Approve Resolution No. 2024-021

OPTIONS:

- Approve resolution; or
- Provide further direction to Staff.

BACKGROUND/ANALYSIS:

Each election cycle, the City hires special counsel to assist with any election related issues that arise. This year, the City Council also approved a new ordinance related to local campaign contribution limits, and the ordinance requires the City Council to appoint special counsel at least 90 days prior to the election to perform the enforcement of the local campaign regulations.

Pursuant to the newly approved City regulations in Imperial Beach Municipal Code Chapter 2.55, the special counsel should be a qualified and independent special counsel. The City's review and investigation of complaints of alleged violations of Chapter 2.55 shall be commenced and carried out only by an appointed special counsel. Activity by special counsel in accordance with Chapter 2.55 shall not be subject to review or control by the City Council or City Attorney. The City Attorney shall not review, investigate, prosecute or otherwise deal with any alleged violation of Chapter 2.55.

The City has used Helen Holmes Peak of Lounsbery Ferguson Altona & Peak as special elections counsel for many previous election cycles, and Staff proposes that the City Council use her and her Firm again this election cycle. Ms. Peak and her firm have represented the cities of Coronado, Santee, and Chula Vista for elections and local campaign ordinance enforcement for many election cycles. Ms. Peak also serves as the contract City Attorney for San Marcos.

Resolution No. 2024-021 allows the City Council to appoint Ms. Peak as special counsel for the purposes of Chapter 2.55 and contract with her firm for as-needed election legal services.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

Currently, the FY 24/25 Budget lists an appropriation of \$5,200 to cover this service (101-1020-411.2106 “Contracts – Elections”). Should the final billings go over this amount, staff will request a budget amendment.

ATTACHMENTS:

1. Resolution No. 2024-021
2. Legal Services Agreement