



CITY OF COALINGA
The Sunnyside of the Valley

CITY OF COALINGA

CITY COUNCIL DISTRICT RESIDENCY POLICY

June 15, 2018

The following policies are enacted to help ensure that City Council candidates and sitting City Councilmembers reside in the district they will or do represent.

SECTION I DEFINITIONS

At-Large Municipal Elections

In at-large elections, all voters can vote for all seats up for election. At-large elections allow a simple majority of the voters to elect all of the seats in a local election. This can result in disenfranchisement of the local electorate and elected bodies not in compliance with the applicable law.

City

"City" means the City of Coalinga, a municipal corporation.

District Municipal Elections

A jurisdiction is divided into districts and one member is elected per district. Only the voters in a specific City Council district may vote for City Council candidates in that district.

City Residency

No person shall be eligible to hold an elective office unless that person is, and has been, for a period of at least ninety (90) consecutive days prior and up to the filing date of nomination papers for such office or appointment of such office, a resident of the City, and has been at the time of assuming such office, an elector of the City.

District Residency

No person shall be eligible to hold elective office as a Councilmember unless that person is, and has been for a period of at least 90 days immediately preceding the filing of nomination papers for such office or appointment to such office, a resident within the Council district corresponding in letter to the office to which that person is elected or appointed.

Municipal Ordinance

A Municipal Ordinance is a law of local application. Local ordinances are adopted by the City Council and enforced by the City Manager and staff of local government.

Voting Rights Act of 1965

The National Voting Rights Act of 1965 outlawed discriminatory voting practices for the widespread disenfranchisement of minorities in the United States. The Act established extensive federal oversight of elections administration, providing that states and local governments with a history of discriminatory voting practices could not implement any change affecting voting without first obtaining the approval of the Department of Justice, a process known as preclearance.

SECTION II PURPOSE OF POLICY

The following policies are enacted to help ensure that City Council candidates and sitting City Councilmembers reside in the district they will or do represent.

**SECTION III
CITY COUNCIL DISTRICT RESIDENCY POLICY REQUIREMENTS
FOR COUNCIL CANDIDATES**

In order to ensure a City Council candidate resides in the district he/she is running for a City Council seat, the candidate must provide the following additional information to verify their 90 day residency requirement:

- 1. PROOF OF HOME OWNERSHIP / RENTAL PROPERTY.** Proof of home ownership as evidenced by providing the following: 1a) a copy of a Grant Deed; 1b) a mortgage payment billing statement verifying the address; or 1c) any other document that can be used to verify home ownership and residency of the property; and 2a) evidence of a homeowner's property tax exemption filed with the Fresno County Assessor for proof that the home is the primary residence.

If a candidate does not have a tax exemption on file they must submit an affidavit signed by the candidate verifying that the home is the candidate's primary residence; or

If the home ownership is in the name of a person other than the candidate, or in the name of a legal entity, such as a trust, partnership or corporation, the candidate must submit an affidavit signed by the homeowner or authorized legal representative of the entity verifying the candidate is living in the home as his/her primary residence.

OR

If the residence is rented or leased by the candidate, the candidate must provide proof of residence by providing a signed copy of a lease or rental agreement. If a candidate is living at a residence without a lease/rental agreement and whose name otherwise does not appear in the proof of home ownership, the candidate must have landlord/property owner sign an affidavit, under penalty of perjury, verifying candidate's residency in landlord's/property owner's property.

- 2. PROOF OF MOTOR VEHICLE REGISTRATION.** A copy of any motor vehicles registered to the candidate for the residency claimed or proof of a valid California Driver's License showing their address on their license is consistent with the address shown on their nomination papers. If the residence address on either the Driver's License or auto registration is in the process of being changed, the candidate must provide a document from the California Department of Motor Vehicles (DMV14 form) verifying the change is in process. If a candidate does not own an automobile or does not have a California Driver's License, the candidate must submit any other State of California issued identification showing their address on the identification document is consistent with the address shown on their nomination papers.
- 3. PG&E / CITY OF COALINGA UTILITY BILL.** A PG&E bill or City of Coalinga utility bill in the candidate's name showing that the service address is consistent with the address in candidate's nomination papers. In the event a PG&E and/or City of Coalinga utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the candidate's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental agreement or lease agreement that the landlord or other legal entity will pay the PG&E bill and/or City of Coalinga utility bill, the candidate must submit an affidavit signed by the landlord or the other legal entity, stating the responsibility for paying the PG&E bill and/or the City of Coalinga utility bill.
- 4. AFFIDAVIT.** The candidate must sign an affidavit, under penalty of perjury, verifying residency.

Failure to provide any of the above-required documents will disqualify a candidate from meeting the City Council District Residency Policy requirements. Willfully submitting false, forged, altered documents or coercing or unduly influencing persons providing affidavit documents will also disqualify candidates and constitute a misdemeanor violation in addition to any other legal remedy available to enforce a similar fraudulent act.

SECTION IV VERIFYING RESIDENCY AND CERTIFICATION OF COUNCIL CANDIDATES

Candidates are required to file all the documents specified in Section III above with the Coalinga City Clerk's office for verification no earlier than the first day of the candidate filing period and no later than closing date of the filing period as it relates to candidates running for a City Council seat. The City Clerk will review and verify that the required information is correct and meets all the requirements. The City Clerk will diligently work to review and verify all residency documents submitted and shall complete the review and verification of the candidate's residency documents no later than five (5) calendar days from receipt. The City Clerk shall then do one of the following:

1. If all City residency requirements are satisfied pursuant to this Policy, the City Clerk's office will mail a letter to the Fresno County Clerk's office and mail a letter to the candidate certifying that the candidate has met the City's residency policy requirements; or
2. If any deficiencies are discovered in the documents provided or certain documents are missing, the City Clerk's office will send a letter to the candidate showing the specific deficiency(s) or missing document(s). The candidate will have until the closing date to file nomination papers to correct the deficiencies and re-submit the required documents for verification to the City Clerk; or
3. If the candidate either fails to complete verification of all of the requirements within the prescribed time limits, or the resubmitted documents do not meet the requirements, the City Clerk's office will mail a letter to the candidate advising them that they have failed to meet the requirements; or
4. If the re-submitted documents by the candidate meet all requirements, the City Clerk's office will certify that residency requirements have been met and mail a letter to the Fresno County Clerk's office and mail a letter to the candidate.

SECTION V ANNUAL VERIFICATION OF RESIDENCY FOR COUNCILMEMBERS

Councilmembers are required to live in the district they represent during their entire term in office. To ensure that Councilmembers continue to live in the district they represent, each Councilmember's residency must be verified annually for each year in office. Councilmembers are required to submit the following documents to the City Clerk during the last 31 calendar days of the year (December 1st through December 31st):

- 1. PROOF OF HOME OWNERSHIP / RENTAL PROPERTY.** Proof of home ownership as evidenced by providing the following: 1a) a copy of a Grant Deed; 1b) a mortgage payment billing statement verifying the address; or 1c) any other document that can be used to verify home ownership and residency of the property; and 2a) evidence of a homeowner's property tax exemption filed with the Fresno County Assessor for proof that the home is the primary residence.

If a Councilmember does not have a tax exemption on file they must submit an affidavit signed by the Councilmember verifying that the home is the Councilmember's primary residence; or If the home ownership is in the name of a person other than the Councilmember, or in the name of a legal entity, such as a trust, partnership or corporation, the Councilmember must submit an affidavit signed by the homeowner or authorized legal representative of the entity verifying the Councilmember is living in the home as his/her primary residence.

OR

If the residence is rented or leased by the Councilmember, the Councilmember must provide proof of residence by providing a signed copy of a lease or rental agreement. If a Councilmember is living at a residence without a lease/rental agreement and whose name otherwise does not appear in the proof of home ownership, the Councilmember must have landlord/property owner sign an affidavit, under penalty of perjury, verifying Councilmember's residency in landlord's/property owner's property.

- 2. PROOF OF MOTOR VEHICLE REGISTRATION.** A copy of any motor vehicles registered to the Councilmember for the residency claimed or proof of a valid California Driver's License showing their address on their license is consistent with the address shown on their nomination papers. If the residence address on either the Driver's License or auto registration is in the process of being changed, the Councilmember must provide a document from the California Department of Motor Vehicles (DMV14 form) verifying the change is in process. If a Councilmember does not own an automobile or does not have a California Driver's License, the Councilmember must submit any other State of California issued identification showing their address on the identification document is consistent with the address shown on their original nomination papers.
- 3. PG&E / CITY OF COALINGA UTILITY BILL.** A PG&E bill or City of Coalinga utility bill in the Councilmember's name showing that the service address is consistent with the address in Councilmember's original nomination papers. In the event a PG&E and/or City of Coalinga utility bill has not been generated, a letter from an authorized representative of the utility provider stating that an account has been opened in the Councilmember's name will suffice. If there is an agreement with a landlord or other legal entity, as verified by a rental agreement or lease agreement that the landlord or other legal entity will pay the PG&E bill and/or City of Coalinga utility bill, the Councilmember must submit an affidavit signed by the landlord or the other legal entity, stating the responsibility for paying the PG&E bill and/or the City of Coalinga utility bill.
- 4. AFFIDAVIT.** The Councilmember must sign an affidavit, under penalty of perjury, verifying residency.

In the event that Councilmember moved to a new residence in the district after the filing of the previous affidavit, the Councilmember must confirm, within sixty (60) days of moving, using items 1 through 4, for the new residence address.

Incumbent Councilmembers who have not relocated since the residency information required was last provided may comply by supplying a copy of a current California driver's license and an affidavit that they have not relocated and all previously supplied information remains true and correct.

Failure to provide any of the above-required documents will disqualify a Councilmember from meeting the district residency requirement. Willfully submitting false, forged, altered documents or coercing or unduly influencing persons providing affidavit documents will also disqualify a Councilmember and constitute a misdemeanor violation in addition to any other legal remedy available to enforce a similar fraudulent act.

SECTION VI INVESTIGATION AND ENFORCEMENT

Any fraudulent residency complaints shall be submitted to the City Attorney. The City Attorney will refer all complaints to the Fresno County District Attorney. The Fresno County District Attorney shall have the discretion to investigate residency complaints and if sufficient evidence of fraud is found during the investigation, the District Attorney can elect to prosecute.

SECTION VII TRANSPARENCY

The City Clerk shall post the names, corresponding Council districts and all required supporting documents, consistent with applicable confidentiality laws, of all candidates that have been certified to meet the residency requirements at the City's website and have a hard copy of the list available for inspection at the City Clerk's office during normal business hours. Any confidential information shall be redacted before the public record is made available for inspection, in accordance with the Public Records Act. After the General Election, the list shall be removed from the City's website and hard copies will no longer be available for inspection at the City Clerk's office.

SECTION VIII EFFECTIVE DATE

This resolution shall take effect June 15, 2018. This Policy, along with any subsequent amendments, shall be the City Council District Residency Policy of the City of Coalinga.

A PDF copy of this document shall be available, year round, on the City's website and hard copies shall be available to be picked up at the City Clerk's office during normal business hours.