

ORDINANCE NO. 17-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL CENTRO, CALIFORNIA, AMENDING SECTION 2-7, 2-8, AND 2-9 OF THE CITY CODE TO MOVE THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS

SECTION 1. The City Council of the City of El Centro finds as follows:

WHEREAS, since 1984, City's general municipal elections have been held on the first Tuesday after the first Monday in November of each odd-numbered year to coincide with school district election (a "non-concurrent election date"); and

WHEREAS, beginning January 1, 2018, Senate Bill 415 (SB 415), the California Voter Participation Rights Act, prohibits a local government such as El Centro from holding a city council election other than on a statewide election date if holding an election on that non-concurrent date has resulted in a less than 25% decrease in voter turnout for the past four city council election cycles and require that the City Council election date be moved to coincide with the statewide election date; and

WHEREAS, this change must occur by November 8, 2022; and

WHEREAS, the City must adopt a plan by January 1, 2018 to move such City Council election date; and

WHEREAS, the City Council at its January 17, 2017 meeting requested that the Charter Task Force evaluate the options to comply with SB 415; and

WHEREAS, the Charter Task Force met and considered the options and pros and cons regarding moving the election date for the upcoming November 2017 City Council election; and

WHEREAS, in addition to the provisions of SB 415, Elections Code sections 1301 and 10403.5 authorize the City to re-schedule its general municipal election to the day of the statewide general election; and

WHEREAS, the City wishes to consolidate its elections with the statewide general election conducted by Imperial County on each first Tuesday after the first Monday in November of even-numbered years to comply with the provisions of state law; and

WHEREAS, such a change is contingent upon the consent of the Imperial County Board of Supervisors; and

WHEREAS, as provided by Elections Code Section 1301 and 10403.5, such change in an election date may move the term of incumbent City Council members by up to 12 months, but no longer; and

WHEREAS, such a change in November 2017 will extend the term of Council members who otherwise would be up for election in November 2017 to the following November 2018, an

extension of no more than 12 months; and

WHEREAS, such a change in November 2017 will extend the term of Council members who otherwise would be up for election in November 2019 to the following November 2020, an extension of no more than 12 months; and

WHEREAS, the City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) (the activity will not result indirect or reasonably foreseeable indirect. physical change in the environment) and 15061(c)(3) (the activity does not have the potential for causing a significant effect on the environment) of the CEQA Guidelines, California Code of Regulations Title 14, Chapter 3.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL CENTRO DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The Recitals set out are true and correct.

SECTION 2. Change of Election Day. The general municipal election scheduled for November 2017 is cancelled and set for November 2018. The general municipal election scheduled for November 2019 is cancelled and set for November 2020. The City of El Centro's municipal election thereafter shall be in consolidation with the County of Imperial statewide elections held on the first Tuesday after the first Monday in November of each even-numbered year.

SECTION 3. Consolidated Election. Pursuant to Sections 1301 and 14050 et seq of the Elections Code, and by its adoption of Resolution No. 17-16, the City Council hereby requests that the County of Imperial approve consolidation of the City's November City Council election with the statewide general election conducted by the County in November of each even-numbered year.

SECTION 4. Adjustment of Terms of Office. In accordance with Elections Code sections 1301 and 10403.5(d), because of the change of election date, the terms of office of those members of the City Council presently serving whose terms would previously have expired in November 2017 shall instead continue in their offices until certification of the results and administration of oaths of office after the November 2018, general municipal election. The terms of office of those members of the City Council elected in November 2015 prior to the adoption of this ordinance, whose terms would previously have expired November 2019, shall instead continue in their offices until certification of the results and administration of oaths of office after the November 2020, general municipal election.

SECTION 5. Notice to Voters. If and when the Imperial County Board of Supervisors approves this such consolidation and after the effective date of this ordinance, the City Clerk of the City of El Centro shall cause (through the Registrar of Voters or otherwise) a notice to be mailed to registered voters within the City of El Centro as required by Elections Code section 10403.5(e).

SECTION 6. Amendment of City Code. Sections 2-7, 2-8, and 2-9 of the City Code are amended to read as follows:

Section 2-7. The general municipal election scheduled for November 2017 is cancelled and set for November 2018. The general municipal election scheduled for November 2019 is cancelled and set for November 2020. The City of El Centro's municipal election thereafter shall be in consolidation with the County of Imperial statewide elections held on the first Tuesday after the first Monday in November of each even-numbered year.

Section 2-8. Pursuant to California Government Code Section 36503, Section 2-7 shall not become operative until the election day change prescribed therein is approved by the county board of supervisors.

Section 2-9. If any section, paragraph, sentence or clause of section 2-7 or section 2-8 of this Code is for any reason held to be unconstitutional or invalid, any such decision shall not affect the remaining portions of said sections. If the board of supervisors of the county fails to approve this Ordinance No. 17-04 , then the general municipal election shall be conducted on the first Tuesday after the first Monday in November of the odd-numbered years and all the provisions contained in section 2-7 and section 2-8 are null and void.

SECTION 7. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 8. Effective Date. This ordinance shall be effective 30 days from the date of its adoption. The City Clerk hereby is directed to provide a certified copy of this ordinance to the Registrar of Voters and Board of Supervisors as necessary.

INTRODUCED at a regular meeting of the City Council of the City of El Centro California, held on the 7th day of Mar. , 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of El Centro, California, held on the 21st day of Mar. , 2017

CITY OF EL CENTRO

By:   
Alex Cardenas, Mayor

ATTEST:

By: *L. Diane Caldwell*  
L. Diane Caldwell, City Clerk

APPROVED AS TO FORM:  
Office of the City Attorney

By: *Elizabeth L. Martyn*  
Elizabeth L. Martyn, City Attorney

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL ) ss  
CITY OF EL CENTRO )

I, L. Diane Caldwell, City Clerk of the City of El Centro, California, do hereby certify that the foregoing Ordinance No. 17-04 had its first reading on Mar. 7, 2017, and had its second reading on Mar. 21, 2017, and was passed by the following vote:

AYES: Silva, Cardenas, Viegas-Walker  
NOES: Jackson, Garcia  
ABSENT: None  
ABSTAINED: None

AYES: Jackson, Silva, Cardenas, Viegas-Walker, Garcia  
NOES: None  
ABSENT: None  
ABSTAINED: None

By: *L. Diane Caldwell*  
L. Diane Caldwell, City Clerk