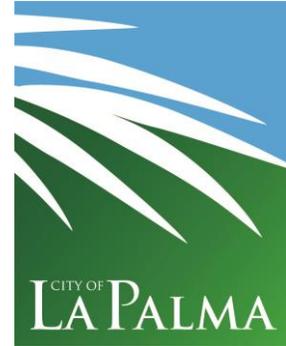


City of La Palma

Agenda Item No. 16



MEETING DATE: November 1, 2022

TO: CITY COUNCIL

FROM: CITY MANAGER

AGENDA TITLE: Introduction and First Reading of an Ordinance to Amend the Sequence of District Elections in the La Palma Municipal Code

RECOMMENDATION:

It is recommended that the City Council take the following action:

- a) Open Public Hearing
- b) Receive Staff Report
- c) Receive Public Input
- d) Close Public Hearing
- e) Council Comments and Questions
- f) Introduce and Conduct First Reading (by title) of an Ordinance Amending and Superseding District Election Sequencing in Ordinance No. 2022-08

BACKGROUND:

At the request of Mayor Pro Tem Baker, this public hearing has been noticed for the City Council to consider amending the order of district elections.

At the October 4, 2022, City Council Meeting, the Council adopted an Ordinance to move to by-district elections beginning with the 2024 election cycle, and following each Federal census, allowing district boundaries amendments by resolution to ensure that the districts follow all applicable provisions of the law. The order of elections is included in Section 2-413 of the La Palma Municipal Code and also designated on Resolution No. 2022-40 with the approved District Map. Following the October 4 meeting, it was discovered the adopted election sequencing would limit a 2024 incumbent's term to only two (2) years.

DISCUSSION:

To amend the election sequencing as requested, the City Attorney is recommending the Council amend Section 2-413 of the La Palma Municipal Code by conducting elections for Districts One (1), Three (3), and Five (5) in 2024 and every four years after, and to hold elections in Districts Two (2) and Four (4) in 2026, and every four years after.

To accomplish this change, the Council will introduce and conduct a first reading of the attached Ordinance at today's meeting. If approved by a majority, the Ordinance and new Resolution (also revising the sequence) will be placed on the consent calendar for the December 13, 2022 City Council meeting.

NOTIFICATION:

As required by City Code Section 44-518, a Public Hearing notice of this item was posted at three (3) public locations: City Hall, the Library, and Central Park. Pursuant to Government Code Section 6062(a) a Public Hearing Notice was published at least 10 days before the Hearing in the October 22, 2022, editions of the News Enterprise.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

APPROVED:



City Manager

- Attachment:
1. Council Member Request
 2. Proposed Ordinance



City Council Member Request

From: Debbie Baker

Date: October 19, 2022

Agenda Item Requested? Yes No

Staff Research Requested? Yes No

Request

(Please describe the request and its purpose, context, or other information that may be helpful.):

Please prepare a report that recognizes the fact that an error was made with the district sequencing

because it forces Council Member Mark Waldman to end his potential second term early and in the

middle of his at-large election cycle since District 5 would take effect in 2026 and not allow him to

run again. To remedy this, I would like to rescind Resolution 2022-40 and replace it with a new

Resolution that will switch sequencing for Districts 4 and 5 so that District 4 begins in 2026, and

the District 5 election begins in 2024.

Desired Timeline for Completion:

- Within one week Within two weeks Within one month
- Within two months Within three months Within six months

Other/Specific date November 1, 2022 Agenda

Level of Priority (in relationship to established goals and priorities):

- Request is related to or expands upon existing goals
Which one? _____
- Request is new, not related to existing goals

ORDINANCE NO. 2022-__

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING THE SEQUENCE OF DISTRICT ELECTIONS IN SECTION 2-413 OF THE LA PALMA MUNICIPAL CODE

WHEREAS, California Government Code Section 34886, effective January 1, 2016, permits the City Council of any city to change the City’s method of election by ordinance to a “by-district” system in which each member of the City Council is elected only by the voters in the district in which the candidate resides, in accordance with California Government Code Section 34871, subdivision (c); and

WHEREAS, pursuant to California Government Code section 34886, it is declared that the purpose of this change in the method of electing Councilmembers is to further the purposes of the California Voting Rights Act of 2001, (California Elections Code section 14025 et. seq.) and implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

WHEREAS, at a special meeting of the City Council of the City of La Palma held on the 19th day of April, 2022, the City Council adopted Resolution No. 2022-22 that initiated the process of establishing a by-district election system and adopting the schedule therefore; and

WHEREAS, thereafter, at a regular and special meeting of the City Council of the City of La Palma held on the 3rd day of May, 2022, and the 17th day of May 2022, respectively, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City’s voting districts before any draft maps were drawn, and the City Council of the City of La Palma considered and discussed the same; and

WHEREAS, thereafter, at a regular meetings of the City Council of the City of La Palma held on the 5th day of July, 2022, and the 2nd day of August, 2022, respectively, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the proposed sequence of elections, and the City Council of the City of La Palma considered and discussed the same; and

WHEREAS, at the regular meeting of the City Council of the City of La Palma held on the 6th day of September, 2022, the City Council directed staff to draft an ordinance adopting the transition to a “by-district” election system, selected a sequence of elections, and adoption of the district map by resolution, known as City of La Palma Council District Map, putting the Council Districts One (1), Three (3), and Four (4) on the 2024 ballot, and every four years thereafter and the Council Districts Two (2) and Five (5) on the 2026 ballot and every four years thereafter; and

WHEREAS, at the regular meeting of the City Council of the City of La Palma held on the 6th day of September, 2022, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in Ordinance No. 2022-08, which was introduced for a first reading at the same regular meeting of the City Council of the City of La Palma; and

WHEREAS, at the regular meeting of the City Council of the City of La Palma held on the 4th day of October, 2022, the City Council adopted Ordinance No. 2022-08 to amend the La Palma Municipal Code, transition to district based elections, and adopted the official Council District Map and Resolution No. 2022-40; and

WHEREAS, upon review, the City Council has determined that it is appropriate to revise the sequencing of district elections, such that the election for District No. 5 is held in 2024 and the election for District No. 4 is held in 2026;

WHEREAS, notice of the Public Hearing at the regular meeting of the City Council held on the 1st day of November, 2022, concerning this revision by Ordinance was duly published in a local newspaper at least ten (10) days prior to the hearing and posted at City Hall, Central Park, and the Library; and

WHEREAS, the Public Hearing held on the 1st day of November, 2022, the City Council introduced for a first reading this Ordinance to amend Section 2-413 of the La Palma Municipal Code for that purpose, and also discussed adopting Resolution No. 2022-__ to amend Resolution No. 2022-40 to include the revised sequencing of elections in the official Council District Map; and

WHEREAS, the City Council has determined that it will not make any changes to the boundaries of the districts in the official Council District Map; and

WHEREAS, at its regular meeting on the 13th day of December, 2022, the City Council adopted this Ordinance, to amend the sequence of district elections in Section 2-413 of the La Palma Municipal Code, and adopted Resolution No. 2022-__ to alter the sequence on the official Council District Map.

The City Council of the City of La Palma hereby ordains as follows:

SECTION 1. Code Amendment. Section 2-413 of the La Palma Municipal Code is amended to read as follows:

Sec. 2-413 Commencement of District Elections. All five Councilmembers shall be elected on a "by-district" basis from the City Council districts shown and numbered on the map titled " City of La Palma Council District Map", a copy of which shall be on file in the City Clerk's office. The following three City Council districts shall be elected by-district in 2024 and every four years thereafter: District One (1), District Three (3), and District Five (5). In the 2026 general municipal election and every four years thereafter, the following two City Council districts shall be elected by-district: District Two (2) and District Four (4).

SECTION 2. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that this Ordinance is exempt from environmental review under

the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Ordinance is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event adoption of this Ordinance does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Orange County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

SECTION 3. Repeal. All provisions of Ordinance 2022-08 are hereby repealed and replaced on the effective date of this Ordinance.

SECTION 4. Effective Date. This Ordinance shall become effective thirty (30) days after the date of its adoption.

SECTION 5. Severability. If any section, sentence, clause or phrase of this Ordinance or the application thereof to any entity, person or circumstance is held for any reason to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council of the City of La Palma hereby declares that it would have adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 6. Notice of Adoption. The City Clerk of the City of La Palma shall certify to the adoption of this ordinance and cause publication to occur in a newspaper of general circulation and published and circulated in the City in a manner permitted under section 36933 of the Government Code of the State of California.

PASSED, APPROVED, AND ADOPTED by the City Council of La Palma at a regular meeting on the ___ day of _____, 2022.

Mayor

ATTEST:

Kimberly Kenney, CMC
City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS.
CITY OF LA PALMA)

I, KIMBERLY KENNEY, City Clerk of the City of La Palma, California, DO HEREBY CERTIFY that the foregoing Ordinance was adopted by the City Council of said City at a regular meeting of said City Council held on the 13th day of December 2022 and that it was so adopted by called vote as follows:

AYES:

NOES:

ABSENT:

Kimberly Kenney, CMC
City Clerk