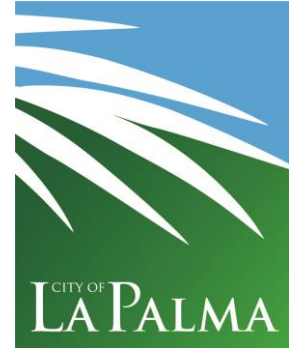


# City of La Palma

## Agenda Item No. 7



MEETING DATE: December 13, 2022

TO: CITY COUNCIL

FROM: CITY MANAGER

AGENDA TITLE: Second Reading and Adoption of an Ordinance to Amend the Sequence of District Elections in the La Palma Municipal Code and Adopt a Resolution Amending Resolution No. 2022-40

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### **RECOMMENDED ACTION:**

It is recommended that the City Council conduct the Second Reading and Adopt an Ordinance Amending and Superseding District Election Sequencing in Ordinance No. 2022-08 and adopt a Resolution amending Resolution No. 2022-40.

### **BACKGROUND:**

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:**

At the November 1, 2022, City Council Meeting, the Council held a Public Hearing and First Reading of an Ordinance to 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. As such, a Resolution amending Resolution 2022-40 to revise the sequencing would need to be adopted.

### **FISCAL IMPACT:**

There is no fiscal impact associated with this report.

**APPROVED:**

JBC

Assistant to the City Manager



City Manager

Attachments:

1. Resolution amending Resolution No. 2022-40
2. Ordinance Amending the Sequence of District Elections in Section 2- 413 of the La Palma Municipal Code

## RESOLUTION NO. 2022-\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA PALMA AMENDING RESOLUTION NO. 2022-40 TO ALTER THE SEQUENCE OF DISTRICT ELECTIONS ON THE APPROVED DISTRICT MAP**

THE CITY COUNCIL OF THE CITY OF LA PALMA DOES HEREBY RESOLVE AS FOLLOWS:

**SECTION 1. Findings.** The City Council of the City of La Palma does find determine and declare as follows:

(a) On October 4, 2022, the City Council adopted Ordinance No. 2022-08 pursuant to Government Code Sections 34871 to add Chapter 1 Article XIII to the La Palma Municipal Code to provide for the by-district election of members of the City Council, adopt the official Council District Map for the City of La Palma, establish the boundaries and identification number of each electoral district, and establish a sequencing of elections for each Council District.

(b) On October 4, 2022, the City Council adopted Resolution No. 2022-40, adopting the official Council District Map and a sequence for district elections.

(c) On November 1, 2022, a public hearing was conducted and the City Council introduced Ordinance No. 2022-XX, and the City Council determined that the sequencing of district elections should be altered, such that the election for District No. 5 is held in 2024 and the election for District No. 4 is held in 2026, but did not amend the boundaries of any districts in the official Council District Map.

(d) On December 13, 2022, the City Council adopted Ordinance No. 2022-XX to alter Section 2-413 of the La Palma Municipal Code to change the sequence of district elections, such that the election for District No. 5 will be held in 2024 and the election for District No. 4 will be held in 2026.

**SECTION 2. Adoption of Revised Council District Map.** The official Council District Map previously approved by the City Council on October 4, 2022 is solely revised to alter the sequence of elections as noted above, without altering any of the established boundaries of the districts. The Revised Map is attached hereto as Exhibit "A" to this Resolution, and incorporated herein by this reference, is hereby approved and adopted as the Official Council District Map for the City of La Palma and shall be used beginning with the 2024 general municipal election and all such elections for City Council thereafter, until further amended.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this Resolution is for any reason held to be invalid or unenforceable by a

court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect. The City Council of the City of La Palma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Resolution, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Resolution be declared invalid or unenforceable.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of La Palma at a regular meeting on the 13th day of December, 2022.

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Mayor

ATTEST:

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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 Resolution 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:

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Kimberly Kenney, CMC  
City Clerk

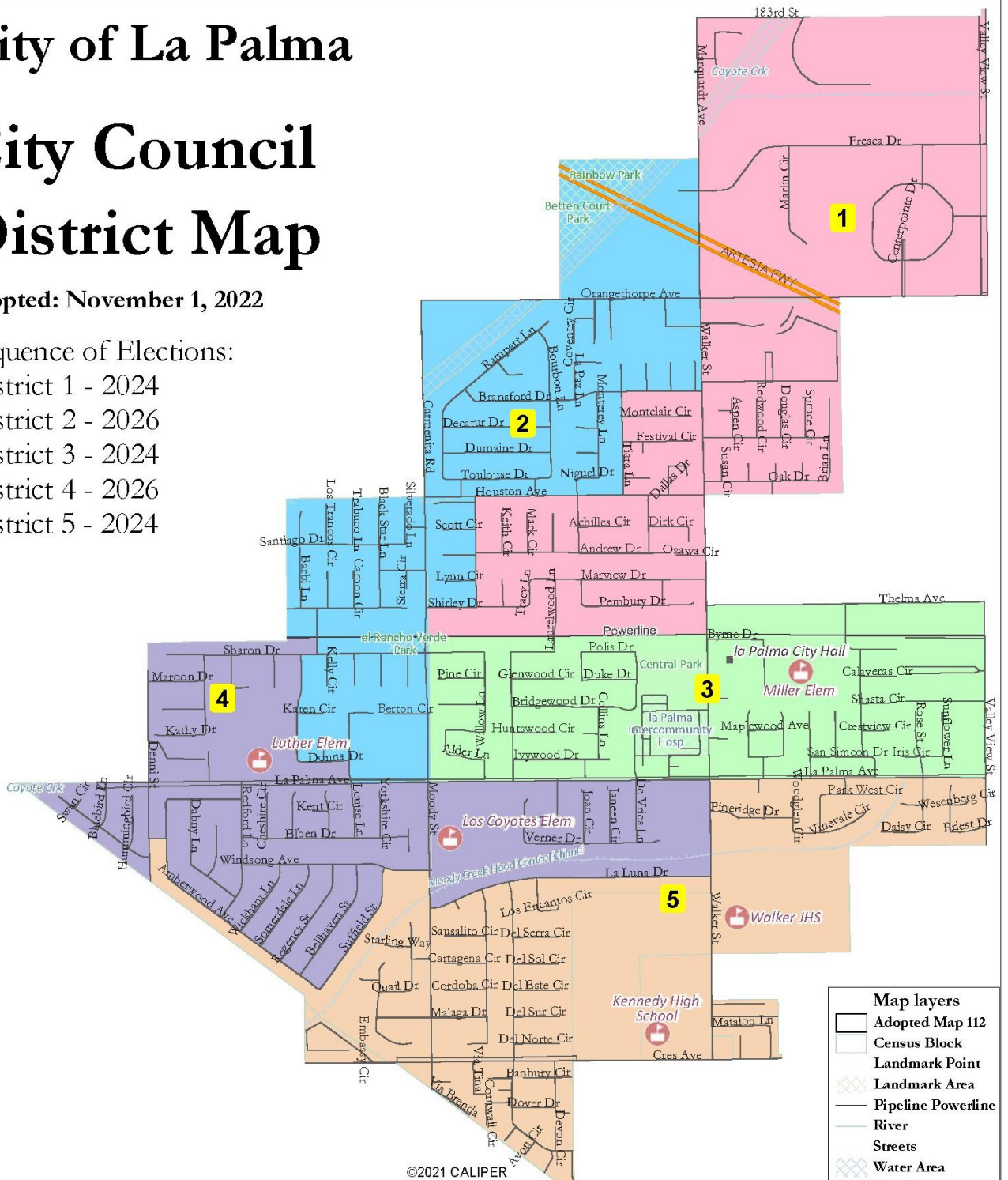
Exhibit "A"

# City of La Palma City Council District Map

Adopted: November 1, 2022

Sequence of Elections:

- District 1 - 2024
- District 2 - 2026
- District 3 - 2024
- District 4 - 2026
- District 5 - 2024



**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 19<sup>th</sup> 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 3<sup>rd</sup> day of May, 2022, and the 17<sup>th</sup> 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 5<sup>th</sup> day of July, 2022, and the 2<sup>nd</sup> 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 6<sup>th</sup> 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 4<sup>th</sup> 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 1<sup>st</sup> 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 1<sup>st</sup> 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 13<sup>th</sup> 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 13th day of December, 2022.

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Mayor

ATTEST:

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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:

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Kimberly Kenney, CMC  
City Clerk