

ORDINANCE NO. 2017-13

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AZUSA, CALIFORNIA AMENDING SECTION 2-1 OF ARTICLE I OF CHAPTER 2 OF THE AZUSA MUNICIPAL CODE, CHANGING THE GENERAL MUNICIPAL ELECTION DATE FROM MARCH OF ODD-NUMBERED YEARS TO THE STATEWIDE PRIMARY ELECTION IN MARCH OF EVEN-NUMBERED YEARS, COMMENCING WITH THE MARCH, 2020 ELECTION, IN ORDER TO COMPLY WITH CALIFORNIA SENATE BILL 415

WHEREAS, pursuant to Section 2-1 of the Azusa Municipal Code, the City of Azusa (“City”) currently holds its general municipal election for City Council members and other City elected officials on the first Tuesday after the first Monday in March of each odd-numbered year; and

WHEREAS, the California Voter Participation Rights Act (SB 415 – California Elections Code sections 14050-14057) becomes effective January 1, 2018 and prohibits a political subdivision (including cities) from holding a general election on a date other than on a statewide primary (March) or statewide general election date (November) in even-numbered years, if holding an election on a non-statewide election date has previously resulted in a “significant decrease in voter turnout”, which is defined by SB 415 as at least 25% less voter turnout than the average voter turnout within the City for the previous four statewide general elections (November, 2010, 2012, 2014 & 2016); and

WHEREAS, according to County voting records, the average eligible voter turnout within the City for the previous four statewide general elections (November, 2010, 2012, 2014 & 2016), was 54.03%; and

WHEREAS, the City’s general municipal election date is not a statewide election date and the March, 2017 general municipal election resulted in approximately 16.87% of eligible voter turnout; and

WHEREAS, this resulted in at least 25% less voter turnout than the four-statewide general election average [$16.87\%/54.03\% = .31$ – representing 69% less than the four-statewide general election average]; and

WHEREAS, earlier elections held in March of odd-numbered years have historically resulted in similar lower eligible voter turnout in the City; and

WHEREAS, in order to change its general municipal election date to comply with SB 415, Elections Code Section 1301(b) authorizes the City to adopt an ordinance changing its general municipal election date from March of odd-numbered years to either the statewide primary election in March of even-numbered years or the statewide general election in November of even-numbered years; and

WHEREAS, the ordinance must then be submitted to the County of Los Angeles Board of Supervisors and the ordinance must be approved by the Board of Supervisors in order to change the City's general municipal election date; and

WHEREAS, in order to comply with SB 415, it is the intent of the City Council to change the City's general municipal election date for City Council members and other elected officials from March of odd-numbered years to the statewide primary election in March of even-numbered years, commencing with the March, 2020 election; and

WHEREAS, State law allows a City to extend the terms of current elected officials by up to twelve (12) months, in order to match their terms with a changed general municipal election date (Elections Code Section 10403.5(b)); and

WHEREAS, it is also the intent of the City Council to extend the terms of office for current City elected officials by twelve (12) months in order to match their terms with the changed general municipal election dates. If elected in March, 2015, the term will be extended from March, 2019 to March, 2020. If elected in March, 2017, the term will be extended from March, 2021 to March, 2022.

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

SECTION 1: Section 2-1 of Article I of Chapter 2 of the Azusa Municipal Code is hereby amended to read as follows:

"ARTICLE I. – IN GENERAL

Sec. 2-1. – General municipal election.

- (a) Pursuant to California Elections Code §§ ~~2601~~ **1301(b) and 14050-14057**, and commencing ~~on~~**with the March 43, 1997-2020 election**, the date of the general municipal election ~~is~~**shall be** moved from the ~~second~~ **first** Tuesday **after the first Monday in April March** of each ~~even~~**odd**-numbered year to the first Tuesday after the first Monday in March of each ~~odd~~**even**-numbered year. ***The March 5, 2019 election is hereby cancelled.***
- (b) ~~In accordance with the change of election date, the terms of office of those members of the city council, city clerk and city treasurer presently serving shall be extended for a period of approximately 112 months until elections results are declared by the city council.~~ ***Pursuant to California Elections Code §10403.5(b), all Azusa elected officials whose terms of office are scheduled to expire in March, 2019 shall have their terms of office extended to March, 2020, or until their successors elected at the March, 2020 election have been qualified. All Azusa elected officials whose terms of office are scheduled to expire in March, 2021 shall have their terms of office extended to March, 2022, or until their successors elected at the March, 2022 election have been***

qualified. Officials elected to new terms in March, 2020, March, 2022 and in all future elections shall serve four-year terms.

- (c) Special elections called for the purpose of filling vacancies, recall of officers, initiative or referendum measures, are not affected by this Section, and may be called at any time authorized by applicable law.*
- (ed) At least one general municipal election shall be held on the date set forth in subsection (a) above before this section may be subsequently repealed or amended."*

SECTION 2. Effective Date. Pursuant to Government Code Section 36937(a), the City Council finds that this Ordinance relates to an election and, therefore, becomes effective immediately upon adoption by a majority vote of the City Council. However, pursuant to Elections Code Section 1301(b), this Ordinance shall not become operative until it is approved by the Los Angeles County Board of Supervisors.

SECTION 3: The City Clerk shall transmit certified copies of this Ordinance to the Clerk of the Board of Supervisors and to the Office of the Registrar of Voters for the County of Los Angeles.

SECTION 4: Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the City Clerk shall cause a notice to be mailed to all registered Azusa voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of elected City officials will be changed.

SECTION 5: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Azusa hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 7: The Mayor shall sign this Ordinance and the City Clerk shall attest thereto and shall within fifteen (15) days of its adoption cause it, or a summary of it, to be published in the San Gabriel Valley Tribune, a newspaper published and circulated in the City of Azusa, and thereupon and thereafter this ordinance shall take effect and be in force according to law.

