

ORDINANCE NO. _____

AN ORDINANCE OF THE PEOPLE OF THE CITY OF PLACENTIA, CALIFORNIA, AMENDING SECTIONS 600 AND 601 OF THE CHARTER OF THE CITY OF PLACENTIA TO ESTABLISH BY-DISTRICT ELECTION OF COUNCIL MEMBERS

A. Recitals.

WHEREAS, Placentia's City Charter, enacted by voters in 1965, provides for five city council members to be elected at large, with staggered terms of office, at municipal elections held on the second Tuesday in November of even numbered years; and

WHEREAS, both state and federal law have changed since the adoption of the City's Charter, requiring a variety of actions to ensure fair and equal access to the electoral system by all citizens; and

WHEREAS, the City takes special steps at each City election to ensure compliance with the federal and California Voting Rights Act, preparation and distribution of ballot materials, registration and vote-by-mail materials, and election related information in five different languages, publicizing the city elections, and promotion of registration and voting by all those eligible; and

WHEREAS, a Placentia citizen has recently raised concerns about whether the City's electoral system violates the California Voting Rights Act; and

WHEREAS, the City Council agreed to place a proposed ballot measure before the City's voters to decide whether to amend the City's Charter to provide for district voting rather than at large voting.

B. Resolution.

NOW THEREFORE THE PEOPLE OF THE CITY OF PLACENTIA, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 600 of the Placentia Charter is repealed and replaced in its entirety with the following:

SECTION 600. Number and Term.

- A. Council Terms. There shall be a City Council consisting of five members elected from the City by district, at the times and in the manner in this Charter provided. The term of office for members of the City Council shall be four years, or in the case of an appointment or election to an unexpired term of office, the term of office shall be equal to the unexpired term of office, and until their respective successors qualify. No person shall serve more than three consecutive terms of

office as a member of the City Council, including any portion of an unexpired term of office to which such person has been appointed or elected. The term limit provisions of this section shall apply prospectively only and shall apply only to terms of office commencing on or after the date this amendment to the City Charter was approved by the City's electorate. (Amended by the electorate of the city at an election held on November 5, 2002.)

- B. Regular Election. The regular election of the City Council members shall be held on the first Tuesday, following the first Monday, in November of each even-numbered year. The candidates receiving the highest number of votes shall be elected. The term of all members shall commence at the first regular Council meeting following the certification of the election results and each member shall serve until a successor is elected and qualified. Any ties in voting shall be settled by the casting of lots. (Amended by the electorate of the city at an election held November 5, 1985.)

- C. Council Districts. The City is hereby divided into five (5) Council districts, to be determined by the City Council in any manner provided by law. Candidates for Council seats shall be nominated and elected by such district and shall be residents of such district.

- D. Changes in Boundaries of Council Districts. The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a three-fifths (3/5) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as geographically compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by three-fifths (3/5) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.

- E. Current Office Holders. The five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.

- F. Council Elections Sequenced. The members of the Council of the second and fourth Council districts shall be elected commencing in the year 2018 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the first, third and fifth Council districts shall be elected commencing in the year 2020 to the Council seats then open, and in each fourth year thereafter.

SECTION 2. Section 601 of the Placentia Charter is repealed and replaced in its entirety with the following:

SECTION 601. Eligibility.

No person shall be eligible to hold office as a member of the City Council unless he shall be a qualified elector at the time of his nomination, and shall have been a resident of the City for at least that minimum period provided for under State law for General law cities next preceding the date of his election or appointment. Each member of the Council must also be a resident of the council district from which the member is nominated at the times the member is nominated and elected. In the event any member of the Council shall cease to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies by a resident of that district. If a member of the Council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, the member shall not lose office during that term by reason of such change. (Amended by the electorate of the city at the election held April 3, 1976: amended by Assembly Concurrent Resolution No. 96 Paragraph 1, ratified by the qualified electors of the city at a general municipal election held April 11, 1972)

SECTION 3. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this ordinance be declared invalid.

SECTION 4. After this ordinance amending the charter as provided for herein is approved by a majority vote of the voters, the Mayor and City Clerk shall certify that the charter amendment was submitted to the voters of the city and that it was approved by a majority vote. One copy of the approved charter amendment shall be filed with the County Recorder's office and one shall be kept in the City's archive. A third copy of the charter amendment shall be submitted by the City Clerk to the Secretary of State with (1) copies of all publications and notices in connection with the calling of the election; (2) certified copies of any arguments for or against the charter proposal which were mailed to the voters; (3) a certified abstract of the vote at the election on the charter amendment. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. The charter amendment approved by this Ordinance will go into effect immediately after it has been filed and accepted by the Secretary of State.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2016.

JEREMY B. YAMAGUCHI, MAYOR

ATTEST:

PATRICK J. MELIA, CITY CLERK

I, Patrick J. Melia, City Clerk of the City of Placentia, do hereby certify that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Placentia, held on the ____ day of _____, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

PATRICK J. MELIA
CITY CLERK

APPROVED AS TO FORM:

CHRISTIAN L. BETTENHAUSEN
CITY ATTORNEY