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JUN 2 2021

Item No. 1

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

3:15pm

AGENDA BILL

For the Regular Meeting of: June 8, 2021
Originating Department: Office of the City Clerk

City Clerk: Carmen Avalos Interim City Manager: Chris Jeffers

SUBJECT: ORDINANCE CHANGING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE MARCH STATEWIDE PRIMARY ELECTION CYCLE TO THE NOVEMBER STATEWIDE GENERAL ELECTION CYCLE EFFECTIVE IN 2022 AND CONTINUING THEREATER IN EVEN NUMBERED YEARS

PURPOSE: To introduce an Ordinance to change our current election cycle from the Statewide Primary Election cycle to align with the Statewide General Election cycle date in November of even numbered years beginning in 2022.

RECOMMENDED ACTION: Following the conclusion of the Public Hearing, the City Council will consider waiving the reading in full and introducing an Ordinance changing the date of the City's General Municipal Election from the March Statewide Primary Election cycle to the November Statewide General Election cycle, effective in 2022, and continuing thereafter in even numbered years.

FISCAL IMPACT: Currently our elections' cost range between \$190,000 and \$215,000. The costs are dependent on the Los Angeles County's estimated costs that are based on registered voters and number of other cities and districts that are consolidated in either the primary or general statewide election cycles. There may be a slight decrease or increase based on varying factors.

ALIGNMENT WITH COUNCIL GOALS: The proposed actions meet the City Council's goal to improve communication, civic engagement and create opportunities to increase voter turnout in city elections' while maintaining fiscal responsibility.

ANALYSIS: The primary purpose is to inform the City Council of the changes that are taking place and mandating that our City align election dates with the newly adopted laws impacting when local municipalities hold City elections. Taking a look at the impact it will have on future elections for the voters of South Gate and the possible extension of terms for some or all currently holding office.

BACKGROUND: At the March 23, 2021, regularly scheduled City Council meeting, the City Council received and filed a report on Senate Bill 970 that took effect on January 1, 2021. The City Council was provided with two (2) options to consider for possible election date changes caused by the implementation of SB 970. Option 1, was to move forward with implementing SB 970, thereby having automatically staggered primary election dates that will align our General Municipal Elections with the State Primaries of March 2020, June 2022, March 2024, June 2026, March 2028, June 2030

respectively; **OR** Option 2, to move our current election cycle from the State Primary to align with the State General Election date of November of even numbered years and thereafter.

The City Council gave guidance and direction to move forward with option 2, thereby the need to hold a public hearing to introduce an ordinance to move forward in changing our election date from the Statewide Primary Election cycle of March of presidential election years or June of non-presidential election year in even numbered years to have our next City Municipal Election align with the Statewide General Election date of November of even number years beginning in 2022.

In 2018, Senate Bill 415, the "Voter Participation" bill became effective. It changed the dates of the state primaries from June to March and our City election cycle from March of odd-numbered years to March of even-numbered years to align with the California State Primaries. In 2020, the state adopted Senate Bill (SB) 970 that will now move the statewide primary back to June of even-numbered years during a non-presidential election year beginning in 2022. However, it will keep the March primary during presidential election years.

The adoption of SB 970 impacted local governments with March elections such as the City of South Gate. Hence, every two years elections will either be held in either March or June of even-numbered years in a staggered fashion dependent on a presidential year or non-presidential year election. While this action causes issues with the term ending date of two (2) City Council Members, the City Treasurer, and the City Clerk offices scheduled to end in March 2022. Section 10203.5 of Part 3 of Division 10 of the Elections Code is amended to add: (f) notwithstanding subdivision (b) of this section, any term of office set to expire in 2022 shall be extended to expire following the certification of election results and administration of oath of office to be newly elected office holder.

In changing the election date to November 2022, there is no conflict with California Elections Code 10403.5 (b), because the change in the election date is not as a result of the change created by SB 415 (effective in 2018), but as a result of the change in the new election dates created by SB 970 (effective 2021).

Staff is presenting the introduction of a proposed Ordinance to effectively change the City of South Gate's Municipal Election date from the Statewide Primary Election cycle to the Statewide General Election cycle effectively beginning with the scheduled November 2022 Statewide General Election.

ATTACHMENTS: Proposed Ordinance
Notice of Public Hearing
Senate Bill 970

ORDINANCE NO.

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE,
CALIFORNIA, CHANGING THE DATE OF THE CITY'S GENERAL MUNICIPAL
ELECTION FROM THE MARCH STATEWIDE PRIMARY ELECTION CYCLE TO
THE NOVEMBER STATEWIDE GENERAL ELECTION CYCLE EFFECTIVE IN 2022
AND CONTINUING THEREAFTER IN EVEN NUMBERED YEARS**

WHEREAS, general law cities, such as the City of South Gate ("City") are obligated to conduct general and special municipal elections in accordance with the California Elections Code ("Election Code"), per Election Code 10101, et .seq.;

WHEREAS, the City currently conducts its general municipal election in March of even-numbered years, to elect five members of the City Council, one City Clerk, and one City Treasurer, with three City Council Members elected in one year and two City Council Members, City Clerk, and City Treasurer elected in a subsequent two year cycle pursuant to Ordinance No. 1987 and Elections Code 1301;

WHEREAS, pursuant to the provisions of Senate Bill (SB) 415, known as the Voter Participation Rights Act, a political subdivision defined by §14051(a) of the California Elections Code such as the City Council is authorized to consolidate the scheduled general municipal election in March of odd numbered years to March of even numbered years, in order to align with a statewide election cycle;

WHEREAS, on December 12, 2017, the City Council adopted Resolution No. 7793, adopting a plan to consolidate future elections with the statewide election no later than the November 8, 2022 statewide general election;

WHEREAS, the State adopted SB 970, effective January 1, 2021, which moves the statewide primary election to June of even-numbered years during a non-presidential election year beginning in 2022, but keeps the statewide primary election in March during presidential election years commencing in 2024 and continuing thereafter;

WHEREAS, SB 970 also permits the City to avoid holding its municipal elections in March and June in alternating even-numbered years, by choosing instead to hold its municipal elections in November in each even-numbered commencing November 2022 and continuing thereafter;

WHEREAS, by selecting to hold its municipal elections in November, the City would avoid voter confusion that otherwise may occur should the City alternate its municipal elections between March and June in those years when the presidential primary race is held;

WHEREAS, the City desires to establish the City's municipal election date to be conducted on the first Tuesday after the first Monday in November of each even-numbered year commencing in November 2022 and continuing thereafter, in order to maintain continuity and consistency in the City's municipal election dates, and as permitted and mandated pursuant to SB 970; and

WHEREAS, the change in the election date to November is as a result of the change in the Elections Code section 1000 created by SB 970 and not as a result of the requirements of consolidation of municipal election with a statewide election as set forth in SB 415 and codified in Elections Code section 10403.5(b).

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The City Council does hereby declare that the above recitals are true and correct and incorporated herein by reference.

SECTION 2. In accordance with SB 415, the City Council does hereby consolidate its general municipal election with the statewide general election cycle no later than November 8, 2022.

SECTION 3. Pursuant to §1301(b) of the California Elections Code, the City Council does hereby acknowledge its discretion to change the date of the election cycle, by adoption of an Ordinance, if the Los Angeles County Board of Supervisors ("BOS") approves an earlier consolidation time frame.

SECTION 4. Pursuant to §1301 of the California Elections Code, effective November 2022 and from that day forward with the general municipal election to be held with the Statewide General Election cycle, the City shall hold its municipal election date on the first Tuesday after the first Monday in November of even numbered years upon approval by the BOS for the consolidation of future general municipal elections.

SECTION 5. Pursuant to §10403.5(b) of the California Elections Code, no elected term of office shall be increased or decreased by more than 12 months. Members of City Council (2), City Treasure, and City Clerk whose terms of office would otherwise expire upon declaration of election results and installation of newly elected officers in March 2022, shall continue in their offices for an additional eight months to November of 2022. Members of the City Council (3), whose term of office would otherwise expire upon declaration of result and installation of newly elected officers in March 2024, shall continue in their offices for an additional eight months to November of 2024.

SECTION 6. The City Clerk is hereby directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Clerk/Registrar Recorder and the Clerk of the BOS.

SECTION 7. The City Clerk is hereby directed that within thirty (30) days after the BOS has approved this Ordinance, the City Clerk shall cause a notice to be mailed to all registered voters

in the City informing them of the change in the election date and thereby increasing the term of office of the currently seated elected officers caused the date change.

SECTION 8. This Ordinance shall take effect and be enforced on the thirty-first (31) day after its adoption.

SECTION 9. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published and shall give such notice to voters as required by law

PASSED, APPROVED and ADOPTED this day of **June 2021**.

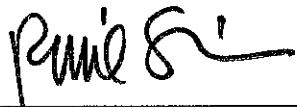
CITY OF SOUTH GATE:

By: _____
Al Rios, Mayor

ATTESTED:

By: _____
Carmen Avalos, City Clerk
(SEAL)

APPROVED AS TO FORM:

By:  _____
Raul F. Salinas, City Attorney

MAY 24 2021

FILED

CITY OF SOUTH GATE

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of South Gate, California will conduct a Public Hearing for the purpose of introducing an Ordinance changing its current election cycle from the Statewide Primary of June 2022 to the Statewide General of November 2022. The Ordinance would change the City's General Municipal Election to coincide with the November Statewide General elections beginning in 2022.


A copy of the Ordinance may be reviewed in the City Clerk's Office during normal business hours. The public hearing is scheduled as follows:

DATE: Tuesday, June 8, 2021
TIME: 6:30 p.m.

The Public Hearing meeting will be conducted through videoconferencing without a physical location from which members of the public may observe and offer public comment. Any comments may be made in person at the hearing or in writing to the City Clerk or the City Council prior to the hearing. You may access the hearings through Zoom or a phone call. Due to changes related to COVID-19, please visit the City's website and view the agenda prior to the meeting to confirm meeting zoom link and public comments option.

NOTICE IS HEREBY GIVEN that any and all persons interested in the matter herein above set forth are privileged to attend said hearing and then there testify or present evidence upon any matter relating thereto.

THIS NOTICE IS GIVEN by order of the City Clerk of said City and is dated this 27th day of May, 2021.


Carmen Avalos, City Clerk

Publication date: Thursday, May 27, 2021



SB-970 Primary election date. (2019-2020)

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Date Published: 09/21/2020 09:00 PM

Senate Bill No. 970

CHAPTER 111

An act to amend Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 970, Umberg. Primary election date.

Existing law requires that the statewide direct primary be held on the first Tuesday after the first Monday in March in each even-numbered year. Existing law requires that the presidential primary be held on that same date in any year that is evenly divisible by 4.

This bill would change the date of the statewide direct primary to the first Tuesday after the first Monday in June in even-numbered years in which there is no presidential primary.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

(a) California voters approved the Voters FIRST Act in 2008 and the Voters FIRST Act for Congress in 2010, which together established the Citizens Redistricting Commission and made the commission responsible for adjusting the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization districts based on the federal decennial census and in conformity with standards set forth in both the federal and state constitutions.

(b) The commission is required to conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines. That process includes holding public hearings both before and after releasing draft and final plans and providing adequate public comment periods after any plans are released.

(c) The commission cannot draw new district lines until it receives census data from the United States Census Bureau. Due to the COVID-19 pandemic, the United States Census Bureau has announced that release of census data to California will be delayed up to four months to July 31, 2021. As a result, the commission will not have sufficient time to undertake the redistricting process as required by the Voters FIRST Act and the Voters FIRST Act for Congress and to approve new district boundaries that will be in place in time for a statewide direct primary election held in March 2022. Therefore, the Legislature finds that the 2022 statewide direct primary election must be moved back to June 7, 2022.

SEC. 2. Section 316 of the Elections Code is amended to read:

316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

SEC. 3. Section 340 of the Elections Code is amended to read:

340. "Presidential primary" is the primary election that is held on the first Tuesday after the first Monday in March of any year that is evenly divisible by four.

SEC. 4. Section 1000 of the Elections Code is amended to read:

1000. The established election dates are as follows:

(a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four.

(b) The first Tuesday after the first Monday in March of each odd-numbered year.

(c) The second Tuesday of April in each even-numbered year.

(d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four.

(e) The first Tuesday after the first Monday in November of each year.

SEC. 5. Section 1001 of the Elections Code is amended to read:

1001. The following are statewide elections and their dates are statewide election dates:

(a) An election held in November of an even-numbered year.

(b) An election held in June of an even-numbered year that is not evenly divisible by four and in March of each even-numbered year that is evenly divisible by four.

SEC. 6. Section 1201 of the Elections Code is amended to read:

1201. The statewide direct primary shall be held on the first Tuesday after the first Monday in June of each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

SEC. 7. Section 1202 of the Elections Code is amended to read:

1202. The presidential primary shall be consolidated with the statewide direct primary in any year that is evenly divisible by four, and the consolidated primary shall be held on the first Tuesday after the first Monday in March.