



REPORT TO CITY COUNCIL

DATE: AUGUST 10, 2016

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: KIMBERLY M. RODRIGUES, CITY CLERK 

SUBJECT: INTRODUCTION OF AN ORDINANCE MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION DATE TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS

On July 13, 2016, the City Council received a report regarding Senate Bill No. 415 ("SB 415"), the California Voter Participation Rights Act (California Elections Code Sections 14050-14057), that was approved by Governor Jerry Brown on September 1, 2015, and affects the City's election dates.

SB 415 prohibits a local government, like the City of Agoura Hills, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout (i.e., at least 25% less than the average voter turnout within the city for the previous four statewide general elections), except as specified.

Given that the City has experienced a significant decrease in voter turnout on nonconcurrent election dates, the City Council was provided with six (6) options to comply with the provisions of SB 415. The City Council, unanimously, moved to approve:

- Option 1. Move the November 2017 election (Three Seats) to occur in November 2018 and the November 2019 election (Two Seats) to occur in November 2020, thereby increasing current incumbent terms by one year (+12 months). Consolidation would begin with the November 6, 2018 statewide general election.

In order to implement this option, the City Council would need to adopt an ordinance before the November 2017 election. The proposed Ordinance will consolidate the City's general municipal election with a statewide general election date, extend the terms of current Councilmembers by no more than 12 months (Elections Code Section 10403.5(b)), and repeal Ordinance No. 70, which established a general municipal election date on the first Tuesday after the first Monday in November of each odd-numbered year.

Once the Ordinance is adopted, it will then require approval by the Board of Supervisors ("Board") of the County of Los Angeles. Within thirty (30) days after the approval by the Board, the City Clerk will send out a notice to all registered voters in the City informing them of the change in the general municipal election date and the extension of the current incumbent Councilmember terms affected by the Ordinance (Election Code Section 10403.5(e)).

RECOMMENDATION

Staff recommends the City Council introduce, read by title only, waive further reading, of Ordinance No. 16-424; An Ordinance of the City Council of the City of Agoura Hills, California, moving the date of the City's General Municipal Election from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday in November of even-numbered years beginning in November of 2018 and repealing Ordinance No. 70.

Attachment: Ordinance No. 16-424

ORDINANCE NO. 16-424

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, MOVING THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS BEGINNING IN NOVEMBER OF 2018 AND REPEALING ORDINANCE NO. 70

A. Recitals.

(i) The general municipal elections of the City of Agoura Hills ("City") are currently held on the first Tuesday after the first Monday in November of alternating odd-numbered years to elect five members of City Council (staggered terms).

(ii) Beginning January 1, 2018, Senate Bill 415 (SB 415), the California Voter Participation Rights Act, prohibits a local government, like the City of Agoura Hills, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout (i.e., at least 25% less than the average voter turnout within the city for the previous four statewide general elections), except as specified.

(iii) As the City has experienced a significant decrease in voter turnout (29.33% less than the average voter turnout), the City has determined that, in accordance with SB 415, it must begin conducting its general municipal elections on statewide general election dates.

(iv) Elections Code Sections 1301 and 10403.5 authorize the City to change the date of its general municipal election to coincide with the date of a statewide general election.

(v) The City Council wishes to consolidate its elections with the statewide general election conducted by the County of Los Angeles on the first Tuesday after the first Monday in November of even-numbered years beginning in 2018.

(vi) Pursuant to Elections Code Section 10403.5(b), and in order to accomplish the change in election date, the terms of all current incumbent City Councilmembers shall be increased by no more than 12 months (one year).

(vii) The adoption of this Ordinance shall cancel the November 7, 2017, general municipal election of the City of Agoura Hills and set the next general municipal election of the City of Agoura Hills on November 6, 2018, and every election thereafter on the first Tuesday after the first Monday in November of even-numbered years.

B. Ordinance.

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Change of Election Day. Pursuant to Elections Code Section 1301 and 10403.5, the day of the general municipal election in the City of Agoura Hills is moved from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even-numbered year beginning in 2018.

SECTION 2. Consolidated Election. Pursuant to Elections Code 1301, the City hereby requests the County of Los Angeles ("County") approve consolidation of the City's November City Council election with the statewide general election conducted by the County in November of each even-numbered year beginning in November 2018.

SECTION 3. Extension of Terms of Office. Pursuant to Elections Code Section 10403.5, due to the change of election date, the terms of office of those members of the City Council presently serving shall be extended by 12 months (one year) as follows:

A. Those Councilmembers of the City of Agoura Hills whose terms of office would have, prior to the adoption of this Ordinance, expired following the November 2017, general municipal election shall, instead, continue in their offices until certifications of the results and administration of the oaths of office after the November 2018 general municipal election of the City of Agoura Hills.

B. Those Councilmembers of the City of Agoura Hills whose terms of office would have, prior to the adoption of this Ordinance, expired following the November 2019, general municipal election shall, instead, continue in their offices until certifications of the results and administration of the oaths of office after the November 2020 general municipal election of the City of Agoura Hills.

SECTION 4. Effective Date. Pursuant to Elections Code Sections 1301 and 10403.5, this Ordinance shall not become operative until approved by the County of Los Angeles Board of Supervisors.

SECTION 5. Notice to Voters. Pursuant to Elections Code Section 10403.5(e), within 30 days after the Ordinance becomes operative, the City Elections Official shall cause a notice to be mailed to all registered voters, within the City of Agoura Hills, informing the voters of the change in the election date and the extended terms of the current elected City Councilmembers.

SECTION 6. Cancellation of 2017 Election Date. The adoption of this Ordinance shall cancel the November 7, 2017, general municipal election and set the next general municipal election of the City of Agoura Hills on November 6, 2018, and each election, thereafter, shall be in consolidation with the County of Los Angeles statewide elections held on the first Tuesday after the first Monday in November of even-numbered years.

SECTION 7. Repeal Ordinance No. 70. The adoption of this Ordinance hereby repeals Ordinance No. 70, which established a general municipal election date on the first Tuesday after the first Monday in November of each odd-numbered year.

SECTION 8. The City Clerk is hereby directed to:

A. Certify to the passage and adoption of this Ordinance and cause the same to be published as required by law;

B. Transmit, without delay, a certified copy of this Ordinance to the County of Los Angeles Elections Division and to the Clerk of the Board of Supervisors of the County of Los Angeles, together with the request that said Board approve this Ordinance and provide the City with notice of such approval;

C. Within thirty (30) days after approval of this Ordinance by the Board of Supervisors of the County of Los Angeles, cause a notice to be mailed to all registered voters in the City of Agoura Hills informing them of the change in the general municipal election date and the extended terms of the current elected City Councilmembers.

PASSED, APPROVED AND ADOPTED this ____ day of August, 2016, by the following vote to wit:

AYES: (0)
NOES: (0)
ABSENT: (0)
ABSTAIN: (0)

Harry Schwarz, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney