

PROPOSED ORDINANCE NO. 2021-04

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 EVEN-NUMBERED YEARS TO THE STATEWIDE AND PRESIDENTIAL GENERAL ELECTION, COMMENCING WITH THE NOVEMBER, 2022 ELECTION

WHEREAS, in November 2017, the City changed the date of its March general municipal elections from odd-number-years to even-number-years, following the passage of Senate Bill 415 (SB 415), the California Voter Participation Rights Act (“Act”); and

WHEREAS, SB 415 amended the Election Code pertaining to municipal election dates and required cities that held stand-alone municipal elections on “non concurrent” dates (e.g., March of odd-numbered years) to eventually change their elections dates to coincide with statewide election dates, unless voter turnout rates for past standalone elections fall below certain thresholds set forth in the Act; and

WHEREAS, as a result the City amended its municipal code to coincide with the statewide election held on the first Tuesday after the first Monday of March of even numbered years to be in compliance with SB 415; and

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 even-numbered year; and

WHEREAS, subsequent to the passage of SB 415, the legislature adopted Senate Bill 970 (SB 970), which was signed by Governor Newsom on September 18, 2020 and became operative on January 1, 2021, and

WHEREAS, SB 970 moved the March statewide primary to June in non-presidential years, while keeping the March date for presidential election years; and

WHEREAS, as a result there is no March 2022 statewide election and the statewide primary is set forth for June 7, 2022; and

WHEREAS, in 2024, the statewide primary reverts back to March, and in 2026, the primary would be held in June; and

WHEREAS, it is the intent of the City Council to amend the municipal code to be in compliance with SB 415 and SB 970; and

WHEREAS, it is also the intent of the City Council to amend the municipal code to state the general municipal election would be held on the same date as the statewide and Presidential general elections.

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:

“Sec. 2-1. – General municipal election.

- (a) Pursuant to California Elections Code §§ *1301(b) and 14050-14057*, and commencing *with the ~~March 3, 2020~~ November, 2022 election*, the date of the general municipal election *shall be* moved from the *first Tuesday after the first Monday in March* of each *even*-numbered year to the first Tuesday after the first Monday in a Statewide and Presidential General Elections of *even*-numbered year. *The March 8, 2022 election is hereby cancelled.*
- (b) *Pursuant to California Elections Code §10403.5(b), all Azusa elected officials whose terms of office are scheduled to expire in March, 2022 shall have their terms of office extended to November, 2022, or until their successors are elected and have been qualified. All Azusa elected officials whose terms of office are scheduled to expire in March, 2024 shall have their terms of office extended to November, 2024, or until their successors elected and have been qualified. Officials elected to new terms in November, 2022, and in all future elections shall serve four-year terms.*
- (c) *Special elections called for the purpose of filing 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.*
- (d) 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 6. 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.

ORDINANCE WAS INTRODUCED AND PLACED UPON ITS FIRST READING ON JULY 19, 2021, by the following vote of the Council:

AYES: COUNCILMEMBERS: GONZALES, ALVAREZ, AVILA, MENDEZ
NOES: COUNCILMEMBERS: MACIAS
ABSENT: COUNCILMEMBERS: NONE

Second reading and adoption to be considered by the Azusa City Council at the Regular Scheduled Meeting of August 16, 2021.

“THIS PUBLICATION IS A TITLE OF THE ORDINANCE, AND IT IS AVAILABLE IN ITS ENTIRETY FOR REVIEW IN THE OFFICE OF THE CITY CLERK, CITY OF AZUSA, 213 E. FOOTHILL BLVD., AZUSA CA, (626) 812-5271, AND ON THE CITY OF AZUSA WEB PAGE <http://www.ci.azusa.ca.us>”

/s/ Jeffrey Lawrence Cornejo, Jr., City Clerk

Published in the San Gabriel Valley Tribune: August 5, 2021