

**CITY OF PALMDALE
COUNTY OF LOS ANGELES, CALIFORNIA
ORDINANCE NO. 1470**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE, CALIFORNIA REPEALING ORDINANCE NO. 1369 AND ADDING A NEW CHAPTER 4.01 "MUNICIPAL ELECTION DATES" TO TITLE 4 "MUNICIPAL ELECTIONS" OF THE PALMDALE MUNICIPAL CODE 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 FOLLOWING THE FIRST MONDAY IN NOVEMBER OF EVEN NUMBERED YEARS BEGINNING IN NOVEMBER OF 2016 AND ADJUSTING THE TERMS OF OFFICE OF SITTING COUNCIL MEMBERS

WHEREAS, the City's general municipal elections are currently held on the second Tuesday following the first Monday in November of odd-numbered years; and

WHEREAS, Elections Code sections 1301 and 10403.5 authorize the City to reschedule its general municipal election to the day of a statewide general election; and

WHEREAS, the City was sued in April of 2012 in the Los Angeles County Superior Court in a case alleging that the City was in violation of the California Voting Rights Act of 2001 (CVRA) by, among other things, maintaining an "at-large" system for electing members of the City Council ("Lawsuit"); and

WHEREAS, the City denied all the material substantive allegations of the complaint and denied any liability thereunder or that the plaintiffs were entitled to relief under the CVRA; and

WHEREAS, the Lawsuit was tried in the Los Angeles County Superior Court where the trial court issued a Statement of Decision that found the City liable for violation of the CVRA and subsequently determined the remedies for the violation and granted the plaintiffs, as the prevailing party, a substantial award of attorney fees; and

WHEREAS, the Lawsuit and attorney fee award were appealed to the California Court of Appeals and California Supreme Court, which respectively, ruled in favor of plaintiffs and or denied to hear the matter. The plaintiffs similarly filed for an award of attorney fees, which, when granted, was likewise the subject of appeal, and

WHEREAS, to avoid the further expenditure of public funds and further protracted litigation and based on a desire to achieve finality and certainty on issues of public importance relating to the system of election for members of the City Council and the City's electoral process, the City entered into a Settlement Agreement with plaintiff's upon the Trial Court's Order which provides the mayor to be elected at-large and the

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four council members to be elected by districts as specifically delineated in the Settlement Agreement and Order; and

WHEREAS, the Settlement Agreement and Order further requires, among other things, that the City change the date of its general municipal elections from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday of November in even-numbered years, and

WHEREAS, the City wishes to consolidate its elections with the statewide general election conducted by Los Angeles County on the first Tuesday after the first Monday in November of even-numbered years (beginning in 2016), but in the event that the Los Angeles County Board of Supervisors does not permit the City to consolidate its elections then the City wishes to nonetheless hold its elections concurrently with the statewide general election; and

WHEREAS, the Settlement Agreement requires that the City seek permission from the County to alternatively operate the November (even-numbered year) City Council election as a concurrent election, but not consolidated election if the ballot style, voting equipment, or computer capability of the County is such that the additional City elections or materials cannot be handled, and

WHEREAS, in connection with any future November (even-numbered year) election, Los Angeles County may approve the consolidation of the City Council election with the statewide general election, in which event the City Council election will be consolidated with the County election, and

WHEREAS, the Settlement Agreement further provides that the term of the incumbent mayor and City Council members who would otherwise be up for election in November 2015 shall be extended to the date in December 2016 when Council Members elected in November of 2016 take office.

THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Change of Election Day. Pursuant to sections 1301 and 10403.5 of the California Elections Code, the day of the general municipal election in the City of Palmdale, California is moved 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

SECTION 2. Concurrent or Consolidated Election. Pursuant to section 1301 of the California Elections Code, the City hereby requests that the County of Los Angeles 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. If

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the County denies the City's request for consolidation, the City alternatively requests that, pursuant to section 1301 of the Elections Code, the County permit the City to conduct its election concurrently with future statewide general elections (employing a separate ballot from that of the County) unless and until such time as Los Angeles County approves the consolidation of the City Council election with the statewide general election, in which case the City Council election will be consolidated with the County election.

SECTION 3. Adjustment of Terms of Office. In accordance with sections 1301 and 10403.5(d) of the California Elections Code, the Settlement Agreement and the Court's order, and because of the change of election date, the terms of office of those members of the City Council presently serving whose terms would previously have expired in November of 2013 or those whose terms would expire in November 2015, shall instead, continue in their offices until certification of the results and administration of oaths of office after the November 2016 general municipal election.

SECTION 4. Notice to Voters. If the Los Angeles County Board of Supervisors approves this ordinance, the City elections official shall cause a notice to be mailed to registered voters within the City of Palmdale as required by Elections Code section 10403.5 (e).

SECTION 5. Environmental Review. The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c) (2) and 15061(c) (3), i.e. respectively, that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and it does not have the potential to cause a significant effect on the environment (CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3).

SECTION 6. Effective Date. Pursuant to Elections Code sections 1301 and 10403.5, this ordinance shall not become effective until approved by the Los Angeles County Board of Supervisors ("Effective Date"). Within 30 days of the Effective Date, the City Clerk shall cause a notice to be mailed to all voters of the City informing them of the change in the Election Day.

SECTION 7. Date for the First City Council Election in November of Even-Numbered Years. The first City Council election to be held in November of even-numbered years shall be November 2016 or the first Council election that is at least one year after Los Angeles County allows the City Council elections to be changed from November of odd-numbered years to November of even-numbered years, whichever is later.

SECTION 8. Settlement of Lawsuit and Compliance with Los Angeles County Superior Court Order. This ordinance is being considered pursuant to a negotiated settlement of a Lawsuit which settlement was approved and ordered by the Los Angeles County Superior Court and the California Court of Appeals.

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SECTION 9. Publication and Notice to County. The City Clerk shall certify to the passage and adoption of this ordinance, cause the same to be published according to law, and forward a copy of it to the Los Angeles County Board of Supervisors requesting approval by Board resolution.

SECTION 10. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

PASSED, APPROVED and ADOPTED this 1st day of July 2015 effective on the approval by the Los Angeles County Board of Supervisors, by the following vote of the Palmdale City Council:

AYES: _____

NOES: _____

ABSTAIN: _____ ABSENT: _____

James C. Ledford, Jr., Mayor

ATTEST:

Rebecca J. Smith
City Clerk

APPROVED AS TO FORM:



Wm. Matthew Ditzhazy
City Attorney