



CITY OF CERRITOSSM

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AGENDA REPORT

TO: Honorable Mayor and Members of the City Council

FROM: Vida Barone, City Clerk/Elections Official *VB*
Bill Ihrke, City Attorney *W for BI*

INITIATED BY: Cynthia Nava, Assistant City Clerk/Elections Official *WN*

DATE: April 10, 2023

SUBJECT: **REVIEW AND CONSIDERATION TO WAIVE FULL READING OF AND INTRODUCE AN ORDINANCE OF THE CITY OF CERRITOS, CALIFORNIA ESTABLISHING THE CITY'S GENERAL MUNICIPAL ELECTION DATE AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH ODD-NUMBERED YEAR AND REPEALING ORDINANCE NO. 1036**

BACKGROUND

The Cerritos City Charter (Cerritos Charter) provides for the establishment of the City's general municipal election date by ordinance of the City Council, limited to the dates established by State law for municipal elections (Cerritos Charter, art. VIII, § 800; Elec. Code § 1301(a).)

The City's current established election date is the second Tuesday of April in even-numbered years pursuant to Ordinance No. 1036, adopted on October 28, 2021. The City conducted its own general municipal election subsequent to the adoption of Ordinance No. 1036 on Tuesday, April 12, 2022. The City's next general municipal election is currently scheduled for Tuesday, April 9, 2024.

At their Thursday, July 28, 2022 meeting, pursuant to consensus direction given at their April 28, 2022 meeting, the City Council reviewed and considered a publicly noticed report regarding the potential impacts to the conduct of the City's upcoming Tuesday, April 9, 2024 general municipal election (election). Significant operational and legal challenges were anticipated due to the election's close proximity to the California presidential primary scheduled for March 5, 2024 and to the presidential primary every four (4) even-numbered years thereafter.

Legally compliant options to address the date proximity challenges were presented in the publicly noticed July 28, 2022 meeting agenda and report. After receiving the staff report and presentation at the meeting, the City Council opened the floor for public participation where there were no written or in-person public comments submitted for the record. After discussion and deliberation, the City Council voted to address the election date proximity matter by initiating actions which would establish the City's general municipal election date as the first Tuesday after the first Monday in March of odd-numbered years, commencing in

2025. The motion and vote is excerpted below from the July 28, 2022 meeting minutes (Exhibit 2):

MOTION: It was moved by Barrows, and seconded by Solanki, to direct staff to schedule, no earlier than the second regular City Council meeting in March 2023, the publicly noticed review and consideration of introduction, and subsequent publicly noticed adoption, of an ordinance to establish the City's general municipal election date as the first Tuesday after the first Monday in March of odd-numbered years and conduct the City's next general municipal election on Tuesday, March 4, 2025 (COUNCIL).

The motion carried (3 - 2) as follows:

AYES: Solanki, Barrows, Vo
NOES: Johnson, Yokoyama
ABSENT: None
ABSTAIN: None

Public Notice Information

The date to publicly present the proposed subject ordinance to the City Council was selected to ensure the City's next general municipal election would be held in March 2025, and not March 2023. As such, it was determined the adoption of the ordinance would be scheduled to be presented to the City Council at their scheduled Thursday, April 27, 2023 regular meeting. This date was the earliest regular meeting date after which all mandated election activities for a March 2023 election would have been completed and seating of new City Council members would have occurred (April 12, 2023). In compliance with ordinance adoption public noticing provisions, introduction of a proposed ordinance must be scheduled at either a special or regular meeting at least five (5) days prior to the scheduled ordinance adoption date. Accordingly, the introduction was scheduled for the Thursday, March 23, 2023 meeting with the Monday, April 10, 2023 meeting serving as a back-up date should any unforeseen meeting date conflicts occur.

Due to a City-related business conference conflict which occurred after the July 28, 2022 City Council meeting, the Thursday, March 23, 2023 City Council meeting was canceled pursuant to City Council action at their January 12, 2023 meeting. The cancellation of the March 23, 2023 meeting was reconfirmed via an additional public agenda report presented on February 23, 2023. All March 23, 2023 business items were rescheduled to the next City Council business meeting date (Monday, April 10, 2023, 7:00 p.m.).

The required meeting notice agenda materials and instructions for public participation for the Monday, April 10, 2023, 7:00 p.m. City Council/Successor Agency Special Meeting were publicly available and noticed on Wednesday, April 5, 2023 in accordance with City Council Resolution No. 2022-20, exceeding the deadlines mandated by the California Brown Act open meeting law. The meeting notice and agenda report materials were distributed to the City Council and City staff, posted on the City's website, and available in hard copy format at the Office of the City Clerk/Treasurer. The required meeting notice agenda was posted at designated City posting locations. Additionally, a notification which provides a direct link to the meeting agenda and materials was emailed through the City's GovDelivery system to over 1,100 subscribers.

Once a proposed ordinance is introduced through City Council majority action, additional public noticing provisions are undertaken prior to final adoption of the ordinance. A public notice of proposed ordinance adoption, including a summary of the proposed ordinance, is

published in the adjudicated newspaper and posted at the City's designated posting locations at least five (5) days prior to a scheduled proposed ordinance adoption. Consistent with City practice, the public notice of the proposed subject ordinance adoption presented herein will be published and posted to coincide with the agenda posting deadline for the Thursday, April 27, 2023 City Council Regular meeting, exceeding the minimum five (5) day legal requirement. The proposed subject ordinance was made available on the City's website and in the Office of the City Clerk/Treasurer as of April 5, 2023 and will remain publicly available throughout the ordinance and introduction process and archived with official agenda materials. All other meeting agenda and public noticing processes conducted for the proposed ordinance introduction mentioned previously in this report will also occur for the proposed ordinance adoption.

Upon City Council adoption of an ordinance by majority action, the public notice of ordinance adoption, including certification of the vote, will be published in the adjudicated newspaper and posted at the City's designated posting locations within fifteen (15) days of the date of ordinance adoption. Additionally, within 30 days of ordinance adoption, all Cerritos registered voters will receive notification of the election date change and any adjustment in the length of incumbent Councilmembers' terms of office (Cerritos Charter, art. VIII, § 802; Elec. Code, § 10403.5(e).)

Presentation of Proposed Subject Ordinance

As directed by City Council majority action on July 28, 2022, the proposed subject ordinance establishing the City's general municipal election date as the first Tuesday after the first Monday in March of odd-numbered years is presented herein for City Council review, consideration, and introduction (Exhibit 1). The proposed subject ordinance is captioned, as follows:

AN ORDINANCE OF THE CITY OF CERRITOS, CALIFORNIA ESTABLISHING THE CITY'S GENERAL MUNICIPAL ELECTION DATE AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH ODD-NUMBERED YEAR AND REPEALING ORDINANCE NO. 1036

FINDINGS

The Cerritos City Charter (Cerritos Charter) provides for the establishment of the City's general municipal election date by ordinance of the City Council, limited to the dates established by State law for municipal elections (Cerritos Charter, art. VIII, § 800; Elec. Code § 1301(a).) The City may also change its established election date by ordinance if at least one (1) election has been conducted subsequent to an election date change (Cerritos Charter, art. VIII, § 802; Elec. Code, § 1301(d).). The Cerritos Charter concurrently provides for a maximum 12-month adjustment in Councilmember terms of office to accommodate a change in the established general municipal election date (Cerritos Charter, art. VIII, § 800).

The City's current established election date is the second Tuesday of April in even-numbered years pursuant to Ordinance No. 1036, adopted on October 28, 2021. As the City has conducted at least one (1) election pursuant to Ordinance No. 1036 it is legally permitted to adopt an ordinance establishing a new election date. The City conducted its own general municipal election pursuant to Ordinance No. 1036 on Tuesday, April 12, 2022.

Adoption of the proposed subject ordinance presented herein would establish the City's general municipal election date as the first Tuesday after the first Monday in March of odd-

numbered years. The City's next general municipal election would be conducted on Tuesday, March 4, 2025. The establishment of the new general municipal election date will result in a legally permitted extension of the current incumbent Councilmembers' terms of office by approximately twelve (12) months. Pursuant to the City's Charter, election-related ordinances take effect upon adoption (Cerritos Charter, art. IV, § 415(a)). All Cerritos registered voters will receive notification of the election date change and approximate 12-month adjustment in the length of incumbent Councilmembers' terms of office (Cerritos Charter, art. VIII, § 802; Elec. Code, § 10403.5(e).) within 30 days of ordinance adoption.

Should the City Council elect not to change its established election date by adoption of the proposed subject ordinance, Ordinance No. 1036 would remain in effect and the City's next general municipal election would be conducted on Tuesday, April 9, 2024. Budget requests related to the conduct of the 2024 general municipal election would be then presented to the City Council during their Fiscal Year 2023-24 City budget study sessions.

FINANCIAL IMPACTS

There are financial impacts which will result from City Council adoption of an ordinance establishing the City's general municipal election date as the first Tuesday after the first Monday in March of odd-numbered years, commencing with the Tuesday, March 4, 2025 election.

Fiscal Year 2022-23 approved City budget

The costs related to the public noticing and codification of ordinances are already included in each year's approved budget, including that for Fiscal Year 2022-23. The costs related to the mandated written notification of the election date change to Cerritos registered voters have not been included in Fiscal Year 2022-23 and would require a City Council-directed budget amendment to appropriate funding from the General Fund reserve. The cost is estimated conservatively at \$15,000 based upon the most recent date change notification mailing conducted in 2021 and in light of recent supply chain issues related to paper products.

Fiscal Year 2023-24 and 2024-25 City budget

If the proposed subject ordinance is adopted, City staff would also immediately commence advance planning and negotiations with State-certified election vendors, consultants, and other providers to reserve services, equipment, paper, and other supplies necessary to conduct the election on Tuesday, March 4, 2025. The additional time to conduct advance planning and negotiations could provide opportunities to realize additional cost savings to those anticipated by deferring the next election to March 2025. Accordingly, City staff will present any necessary election-related funding, necessary security upgrade projects, and agreement requests as part of the scheduled City Council Fiscal Year 2023-24 and Fiscal Year 2024-25 budget study sessions.

Should the City Council elect not to change its established election date by adoption of the proposed subject ordinance, Ordinance No. 1036 would remain in effect and the City's next general municipal election would be conducted on Tuesday, April 9, 2024. Accordingly, staff would immediately commence advance planning and negotiations with State-certified election vendors, consultants, and other providers to reserve services, equipment, paper, and other supplies necessary to conduct the election. The necessary election-related funding, security upgrade projects, and agreement requests will be presented as part of the scheduled City Council Fiscal Year 2023-24 budget study sessions.

CONCLUSION

As directed by majority action taken at their July 28, 2022 meeting, a proposed ordinance is presented to the City Council for their review, consideration, and introduction, captioned as follows:

AN ORDINANCE OF THE CITY OF CERRITOS, CALIFORNIA ESTABLISHING THE CITY'S GENERAL MUNICIPAL ELECTION DATE AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH ODD-NUMBERED YEAR AND REPEALING ORDINANCE NO. 1036

RECOMMENDATION

It is staff's recommendation that the City Council:

1. Receive the information provided in this report and public comment; and
2. Waive full reading of and introduce AN ORDINANCE OF THE CITY OF CERRITOS, CALIFORNIA ESTABLISHING THE CITY'S GENERAL MUNICIPAL ELECTION DATE AS THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH ODD-NUMBERED YEAR AND REPEALING ORDINANCE NO. 1036; and
3. Direct the City Clerk to place City Council review and consideration of waiver of full reading and adoption of the subject ordinance on the agenda for the Thursday, April 27, 2023, 7:00 p.m. City Council Regular Meeting, pursuant to Cerritos Charter, art. IV, § 412; and, upon subsequent adoption, the City Council additionally:
 - a. Authorize an amendment to the Fiscal Year 2022-23 adopted budget in the amount of approximately \$15,000 from the General Fund reserve to the Office of the City Clerk election expense account to fund costs related to the mandated written notification to Cerritos voters regarding the election date change; and
 - b. Direct the City Clerk, serving as the City's Elections Official, to commence advance planning and negotiations with State-certified election vendors, consultants, and other providers to reserve services, equipment, paper, and other supplies necessary to conduct the election and present any necessary election-related funding, security upgrade projects, and agreement requests as part of the scheduled City Council Fiscal Year 2023-24 and Fiscal Year 2024-25 budget study sessions; or
4. Provide alternative direction to City staff.

Exhibit List

1. Proposed election date change ordinance
2. Minutes excerpt from the July 28, 2022 City Council Regular Meeting

CITY OF CERRITOS
ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF CERRITOS, CALIFORNIA
ESTABLISHING THE CITY'S GENERAL MUNICIPAL ELECTION DATE AS
THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EACH
ODD-NUMBERED YEAR AND REPEALING ORDINANCE NO. 1036**

WHEREAS, the City's General Municipal Election is currently scheduled for the second Tuesday in April of even-numbered years pursuant to Ordinance No. 1036; and

WHEREAS, the Charter of the City of Cerritos and California Elections Code Sections 1301 and 10403.5 authorize the City to reschedule its General Municipal Election as necessary; and

WHEREAS, the Charter of the City of Cerritos authorizes the City Council to adopt by ordinance the procedures for holding elections so far as they are not in conflict with the Charter; and

WHEREAS, to facilitate the safe, secure, efficient, and transparent conduct of its future Charter City elections, the City may conduct its elections utilizing any methods provided for in the California Elections Code, inclusive of vote center, polling place, all-mailed ballot, and all other methods as provided by State law, notwithstanding the limitations of California Elections Code Section 4000 et seq., as authorized from time-to-time by City Council resolution; and

THE CITY COUNCIL OF THE CITY OF CERRITOS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Pursuant to the Charter of the City of Cerritos and California Elections Code Sections 1301 and 10403.5, the date of the General Municipal Election of the City of Cerritos is established as the first Tuesday after the first Monday in March of odd-numbered years.

SECTION 2. In accordance with the change of election date, the terms of office of those members of the City Council presently serving shall be extended for a period consistent with the Charter of the City of Cerritos.

SECTION 3. Section 2.40.010 of the Cerritos Municipal Code is hereby amended to read as follows:

Section 2.40.010 Date of General Municipal Elections

General municipal elections shall be held on the first Tuesday after the first Monday in March of each odd-numbered year.

SECTION 4. The next general municipal election to be held in the City of Cerritos, following the adoption of this ordinance, shall be scheduled for March 4, 2025.

SECTION 5. Ordinance 1036 is hereby repealed.

SECTION 6. The City Clerk and authorized designee(s) are hereby authorized to oversee and conduct the City of Cerritos General Municipal Election in accordance with the Charter of the City of Cerritos and applicable laws and regulations.

SECTION 7. The City Clerk shall certify to the passage of this ordinance and cause same to be posted as required.

PASSED, APPROVED AND ADOPTED this ____ day of April, 2023.

Chuong Vo, Mayor

ATTEST:

Vida Barone, City Clerk

MINUTES EXCERPT

Thursday, July 28, 2022, 7:00 p.m. City Council Regular Meeting

9B. Review and consideration of impacts to the City’s future general municipal elections due to legislative changes in the dates established for municipal elections by State law (Senate Bill 970) (COUNCIL).

Staff reports were given by Vida Barone, City Clerk/Treasurer and Bill Ihrke, City Attorney. A PowerPoint presentation was displayed.

The Mayor opened the public comments period. Noting there were no individuals who elected to provide public comment, the Mayor declared the public comments period closed.

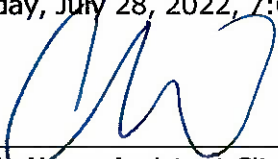
MOTION: It was moved by Barrows, and seconded by Solanki, to direct staff to schedule, no earlier than the second regular City Council meeting in March 2023, the publicly noticed review and consideration of introduction, and subsequent publicly noticed adoption, of an ordinance to establish the City’s general municipal election date as the first Tuesday after the first Monday in March of odd-numbered years and conduct the City’s next general municipal election on Tuesday, March 4, 2025 (COUNCIL).

The motion carried (3 – 2) as follows:

AYES: Solanki, Barrows, Vo
NOES: Johnson, Yokoyama
ABSENT: None
ABSTAIN: None

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF CERRITOS)

I, Cynthia Nava, Assistant City Clerk of Cerritos, California, do hereby certify that the foregoing action is a true and correct reflection of the action taken by the City Council of the City of Cerritos at their Thursday, July 28, 2022, 7:00 p.m. City Council Regular Meeting.



Cynthia Nava, Assistant City Clerk

Dated: April 5, 2023