



# CITY COUNCIL AGENDA REPORT



**DEPARTMENT:** City Attorney

**MEETING DATE:** April 6, 2021

**PREPARED BY:** Craig Steele, City Attorney

**AGENDA LOCATION:** AR-1

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**TITLE:** Amendment to Title 2, Chapters 2.08 and 2.20, of the Monrovia Municipal Code Changing the General Municipal Election Date to the Date of the Statewide Primary Election in Even-Numbered Years Beginning in 2022; Adoption of Ordinance No. 2021-04

**OBJECTIVE:** To adopt an ordinance amending the municipal code to be consistent with changes to the date of California statewide primary elections beginning in 2022 as a result of SB 970

**BACKGROUND:** In November of 2017, the City Council adopted Ordinance No. 2017-08 to change Monrovia's General Municipal Election to coincide with March statewide primary elections in even-numbered years beginning in 2020, as required by SB 415. Subsequently, the Legislature adopted SB 970, which changed the date of the statewide primary election to different dates, depending on whether the primary election is held in a presidential election year or not. Under SB 970, starting in 2022 the statewide primary election will be held in June of the years **without** a presidential election, and March of the years **with** a presidential election. The Legislature's intent is to prioritize the importance of California's votes in presidential primaries. Unfortunately, the Legislature seemingly did not consider the effect of SB 970 on local elections, many of which are scheduled on the statewide primary date under a law the Legislature previously adopted.

Ordinance 2017-08 scheduled the City's General Municipal Election date on a specific Tuesday in March, which was consistent with the law in 2017. Now, however, the General Municipal Election cannot be held in March in non-presidential years like 2022 because the statewide primary election will be in June. The most significant change proposed by this ordinance would be to designate the City's General Municipal Election date as the "statewide primary election" date of each even numbered year. The effect of this change would be that the City's elections would be held in March of 2022, June of 2024, and accordingly thereafter. We also must recognize the possibility that the Legislature could make additional changes to these dates in future years, so it is better to leave the election date generic.

**ANALYSIS:** The unique situation that arises from the Legislature's action to impose variable statewide primary election dates is that the length of the Mayor's term of office, which has been two years according to the Municipal Code, will vary from term to term. The Mayor elected in March of 2020 would serve through the election in June of 2022. The Mayor elected in June of 2022 would then serve through the election in March of 2024, with future terms varying accordingly. Similarly, some councilmembers would be elected in June going forward, and the others in March because councilmembers serve four year terms.

By Section numbers, the proposed changes in this ordinance are summarized as follows:

Section 1: Changes the City's General Municipal Election date to the date of the statewide primary election date each even numbered year.

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Section 2: Changes Section 2.08.010 of the Municipal Code to provide that the Mayor would be elected each even numbered year at the General Municipal Election, whether in March or June. This Section also eliminates masculine pronouns.

Section 3: Allows for terms that were set to expire following the March 2022 election to be extended until after the General Municipal Election in June of 2022. The City anticipates that current SB 570, which permits this extension that only occurred due to action of the Legislature, will pass and become effective on January 1, 2022.

Section 4: Acknowledges that future election dates could be changed by future, unpredictable actions of the Legislature.

Section 5: Repeals an unnecessary provision of the Municipal Code that established staggered terms when the elected Mayor provision was first created. Councilmembers' terms are staggered now so that more than a majority of terms will not expire in any given year.

Section 6. Provides that the ordinance takes effect immediately and upon approval by the Board of Supervisors.

**FISCAL IMPACT:** Once the ordinance takes effect, the City must mail notice of the date change to all registered voters. Staff estimates that mailing will cost approximately \$8,500.00 based on an estimate from the County. If these changes are **not** adopted, the City will be forced to find a way to conduct a stand-alone election in March of 2022, at substantially higher cost and, potentially, in violation of SB 415.

**RECOMMENDATION:** Staff recommends that the City Council introduce, waive further reading, and read the ordinance by title only.

**COUNCIL ACTION REQUIRED:** If the City Council concurs, the appropriate action would be a motion to introduce, waive further reading, and read by title only Ordinance No. 2021-04.

**ORDINANCE NO. 2021-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONROVIA, CALIFORNIA, AMENDING TITLE 2 OF THE MONROVIA MUNICIPAL CODE TO CHANGE THE DATE OF THE CITY'S GENERAL MUNICIPAL ELECTION FROM THE FIRST TUESDAY AFTER THE FIRST MONDAY IN MARCH OF EVEN-NUMBERED YEARS TO THE DATE OF THE STATEWIDE PRIMARY ELECTION IN EVEN-NUMBERED YEARS IN RESPONSE TO SB 970, AND ADJUSTING TERMS IN OFFICE ACCORDINGLY**

**WHEREAS**, the City of Monrovia was required under Senate Bill 415, which is also known as the California Voter Participation Rights Act (Elections Code Sections 14050-14057), to change the date of the City's General Municipal Election to coincide with statewide election dates no later than the November 8, 2022, statewide general election.

**WHEREAS**, in November 2017, the Monrovia City Council complied with Senate Bill 415 by adopting Ordinance No. 2017-08 to consolidate the General Municipal Election with the statewide primaries to be held in March of even-numbered years beginning in 2020 pursuant to the provisions of the Elections Code.

**WHEREAS**, in September 2020, after the City Council adopted Ordinance 2018-08 as required, the California Legislature passed Senate Bill 970, which changed the date of the statewide primary to the first Tuesday after the first Monday in June of even-numbered years **without** a presidential primary, but kept the date of the statewide primary as the first Tuesday after the first Monday in March of even-numbered years **with** a presidential primary.

**WHEREAS**, the Monrovia City Council will remain in compliance with Senate Bill 415 by changing the date of the General Municipal Election to the date of the statewide primary election of each even-numbered year, although this will result in a different election date depending on the year.

**WHEREAS**, by changing the date of the General Municipal Election to the date of the statewide primary election to align with the California Legislature's recent amendments to the date of the statewide primary, it is necessary to extend the terms of incumbents that would have been scheduled for election in March 2022. The Legislature is currently considering SB 590, which would authorize the extension of these terms. The City Council supports SB 590 as a necessary legislative "fix" to a situation the Legislature created.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONROVIA DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Section 2.20.010 of Chapter 2.20 of Title 2 of the Monrovia Municipal Code is hereby amended to read as follows (text to be added is underlined, text to be deleted is shown in strikethrough):

**“§ 2.20.010 DATE OF GENERAL MUNICIPAL ELECTION.**

Pursuant to Elections Code § 1301(b) and Elections Code Section 14052, the General Municipal Election shall be held on the date of the statewide primary election in each even-numbered year. ~~the first Tuesday after the first Monday in March of each even-numbered year beginning in 2020.~~

**Section 2.** Section 2.08.010 of Chapter 2.08 of Title 2 of the Monrovia Municipal Code is hereby amended to read as follows (text to be added is underlined, text to be deleted is shown in strikethrough):

**“§ 2.08.010 ELECTION—TERM OF OFFICE.**

The office of the Mayor is hereby created and established. The Mayor shall be elected by the voters of the City at each General Municipal Election. ~~At the next succeeding general municipal election held in the city following the passage of this provision one of the offices of City Councilmember, to be filled at such election, shall be designated as the office of Mayor, to be filled at such election.~~ The person elected at such election as Mayor shall hold office from the date the election results are certified and they are seated for two years from the Tuesday succeeding his election, and until his their successor is elected and qualifies.”

Section 2.20.030 of Chapter 2.20 of Title 2 of the Monrovia Municipal Code is hereby amended to read as follows (text to be added is underlined, text to be deleted is shown in strikethrough):

**“§ 2.20.030 EXTENSION OF INCUMBENTS’ TERMS.**

Those terms of office that would have been scheduled for election in March 2022 ~~April 2019~~ are extended to be scheduled for election on the date of the statewide primary election on the first Tuesday after the first Monday in June 2022. ~~first Tuesday after the first Monday in March 2020.~~ Those terms of office that would have been scheduled for election in ~~April 2021~~ are extended to be scheduled for election on the first Tuesday after the first Monday in ~~March 2022.~~”

**Section 3.** Section 2.20.040 of Chapter 2.20 of Title 2 the Monrovia Municipal Code is hereby amended to read as follows (text to be added is underlined, text to be deleted is shown in strikethrough):

**“§ 2.20.040 CHANGE IN DATE OF FUTURE GENERAL MUNICIPAL ELECTION.**

The date for holding General Municipal elections may not be changed until at least one election has been held on the new date, unless required to be changed by future action of the California Legislature.”

**Section 4.** Section 2.08.040 of Chapter 2.08 of Title 2 of the Monrovia Municipal Code regarding the designation of one office as a shorter term is hereby repealed and reserved.

**Section 5.** As an ordinance relating to an election, this ordinance shall take effect immediately upon adoption and following its approval by the Los Angeles County Board of Supervisors. The City Clerk shall certify to the adoption of this ordinance and transmit a

certified copy of the ordinance to the Clerk of the Los Angeles County Board of Supervisors with a request for approval forthwith, and shall give such notice to the voters as is required by law. It is the intent of the City Council that this change of election date shall be effective for the General Municipal Election that was originally scheduled for the first Tuesday after the first Monday of March 2022.

**INTRODUCED** this 6th day of April, 2021.

**PASSED, APPROVED, AND ADOPTED** this 20th day of April, 2021.

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Tom Adams, Mayor  
City of Monrovia

ATTEST:

APPROVED AS TO FORM:

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Alice D. Atkins, CMC  
City of Monrovia

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Craig Steele, City Attorney  
City of Monrovia