

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, AMENDING SECTION 2.04.060 ("CHANGE OF ELECTION DAY") OF ARTICLE II ("ELECTIONS") OF CHAPTER 2.04 ("CITY COUNCIL") OF THE DESERT HOT SPRINGS MUNICIPAL CODE RELATING TO MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-NUMBERED YEAR, WHICH GENERAL ELECTION SHALL COMMENCE NOVEMBER OF 2018

WHEREAS, the City of Desert Hot Springs' ("City") general municipal elections are now held in the month of November of alternating odd-numbered years to coincide with the uniform district elections to elect one (1) Mayor, four (4) members of City Council (hereinafter "City Officers"); and

WHEREAS, Senate Bill 415 "Voter Participation" ("SB 415") prohibits local governments, beginning January 1, 2018, from holding an election on any date other than a statewide election date if doing so has resulted in voter turnout being at least 25% below the average turnout in that jurisdiction in the previous four statewide general elections, except as specified; and

WHEREAS, in accordance with SB 415, the City has determined that it comply with SB 415 because the City does in fact meet that threshold; and must adopt a transition plan to consolidate its general municipal elections with a statewide election date to occur not later than November 8, 2022; and

WHEREAS, Sections 1301 and 10403.5 of the California Elections Code, authorize the City Council to reschedule its general municipal election and to increase or decrease any terms of office by not more than 12 months; and

WHEREAS, Pursuant to Sections 1000 and 1301 of the California Elections Code, November 2018 the City Council desires to move the City's general municipal election from November of odd-numbered years to the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide general elections, which general election shall commence in November 2018..

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DESERT HOT SPRINGS, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. RECITALS

The above recitals are true and correct and are incorporated as though fully set forth herein.

Section 2. AMENDMENT TO CHAPTER 2.04 OF THE DESERT HOT SPRINGS MUNICIPAL CODE

Section 2.04.060 ("Change of Election Day") of Article II ("Elections") of Chapter 2.04 ("City Council") of the Desert Hot Springs Municipal Code is hereby amended to read:

2.04.060 Change of election day.

Pursuant to California Government Code Section 36503.5, and Sections 1000 and 1301 of the California Elections Code, ~~the City Council has adopted an ordinance to change its election day from the first Tuesday after the first Monday in November of each even-numbered year to the first Tuesday after the first Monday in odd-numbered years~~ the general municipal election of the City of Desert Hot Springs, commencing with the 2018 election, shall be held on the first Tuesday after the first Monday in November of even-numbered years to coincide with statewide general elections; and, further, that such election shall be consolidated with all other elections held throughout the territory on that day.

Section 3. ADJUSTMENT TO TERMS OF OFFICE

In accordance with Sections 1301 and 10403.5 of the California Elections Code, the term of any elected City Officeholder that would have expired in November 2017 and 2019 shall, instead, expire in the same manner, but in November 2018 and November 2020 respectively.

Section 4. CONSOLIDATED ELECTIONS

Pursuant to Section 1301 and 10403.5 of the California Elections Code, the City hereby requests the County of Riverside approve this ordinance and allow for consolidation of the City's general municipal election with the statewide general election conducted by the County in November of each even-numbered year, beginning in November 2018.

Section 5. OPERATIVE DATE

This Ordinance shall become operative upon approval by the Riverside County Board of Supervisors as provided by California Elections Code Sections 1301(b)(1) and 10403(a)(1).

Section 6. NOTICE TO VOTERS

Pursuant to Section 10403.5(e) of the California Elections Code, within 30 days after this Ordinance becomes operative, the City elections official shall cause notice to be mailed to all registered voters informing the voters of the change in the election date made by this Ordinance and that, as a result of the change in election date, the terms of office of City Officeholders will be extended (or reduced) by not more than 12 months.

Section 7. REQUEST TO RIVERSIDE COUNTY

The City Clerk shall forward a copy of this Ordinance to the Riverside County Board of Supervisors with a request that it be approved pursuant to California Elections Code Sections 1301 and 10403.5.

Section 8. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this document be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 9. REPEAL OF CONFLICTING PROVISIONS

All provisions of the Municipal Code as heretofore adopted by the City of Desert Hot Springs that are in conflict with the provisions of this ordinance are hereby repealed.

Section 10. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

PASSED AND ADOPTED by the City Council of the City of Desert Hot Springs at a regular meeting held on the ____ day of _____, 2017, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

[SIGNATURES FOLLOW ON THE NEXT PAGE]

ATTEST:

Jerryl Soriano, CMC, City Clerk

APPROVED:

Scott Matas, Mayor

APPROVED AS TO FORM:

Jennifer A. Mizrahi, City Attorney