



City Council Staff Report

DATE: April 7, 2021

AGENDA ITEM NO: New Business
Agenda Item 5A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: City Council districting – Census data update

RECOMMENDATION:

It is recommended that the City Council consider:

1. Receiving and filing this report; and
2. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In accordance with the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act (Elections Code § 21600-21609), following each decennial federal census, the City Council must adopt a map showing the district boundaries city council offices so that the districts will be substantially equal in population. Certain requirements must be met before the City Council adopts the final district voting map. This includes holding at least four public hearings, good faith effort in engaging in community involvement, maintaining a dedicated webpage for providing redistricting information, and providing translated materials and live translation upon request.

Recent legislation changed the redistricting process. This report is intended to give the City Council an overview of the redistricting process and the timeline affecting the submittal of the new district map. The combination of the when the next regularly scheduled election date and when the City receives the census data will determine the deadline for submitting the new City Council district boundary map.

The U.S. Census Bureau announced on February 12, 2021 that the 2020 Census redistricting data will be released by September 30, 2021. The Statewide Database will require an additional 30 days to adjust the datasets for redistricts. In accordance with Elections Code § 21602, the boundaries of council districts must be adopted not later than 174 days before the City's next regular municipal election. The City Council has not yet decided whether that election will be held in June 2022 or November 2022. The Los Angeles County Registrar Recorder's office's deadline for submittal of new district map is December 9, 2021 for the June 7, 2022 election and May 12, 2022 for the November 8, 2022 election.

BACKGROUND:

In 2019, the City Council adopted a district-based voting system. The first municipal vote based upon that system occurred in March 2021. Following the federal census, districts boundaries must be reviewed and, if necessary, redrawn so that each district is substantially equal in population based upon census data. It is important in ensuring that each City Councilmember represents roughly the same number of constituents. The maps must meet certain requirements and have a less than a 10% deviation in population per district. These requirements include:

District Map Criteria

- Areas geographically contiguous (connected).
- Keeping the geographic integrity by minimizing division of community interest of social and economic interests.
- Areas easily identifiable bonded by natural and artificial barriers, streets and boundaries.
- Encourages geographical compactness where nearby areas of population are not bypassed in favor of more distant populations.
- Do not favor or discriminate against a political party.

Public Hearings

- Hold a minimum of 4 public hearings, 1 pre-draft maps hearing, 2 post-draft maps hearings, and 1 additional pre/post-draft maps hearing.
- Post-draft maps hearings must be held after 21-day (waiting period) after the release of the State-Adjusted census data.
- Hearings must start at a fixed time or after completion of previous agenda item.
- At least 1 hearing must be held after 6 p.m. or in the weekend.

Notices

- Dedicated webpage with explanation of redistricting and public comment process, calendar of hearings, notices and agendas, recordings or written summaries, draft maps considered by the City Council, and adopted map.
- Notices contain date, time and location of hearings and must be posted online 5 days in advance.

Outreach

- Encourage public participation including a good faith effort to provide information to local media, provide information through “good government, civil rights, civic engagement, and community groups or organizations.”
- Interested persons sign-up.
- Post information on redistricting and comment process online including applicable non-English languages in accordance with the Secretary of State’s determination.

Translation

- Provide information on redistricting and comment process in applicable non-English languages in accordance with the Secretary of State's determination.
- Requires providing live translation if the request was made 72 hours in advance or 48 hours if the notice was posted 5 days before the hearings.

Timeline for Submittal of Adopted Map

- 174 days before the next regular election if held in June 2022.
L.A. County's deadline for submittal of final map for June 7, 2022 election is December 9, 2021.
- 205 days before the next regular election if held in November 2022.
L.A. County's deadline for submittal of final map for November 8, 2022 election is May 12, 2022.
- Based on Census release date of September 30, 2021, State release date of Adjusted data (30 days after), and a possible 21 day waiting period, the 2020 Census Data will not be available until sometime in November or possibly early December 2021.
- In cases of missed deadlines, the Council may petition the superior court for an order adopting council district boundaries within 5 days after the deadline or any resident of the City may file a petition thereafter and is entitled to recover costs. The City will bear all costs associated with the process as ordered by the court.

The City contracted with National Demographics Corporation (NDC) to assist with the redistricting process and to prepare district maps. NDC will conduct the initial analysis of whether the existing election areas (districts) remain population balanced (Still Balanced Analysis) upon receiving the 2020 Census data. Should the existing election areas remain population balanced and compliant with the FAIR MAPS law requirements, the City Council has the option to end the project thus keeping the existing election map and that concludes the redistricting process or choose to redraw the election areas if it wishes to do so.

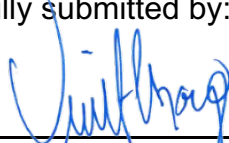
The term of office of any City Council Member who was elected and whose term of office has not expired will not be affected by any changes. At the first election following adoption of new map, a council member will be elected under the new district plan with the same district number whose incumbent's term is due to expire.

We anticipate there may be new legislation to address the concerns of redistricting and the timing of the release of the Census data. In the absence of such legislation, however, the City Council's decision regarding which municipal election date to select (June or November 2022) may be influenced by the time windows within which redistricting must occur. We want to advise the City Council and the community of the latest information regarding this process and will bring back actionable items in the near future.

FISCAL IMPACT:

Costs for initial Still Balanced Analysis and presentation is \$5,000. Costs associated with the redistricting process is \$110,000. Funding will be requested in next FY 21/22 budget.

Respectfully submitted by:



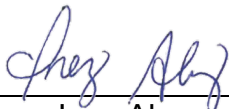
Vincent D. Chang
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Prepared by:



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Reviewed by:



Inez Alvarez
Assistant City Manager

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Assembly Bill No. 1276 (Elections Code § 21600-21609)
2. November 18, 2020 City Council Staff Report and Minutes, Item No. 5A

Staff Report
April 7, 2021

ATTACHMENT 1
Assembly Bill No. 1276 (Elections Code § 21600-21609)



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ELECTIONS CODE - ELEC

DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23004] (*Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

CHAPTER 7. City Elections [21600 - 21630] (*Chapter 7 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

ARTICLE 1. General Law Cities [21600 - 21609] (*Article 1 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

21600. (a) This article applies to a general law city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.

(*Amended by Stats. 2020, Ch. 90, Sec. 9. (AB 1276) Effective January 1, 2021.*)

21601. (a) Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(2) Notwithstanding paragraph (1), an incarcerated person as that term is used in Section 21003, shall not be counted towards a city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(b) The council shall adopt council district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

(*Amended by Stats. 2020, Ch. 90, Sec. 10. (AB 1276) Effective January 1, 2021.*)

21602. (a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.

(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.

(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.

(b) This section does not apply when a city transitions from at-large to district-based elections.

(Amended by Stats. 2020, Ch. 90, Sec. 11. (AB 1276) Effective January 1, 2021.)

21603. (a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district under the circumstances described in subdivision (a) if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21601.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population, as determined by the most recent federal decennial census.

(Repealed and added by Stats. 2019, Ch. 557, Sec. 19. (AB 849) Effective January 1, 2020.)

21605. (a) After redistricting or districting pursuant to Section 21601 or 21603, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(Amended by Stats. 2020, Ch. 90, Sec. 12. (AB 1276) Effective January 1, 2021.)

21606. (a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected.

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

(Amended by Stats. 2020, Ch. 90, Sec. 13. (AB 1276) Effective January 1, 2021.)

21607. Before adopting the boundaries of a council district pursuant to Section 21601 or 21603, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply when a city transitions from at-large to district-based elections.

(Amended by Stats. 2020, Ch. 90, Sec. 14. (AB 1276) Effective January 1, 2021.)

21607.1. (a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.

(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.

(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.

(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

(c) Public hearing buildings shall be accessible to persons with disabilities.

(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).

(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).

(Added by Stats. 2019, Ch. 557, Sec. 24. (AB 849) Effective January 1, 2020.)

21608. (a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:

(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.

(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.

(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.

(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.

(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.

(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.

(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.

(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.

(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the city in English and applicable languages.
- (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.
- (3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the council at a public hearing.
- (7) The adopted final map of council district boundaries.

(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.

(i) This section does not apply when a city transitions from at-large to district-based elections.

(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

(Amended by Stats. 2020, Ch. 90, Sec. 15. (AB 1276) Effective January 1, 2021.)

21609. (a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21602, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.

(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.

(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.

(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.

(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.

(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.

(Amended by Stats. 2020, Ch. 90, Sec. 16. (AB 1276) Effective January 1, 2021.)

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ATTACHMENT 2
November 18, 2020 City Council Staff Report and Minutes, Item No. 5A



City Council Staff Report

DATE: November 18, 2020

AGENDA ITEM NO: **New Business**
Agenda Item 5-A

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
Karl H. Berger, City Attorney
SUBJECT: Senate Bill 970 – Elections Date Change

RECOMMENDATION:

It is recommended that the City Council consider:

1. Introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403;
2. Provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and
3. Taking such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

BACKGROUND:

In 2015, the California Legislature adopted the California Voter Participation Rights Act ("CVPRA"). The CVPRA was adopted to remedy declining voter turnout in municipal elections and was specifically intended to affect cities holding municipal elections in odd numbered years. Based upon certain voter turnout criteria (a more complete overview is included from the attached 2016 staff report), such cities (including Monterey Park) were required to consolidate their elections with the statewide elections in June or November

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of even years. Practically, the CVRPA prohibits the City from holding a general municipal election on any date other than a statewide election date.

The CVPRA allowed cities – up until 2022 – to hold elections in odd-numbered years if they adopted a plan before January 1, 2018 to implement the CVPRA. In 2016, the City Council opted to postpone any action until sometime before the scheduled general municipal election in 2021. One of the main reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain council members by four months.

In 2017, the Legislature adopted SB 568 which became effective in 2019. SB 568 again changed the statewide election dates from June or November of even years, to *March* and November of even years.

This change allowed the City Council to change the date of the general municipal election from March of *odd* numbered years to March of *even* numbered years. Accordingly, this meant that elections originally scheduled for March 2021 would be rescheduled for March 2022. A consequence of that action (explained more below) was that the terms of councilmembers would be *extended by 12 months* pursuant to Elections Code § 10403.5(b).

Because the change in election dates would result in an extension in their terms of office, rather than a reduction as contemplated in 2016, the City Council opted to change the City's election date from March 2021 to March 2022 (see attached staff report from 2017). Based upon its actions in 2017, therefore, the City's general municipal election is scheduled for March 2022 at which time Council District Nos. 1 and 5 will be on the ballot.

Effective January 1, 2021, however, the statewide election dates become these:

- An election held in November of an even-numbered year.
- An election held in June of an even-numbered year that is not evenly divisible by four and **in March of each even-numbered year that is evenly divisible by four** (emphasis added).

As can be seen by the emphasized language, the City's March 2022 municipal election cannot be held (2022 is not evenly divisible by four). Consequently, the City Council *must* change its municipal election date from March to *either* June or November of 2022.

The City's voting records show that November elections typically have greater voter turnout and participation. As the Elections Official, City Clerk Chang recommends that the City Council change the municipal election date from March to November of even years. This change would also be more defensible under the CVPRA.

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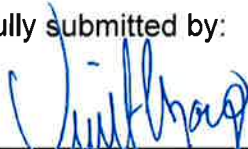
Whether the City Council chooses June or November, the terms of all elected officials will be extended by Elections Code § 10403.5. For officials elected in 2017 (Mayor Peter Chan, Councilmember Hans Liang, City Clerk Vincent Chang, and City Treasurer Joseph Leon), terms would be extended either three months (to June 2022) or eight months (to November 2022). For officials elected in 2020 (Mayor pro tem Yvonne Yiu, Councilmember Henry Lo, and Councilmember Fred Sornoso), terms would be extended the same length of time in 2024, i.e., from either three months (June 2024) or eight months (November 2024).¹

Based upon the election date selected by the City Council, the mayoral rotation approved earlier this year will require amending. Some direction from the City Council regarding how that rotation should occur would be helpful. For example, a determination whether Mayor Peter Chan and Councilmember Hans Liang should be included in the mayoral rotation (i.e., obtain additional time as mayor); if Mayor Chan's current mayoral term should be extended (i.e., beyond November 18, 2020); or if the mayor terms for Councilmembers elected in 2020 should be extended to coincide with the time extensions in 2024.

FISCAL IMPACT:


None.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



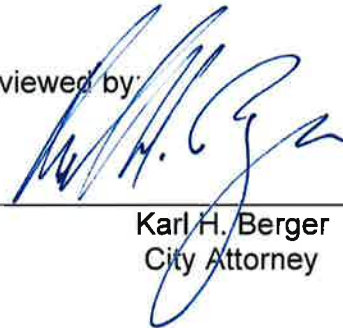
Cindy H. Trang
Deputy City Clerk

Reviewed by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
City Attorney

Attachments:

1. Draft Ordinance
2. October 19, 2016 and December 6, 2017 Staff Reports (without attachments)

¹ The City Council could consider having different municipal election dates every two years, e.g., June or November beginning in 2022 and every four years afterward; and March in 2024 and every four years afterward. That, however, seems impractical and confusing for voters.

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ATTACHMENT 1
Draft Ordinance

ORDINANCE NO.

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE § 2.04.050 TO CHANGE THE ELECTION DATE OF GENERAL MUNICIPAL ELECTIONS AND REQUESTING CONSOLIDATION WITH LOS ANGELES COUNTY PURSUANT TO ELECTIONS CODE § 10403.

THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:

SECTION 1: Recitals. The City Council finds as follows:

- A. Elections Code § 1301 and § 10403.5 authorize the City to reschedule its general municipal election to the day of the statewide general election.
- B. Effective January 1, 2021, SB 970 amends Elections Code § 1001 which governs the dates of statewide elections. As a result, the City is required to change its election date from March 2022 to either June or November 2022.
- C. The City requests consolidation of its elections with the statewide general election conducted by the County of Los Angeles on the first Tuesday after the first Monday in March of even-numbered years.
- D. In order to accomplish the change in election date, the term of incumbent elected officials whose terms would otherwise end in March 2022 must be lengthened from March 2022 to _____ 2022 when elected officials elected in ____ 2022 take office. Additionally, elected officials whose terms would otherwise end in March 2024 must be lengthened from March 2024 to ____ 2024 when elected officials elected in 2024 take office.

SECTION 2: Change to Election Date. In accordance with Elections Code §§ 1301 and 10403.5, Monterey Park Municipal Code (“MPMC”) § 2.04.050 is amended to read as follows:

“Section 2.04.050. **Municipal Elections.**

Beginning with elections held after March 2020, the general municipal election will be held on the first Tuesday after the first Monday in _____ of even-numbered years. The first general municipal election after the March 2020 general municipal election will be held on the first Tuesday after the first Monday in _____ 2022.”

SECTION 3: Adjustment of Terms of Office. In accordance with Elections Code §§ 1301 and 10403.5(d), due to the change of election date, the terms of office of those elected officials presently serving whose terms would previously have expired in March 2022 will instead vacate in their office upon certification of the results and administration

of oaths of office after the ____ 2022 General Municipal Election. The terms of office of those elected officials presently serving whose terms would previously have expired in March 2024 will instead vacate in their office upon certification of the results and administration of oaths of office after the ____ 2024 General Municipal Election

SECTION 4: Consolidated Election. Pursuant to Elections Code § 1301, the City Council requests the County of Los Angeles approve consolidation of the City's 2022 City Council election with the statewide general election conducted by the County in ____ of each even-numbered year.

SECTION 5: Notice to Voters. Pursuant to Elections Code § 10403.5, within 30 days after this Ordinance becomes effective, the City Clerk must cause a notice to be mailed to all registered voters of the City of Monterey Park (pursuant to the last report of registration by the County Clerk to the Secretary of State) informing the voters of the change in the election date. The notice must also inform the voters that as a result in the change in election date, elected city officeholders' terms in office will be changed.

SECTION 6: Date of the First City Council Election in 2022. If this Ordinance becomes effective, the first City Council election to be held in 2022 will be ____.

SECTION 7: Request to the County. The City Clerk is directed to forward, without delay, a certified copy of this Ordinance to the Los Angeles County Board of Supervisors and the County Election Department.

SECTION 8: Savings Clause. Repeal of any provision of the MPMC or any other regulation by this Ordinance does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before, this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the city council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 10: Validity of Previous Code Sections. If this the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 11: Effective Date. This Ordinance will only become effective upon approval by the Los Angeles County Board of Supervisors pursuant to Elections Code § 1301(b)(1).

SECTION 12: Publication. The City Clerk must certify as to the adoption of this ordinance and cause the summary thereof to be published within fifteen calendar (15) days of the adoption and post a certified copy of this ordinance, including the vote for

and against the same, in the office of the City Clerk, in accordance with Government Code § 36993, for the City of Monterey Park.

PASSED, APPROVED, AND ADOPTED this ____ day of _____, 2020.

_____, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:

Karl H. Berger, City Attorney

Staff Report
November 18, 2020

ATTACHMENT 2
October 19, 2016 and December 6, 2017 Staff Reports



City Council Staff Report

DATE: October 19, 2016

AGENDA ITEM NO: New Business
Agenda Item 6-J.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF THE CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (CALIFORNIA STATE SENATE BILL 415) AND CONSOLIDATION WITH A STATEWIDE GENERAL ELECTION DATE

RECOMMENDATION:

It is recommended that the City Council consider:

1. Provide direction to staff concerning the option desired for a statewide consolidation date, Option A or B:
Option A - introduce and waive first reading of an ordinance to change the election dates to November even years beginning November 6, 2018 or November 3, 2020 and repealing Ordinance No. 1885, and schedule second reading and adoption for November 2, 2016;
OR
Option B – take action to reaffirm the election date in Ordinance No. 1885 and plan to reconsider the matter not later than 2021; and
2. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The California Voter Participation Rights Act (SB 415) was passed on September 1, 2015. This new legislation prohibits a local government from holding an election on any date other than a statewide election date if holding the election on a date nonconcurrent with the statewide election has previously resulted in a "significant decrease in voter turnout." A "significant decrease in voter turnout" is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that city for the previous four (4) statewide general elections. SB 415 requires cities with insufficient voter turnout to either change their election dates to June or November of even year, or, prior to January 1, 2018, adopt a plan to consolidate future election with a statewide election not later than the November 8, 2022, statewide general election.

BACKGROUND:

SB 415 adds a new chapter to the California Elections Code (Section 14050 -14057) that attempts to remedy declining voter turnout in municipal elections. Under SB 415, general law cities must hold municipal elections on a statewide election date if holding the municipal election on a date other than the statewide election previously resulted in a voter turnout that was at least 25% less than the average voter turnout of the previous four statewide elections. Such cities are required to consolidate their elections with the statewide elections in June or November of even years.

Accordingly, to determine if Monterey Park is required to consolidate with a statewide general election date, it is necessary to review the recent election voter turnout data.

Statewide General Election Data - Monterey Park			
Election Date	Registered Voters	Ballots Cast	Voter Turnout (percentage)
Nov. 2008	25,660	18,748	73.06%
Nov. 2010	26,785	12,753	47.61%
Nov. 2012	26,796	16,865	62.94%
Nov. 2014	27,565	7,328	26.58%
State subtotal of Four Years <i>(Ballots/Registered=Voter Turnout)</i>			210.19%
State Four Year Average <i>(210.19/4)</i>			52.55%
State Four Year Average Less 25% <i>(52.55x.25=13.14-52.55=39.41)</i>			39.41%
General Municipal Election Data - Monterey Park			
March 2015	27,474	5,356	19.49%

As the above data illustrates, the voter turnout for the City's most recent municipal election was 19.49%. This is lower than the minimum threshold of 39.41%. Since the City experienced a "significant decrease in voter turnout," Monterey Park must begin conducting its general municipal elections on statewide general election dates as soon as 2018. SB 415 requires the local jurisdiction to either consolidate its election with a statewide election, or by January 1, 2018 adopt a plan to consolidate its election with the statewide election not later than the November 8, 2022 statewide general election.

In order to accommodate the statewide election dates, cities are required to increase or decrease terms of office depending on their existing election schedule. Elections Code Section 10403.5(b) limits increases or decreases to terms of office to no more than twelve months. Since the City of Monterey Park (the "City") holds its regular elections in March of odd years, any term increase to June or November of the following even year exceeds the 12 month cap established by Elections Code Section 10403.5(b).

For the City Council's consideration, following are two potential options for compliance with the provisions of SB 415:

Reducing of the upcoming Council member terms of office by 4 months (March of an odd year, to the prior November of an even year).

Option A is reflected in the draft ordinance that changes the City's general municipal election to November of even years with consolidation to begin November 6, 2018 or November 3, 2020. Consolidation for the November 2018 election will affect the terms of office that began March 2015 and 2017; consolidation for the November 2020 will affect the terms of office beginning March 2017 and 2019. Option A requires adoption of an ordinance, requesting the County Board of Supervisors for approval for future consolidation, and compliance with the noticing requirement.

Option B is simply a decision to postpone taking any immediate action. Instead, the Council would plan on reexamining the issue until not later than 2021. At that time, the City Council could consider any changes to California law (which are anticipated in the next five years) and take appropriate action (if any). Option B would simply be a minute action that can be forwarded to the County Board of Supervisors with an accompanying cover letter (which would include Ordinance No. 1885).

Another possible option to consider is increasing the terms in a two-step process by changing the election dates from March of odd years to November of odd years and again, changing the election dates from November of odd years to November of even years. This action may cause voter confusion due to the changes of election dates in such a small window of time.

Actions to change the election date require the City to adopt an ordinance changing its current election date. Elections Code Section 1301(b)(1) provides for the City Council to enact an Ordinance requiring its general municipal election to be held on the same day as the statewide general election. The ordinance would become operative upon approval by the County Board of Supervisors. Due to the constraints of the County's current voting system, if the City Council desires to consolidate early, time is of the essence in submitting a request for consolidation to the County. The County needs to perform an analysis of the City to determine if consolidation is possible prior to 2020. City staff has reached out to the County and requested for a preliminary analysis and the County had expressed support for the City to consolidate its future elections with the County general elections beginning November 2018. The final decision, however, is dependent on the approval from the Board of Supervisors. Upon approval of the Board of Supervisors, the City is required to notify all registered voters of the City regarding the change of election date and the terms it affect. An additional funding of \$12,000 per notification is required to complete this task.

Per the County Elections Division, no city, on a nonconcurrent calendar, currently meets the 25% requirement and all will be required to shift to statewide consolidation. The County of Los Angeles is set to unveil a new voting system in 2020 and has expressed concern that cities transitioning to statewide elections prior to 2020 would exceed the capacity of its current optical scan voting system. There is speculation as to whether or


not the Los Angeles County has the capacity to handle all elections in June and November of even years by November 8, 2022. There are talks that some cities are considering circulating a petition seeking an alternate solution to increase voter participation and to allow the continuance of stand-alone elections. Some cities have already taken actions to move their election date to June or November of even years. Some cities are taking some actions by adopting a plan to consolidate future elections with the statewide elections no later than November 8, 2022. Still, some cities are deferring taking action while waiting to see if there will be a legislative solution, mindful of the January 1, 2018 deadline.

FISCAL IMPACT:

Traditionally, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.

When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney



City Council Staff Report

DATE: December 6, 2017

AGENDA ITEM NO: New Business
Agenda Item 6-D.

TO: The Honorable Mayor and City Council
FROM: Vincent D. Chang, City Clerk
SUBJECT: CONSIDERATION OF WHETHER TO CONSOLIDATE GENERAL MUNICIPAL ELECTIONS WITH A STATEWIDE GENERAL ELECTIONS IN EVEN YEARS

RECOMMENDATION:

It is recommended that the City Council consider:

1. Adopting a resolution ratifying its October 19, 2016 decision to postpone a decision to consolidate future elections with the statewide elections; AND
2. Introduce and waive first reading of an ordinance to change the election dates to November even years beginning March 3, 2020 or March 8, 2022 and repealing Ordinance No. 1885, and schedule second reading and adoption for December 20, 2017; OR
3. Provide other direction as to consideration of the California Voter Participation Rights Act (California State Senate bill 415) and consolidation with a statewide general election date; and
4. Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

In October 2016, the City Council opted to postpone any decision regarding consolidating the City's general municipal elections with statewide elections until sometime before 2021. This decision allowed the City to continue conducting its elections in odd-numbered years pursuant to Ordinance No. 1885 (adopted December 12, 1994). Since then, the Los Angeles County Elections Division requested that the City Council memorialize its decision in a written resolution rather than simply rely upon the minute order from that date. By adopting the resolution, the City will have more time to further discuss and decide on an action.

Separately, on September 27, 2017 the Governor signed SB 568 which becomes effective in 2019. In brief, SB 568 only changes the date of the statewide direct primary and the presidential primary.

Starting in 2019, those will both be on the first Tuesday after the first Monday in March in either an even-numbered year or a year divisible by four.

SB 568 potentially affects the City Council's decision regarding consolidating the City's general municipal election. Specifically, Monterey Park's general election is held the first Tuesday after the first Monday in March of *odd*-numbered years. Changing the election date to the first Tuesday in March of *even*-numbered years (per SB 568) may extend the term for certain city councilmembers in accordance with applicable law (as explained in 2016).

Additionally, the conventional wisdom is that SB 568's enactment – and the resulting change in election dates by many municipalities – may cause the vendor traditionally providing election services to cease operations. There simply will be insufficient business from public entities for it to continue. Should that occur, Monterey Park would likely pay significantly more for holding municipal elections in odd-numbered years.

BACKGROUND:

A copy of the staff report from October 2016 is attached for reference. It provides an overview of the California Voter Participation Rights Act (SB 415) and its effect on the City of Monterey Park. In short, SB 415 mandates that cities holding elections during odd-numbered years with historically low voter turnout to consolidate with countywide elections in even numbered years. Cities can continue – up to 2022 – to hold elections in odd-numbered years if they adopt a plan before January 1, 2018 to implement consolidation. The City Council's plan was to implement changes before 2021. A resolution confirming that decision from October 2016 is attached for City Council consideration. This resolution should be adopted regardless of whether the Council opts to introduce the draft ordinance: the Board of Supervisor meeting occurs on December 19, 2017 – a day before the second reading of the ordinance (if it were introduced).

One of the reasons for the City Council's decision in 2016 was that changing the City's general municipal election to November of even years would reduce the terms for certain councilmembers by four months. Enactment of SB 568, however, would allow the City to consolidate with statewide elections in *March* of even numbered years. This would *extend* the term of certain councilmembers by one year pursuant to Elections Code § 10403.5(b).

Moving the election date to March 2020 will increase the term of office by 12 months for terms of offices beginning March 2015 and 2017. Moving the election date to March 2022 will increase the term of office by 12 months for terms of offices beginning March 2017 and March 2019.

Since 2015, SB 415 caused many cities to consolidate with county elections. As a result, the future viability of the City's vendor for election materials and implementation may be uncertain. That vendor provides elections consultant work, and all election materials and services including the certified ballot counter.

The company recently downsized and its level of services may be inadequate in the future. Moreover, cities will also see a substantial increase in costs for the similar type of services. Should the City's vendor cease operations, it may be difficult for the City to scramble to either consolidate with the County or trying to find a substitute vendor. The County is not legally obligated to accept the City's request for consolidation and the City would then be challenged in trying to operate an election using its own resources.

As of October 2017, 52 of the 88 cities in Los Angeles County either already consolidated with statewide elections or have plans to do so.

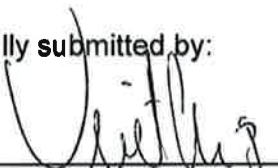
The City Council could opt to implement consolidation now. Attached is an ordinance – that is substantially the same as from October 2016 – that would implement election consolidation. A year for when this would be implemented is left blank for City Council direction.

FISCAL IMPACT:

Historically, the City Clerk's office expends approximately \$140,000 to conduct the municipal election every other odd-numbered year in March. With the fiscal implications associated with new legislation, the cost is unknown at this time. The County of Los Angeles will bill the City for the costs associated with conducting the City's election. There are many unknown factors, such as the cost of new voting equipment, staffing, elections materials that play into the costs. City staff will utilize \$140,000 as a baseline for future election budgeting.


When the Council takes action to adopt an ordinance changing the election date, an additional \$12,000 will be required to satisfy the noticing requirement.

Respectfully submitted by:



Vincent D. Chang
City Clerk

Prepared by:



Cindy H. Trang
Deputy City Clerk

Approved by:



Ron Bow
City Manager

Reviewed by:



Karl H. Berger
Assistant City Attorney

**MINUTES
MONTEREY PARK CITY COUNCIL
SUCCESSOR AGENCY (SA)
NOVEMBER 18, 2020**

The City Council of the City of Monterey Park held a Regular Teleconference Meeting via Zoom on Wednesday, November 18, 2020 at 6:30 p.m. The regular meeting was conducted pursuant to Section 3 of Executive Order No. N-29-20 issued on March 17, 2020. Accordingly, Council Members were provided a meeting login number and conference call number and were not physically present at Council Chambers.

The minutes include items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency, which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

PUBLIC PARTICIPATION

In accordance with Executive Order No. N-29-20 and guidance from the California Department of Public Health on gatherings, remote public participation was allowed in the following ways:

Via Email

Public comment were accepted up to 24 hours before the meeting via email to mpclerk@montereypark.ca.gov and, when feasible, read into the record during public comment. Written communications are limited to not more than 50 words.

Via Telephone

Public comment may be submitted via telephone during the meeting, before the close of public comment, by calling (888) 788-0099 or (877) 853-5247 and entering Zoom Meeting ID: 926 5445 2022 then press pound (#). When prompted to enter participation ID number press pound (#) again. If participants would like to make a public comment they will enter "*9" then the Clerk's office will be notified and you will be in the rotation to make a public comment. Participants are encouraged to join the meeting 15 minutes before the start of the meeting. You may speak up to 5 minutes on Agenda item. Speakers will not be allowed to combine time. The Mayor and City Council may change the amount of time allowed for speakers. As part of the virtual meeting protocols, anonymous persons will not be allowed to provide public comment.

Important Disclaimer – When a participant calls in to join the meeting, their name and/or phone number will be visible to all participants. Note that all public meetings will be recorded.

MISSION STATEMENT

The mission of the City of Monterey Park is to provide excellent services to enhance the quality of life for our entire community

The second substantial amendment to the Fiscal Year 2019-20 One-Year Action Plan was advertised in the Monterey Progress on November 13, 2020. The draft document was made available for public review via the City's website beginning November 13, 2020 and ending November 17, 2020.¹ After City Council approval, the plan will be submitted to the U.S. Department of Housing and Urban Development.

Staff recommends approval of the second substantial amendment to program the CARES Act (CDBG-CV3) special allocation.

Action Taken: The City Council (1) opened the public hearing at 7:16 p.m. to receive testimonial and documentary evidence, noting that there are no speakers, closed the public hearing at 7:16 p.m.; (2) approved the proposed second substantial amendment to the 2019-2020 Annual Action Plan; (3) authorized the City Manager, or designee, to execute and submit the necessary documents related to the second substantial amendment to the 2019-2020 Annual Action Plan to HUD for its review and approval; and (4) authorized a budget appropriation of \$547,678 from CDBG-CV funds.

Motion: Moved by Mayor Pro Tem Yiu and seconded by Council Member Liang motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

5. NEW BUSINESS

5A. SENATE BILL 970 – ELECTIONS DATE CHANGE

On September 18, 2020, the Governor signed Senate Bill (SB) 970 into law changing several sections of the California Elections Code effective January 1, 2021. In particular, SB 970 mandates the City Council change the date for the City's general municipal election to June or November 2022. This will affect the terms of office for all City Councilmembers, the City Clerk, and the City Treasurer. The extension of office terms will also affect the mayoral rotation schedule.

Public Speaker:

- City Clerk Chang received, filed, and read into the record a written communication from Bill Lam. Mr. Lam who urged the City Council to set the election in June along with the Primary elections.

¹ 85 Federal Register 51457-01 (August 20, 2020).

Recommendation: That the City Council consider (1) introducing and waiving first reading of an ordinance amending Monterey Park Municipal Code (“MPMC”) § 2.04.050 to change the election date of general municipal elections and requesting consolidation with Los Angeles County pursuant to Elections Code § 10403; (2) provide direction to the City Clerk regarding the mayoral rotation schedule to be brought back at a future council meeting for consideration; and (3) taking such additional, related, action that may be desirable.

Action Taken: By consensus, the City Council received and filed the report and directed staff to bring the item back for consideration at a future City Council meeting.

5B. CONSIDERATION AND POSSIBLE ACTION TO INTRODUCE AND WAIVE FIRST READING OF AN ORDINANCE AMENDING CHAPTER 3.20 OF THE MONTEREY PARK MUNICIPAL CODE (“MPMC”) REGARDING THE REGULATION OF PURCHASES OF GOODS, SUPPLIES AND SERVICES

Chapter 3.20 of the MPMC was adopted for the purpose of authorizing city officers to procure services, supplies, and equipment and establishing the manner by which such actions may occur. On August 19, 2020, the City Council adopted an Ordinance amending Monterey Park Municipal Code § 3.90.050 regarding signature authority for the City Manager and Department Directors when executing contracts on the City’s behalf (Ordinance No. 2187). The thresholds for purchasing and bidding, however, have not been amended to align with the signature thresholds outlined in Ordinance No. 2187. The proposed amendments to Chapter 3.20 will bring the City’s procurement process in line with the updated signature authorities.

Action Taken: The City Council introduced and waived first reading of an Ordinance amending Chapter 3.20 of the Monterey Park Municipal Code (“MPMC”) regarding the regulation of purchased goods, supplies and services.

Motion: Moved by Council Member Sornoso and seconded by Council Member Lo motion carried by the following vote:

Ayes: Council Members: Liang, Sornoso, Lo, Yiu, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Ordinance, 1st Reading, entitled:
AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE CHAPTER 3.20 IN ITS ENTIRETY TO REGULATE PURCHASES OF GOODS, SUPPLIES AND SERVICES