

**ORDINANCE NO. 871****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE  
MOVING THE CITY'S GENERAL MUNICIPAL ELECTIONS FROM  
NOVEMBER OF ODD-NUMBERED YEARS TO THE FIRST TUESDAY  
AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-  
NUMBERED YEAR BEGINNING IN NOVEMBER OF 2018**

**WHEREAS**, pursuant to the California Elections Code Sections 1301 and 10400, the City of Duarte ("City") previously set the date for general municipal elections of City Council members, to be held in November of alternating odd-numbered years and;

**WHEREAS**, in September 2015, the California Legislature adopted and the governor signed Senate Bill 415, called the "Voter Participation Rights Act," which codified Elections Code §§ 14050-57; and

**WHEREAS**, S.B. 415 included enactment of Elections Code § 14052, requiring that those cities that hold their general municipal elections on a date other than the statewide election must move the general municipal election to coincide with the statewide primary or general election date, if turnout for their non-concurrent elections was at least 25% less than the average voter turnout for the previous four statewide elections; and

**WHEREAS**, according to Los Angeles County Registrar's past voter participation data, voter turnout at Duarte municipal elections over the past several elections has been 25% or more below the average turnout during the previous four statewide general elections, thereby resulting in a "significant decrease in voter turnout" as defined in Elections Code 14051(b); and

**WHEREAS**, as a result of this voter turnout history, and in order to comply with State law, the City must move its general municipal election date from November of odd numbered years to the statewide primary or general election date held in June or November of even numbered years, or have a plan in place to do so by no later than January 1, 2018; and

**WHEREAS**, the Los Angeles County Registrar has provided election cost estimates showing that if the City delayed implementing S.B. 415 until after the presently scheduled November, 2017 election, the cost of that election would likely triple the cost of an election consolidated with the statewide election to be held on November, 2018; and

**WHEREAS**, California Elections Code§ 10403.5 provides that in the event of an ordinance moving a municipal election pursuant to Elections Code § 1301, the terms of office of affected office holders may be extended by up to twelve (12) months; and

**WHEREAS**, the City Council desires to change the date of its general municipal election to the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide general elections beginning in November 2018, in order to comply with State law and in the process to minimize the amount of elections costs to do so.

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

**SECTION 1.** Pursuant to authority granted by Elections Code § 1301, the Duarte City Council hereby sets its general election date to be held on the same day as the day of the statewide general election, and moves 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. The general municipal election previously scheduled for November 2017 will instead be held on the first Tuesday after the first Monday in November of 2018, and thereafter each even-numbered year.

**SECTION 2.** In accordance with § 10403.5 of the California Elections Code, the term of any Duarte Elected Official that would have expired upon certification of the election results from a November 2017 election shall be extended, and instead shall expire upon certification of

the election results from the November 2018 general municipal election as established by this Ordinance, or as otherwise may be provided in Elections Code § 10403.5.. In accordance with § 10403.5 of the California Elections Code, the term of any Elected Official that would have expired upon certification of the election results from a November 2019 election shall be extended and instead shall expire upon certification of the election results from the November 2020 general municipal election as established by this Ordinance, or as otherwise may be provided in Elections Code § 10403.5.

**SECTION 3.** Pursuant to Section 1301(b)(1) and 10403.5 of the California Elections Code, the City hereby requests that the Los Angeles County Board of Supervisors approve this ordinance-and to do so in time to allow for consolidation of the City's scheduled 2017 general municipal election with the statewide general election conducted by the County of Los Angeles in November of each even-numbered years, beginning in November 2018.

**SECTION 4.** This Ordinance shall become operative upon approval by the Los Angeles County Board of Supervisors as provided by California Elections Code Sections 1301(b)(1) and 10403(a)(1).

**SECTION 5.** 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 by not more than 12 months.

**SECTION 6.** The City Clerk shall forward a copy of this Ordinance to the Los Angeles County Board of Supervisors with a request that it be approved pursuant to California Elections Code Sections 1301 and 10403.5.

**SECTION 7.** Within fifteen (15) days after its passage of this Ordinance, the City Clerk of the City of Duarte shall certify to the passage and adoption of this ordinance and to its approval by the Mayor and City Council and shall cause the same to be published in a newspaper in the manner required by law.

**PASSED AND APPROVED** on this 24th day of January, 2017.

/s/ Margaret Finlay  
Mayor Margaret Finlay

STATE OF CALIFORNIA           )  
COUNTY OF LOS ANGELES    ) ss.  
CITY OF DUARTE                )

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 871 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 24<sup>th</sup> day of January, 2017, by the following Roll Call vote:

AYES:       Councilmembers: Fasana, Paras-Caracci, Reilly, Finlay  
NOES:       Councilmembers: None  
ABSENT:    Councilmembers: Kang

/s/ Marla Akana  
City Clerk Marla Akana  
City of Duarte, California