

ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, AMENDING SECTION 2.08.050 OF TITLE 2, CHAPTER 2.08 OF THE MONTEBELLO MUNICIPAL CODE TO DESIGNATE CITY COUNCIL SEATS THAT WILL BE PLACED ON THE BALLOT IN THE NOVEMBER 2022 ELECTION AND TO RETAIN THE TWO (2) AT-LARGE COUNCIL SEATS CURRENTLY IN PLACE THUS EXPANDING THE CITY COUNCIL COMPOSITION TO SEVEN (7) MEMBERS ON A TEMPORARY BASIS

WHEREAS, the City of Montebello ("City") is a general law city, which is currently governed by five (5) council members who were all elected by all voters in the City in an at-large voting system; and

WHEREAS, at its meeting on February 9, 2022, the City Council adopted Ordinance No. 2444 establishing the by-district election process of Councilmembers to be implemented in the November 2022 election; and

WHEREAS, at its meeting on May 11, 2022, the City Council adopted Resolution No. 22-34 that formally adopted the City's Council District Map consisting of five (5) districts; and

WHEREAS, in a by-district election system, a candidate for City Council must live in the district where the candidate wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, the next municipal election is to take place on November 8, 2022; and

WHEREAS, the City of Montebello desires to ensure the voting rights and fair representation of all of its citizens; and

WHEREAS, pursuant to Government Code section 36501, the government of a general law city is vested in a city council of at least five (5) members; and

WHEREAS, the City and the City Council, by adopting this ordinance, are establishing a sunset provision designating the City Council seats that will be up for election in the November 2022 election;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO HEREBY ORDAINS AS FOLLOWS:

ORDINANCE NO. 2451

Page 2 of 5

SECTION 1. RECITALS. The above recitals are true and correct and made part of this Ordinance.

SECTION 2. AMENDMENT; ADDITIONS. Section 2.08.050 – Municipal Elections of the Montebello Municipal Code is hereby amended and will read as follows (deletions in ~~striketrough~~ and additions in double underline):

2.08.050 – Municipal Elections.

- A. Pursuant to Sections 1301 and 1000 of the California Elections code, commencing with the statewide election to be held on November 6, 2018, the city of Montebello's general municipal elections shall be held on the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide election.
- B. Pursuant to Sections 34886 and 34871(a) of the California Government Code, Council members will be elected on a by-district elections system. The term "by-district" as used in this Section shall mean election of members of the City Council by voters of the district alone. Candidates for council seats in each district shall be nominated and elected only by the voters of that district.
- C. Except as provided in subsection (D) of this Section, each Council Member must be a resident of and a registered voter in the council district from which the member is nominated at the time the member is nominated, elected, and throughout that member's term of office. In the event any Council Member ceases to be a resident of the district from which the member was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a Council Member ceases to be a resident of the district from which the Member was nominated solely because of a change in the boundaries of the districts, the Member shall not lose office during that term by reason of such change pursuant to California Government Code section 34882 and Elections Code section 10227.
- D. A Council Member in office at the time this section takes effect will continue in office until the expiration of a full term to which they were elected or appointed and until their successor is qualified. If vacancies in Council Member offices elected at-large occur before expiration of the full term thereof, such vacancies will be filled according to law from the City at-large.

- E. The number of Council Member districts of the City and the boundaries of said districts shall be adopted and established by the City Council by resolution no later than May 12, 2022. The by-district elections process and the established district boundaries shall be implemented in the City's next general election occurring on November 8, 2022.
- F. District boundaries shall be adjusted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken by majority vote of the total membership of the City Council, and as provided in Elections Code section 21601, 21602 and 21607. The district boundaries, but not the number thereof, may be changed by ordinance adopted by the City Council by majority vote of all its members; provided that districts established by the City Council shall be as nearly equal in population and as geographically compact as possible. However, the City Council shall not change the boundaries of districts more than once in any two (2) year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to City boundaries, as provided in Elections Code section 21603. After City Council has exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by City Council.
- G. The following five (5) City Council district seats will be placed on the ballot for the November 2022 regular election, in accordance with the assigned term length for the district seat specified:
- i. District 1: 4-year term.
 - ii. District 2: 2-year term.
 - iii. District 3: 4-year term.
 - iv. District 4: 2-year term.
 - v. District 5: 4-year term.

In addition to the five (5) Councilmembers to be newly elected in the November 2022 election, the two (2) incumbent at-large Councilmember seats will remain in office and will continue to serve as a Councilmember until the expiration of their term, forming a temporary seven (7) member legislative body. This provision will sunset on the date that the members elected from Districts 2 and 4 take their oath of office as a result of the election occurring in November 2024. At that time, the two (2) existing at-large City Council seats will be

eliminated. Commencing with the November 2024 election, Districts 2 and 4 will become 4-year term seats, and only the five (5) City Council district seats will remain active, reverting the legislative body of the City of Montebello from seven (7) members to five (5) members.

SECTION 4. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA VOTING RIGHTS ACT. This Ordinance is being adopted in furtherance of the purposes of the California Voting Rights Act of 2001 of Division 14 of the Elections Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 7. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

APPROVED AND ADOPTED 22nd day of June 2022.



ATTEST:

Christopher Jimenez, City Clerk

Kimberly A. Cobos-Cawthorne, Mayor

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, City Attorney

ORDINANCE NO. 2451

Page 5 of 5

I HEREBY CERTIFY that the foregoing Ordinance was introduced at the City Council meeting on the 15th day of June 2022 and was adopted by the City Council of the City of Montebello at its meeting held on the 22nd day of June 2022 by the following vote:

AYES: Jimenez, Melendez, Cobos-Cawthorne
NOES: Peralta, Torres
ABSTAIN: None
ABSENT: None



Christopher Jimenez, City Clerk

