

ORDINANCE NO. 1835

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, CHANGING 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 SENATE BILL 970; ADJUSTING TERMS IN OFFICE ACCORDINGLY.

WHEREAS, the City of Gardena ("City") was required under Senate Bill 415, which is also known as the California Voter Participation Rights Act (Elections Code 14050-14057), to change the date of the City's general municipal election to coincide with statewide election dates; and

WHEREAS, in November 2017, the Gardena City Council complied with Senate Bill 415 by adopting Ordinance 1782 to consolidate the general municipal election with the statewide primary election to be held in March of even-numbered years beginning in 2020 pursuant to the provisions of the Elections Code, and

WHEREAS, in September 2020, the California Legislature adopted Senate Bill 970, which changed the date of the statewide primary election 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 election as the first Tuesday after the first Monday in March of even-numbered years **with** a presidential primary; and

WHEREAS, the Gardena 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; and

WHEREAS, by changing the date of the general municipal election to the date of the statewide primary election to align with California Legislature's recent amendments to the date of the statewide primary elections, it is necessary to extend the terms of incumbents that would have been scheduled for election in March 2022. Senate Bill 590 enacted Election Code 1305, effective January 1, 2022, which extends those incumbents' terms to the certification of the June 2022 election results.

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

SECTION 1. Recitals. The above recitals are true and correct and are incorporated herein by reference.

SECTION 2. Establishment of Election Day. The City Council hereby cancels the March 8, 2022 City of Gardena general municipal election and establishes the date of the statewide primary election in each even-numbered year as the date of the general municipal election in the City of Gardena commencing with the 2022 Statewide Primary election.

SECTION 3. Section 2.24.100 (Date held) of Chapter 2.24 (Elections) of Title 2 (Administration and Personnel) of the Gardena Municipal Code is amended to read, as follows:

Pursuant to the California Elections Code, ~~the city council hereby changes the city's general municipal election from the first Tuesday after the first Monday in March of odd-numbered years to the first Tuesday after the first Monday in March¹ of even-numbered years, with the first such municipal election being held in March 2020 and~~ commencing with the 2022 Statewide Primary election, the date of the City's General Municipal Election is moved from the first Tuesday after the first Monday in March of even-numbered years to coincide with statewide primary elections. Said election shall be consolidated with the statewide primary election conducted by Los Angeles County upon the county's approval.

SECTION 4. Adjustment to Terms of Office. In accordance with Elections Code section 1305 (Senate Bill 590), effective January 1, 2022, the terms of office of the Mayor, City Treasurer, City Clerk and those members of the City Council presently serving whose terms would otherwise have expired in March 2022, shall be extended to expire following the certification of election results from the June 2022 general municipal election and the administration of the oath of office the newly elected officeholders.

SECTION 5. Repeal of Section of Prior Ordinance. Section 1 of the City of Gardena's Ordinance 1782 is hereby repealed.

SECTION 6. Operative Date. 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 7. Notice to Voters. Pursuant to Elections Code section 10403. 5(e), within thirty (30) days after the operative date of this Ordinance, the City Clerk shall cause a notice to be mailed to registered voters of the City of Gardena informing them of the change in the City of Gardena's general municipal election date and the increased terms of the current City of Gardena's elected officials whose terms of office would have been scheduled for election in March 2022 but are now scheduled for election on the date of the statewide primary election in 2022.

SECTION 8. Request to the County. The City Clerk shall forward a copy of this Ordinance to the County Elections Division and Los Angeles County Board of Supervisors with a request that it be approved pursuant to California Elections Code Sections 1301 and 10403.5.


SECTION 9. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 10. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.


SECTION 11. CEQA. The City Council finds that this Ordinance is exempt from CEQA as it does not qualify as a project.

SECTION 12. Effective Date. This ordinance shall not become effective or be in force until thirty (30) days from and after the date of its adoption.

Passed, approved, and adopted this 16th day of November, 2021.


TASHA CERDA, Mayor

ATTEST:


for MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


CARMEN VASQUEZ, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss:
CITY OF GARDENA)

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1835** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a special meeting of said City Council held on the **16th day of November 2021**, and that the same was so passed and adopted by the following roll call vote:

AYES: MAYOR PRO TEM TANAKA AND COUNCIL MEMBERS HENDERSON,
 KASKANIAN, FRANCIS, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

Becky Romero
for City Clerk of the City of Gardena, California

(SEAL)