

ORDINANCE 22-XXX

AN ELECTIONS ORDINANCE OF THE CITY OF COUNCIL OF THE CITY OF MISSION VIEJO CALIFORNIA AMENDING CHAPTER 2.04-COUNCIL, OF TITLE 2 ADMINISTRATION AND PERSONNEL OF THE MISSION VIEJO MUNICIPAL CODE BY ADDING SECTION 2.04.170 DISTRICT ELECTIONS, PROVIDING FOR THE ELECTIONS OF FIVE MEMBERS OF THE CITY COUNCIL BY DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT AND RELATED CODE REVISIONS TO IMPLEMENT THE BY-DISTRICT VOTING PROCESS, AND TAKING IMMEDIATE EFFECT PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 36937(A).

THE CITY COUNCIL OF THE CITY OF MISSION VIEJO, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. This Ordinance is adopted with respect to the following purposes:

(a) Pursuant to the California Government Code Section 34886 and California Elections Code, the City Council votes to approve the change to a by district-based election system for the members of the City Council whereby the five members of the City Council shall be elected by district, respectively, by the voters, within each of the Council district in which they reside, rather than at-large, city-wide.

(b) Pursuant to California Government Code Section 34886, it is declared the change in the method of electing members of the City Council of the City of Mission Viejo made by this ordinance is in furtherance of the purposes of the California Voting Rights Act of 2001.

Section 2. Section 2.04.170 of the Mission Viejo Municipal Code is to read in words and figures, as follows:

“Section 2.04.170 Elections by Districts.

(a) **Council Election Dates.** General municipal elections of the City shall be held on the first Tuesday after the first Monday of November in each even-numbered year. References in this Chapter 2.04 to state statutes shall include any amendments thereto and any successor statutes.

(b) **City Council Districts Established.** Five City Council districts are hereby established in the City of Mission Viejo. The boundaries and identifying number of each district shall be as described on the official “Council District Map” on file in the Office of the City Clerk, and which Council District Map is incorporated by reference herein.

(c) **Election of Members of the City Council by District.**

1. Commencing with the November 2022 general municipal election, members of the City Council shall be elected “by District” as defined in California as a Government Code Section 34871. A person shall not be eligible to be elected by as a member of the City Council unless he or she is otherwise qualified as required by law, resides in the geographical area making up the district from which he or she is nominated to be elected and is a registered voter of the City of Mission Viejo at the time nomination papers are issued to the candidate, as provided in Section 10227 of the California Elections Code. No term of any Member of the City Council that commenced on or prior to the effective date of this Ordinance revising Chapter 2.04 shall be affected prior to its expiration date, however this Ordinance does not change, extend, or restart the determination of the number of terms served under Section 1.04.010 of the Mission Viejo Municipal Code.

2.. Registered voters signing nomination papers or voting for a member of the City Council shall only be residents of the geographical area making up the district from which the member is to be elected, and not from any other district or place of residence.

3. The terms of the office of each Member elected to the City Council shall be four (4) years, as currently established by Mission Viejo Municipal Code Section 2.04.140.

(d) **Commencement of District Elections.**

Commencing with the general municipal election in November 2022 and thereafter, the voters in Council Districts 1, 3, and 5 shall elect Members of the City Council by district for full four (4) year terms per section 2.04.140. At the general municipal election in 2024 and thereafter, the voters in Council Districts 2 and 4 shall

elect Members of the City Council by district for full four (4) year terms per Section 2.04.140.

(e) **Adjustment of Council Boundaries.**

1. Pursuant to Elections Code Section 21601 the City Council shall adjust the boundaries of any or all the districts following each decennial federal census. Using the census as a basis, Members of the City Council shall adjust the boundaries so that the district shall be as equal in population as practicable and in compliance with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance adopted by the members of the City Council before the first day of November of the year following the year in which each decennial federal census is taken commencing with the 2030 federal census. The members of the City Council shall hold a public hearing on the proposed district boundaries as required by applicable law prior to the introduction of an ordinance adjusting the district boundaries.

2. At the time of any annexation of the territory to the City, members of the City Council shall designate, by resolution adopted by a vote of a least a majority of the Members of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries, if necessary, in accordance with applicable law.

3. Pursuant to Elections Code Section 21606 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 he or she was elected, pursuant to the Ordinance and the Mission Viejo City Code.

4. At the first election for council following adjustment of the boundaries of the districts, a person meeting the requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan that has the same district number as a district whose incumbent's term on the council is due to expire.”

Section 3. The Official Council District Map referenced in Section 2 is hereby approved and is attached hereto as Exhibit “A” and incorporated herein by this reference. The Official Council District Map shall be kept on file in the Office of the City Clerk.

Section 4. This Ordinance shall take effect upon its adoption pursuant to Government Code Section 36937(a) as it is an Ordinance relating to an election for the City of Mission Viejo.

Section 5. This Ordinance shall control over any conflicting ordinances, resolutions, policies, or procedures enacted, directed or condoned by the City of Mission Viejo, its staff and legislative bodies.

Section 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Mission Viejo hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clause, phrases, or portions of this Ordinance be declared invalid or unenforceable.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Mission Viejo on this ___ day of ____, 2022.

Wendy Bucknum, Mayor

ATTEST:

Kimberly Schmitt, City Clerk

[SEAL]

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Kim Schmitt, City Clerk of the City of Mission Viejo do hereby certify that the foregoing Ordinance No. ___ was duly introduced and placed upon its first reading and adoption pursuant to California Government Code Section 36937(a) at a meeting of the City Council of the City of Mission Viejo on the ___ day of _____, 2022, and said Ordinance was duly adopted by the City Council of the City of Mission Viejo at that meeting thereof held on the ___ day of ____, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS

Kimberly Schmitt, City Clerk.

APPROVED AS TO FORM:

William P. Curley, III