

CITY COUNCIL OF THE CITY OF NOVATO

ORDINANCE NO. 1618

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NOVATO AMENDING SECTIONS 2-3.2 “MUNICIPAL ELECTIONS” OF THE NOVATO MUNICIPAL CODE TO CHANGE THE DATE OF THE GENERAL MUNICIPAL ELECTION FROM ODD-NUMBERED YEARS TO EVEN NUMBERED YEARS; ADOPTING A PLAN TO PHASE IN THE SHIFT TO EVEN YEAR ELECTION BY ELECTING OFFICE HOLDERS IN 2017 AND 2019 TO SERVE 5 YEAR TERMS, RETURNING TO 4 YEAR TERMS IN THE 2022 ELECTION

WHEREAS, pursuant to Section 2-3.2 of the Novato Municipal Code, the City currently holds its general municipal election concurrent with the general district school election on the Tuesday after the first Monday in November of each odd-numbered year; and

WHEREAS, pursuant to Senate Bill (SB) 415, adopted by the State Legislature in 2015 and effective January 1, 2018, a “city, school or community college district, or other district organized pursuant to state law,” is prohibited from holding a general election other than on a statewide election date, i.e., in June or November of even-numbered years, if holding an election on a non-concurrent date, has previously resulted in a “significant decrease in voter turnout”, defined as voter turnout for a regularly scheduled election of the local entity that is at least twenty-five percent (25%) less than the average voter turnout within that entity for the previous four (4) statewide general elections; and

WHEREAS, the Marin County Registrar of Voters has determined, based upon Novato’s election turnout rates in past 4 City Council elections, that SB 415 will require the City’s general municipal election to be held on statewide election dates, in June or November of even-numbered years; and

WHEREAS, SB 415 requires the City either to change to even-year elections commencing in 2018, or to adopt a plan, by January 1, 2018, for transitioning to even-year elections no later than the November 8, 2022 statewide election.

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

SECTION 1

Section 2-3.2 “Municipal Elections” of the Novato Municipal Code is hereby amended to read as follows:

*2-3.2 Municipal Elections.*a. *Purpose.*

Prior to the effective date of this Section, the general municipal election in the City has been held on the Tuesday after the first Monday in November in odd-numbered years. However, in 2015, the State Legislature enacted Senate Bill No. 415 (adding Elec. Code §§ 14050-14057), the California Voter Participation Rights Act, pursuant to which the

City is required to change the date of the City's general municipal election to even numbered years. The purpose of this Section is to adopt a transition plan to change the date of the City's general municipal election to even numbered years beginning in 2020 and to effectuate said plan by the extension of terms of those council members elected in 2017 and 2019.

b. *Date of General Municipal Elections and Transition Plan.*

In order to effect the transition of the City's general municipal election date from the current odd year schedule to the even-year schedule, the transition period election dates, and the terms of City Councilmembers, shall be as follows:

1. A general municipal election shall be held in the City on the first Tuesday after the first Monday in November of 2017 and 2019, and shall be known as the general municipal election. Notwithstanding Section 2-3.3 of the Novato Municipal Code, the terms of the two City Councilmembers elected in 2017 shall be extended to five (5) years, ending upon certification of the November 8, 2022 election results and the terms of the three City Councilmembers elected in 2019 shall be extended to five (5) years, ending upon certification of the November 5, 2024 election results. All other municipal elections that may be held by authority of general law in the years 2017 through 2019 shall be known as special municipal elections.
2. Effective January 1, 2020, Pursuant to Sections 1301 and 10403.5 of the California Elections Code, the day of the general municipal election in the City is moved from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday in November of even-numbered years and shall be known as the general municipal election. All other municipal elections that may be held by authority of general law shall be known as special municipal elections. Terms of office of all City Councilmembers elected on or after the November 8, 2022 election shall be as set forth in Section 2-3.3 of the Novato Municipal Code.

c. *Applicability of California Elections Code – Concurrent Elections.*

Pursuant to Section 1302 of the California Elections Code, the City hereby requests that the County of Marin approve consolidation of the City's November City Council election with other general elections conducted by the county in November 2017 and 2019 and thereafter with the statewide general election conducted by the County in November of each even-numbered year. If the County denies the City's request for consolidation, the City alternatively requests that, pursuant to Section 1301 of the Elections Code, the County permit the City to conduct its election concurrently with future statewide general elections (employing a separate ballot from that of the County) unless and until such time as Marin County approves the consolidation of the City Council election with the statewide general election, in which case the City Council election will be consolidated with the County election.

d. *Notice to Voters of Change in Election Date.*

Within 30 days of the effective date hereof, the City Clerk shall cause a notice to be mailed to all registered voters within the City informing the voters of the change in the terms of office for 2017 and 2019 and of the change in election date beginning in 2020, as required by Elections Code Section 10403.5(e).

e. Effective Date.

Pursuant to Elections Code Sections 1301 and 10403.5, the ordinance codified in this chapter shall not become effective until approved by the Marin County Board of Supervisors (“effective date”).

SECTION 2: ENVIRONMENTAL REVIEW

The City Council finds that the ordinance codified in this chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15061(b)(3), in that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and it can be seen with certainty that there is no possibility that this Ordinance or its implementation would have a significant effect on the environment. (CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3).

SECTION 3: SEVERABILITY

If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

SECTION 4: PUBLICATION

This ordinance shall be published in accordance with applicable provisions of law, by either:

publishing the entire ordinance once in a newspaper of general circulation, published in the City of Novato, within fifteen (15) days after its passage and adoption, or

publishing the title or appropriate summary in a newspaper of general circulation, published in the City of Novato, at least five (5) days prior to adoption, and a second time within fifteen (15) days after its passage and adoption with the names of those City Councilmembers voting for and against the ordinance.

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THE FOREGOING ORDINANCE was first read at a regular meeting of the Novato City Council on the 18th day of April, 2017, and was passed and adopted at a regular meeting of the Novato City Council on the 2nd day of May, 2017, by the following vote:

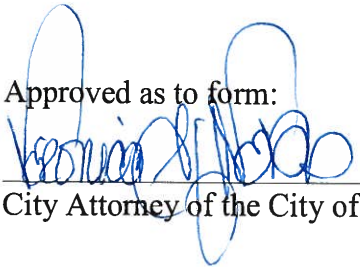
AYES: Councilmembers Drew, Eklund, Fryday, Lucan, Athas
NOES: Councilmembers None
ABSENT: Councilmembers None
ABSTAIN: Councilmembers None


Mayor of the City of Novato

Attest:



City Clerk of the City of Novato

Approved as to form:


City Attorney of the City of Novato