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Board of
Supervisors

ORDINANCE NO. 2017 - 1038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CERES, CALIFORNIA, AMENDING CHAPTER 2.04 OF TITLE 2 OF THE CERES MUNICIPAL CODE BY ADDING SECTIONS 2.04.020(B) AND 2.04.030(C); AND REVISING SECTION 2.04.040(A), MOVING THE CITY'S GENERAL MUNICIPAL ELECTION TO EVEN-NUMBERED YEARS AND MAKING CORRESPONDING CHANGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CERES AS FOLLOWS:

SECTION 1. Chapter 2.04 of Title 2 of the Ceres Municipal Code is hereby amended to read as following:

SECTION 2.04.020. ENUMERATION OF OFFICERS AND TERMS.

(a) The elective officers of the City of Ceres shall be a Mayor and four (4) Council members. The Council shall consist of the Mayor and four (4) Council members, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council. The term of office of the Mayor shall be four (4) years, and the term of office of each Council member shall be four (4) years.

(b) In accordance with state law and low voter participation in odd numbered years, beginning November of 2018, the City's general municipal election shall be held on the first Tuesday after the first Monday in even-numbered years to coincide with the statewide general elections.

SECTION 2.04.030. ESTABLISHMENT OF COUNCIL DISTRICTS.

(a) The districting plan establishing four Council districts shall be approved by the voters of the city at large. The districting plan shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the City. The boundaries and the number of each of the four (4) electoral districts for City Council are set forth in Exhibit A, including a map of the districts, which is incorporated herein by reference. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

(b) Each Council district shall be assigned a district number, with districts numbered one through four as indicated in Exhibit A. The Council members of Districts 3 and 4 shall be elected by-district in November of 2015 for a term of four (4) years. The Council members of Districts 1 and 2 shall be elected by-district in November 2017 for a term of four years. If this ordinance is approved at the regular municipal election of November 2015, all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

(c) Consistent with the addition of Section 2.04.020(b) above, the terms of office of those councilmembers presently serving whose terms would have expired in 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election. The terms of office of those councilmembers who would have expired in November 2017, shall instead continue in their offices until certification of the results and administration of the oaths of office after the November 2018 general municipal election.

(d) A period of transition from At-Large elections to District elections will occur from the time of adoption of the first districting plan to the time that the by district elections are held for all Council member districts. During this period of transition, each Council member elected at-large in the regular municipal election of November 2013 will be designated by the Council as the councilmember representing one of Districts One and Two in the districting plan whether or not that Council member resides in the district. The first by-district elections for Districts Three and Four shall occur during the regular municipal election in November 2015. The first by district elections for Districts One and Two shall occur during the regular municipal election in November 2017. Nothing contained herein shall prevent an incumbent Council member at the time of the effective date of this ordinance from running for a Council district in which that Council member resides other than the district for which that member currently holds office, if the councilmember is otherwise eligible to run in that district and vacates the office of Council member for the district of non-residency if elected. No Council member may hold office in more than one district. Each incumbent Council member elected at-large shall be allowed to complete the term for which they were elected regardless of the district of residency so long as they otherwise remain eligible to hold the office and have not been removed for cause or elected to another office. For purposes of this section "by-district" shall mean that the Council member shall reside within the district and be elected by the voters of that district only.

SECTION 2.04.040. METHOD OF ELECTION.

(a) Mayor. The Mayor shall continue to be elected at the regular municipal election in November of 2015 and every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. Beginning in November of 2020, the Mayor shall be elected every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. The term of the Mayor which would have previously expired in November of 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election.

(b) District Council members. One member of the City Council shall reside in each of the four (4) electoral districts established by this ordinance and shall be elected by a vote of the voters of that district only. Each district shall elect one Council member. A Council member of each district must live in that district and must be a registered voter in that district to be eligible to hold the office of Council member for that district, and a candidate for any district must live in that district and must be a registered voter in that district to be eligible to run for the office of Council member for that district. Only voters who live in a district shall be eligible to vote in the election for Council member of that district. Each Council member must reside within the district for the full term of office; termination of residency within the district shall create an immediate

vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days of termination of residency.


(c) The members of the Council in office at the time this ordinance takes effect shall continue in office until the expiration of their terms and until their successors are elected and qualified. If a tie vote makes it impossible to determine which of two or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. No candidate shall file for more than one (1) elective office. Any member of the Council may run for the office of Mayor, and upon election as Mayor shall forfeit the office of Council member of any district.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage by the City Council, and following the affirmative vote of a majority of the electors at-large of the City of Ceres voting on the measure.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ceres held on the 9th day of January 9, 2017, and adopted on the 23rd day of January 2017, by the following vote:

AYES: Council Members: Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES: Council Members: None
ABSENT: Council Members: None



Chris Vierra, Mayor

ATTEST:


Diane Nayares-Perez, City Clerk