

# ATTACHMENT 4

## ORDINANCE NO. 16-05

### AN ORDINANCE OF THE PEOPLE OF THE CITY OF COSTA MESA AMENDING THE COSTA MESA MUNICIPAL CODE TO ESTABLISH A DIRECTLY ELECTED MAYOR WITH TERM LIMITS AND BY-DISTRICT ELECTION OF SIX COUNCIL MEMBERS

WHEREAS, the City of Costa Mesa ("City") is a general law city currently governed by a five (5) member city council elected at-large by all voters within the City; and

WHEREAS, a general law city with a population of more than 100,000 can change to a by-district election system by placing a measure on the ballot for voters to decide whether to elect city council members by-district based on a map delineating boundaries of proposed districts; and

WHEREAS, under the California Voting Rights Act, district based elections are required if it can be shown that an at-large election system prevents minority voters from electing their chosen candidate or influencing elections; and

WHEREAS, pursuant to a Settlement Agreement entered into with concerned citizens, the City agreed to submit the question to voters whether to elect its city councilmembers by district; and

WHEREAS, in accordance Elections Code Section 10010, the City Council held two (2) public hearings prior to the public hearing to select the final district map and place the measure on the November 8, 2016 general election ballot in addition to multiple community meetings; and

WHEREAS, the City of Costa Mesa Municipal Code, Title 2 Chapter II entitled "City Council Generally" provides for a five member city council, appointment of mayor and mayor pro tempore and term limits (enacted by voters) for elected city council members.

NOW THEREFORE THE PEOPLE OF THE CITY OF COSTA MESA, CALIFORNIA DO ORDAIN AS FOLLOWS:

SECTION 1. Costa Mesa Municipal Code Section 2-20 is repealed and replaced in its entirety as follows:

Sec. 2-20. – City Elected Officials; By-District Elections.

- A. City Council and Mayor. The elected officers of the City shall constitute a city council consisting of six (6) council members elected by-district at the times and in the manner provided in this ordinance, each of whom shall serve for a term of four years and until their respective successors qualify, and a directly elected mayor to serve a two year term, until his or her respective successor qualifies.

Candidates for council seats shall be nominated and elected by such district and shall reside in such district. Candidates for mayor may reside in any district within the City and shall be elected by the voters city-wide.

- B. Residency in Districts. Except for the directly elected Mayor, each member of the Council must also be a resident of the council district from which the member is nominated at the time the member is nominated and elected. In the event any member of the Council shall cease to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a member of the Council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as in this code provided, the member shall not lose office during that term by reason of such change.
- C. Districts. The City is hereby divided into six (6) Council districts. The six districts shall be as described in section 2-20.5.
- D. Changes in Boundaries of Council Districts. The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a four-sevenths (4/7) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as geographically compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by four-sevenths (4/7) vote of the total membership of the Council, and as provided in California Elections Code sections 21620 and 21621. However, the Council shall not change the boundaries of districts more than once in any two-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 the City boundaries. After the 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 the Council.
- E. Current Office Holders. The five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.
- F. Council Elections Sequenced. The Mayor shall serve a two year term and the position of Mayor shall be elected commencing in the year 2018, and every two years thereafter. The members of the Council of the third, fourth and fifth Council districts shall be elected commencing in the year 2018 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the first, second and sixth Council districts shall be elected commencing in the year 2020 to the Council seats then open, and in each fourth year thereafter.

SECTION 2. Section 2-20.5 of the Costa Mesa Municipal Code is hereby added:

2-20.5 -- District Boundaries.

The council member districts of the city shall have the following initial legal boundaries:

First District.

The region bounded and described as follows: Beginning at the point of intersection of City Boundary and Bear St, and proceeding southerly along Bear St to I-405, and proceeding westerly along I-405 to Harbor Blvd, and proceeding southerly along Harbor Blvd to Census Block 060590638072010 southern Boundary, and proceeding westerly along said Block Boundary to Placentia Ave, and proceeding northerly along Placentia Ave to Flood Control Channel, and proceeding westerly along Flood Control Channel to City Boundary, and proceeding northerly along City Boundary to the point of beginning.

Second District.

The region bounded and described as follows: Beginning at the point of intersection of City Boundary and Bear St, and proceeding easterly along City Boundary to Highway 55, and proceeding northerly along Highway 55 to Highway 73, and proceeding northerly along Highway 73 to Flood Control Channel, and proceeding westerly along Flood Control Channel to Fairview Rd, and proceeding southerly along Fairview Rd to Adams Ave, and proceeding westerly along Adams Ave to Harbor Blvd, and proceeding northerly along Harbor Blvd to I-405, and proceeding easterly along I-405 to Bear St, and proceeding northerly along Bear St to the point of beginning.

Third District.

The region bounded and described as follows: Beginning at the point of intersection of Flood Control Channel and Fairview Rd, and proceeding easterly along Flood Control Channel to Highway 73, and proceeding southerly along Highway 73 to Highway 55, and proceeding southerly along Highway 55 to City Boundary, and proceeding southerly along City Boundary to Orange Ave, and proceeding southerly along Orange Ave to 22nd St, and proceeding westerly along 22nd St to Costa Mesa Freeway, and proceeding northerly along Costa Mesa Freeway to Fairview Rd, and proceeding northerly along Fairview Rd to Avocado St, and proceeding westerly along Avocado St to Census Block 060590639062000 western Boundary, and proceeding northerly along said Block Boundary to W Wilson St, and proceeding westerly along W

Wilson St to Harbor Blvd, and proceeding northerly along Harbor Blvd to Adams Ave, and proceeding easterly along Adams Ave to Fairview Rd, and proceeding northerly along Fairview Rd to the point of beginning.

#### Fourth District.

The region bounded and described as follows: Beginning at the point of intersection of Harbor Blvd and Census Block 060590638072010 southern Boundary, and proceeding southerly along Harbor Blvd to Hamilton St, and proceeding westerly along Hamilton St to Maple Ave, and proceeding southerly along Maple Ave to W Bay St, and proceeding westerly along W Bay St to Anaheim Ave, and proceeding southerly along Anaheim Ave to W 19th St, and proceeding westerly along W 19th St to Pomona Ave, and proceeding southerly along Pomona Ave to W 17th St, and proceeding westerly along W 17th St to Placentia Ave, and proceeding northerly along Placentia Ave to Towne St, and proceeding westerly along Towne St to Monrovia Ave, and proceeding northerly along Monrovia Ave to W 19th St, and proceeding easterly along W 19th St to Parcel Boundary(West of Placentia Ave), and proceeding northerly along Parcel Boundaries to Victoria St, and proceeding easterly along Victoria St to Placentia Ave, and proceeding northerly along Placentia Ave to Census Block 060590638072010 southern Boundary, and proceeding easterly along said Block Boundary to the point of beginning.

#### Fifth District.

The region bounded and described as follows: Beginning at the point of intersection of Flood Control Channel and City Boundary (in Fairview Park), and proceeding westerly along Flood Control Channel to Placentia Ave, and proceeding southerly along Placentia Ave to Victoria St, and proceeding westerly along Victoria St to Parcel Boundary (West of Placentia), and proceeding southerly along Parcel Boundaries to W 19th St, and proceeding westerly along W 19th St to Monrovia Ave, and proceeding southerly along Monrovia Ave to Towne St, and proceeding easterly along Towne St to Placentia Ave, and proceeding southerly along Placentia Ave to W 17th St, and proceeding easterly along W 17th St to Pomona Ave, and proceeding northerly along Pomona Ave to W 19th St, and proceeding easterly along W 19th St to Anaheim Ave, and proceeding northerly along Anaheim Ave to W Bay St, and proceeding easterly along W Bay St to Maple Ave, and proceeding northerly along Maple Ave to Hamilton St, and proceeding easterly along Hamilton St to Harbor Blvd, and proceeding northerly along Harbor Blvd to W Wilson St, and proceeding easterly along W Wilson St to Census Block 060590639062000 western Boundary, and proceeding southerly along said Block Boundary to Avocado St, and proceeding easterly along Avocado St to Fairview Rd, and proceeding southerly along Fairview Rd to State Hwy 55, and proceeding southerly along State Hwy 55 to Newport Blvd, and

proceeding southerly along Newport Blvd to Superior Ave, and proceeding westerly along Superior Ave to City Boundary, and proceeding easterly along City Boundary to the point of beginning.

Sixth District.

The region bounded and described as follows: Beginning at the point of intersection of City Boundary and Orange Ave, and proceeding easterly along City Boundary to Superior Ave, and proceeding northerly along Superior Ave to Newport Blvd, and proceeding northerly along Newport Blvd to State Hwy 55, and proceeding northerly along State Hwy 55 to 22nd St, and proceeding easterly along 22nd St to Orange Ave, and proceeding northerly along Orange Ave to the point of beginning.

These district boundaries are depicted on a boundary map attached hereto as Exhibit A. These boundaries will remain in effect until amended by ordinance as provided in section 2-20.D.

SECTION 3. Section 2-22 of the Costa Mesa Municipal Code is repealed and replaced in its entirety as follows:

A. Mayor. One of the four City Council seats open at the first municipal election following the date on which this section takes effect shall be designated as the office of mayor, to be filled at the election. The person elected at the election as mayor shall hold office from the Tuesday succeeding his or her election, and until his or her successor is elected and qualifies. Candidates for mayor may reside in any council district of the City, and all qualified voters of the city shall be able to vote for the office of Mayor. The elected mayor is a member of the city council and has all the powers and duties of a member of the city council.

The mayor may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be the official head of the city for all ceremonial purposes. He or she shall perform such other duties consistent with the office as may be prescribed by the city council.

The provisions of section 2-24 shall not apply to the position of directly elected mayor.

B. Mayor Pro Tem. At the meeting at which the declaration of the municipal election results and the installation of the new elected officers is made pursuant to Sections 10262 and 10264 of the Elections Code, following the declaration of the election results, the city council shall meet and shall elect one of its members as mayor pro tempore, who shall serve in such capacity for a period of two (2) years from the date of appointment. The mayor pro tempore shall perform the duties of the mayor during his or her absence or disability.

SECTION 4. Section 2-25 is hereby added to the Costa Mesa Municipal Code:

Section 2-25 – Directly Elected Mayor Term Limits

The number of terms a directly elected mayor may serve on the city council shall be limited to two (2) consecutive terms of two (2) years each, which shall be in addition to any four year terms served on the city council subject to section 2-24.

SECTION 5. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this ordinance be declared invalid.

SECTION 6. After this ordinance is approved by a majority vote of the voters, the Mayor and City Clerk shall certify that the ordinance was submitted to the voters of the city and that it was approved by a majority vote. The City Clerk shall file one copy of the approved ordinance with the Orange County Clerk-Recorder's office, one copy with the Orange County Registrar of Voters keep one copy in the City's archive. The City Clerk shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
\_\_\_\_\_, Mayor

Attest:

\_\_\_\_\_  
City Clerk