

ORDINANCE NO. 16-06

AN ORDINANCE OF THE PEOPLE OF THE CITY OF
COSTA MESA AMENDING THE COSTA MESA MUNICIPAL
CODE TO ESTABLISH A DIRECTLY ELECTED MAYOR 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 Costa Mesa Municipal Code Section 2-20 is repealed and replaced in its entirety as follows: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

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. 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

ORDINANCE NO. 16-07

AN ORDINANCE OF THE PEOPLE OF THE CITY OF
COSTA MESA ADDING SECTION 2-25 OF THE COSTA
MESA MUNICIPAL CODE ESTABLISHING TERM LIMITS
FOR A DIRECTLY ELECTED MAYOR

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, voters will consider adopting Ordinance No. 16-06 to establish a directly elected mayor and six council members elected by district in accordance with the California Voting Rights Act and California law; and

WHEREAS, California Government Code Section 36502 authorizes voters to limit the number of terms that may be served by members of the city council and/or an elected mayor; and

WHEREAS, Section 2-24 currently provides that the number of terms a member of the city council may serve on the city council shall be limited to two (2) consecutive terms of four (4) years each; and

WHEREAS, this ordinance would add Section 2-25 to limit the number of terms a directly elected mayor may serve on the city council to two (2) consecutive terms of two (2) years each, which shall be separate from and in addition to any four year terms served on the city council.

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

SECTION 1. Costa Mesa Municipal Code Section 2-25 shall be added:

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 2. This ordinance shall only take effect if Ordinance 16-06 is approved by the voters.

SECTION 3. 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 4. 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

RESOLUTION NO. 16-59

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TUESDAY, NOVEMBER 8, 2016 FOR THE SUBMISSION TO THE VOTERS OF A QUESTION RELATING TO ESTABLISHING BY-DISTRICT ELECTIONS WITH A DIRECTLY ELECTED MAYOR

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the City of Costa Mesa, currently has a City Council consisting of five members elected by all voters in the City. This type of system is referred to as an "at-large" system of voting; and

WHEREAS, the law in California allows a city to place a measure on the ballot to change from at-large voting to from-district or by-district voting. By-district voting is a system that divides the city into geographical districts of roughly equal population and the voters from a particular district elect only a person who resides in that district to represent them on the City Council; and

WHEREAS, the California Voting Rights Act allows for a legal challenge to at-large elections, but not to by-district election systems; and

WHEREAS, the City Council has held numerous public meetings and public hearings to gather information and input regarding selection of a map for use in a by-district election system, and has selected a map to include in a ballot measure, which is attached to the proposed measure and the proposed ordinance; and

WHEREAS, the selected map would establish six districts, the boundaries and numbering of which are described in the attached map and a directly elected mayor who would be subject to term limits of two consecutive two year terms; and

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, the City of Costa Mesa shall hold a General Municipal Election on November 8, 2016 to submit to the voters a question relating to establishing By-District Elections for the Costa Mesa City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to the requirements of the laws of the State of California relating to General Law Cities, the City Council calls and orders a General Municipal Election held in the City of Costa Mesa, California, on Tuesday, November 8, 2016.

SECTION 2. That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

Measure __: Voter Districts Formation	Response	Vote
Shall members of the legislative body of the City of Costa Mesa be elected by district as described in Ordinance No. 16-05, establishing six equal, geographically based districts, and the Mayor of the City of Costa Mesa elected on a citywide basis for a term of two years by the voters of the entire city, for a maximum of two terms?	Yes	
	No	

SECTION 3. That the proposed complete text of the measure submitted to the voters is attached as Exhibit 1 and the proposed ordinance to be enacted is attached as Exhibit 2.

SECTION 4. The measure requires a majority 50% + 1 of the votes cast to pass.

SECTION 5. The ballots used at the election shall be in form and content as required by law.

SECTION 6. The City Council authorizes, instructs and directs the City Clerk to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia necessary in order to properly and lawfully conduct the election.

SECTION 7. The polls for the election shall open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall close, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

SECTION 8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 9. Notice of the time and place of holding the election is given and the City Council authorizes, instructs and directs the City Clerk to give further or additional notice of the election in time, form and manner as required by law.

SECTION 10. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 11. The City Council authorizes the City Clerk to administer said election and the

City shall pay all reasonable and actual election expenses upon presentation of a properly submitted bill.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the City Council of the City of Costa Mesa on this 12th day of July, 2016.

Stephen M. Mensinger, Mayor

ATTEST:

APPROVED AS TO FORM:

Brenda Green, City Clerk

Thomas Duarte, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF COSTA MESA)

I, BRENDA GREEN, City Clerk of the City of Costa Mesa, DO HEREBY CERTIFY that foregoing Resolution No. 16-59 was duly passed and adopted by the City Council of the City of Costa Mesa at a regular meeting held on the 12th day of July, 2016, by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

IN WITNESS WHEREOF, I have hereby set my hand and affixed the seal of the City of Costa Mesa this 13th day of July, 2016.

BRENDA GREEN, CITY CLERK

FULL TEXT OF MEASURE ____
CITY OF COSTA MESA

The People of the City of Costa Mesa do ordain as follows:

Title 2 Chapter II entitled "City Council Generally" shall be amended to allow for election of six (6) council members elected by-district and a mayor elected by voters city-wide. This ordinance enumerates residency requirements for council members elected by district along with requirements for filling vacancies; describes the initial boundaries to elect council members by district as set forth on the map attached hereto as Exhibit A; and provides a sequence of electing council members to staggered terms.

This ordinance would maintain existing term limits for city council members elected by district but add term limits for a directly elected mayor to two (2) consecutive terms of two (2) years each.

Under this ordinance, a change in the boundaries of council districts shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census, as made necessary by a change in the City's boundaries or by a four-sevenths (4/7) vote of all its members provided that the number of times a change in boundaries may occur shall be limited to 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.

This ordinance provides that all five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.

IF YOU DESIRE A COPY OF THE DISTRICT ELECTIONS ORDINANCE NO. 16-05, PLEASE CALL THE CITY CLERK'S OFFICE AT (714) _____, AND A COPY WILL BE MAILED AT NO COST TO YOU.

City of Costa Mesa
Final_3
Voting District Proposal

