

Attachment No. 1 to City Council Resolution re By-District Elections

CHARTER AMENDMENT MEASURE __

Section 1: TEXT OF AMENDMENTS TO ANAHEIM CITY CHARTER.

The City Charter of the City of Anaheim is hereby amended as follows (underlining showing additions and ~~strike through~~ showing deletions):

Section 500. CITY COUNCIL. TERMS.

The elective officers of the City shall consist of a Mayor and four City Council members. Commencing with the general municipal election of November 2016, the City Council members shall be residents of their respective Districts, as established pursuant to Section 500.1, and nominated and elected only by the voters of their respective Districts; the City Council shall not submit to the voters any City Council-sponsored Charter amendment (as described in Elections Code section 9255(b)(1)) repealing Charter provisions requiring that City Council members be elected by voters of their respective Districts earlier than after the November 2018 general municipal election. The Mayor shall be elected from the City at large ~~and~~. The elective officers shall be elected at the times and in the manner provided in this Charter ~~who~~ and shall serve for a term of four years and until their respective successors qualify. The term "City Council," "legislative body," or other similar terms as used in this Charter or any other provision of law shall be deemed to refer to the collective body composed of the Mayor and ~~four~~ City Council members unless such other provision of this charter or other provision of law expressly provides to the contrary or unless such interpretation would be clearly contrary to the intent and context of such other provision.

~~—The~~ Notwithstanding the second sentence in the first paragraph of this Section 500, or the first sentence in the first paragraph or the first sentence in the third paragraph of Section 501, the Mayor and members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. ~~The Mayor and two members~~ Recall proceedings, if any, of the ~~such~~ City Council ~~shall be elected at~~ members serving the remainder of a term pursuant to this provision, and the general municipal election held in November, 1994 of a successor to such City Council member to complete that term, shall be conducted at large. The Mayor shall be elected at the general municipal election held in November 2014, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in November, 1996 2016, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in November 2018, and each fourth year thereafter.

Ties in voting among candidates for office, including the office of the Mayor, shall be settled by the casting of lots.

Section 500.1 DISTRICTS.

For the purpose of electing the members of the City Council commencing with the November 2016 general municipal election, the City shall be divided into single-member districts equal in number to the number of City Council members, exclusive of the Mayor (each such district a "District" and, collectively, "Districts"). The City Council shall, by ordinance or resolution adopted on or before July 8, 2016, establish the names and respective boundaries of the Districts that shall be used for the election of the Council members, and the transition plan from at-large elections to District elections. Said Districts shall be in compliance with applicable laws and such other permissible criteria as the City Council may specify by ordinance or resolution.

Following each decennial federal census, and at other such times that the City Council by at least a two-thirds vote determines that a sufficient change in population has occurred, the City Council shall, by ordinance or resolution, adjust the boundaries of any or all of the Districts of the City so that the Districts shall be as nearly equal in population as may be, consistent with law applicable to the creation and rearrangement of the boundaries of local districts. No ordinance or resolution authorized by this section that would change District boundaries created by a prior ordinance or resolution may be adopted within 180 days prior to any general municipal election.

Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts by the City Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

Section 501. ELIGIBILITY.

No person shall be eligible to hold office as the Mayor or a member of the City Council unless he or she is and shall have been a resident and qualified elector of the City and, with respect to members of the City Council elected by-District, of the District of which he or she seeks office at the time of, and for the thirty-day period immediately preceding, filing of his or her nominating papers or such other equivalent declaration of candidacy as may be required or authorized by law, or at the time of, and for the thirty-day period immediately preceding, his or her appointment to such office.

No employee of the City of Anaheim shall be eligible to hold office as the Mayor or as a member of the City Council. An employee of the City of Anaheim shall resign from such employment prior to being sworn into office as an elected or appointed member of the City Council or as the Mayor. If such employee does not resign his or her employment with the City prior to being sworn into office, such employment shall automatically terminate upon his or her being sworn into office.

Every member of the City Council or candidate for City Council shall be and remain a qualified voter in the District from which he or she seeks office from the time of filing nomination papers or such other equivalent declaration of candidacy as may be required or authorized by law, throughout the full term of his or her office, if elected or appointed in lieu of election. No creation of a District or change in the boundary or location of any District shall

abolish or terminate the term of office of any City Council member prior to the expiration of the term of office for which the member was elected or appointed in lieu of election, notwithstanding any other provision of this Section, Section 500, or Section 500.1.

Section 503. VACANCIES

A vacancy in the office of Mayor or on the City Council, from whatever cause arising, shall be filled by appointment by the City Council, such appointee to hold office until the first Tuesday following the next general municipal election and until his or her successor qualifies. An appointee to the office of Mayor or to the office of member of the City Council shall have the qualifications for that office as set forth in Section 501; provided, however, that the vacancy of a City Council member elected at large may be filled without regard to District residency. At the next general municipal election following any vacancy, a successor shall be elected to serve for the remainder of any unexpired term. As used in this paragraph, the next general municipal election shall mean the next such election at which it is possible to place the matter on the ballot and elect a successor.

If the Mayor or a member of the City Council is absent from all regular meetings of the City Council for a period of thirty days consecutively from and after the last regular City Council meeting attended by such person, unless by permission of the City Council expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the City, or (as to any City Council member) ceases to be a resident and elector of his or her District, then his or her office shall become vacant. The City Council shall declare the existence of any such vacancy.

In the event it shall fail to fill a vacancy by appointment within sixty days after such office shall become vacant, the City Council shall cause an election to be held forthwith to fill such vacancy for the remainder of the unexpired term.

Section 2: BALLOT DESCRIPTION.

As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

CHARTER AMENDMENT (Sections 500, 500.1, 501, 503):
REQUIRE CITY COUNCIL MEMBERS BE RESIDENTS OF AND ELECTED BY DISTRICTS: This proposed Charter Amendment measure would change the method of electing City Council members (except the Mayor) by amending the City Charter to require: (i) City Council member election from residency districts by voters of that district; (ii) the City Council to establish and periodically adjust district boundaries, and (iii) amendments to the Charter for City Council eligibility and filling vacancies. This Charter amendment measure does not give the Council the power to raise its compensation or that of city officials without voter approval.

Section 3: COMPETING MEASURES, COMPLEMENTARY MEASURES.

If any other measure or measures related to the issues of the method of election of City Council members (including, without limitation, methods requiring City Council members to be residents of the district from which they are elected by the voters of the entire City at-large – sometimes called "from districts" or "residency district" methods) and/or the size of the City Council appear on the same ballot as this Charter Amendment measure, then it is the intent of the voters that the following shall apply:

(a) This Charter Amendment measure shall not be deemed to conflict with any measure or measures increasing the number of members of the City Council of the City of Anaheim that may be approved by a majority of the voters voting on such measure or measures at the same election. If this Charter Amendment measure and a measure increasing the number of members of the City Council of the City of Anaheim are approved by a majority of the voters voting at the same election, then this Charter Amendment measure shall be deemed to be complementary to the other measure and both this Charter Amendment and such other measure shall take effect. In such case, and if the measure increasing the number of City Council members was proposed by the City Council pursuant to Elections Code section 9255(b)(1) and adopted by the voters, then the voters hereby direct that the City Attorney and City Clerk take ministerial action to implement conforming language to the City Charter provisions affected by the approval of this Charter Amendment and such measure increasing the number of City Council members, so that said Charter provisions are consistent with language in a document entitled "Conforming Language Prepared by City Attorney" attached as "Attachment No. 2" to the February 4, 2014 City Attorney staff report presented to the City Council for the resolution ordering the placement of this Charter Amendment on the ballot, which attachment provides conforming language for the two Charter amendment measures as those measures affect Charter Section 500.

(b) In the event that this Charter Amendment measure and another measure or measures changing the method by which members of the City Council of the City of Anaheim are elected (including, without limitation, methods requiring City Council members to be residents of the district from which they are elected by the voters of the entire City at-large – sometimes called "from districts" or "residency district" methods) are approved by a majority of the voters voting at the same election, and this Charter Amendment measure receives a greater number of affirmative votes than any other such measure or measures, then such other measure or measures shall be deemed to be in conflict with this Charter Amendment measure, this Charter Amendment measure shall control in its entirety, and said other measure or measures changing the method by which members of the City Council of the City of Anaheim are elected shall be rendered void and without any legal effect.

(c) Notwithstanding (a), in the event that this Charter Amendment measure changing the method by which members of the City Council of the City of Anaheim are elected and another measure or measures both (1) increasing the number of members of the City Council of the City of Anaheim and (2) changing the method by which members of the City Council of the City of Anaheim are elected are approved by a majority of the voters voting at the same election, and this Charter Amendment measure receives a greater number of affirmative votes than any other such measure or measures both (1) increasing the number of members of the City Council of the

City of Anaheim and (2) changing the method by which members of the City Council are elected, then such other measure or measures shall be deemed to be in conflict with this Charter Amendment measure, this Charter Amendment measure shall control in its entirety, and said other measure or measures shall be rendered void and without any legal effect.

Section 4: SEVERABILITY.

It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment measure which can be given effect without the invalid provision or application.

Section 5: EFFECTIVE DATE.

This Charter Amendment measure shall become effective in the manner allowed by law.