

CITY COUNCIL RESOLUTION NO. 23-89

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF IRVINE, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION ON TUESDAY, MARCH 5, 2024, FOR THE SUBMISSION OF A PROPOSED CHARTER AMENDMENT

WHEREAS, pursuant to authority provided by the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, the City Council of the City of Irvine desires to submit to the voters a proposed Charter Amendment relating to increasing the membership of the City Council from five (5) members to seven (7), with the new membership comprised of a Mayor and six Councilmembers; and providing for the transition from at-large elections to by-district elections for the six Councilmembers, with district boundaries as specified in City Council Resolution 23-88; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters.

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

SECTION 1: That pursuant to the California Constitution, Article XI and the Government Code, Title 4, Division 2, Chapter 2 (commencing at § 34450) and the Election Code Division 9, Chapter 3, Article 3 (commencing at § 9255) of the State of California, there is called and ordered to be held in the City of Irvine, California, on Tuesday, March 5, 2024, a Special Municipal Election for the purpose of submitting the following proposed Charter Amendment:

Shall a City Charter amendment that (i) increases the membership of the City Council from five to seven, with the new membership comprised of a mayor and six Council members, and (ii) provides for the transition from at-large elections to by-district elections for the six Council members, with the district boundaries as described in City Council Resolution No. 23-88, be adopted?	YES
	NO

SECTION 2. That the text of the Charter Amendment submitted to the voters is attached as Exhibit A.

SECTION 3. That the vote requirement for the measure to pass is a majority (50%+1) of the votes cast.

SECTION 4. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 5. That the City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 6. That the polls/vote centers shall be 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/vote centers shall be closed, pursuant to Election Code § 10242, except as provided in except as provided in §§ 14212, 14401 of the Elections Code of the State of California.

SECTION 7. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

SECTION 8. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the City Council of the City of Irvine at a regular meeting held on the 10th day of October 2023.


MAYOR OF THE CITY OF IRVINE

ATTEST:


CITY CLERK OF THE CITY OF IRVINE

STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Irvine, held on the 10th day of October 2023.

AYES: 3 COUNCILMEMBERS: Agran, Carroll, and Khan
NOES: 2 COUNCILMEMBERS: Kim and Treseder
ABSENT: 0 COUNCILMEMBERS: None
ABSTAIN: 0 COUNCILMEMBERS: None



CITY CLERK OF THE CITY OF IRVINE

EXHIBIT A

Charter Amendment to Expand City Council and Establish City Council Districts

CHARTER AMENDMENT MEASURE NO. ____

SECTION 1. Text of Charter Amendment. The City Charter of the City of Irvine is hereby amended as follows (double underlining showing additions and ~~strike-through~~ showing deletions):

Section 400. Mayor and City Council.

The Commencing with the general municipal election of November 2024,
the City Council, hereinafter termed "Council," shall consist of a Mayor and
~~four (4)~~ six (6) Council members elected to office ~~from the city at large~~ in
the manner, at the times, and in the sequence provided in this Charter.

The Mayor shall serve a term of two (2) years and shall be elected from
the City at large. Any person who serves two (2) full terms as Mayor shall
not be eligible to serve again as Mayor. If a Mayor serves a partial term in
excess of one (1) year, it shall be considered a full term for the purpose of
this provision. Other than as set forth herein, ~~eligibility for office,~~
compensation, vacancies and the filling of vacancies shall be the same for
the office of Mayor as provided for the office of Council member by this
Charter. The Mayor, in addition to serving as the presiding officer of the
Council, shall have all of the rights, powers and duties of a Council
member and shall be a member of the Council.

The term of office for a each Council member shall be four (4) years and
shall be elected on a by-district basis from one (1) of the six (6) single-
member Council Districts of the City, as established pursuant to Section
400.1. Alternatively, and successively, ~~two (2) three~~ four-year terms shall
be filled at one general municipal election and ~~two (2) three~~ four-year terms
at the next such election, consistent with the sequence of terms of Council
members ~~existing on the effective date hereof in the fifth paragraph of this~~
Section 400. Any person who serves two (2) full terms as a ~~member of the~~
City Council member shall not be eligible to serve again as a ~~member of the~~
City Council member. If a Council member serves a partial term in excess
of two (2) years, it shall be considered a full term for the purpose of this
provision.

~~If at any general municipal election, one (1) or more Council member,~~
~~whose term of office will not expire as of the election, and who would be~~

~~required to vacate the office of Council member if elected to the office of Mayor, files as a candidate for the office of Mayor, the following procedure will be used to fill the contingent vacancy in the office of Council member that would arise if the sitting Council member were elected Mayor: To the extent legally possible, the ballot for the office of Council member, the official election materials and voter information pamphlet shall notify the voters that they may cast ballots for not more than three (3) candidates for the office of Council member; that at least two (2) Council offices shall be filled by election; and that if a Council member whose term of office will not expire as of the election is elected to the office of Mayor, the vacancy in the office of that Council member shall be filled by the candidate for Council member receiving the third highest number of votes at the same municipal election.~~

Notwithstanding the first sentence in the third paragraph of this Section 400, the second sentence in the first paragraph of Section 401, or the first sentence of the second paragraph of Section 401, the Mayor and Council members 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, so long as they remain legally registered voters and residents of the City. Recall proceedings, if any, of any Council member(s) serving the remainder of a term pursuant to this provision, and the election of a successor to such Council member(s) to complete that term, shall be conducted at large. If any Council seat held by a Council member serving the remainder of a term pursuant to this provision becomes vacant prior to the end of such term by means other than the recall, such Council seat shall be filled by appointment or election at large; provided, however, that if the vacating Council member resides in either the Council District designated 5 or the Council District designated 6 then, notwithstanding Section 403, a by-district election shall be held for the District where the vacating Council member resides at the earliest feasible date.

The Mayor shall be elected at the general municipal election held in November 2024, and each second year thereafter. One (1) Council member from each of the four (4) Council Districts designated 1, 2, 3, and 4 shall be elected at the general municipal election held in November 2024. Notwithstanding the term of office specified in the first paragraph of this Section 400, the Councilmember elected from the Council District designated 1 at the November 2024 general election shall hold office for a term of two (2) years and until their successor qualifies; the remaining three (3) Council members selected at the November 2024 general election shall each serve a term of four (4) years and until their respective successors qualify. One (1) Council member from each of the three (3) Council Districts designated 1, 5, and 6 shall be elected at the general municipal election

held in November 2026, and shall each serve a term of four (4) years and until their respective successors qualify.

The term of the Mayor and a Council member shall commence at the next regularly scheduled meeting of the Council following certification of the election results by the election official or such earlier other date as may be established by ordinance of the City Council, and ~~he or she~~ they shall serve until ~~his or her~~ their successor qualifies. Any ties in voting for Mayor or Council member and ~~any determination with respect to which Council member is to fill which office~~ shall be settled by the casting of lots. No person shall simultaneously hold both the office of Mayor and Council member.

~~The term limits established by this section shall be applicable prospectively only.~~ The term limits shall not apply to any term that began before November 4, 2014.

As used herein the term "qualifies" shall mean, in addition to the provisions of the general law, having taken the oath of office following the election and ~~his or her~~ their term of office shall have commenced.

Section 400.1. Districts.

For the purpose of electing the Council Members commencing with the November 2024 general municipal election, the City shall be divided into six (6) single-member districts (each such district a "District" and, collectively, "Districts"). The names and the respective boundaries of the Districts shall be as set forth in City Council Resolution 23-88. Following each decennial federal census, and at other such times as are authorized by applicable law, the City Council may, 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. Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefore, 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 401. Eligibility.

No persons shall be eligible to hold the office of ~~Council member~~ Mayor unless ~~he or she is~~ they are a legally registered voter and resident of the City. Commencing with filing of nomination or such other equivalent declaration of candidacy as may be required or authorized by law in connection with the general municipal election of November 2024, no person shall be eligible to hold the office of Council Member unless they are

a legally registered voter and resident of their respective District, as established pursuant to Section 400.1, and nominated and elected only by the voters of their respective District.

Every Council Member or candidate for Council Member shall be and remain a qualified voter in the District from which they seek 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 their 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 Council Member prior to the expiration of the term of office for which the Council Member was elected or appointed in lieu of election, notwithstanding any other provision of this Section, Section 400, or Section 400.1.

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 400, 400.1, and 401): This Charter Amendment measure would amend the City Charter to modify Section 400, add Section 400.1, and modify Section 401. These changes would provide for the transition from five-member to a seven-member City Council. While the Mayor would continue to be elected at large and in two-year terms, the six remaining Council members would transition to by-district elections. The initial districts for the six Council members would be as defined in City Council Resolution 23-88. The first district-based elections would occur for Districts 1, 2, 3, and 4 at the statewide general election on November 5, 2024. Those elected to Districts 2, 3, and 4 would receive four-year terms; the person elected to District 1 would receive a two-year term. City Council members that were elected in 2022 would serve out their at large terms until 2026. At the statewide general election in 2026, district-based elections would occur for Districts 1, 5, and 6. This amendment does not give the City Council any new power to raise its compensation or that of other City officials without voter approval.

SECTION 3: District Map. The district map adopted by the City Council on October 10, 2023 by City Council Resolution 23-88 is incorporated herein by reference as Exhibit 1 hereto, and as specified in Charter Section 400.1 are adopted and approved by the people of the City of Irvine.

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.

ADOPTED and ratified by the vote of the people of the City of Irvine on, March 5, 2024 at a Special Municipal Election as certified by the City Council of the City of Irvine on the __ day of March, 2024, and becomes effective once accepted and filed by the California Secretary of State.

ATTEST:

CITY CLERK OF THE CITY OF IRVINE

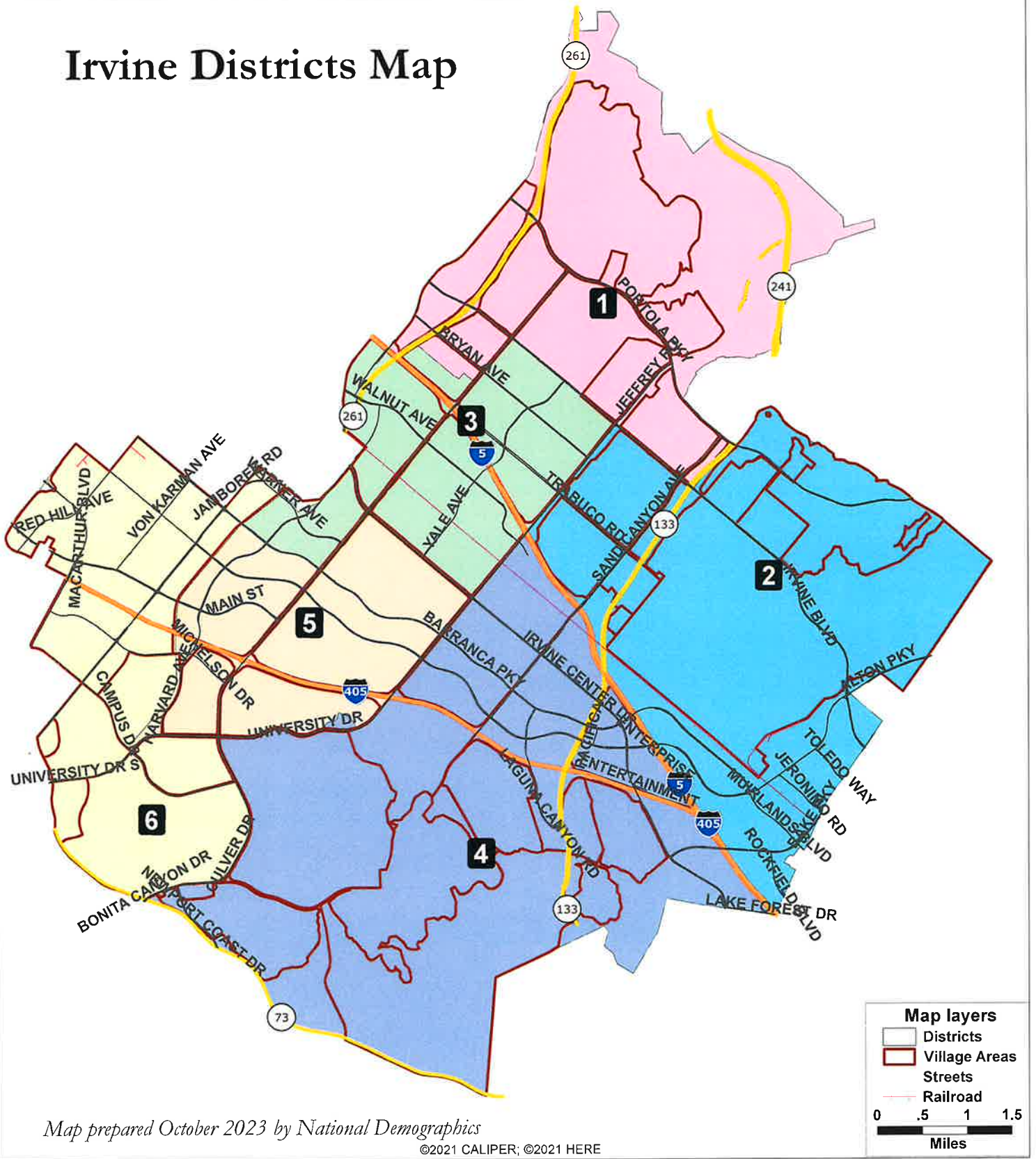
STATE OF CALIFORNIA)
COUNTY OF ORANGE) SS
CITY OF IRVINE)

I, CARL PETERSEN, City Clerk of the City of Irvine, HEREBY DO CERTIFY that the foregoing Charter Amendment was adopted and ratified by the voters of the City of Irvine as an initiative measure at an election held on March 5, 2024, as certified by the City Council of the City of Irvine on the __ day of March, 2024, and that the ordinance becomes effective once accepted and filed by the California Secretary of State.

CITY CLERK OF THE CITY OF IRVINE

EXHIBIT 1

Irvine Districts Map



Map prepared October 2023 by National Demographics

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EXHIBIT 1