

**Full Text of Measure C
City of Westminster**

ORDINANCE NO. XXXX

AN ORDINANCE OF THE PEOPLE OF THE CITY OF WESTMINSTER, AMENDING CHAPTER 2.04 ("CITY COUNCIL") OF THE WESTMINSTER MUNICIPAL CODE ELIMINATING THE OFFICE OF ELECTED MAYOR

WHEREAS, the electors from within the City of Westminster currently directly elect a mayor via an "at large" voting process; and

WHEREAS, the electors from within City of Westminster also currently elect four councilmembers from four separate districts in the City; and

WHEREAS, Government Code Section 34902(b) authorizes the City Council to submit to the voters the question of whether to eliminate the elective office of mayor and "reestablish the procedure of selection of the mayor by the city council"; and

WHEREAS, the City Council desires to submit to the voters the question of whether to adopt an ordinance eliminating the office of elected mayor and electing five city councilmembers from five separate districts; and

WHEREAS, this ordinance not a "project" as defined in 14 CCR 15378 of the Guidelines to the California Environmental Quality Act ("CEQA") because this is an "organizational or administrative activity that will not result in direct or indirect physical changes in the environment;

WHEREAS, even if this ordinance were a "project" under CEQA, there is no possibility that the adoption of this ordinance will have a significant impact on the environment, because this ordinance will not lead to construction or any other change in the environment. Therefore, the adoption of this ordinance is exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15061(b)(3) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations).

NOW THEREFORE, THE PEOPLE OF THE CITY OF WESTMINSTER DO HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Salaries.

Section 2.04.080 of the Westminster Municipal Code is hereby amended to provide as follows:

2.04.080 Salaries.

Pursuant to California Government Code Section 36516 and this section of the Westminster Municipal Code, the city council of the city of Westminster hereby establishes councilmember compensation in the amount of eight hundred fifty dollars and fifty cents per month for each councilmember, effective upon the commencement of a new term of office by any councilmember.

SECTION 2. Organization.

Section 2.04.090 of the Westminster Municipal Code is hereby amended to provide as follows:

2.04.090 Organization.

(a) MAYOR. At the meeting at which the City Council approves the certification of election results following any general election at which members of the City Council are elected, and at the first meeting in December during any non-election year, or at any time when there is a vacancy in the office of Mayor, the City Council shall meet and shall elect one of its members as its presiding officer, who shall have the Title of Mayor. The Mayor shall have a voice and vote in all City Council proceedings. The Mayor shall be the official head of the City for all purposes including ceremonial. The Mayor shall perform such other duties as may be prescribed by this municipal code or as may be imposed by the City Council consistent with the office. The Mayor shall serve in such capacity at the pleasure of the City Council.

(b) VICE MAYOR. At the same meeting when a Mayor is selected, the City Council shall also designate one of its members as Vice Mayor who shall serve in such capacity at the pleasure of the City Council. The Vice Mayor shall perform the duties of the Mayor during any absence or disability of the Mayor.

SECTION 3. Terms of Office.

Section 2.04.100 of the Westminster Municipal Code is hereby amended to provide as follows:

2.04.100 Terms of office for city councilmembers.

The general municipal election for all elected city officers shall be consolidated with the statewide general election on the first Tuesday after the first Monday of November in each even-numbered year. There shall be five elected councilmembers from five separate districts in the city, who shall each serve a four-year term.

SECTION 4. By-district elections.

Section 2.04.120 of the Westminster Municipal Code is hereby amended to provide as follows:

2.04.120 By-district elections.

A. City Council. The five elected council members shall be elected by district at the times and in the manner provided in this chapter, in a sequence to be determined by ordinance.

B. Residency in Districts. Each member of the city council must be a resident of the council district from which the member is nominated at the time the member is nominated, elected, and throughout that member's term of office. In the event any member of the city council ceases 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 city 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 as provided herein, the member shall not lose office during that term by reason of such change.

- C. Council Districts. The city is hereby divided into five districts, as set forth herein. Candidates for council seats in each district shall be nominated and elected only by the voters of that district and shall reside in that district.
- D. District Boundaries. The boundaries of the council member districts of the city shall be established in the manner required by Government Code Section 34877.5 and California Elections Code Section 10010.
- E. Changes in Boundaries. The boundaries of said city council districts may be changed by ordinance adopted by the city council by three-fifths vote of all its members; provided that districts must be established in accordance with applicable law. See Elections Code 21601. Boundaries shall be adjusted by the city council as required by law following each decennial federal census, or as otherwise authorized by law. After city 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 city council.
- F. Current Officeholders. The mayor and four members of the city council in office at the time this section takes effect shall continue in office until their existing terms expire.
- G. Council Elections Sequenced. The members of the Council of the first, fourth and fifth districts shall be elected commencing in the year 2022 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the second and third districts shall be elected commencing in the year 2024 to the Council seats then open, and in each fourth year thereafter.

SECTION 5. Term Limits.

Section 2.04.125 ("Term limits") of the Westminster Municipal Code is hereby amended to provide as follows:

2.04.125 Term limits.

- A. No person shall be eligible to serve in the office of city council member for more than three four-year terms following the adoption of this measure, commencing with those elected in the November 3, 2020 election.
- B. Notwithstanding the foregoing and for the purpose of term limitation, any person who is appointed by the city council or elected to fill a vacant office of a city council member for an unexpired term of more than one-half the original term shall be deemed to have served a full term.

SECTION 6. Future Amendments.

Nothing in this ordinance is intended to prevent the City Council from subsequently adopting ordinances which directly amend those sections amended by this ordinance, provided that such amendments do not change the fact that the mayor is not to be directly elected, and the five councilmembers are to be elected from five districts. Further, nothing in this ordinance is intended to prohibit the City Council from taking any action, including the adoption of subsequent ordinances, to further the purposes of this ordinance.

SECTION 7. Interpretation. Nothing in this ordinance is intended to directly affect the position of directly elected mayor until the current Mayor's term of office expires.

SECTION 8. Severability.

If any section, subsection, clause or phrase or portion of this code 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 all other provisions of this ordinance.

SECTION 9. Effective Date.

This Ordinance shall take immediate effect upon approval by a majority of the voters voting at the special municipal election to be held June 7, 2022.