



CITY OF MONTEBELLO
CALL AND NOTICE OF A SPECIAL CITY COUNCIL MEETING AGENDA

WEDNESDAY, JUNE 15, 2022 AT 5:00 P.M.

**CITY HALL COUNCIL CHAMBERS
1600 WEST BEVERLY BOULEVARD
MONTEBELLO, CALIFORNIA 90640**

NOTICE IS HEREBY GIVEN that a Special Meeting for the City of Montebello City Council is hereby called to be held on **Wednesday, June 15, 2022 at 5:00 p.m. at City Hall, Council Chambers, located at 1600 West Beverly Boulevard, Montebello, CA 90640.** The meeting will be live streamed and can be watched on the City's website at: <https://www.cityofmontebello.com/government/live-streaming.html>, and may also be viewed on Spectrum Public Access Channel 3 for all Spectrum cable subscribers.

COVID-19 NOTICE: The City Council rescinded the Declaration of the Local Emergency and the continuation of teleconferencing open meetings pursuant to AB 361 by adopting Resolution No. 22-21 on Wednesday, April 13, 2022. This City Council Meeting will be held in person and will meet at **City Hall – City Council Chambers, 1600 West Beverly Boulevard, Montebello, California.**

AMERICANS WITH DISABILITIES ACT: In compliance with the Americans with Disabilities Act (ADA) any person with a disability who requires special accommodations in order to participate in a meeting should contact the Administration Office at (323) 887-1437 Monday-Thursday from 7:30 a.m.-5:30 p.m. Please call 48 hours prior to the meeting to ensure that reasonable arrangements can be made to provide accessibility to this meeting (28 CFR 35.102-35.104 ADA Title II 1203). If you require translation services, please contact the City Clerk's office 48 hours before this meeting. **Si necesita servicios de traducción, comuníquese con la Oficina del Secretario Municipal 72 horas antes de esta reunión. 如果您需要翻译服务，请在会议前 72 小时联系市书记员办公室**

RULES OF DECORUM:

As Established by Ordinance 2443, adopted on October 27, 2021: Signs, placards, banners, horns, noise-making devices, or other similar items shall not be permitted in the audience during a Public Meeting if the presence of such item disturbs, disrupts or otherwise impedes the orderly conduct of the meeting. All persons attending a public meeting shall remain seated in the seats provided, unless addressing the body at the podium or entering or leaving the meeting. No member of the audience shall willfully interrupt the orderly conduct at the meeting, this includes clapping or otherwise speaking from their seats. The presiding officer shall direct the removal of any individual whose willful interruption renders infeasible the

orderly conduct of the meeting. In the event the removal of the individual or individuals willfully interrupting the meeting does not restore order, the presiding officer may order the meeting room cleared and continue in session. Speakers shall not engage in willful conduct which interrupts the meeting or interferes with the orderly conduct of the meeting. Any person who becomes boisterous while addressing the Council or who otherwise disrupts the orderly conduct of the Council's business shall be subject to removal from the Chambers after being admonished by the presiding officer.

PUBLIC COMMENTS:

In-Person: For those interested in participating during the Public Comment period(s) or public testimony period for Public Hearings of the City Council meetings, you may address the City Council ***in person the day of the meeting***. Speakers will be required to fill out a speaker card provided at the door and turn it into the Deputy City Clerk prior to each Public Comment announcement period. Staff will number and call each speaker card in the order received. There will be no Closed Session items at this meeting; Open Session will begin at 5:00 p.m.

Via Email: The public may also submit emailed comments via the City's email address: ccpubliccomment@cityofmontebello.com, up until the day of the meeting, **Wednesday, June 15, 2022 by 3:00 p.m.** These comments will be submitted to all members of the City Council and may not be read aloud but will be entered into the record of the proceedings to the extent they relate to matters listed on the posted agenda. Any requests to provide public comment which is submitted after the deadlines indicated above will not be submitted to the City Council.

AGENDA MATERIALS: The agenda/agenda packet are available for public inspection at City's website at: <https://www.cityofmontebello.com/council-agendas.html>. The agenda cover sheets may also be emailed upon request.

**IN CONSIDERATION OF OTHERS, PLEASE TURN OFF, OR MUTE, ALL CELL PHONES AND PAGERS.
THANK YOU FOR YOUR COOPERATION.**

OPENING CEREMONIES**CALL TO ORDER****ROLL CALL****PUBLIC COMMENTS ON AGENDA ITEMS ONLY (30 MINUTES)**

At this time, the general public may ***only*** address the City Council during this Special Meeting on items which have been described in the notice of this Special meeting in accordance with Government Code Section 54954.3(a). Please be aware that the maximum time allotted for members of the public to speak on shall not exceed three (3) minutes per person. State Law prohibits the City Council from taking action or entertaining extended discussion on a topic not listed on the agenda. Please show courtesy to others and direct all of your comments to the Mayor.

CLOSED SESSION – None

REGULAR SESSION – 5:00 P.M.

CORRECTIONS TO THE AGENDA – CITY MANAGER

REGULAR BUSINESS

1. INTRODUCTION AND FIRST READING OF ORDINANCE NO. 2451 AMENDING THE MONTEBELLO MUNICIPAL CODE TO DESIGNATE CITY COUNCIL SEATS THAT WILL BE PLACED ON THE BALLOT IN THE NOVEMBER 2022 ELECTION AND TO RETAIN THE TWO (2) AT-LARGE COUNCIL SEATS CURRENTLY IN PLACE THUS EXPANDING THE CITY COUNCIL COMPOSITION TO SEVEN (7) MEMBERS ON A TEMPORARY BASIS

RECOMMENDATION: It is recommended that the City Council:

- 1) Introduce and conduct the First Reading of Ordinance No. 2451 (Attachment A) to designate City Council seats that will be placed on the ballot in the November 2022 election and to retain the two (2) at-large Council seats currently in place thus expanding the City Council composition to seven (7) members on a temporary basis; and
- 2) Take such additional, related, action that may be desirable.

ADJOURNMENT

The City of Montebello will adjourn to the next **Regular Meeting on Wednesday, June 22, 2022 at 5:00 p.m.** which can be live streamed at www.cityofmontebello.com (Click on Live Stream).

Dated and Posted: June 14, 2022 by 5:00 p.m.

I, Alicia Fernandez, Deputy City Clerk for the City of Montebello hereby certify that a copy of this agenda and Notice of a Special Meeting has been posted at City Hall, the City's website, and delivered to each member of the City of Montebello City Council **no less than 24-hours before the start of the Special Meeting.**



Alicia Fernandez, Deputy City Clerk



CITY OF MONTEBELLO

CITY COUNCIL AGENDA STAFF REPORT

TO: Honorable Mayor and City Council Members

FROM: René Bobadilla, P.E., City Manager

BY: Arnold M. Alvarez-Glasman, City Attorney

SUBJECT: Introduction and First Reading of Ordinance No. 2451 Amending the Montebello Municipal Code to Designate City Council Seats That Will Be Placed on the Ballot in the November 2022 Election and to Retain the Two (2) At-Large Council Seats Currently in Place Thus Expanding the City Council Composition to Seven (7) Members on a Temporary Basis

DATE: June 15, 2022

RECOMMENDATION (S):

It is recommended that the City Council:

- 1) Introduce and conduct the First Reading of Ordinance No. 2451 (Attachment A) to designate City Council seats that will be placed on the ballot in the November 2022 election and to retain the two (2) at-large Council seats currently in place thus expanding the City Council composition to seven (7) members on a temporary basis; and
- 2) Take such additional, related, action that may be desirable.

FISCAL IMPACT

None.

BACKGROUND

The City of Montebello ("City") is a general law city, which is currently governed by five (5) Councilmembers who were all elected by all voters in the City in an at-large voting system. The City Council, at its meeting on February 9, 2022, adopted Ordinance No. 2444 establishing a by-district election system to be implemented in the November 2022

Introduction and First Reading of Ordinance No. 2451 Amending the Montebello Municipal Code to Designate City Council Seats That Will Be Placed on the Ballot in the November 2022 Election and to Retain the Two (2) At-Large Council Seats Currently in Place Thus Expanding the City Council Composition to Seven (7) Members on a Temporary Basis

Page 2 of 3

election. The City Council also adopted Resolution No. 22-34 at its meeting on May 11, 2022, to formally adopt a five (5) district City Council map.

In a by-district election system, a candidate for City Council must live in the district where the candidate wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be. Candidates for council seats in each district shall be nominated and elected only by the voters of that district.

DISCUSSION

Government Code section 36501 states that the government of a general law city must have a city council of at least five (5) members. The City Attorney's Office was asked to evaluate whether the proposed seven (7) City Council composition could be enacted on a temporary basis. This ordinance sets forth the designation of City Council seats that will be placed on the ballot as well as the temporary retention of the two (2) incumbent at-large City Council seats. Other cities, such as Downey, have taken a similar approach, having its City Council composed of both by-district and at-large elected members together.

In order to not have two (2) district seats remain vacant until the two (2) existing incumbent at-large seats expire in 2024, all five (5) district seats will be placed on the ballot for the November 2022 election. The two (2) existing incumbent at-large Councilmember seats will remain in office and will continue to serve as a Councilmember until the expiration of their term, forming a temporary seven (7) member City Council. In the November 2022 election, it is recommended that Council seats for Districts 2 and 4 will be placed on the ballot for a 2-year term and Council seats for Districts 1, 3 and 5 will be placed on the ballot for a 4-year term. Please note that the designation of districts to be placed on the ballot and its corresponding terms are being presented solely as a recommendation to be considered and deliberated upon by the entire City Council. The final determination of which districts will be designated for what length of term rests solely with the City Council. Any change in the designation sequence mentioned herein and in the Ordinance by direction of the City Council shall cause the Ordinance to be modified accordingly.

If approved by the City Council, the provision set forth in this Ordinance that creates a temporary seven (7) member legislative body will sunset on the date that the members elected from Districts 2 and 4 take their oath of office as a result of the election occurring in November 2024. At that time, the two (2) existing at-large incumbent City Council seats will be eliminated. With the commencement of the November 2024 election, Districts 2 and 4 will become 4-year term seats, and only the five (5) City Council district seats will remain active, reverting the legislative body of the City of Montebello from seven (7) members to five (5) members.

Introduction and First Reading of Ordinance No. 2451 Amending the Montebello Municipal Code to Designate City Council Seats That Will Be Placed on the Ballot in the November 2022 Election and to Retain the Two (2) At-Large Council Seats Currently in Place Thus Expanding the City Council Composition to Seven (7) Members on a Temporary Basis

Page 3 of 3

SUMMARY

Staff recommends the City Council consider the introduction and conduct the first reading of Ordinance No. 2451 to designate City Council seats that will be placed on the ballot in the November 2022 election and to retain the two (2) at-large Council seats currently in place thus expanding the City Council composition to seven (7) members on a temporary basis.

ATTACHMENT:

- A. Attachment A – Ordinance No. 2451

ATTACHMENT A

ORDINANCE NO. 2451

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTEBELLO, AMENDING SECTION 2.08.050 OF TITLE 2, CHAPTER 2.08 OF THE MONTEBELLO MUNICIPAL CODE TO DESIGNATE CITY COUNCIL SEATS THAT WILL BE PLACED ON THE BALLOT IN THE NOVEMBER 2022 ELECTION AND TO RETAIN THE TWO (2) AT-LARGE COUNCIL SEATS CURRENTLY IN PLACE THUS EXPANDING THE CITY COUNCIL COMPOSITION TO SEVEN (7) MEMBERS ON A TEMPORARY BASIS

WHEREAS, the City of Montebello ("City") is a general law city, which is currently governed by five (5) council members who were all elected by all voters in the City in an at-large voting system; and

WHEREAS, at its meeting on February 9, 2022, the City Council adopted Ordinance No. 2444 establishing the by-district election process of Councilmembers to be implemented in the November 2022 election; and

WHEREAS, at its meeting on May 11, 2022, the City Council adopted Resolution No. 22-34 that formally adopted the City's Council District Map consisting of five (5) districts; and

WHEREAS, in a by-district election system, a candidate for City Council must live in the district where the candidate wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, the next municipal election is to take place on November 8, 2022; and

WHEREAS, the City of Montebello desires to ensure the voting rights and fair representation of all of its citizens; and

WHEREAS, pursuant to Government Code section 36501, the government of a general law city is vested in a city council of at least five (5) members; and

WHEREAS, the City and the City Council, by adopting this ordinance, are establishing a sunset provision designating the City Council seats that will be up for election in the November 2022 election;

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEBELLO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. RECITALS. The above recitals are true and correct and made part of this Ordinance.

SECTION 2. AMENDMENT; ADDITIONS. Section 2.08.050 – Municipal Elections of the Montebello Municipal Code is hereby amended and will read as follows (deletions in ~~strike through~~ and additions in double underline):

2.08.050 – Municipal Elections.

- A. Pursuant to Sections 1301 and 1000 of the California Elections code, commencing with the statewide election to be held on November 6, 2018, the city of Montebello's general municipal elections shall be held on the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide election.
- B. Pursuant to Sections 34886 and 34871(a) of the California Government Code, Council members will be elected on a by-district elections system. The term "by-district" as used in this Section shall mean election of members of the City Council by voters of the district alone. Candidates for council seats in each district shall be nominated and elected only by the voters of that district.
- C. Except as provided in subsection (D) of this Section, each Council Member must be a resident of and a registered voter in 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 Council Member ceases to be a resident of the district from which the member was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a Council Member ceases to be a resident of the district from which the Member was nominated solely because of a change in the boundaries of the districts, the Member shall not lose office during that term by reason of such change pursuant to California Government Code section 34882 and Elections Code section 10227.
- D. A Council Member in office at the time this section takes effect will continue in office until the expiration of a full term to which they were elected or appointed and until their successor is qualified. If vacancies in Council Member offices elected at-large occur before expiration of the full term thereof, such vacancies will be filled according to law from the City at-large.

ORDINANCE NO. 2451

Page 3 of 5

- E. The number of Council Member districts of the City and the boundaries of said districts shall be adopted and established by the City Council by resolution no later than May 12, 2022. The by-district elections process and the established district boundaries shall be implemented in the City's next general election occurring on November 8, 2022.
- F. District boundaries shall be adjusted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken by majority vote of the total membership of the City Council, and as provided in Elections Code section 21601, 21602 and 21607. The district boundaries, but not the number thereof, may be changed by ordinance adopted by the City Council by majority vote of all its members; provided that districts established by the City Council shall be as nearly equal in population and as geographically compact as possible. However, the City Council shall not change the boundaries of districts more than once in any two (2) 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 City boundaries, as provided in Elections Code section 21603. 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 City Council.
- G. The following five (5) City Council district seats will be placed on the ballot for the November 2022 regular election, in accordance with the assigned term length for the district seat specified:
 - i. District 1: 4-year term.
 - ii. District 2: 2-year term.
 - iii. District 3: 4-year term.
 - iv. District 4: 2-year term.
 - v. District 5: 4-year term.

In addition to the five (5) Councilmembers to be newly elected in the November 2022 election, the two (2) incumbent at-large Councilmember seats will remain in office and will continue to serve as a Councilmember until the expiration of their term, forming a temporary seven (7) member legislative body. This provision will sunset on the date that the members elected from Districts 2 and 4 take their oath of office as a result of the election occurring in November 2024. At that time, the two (2) existing at-large City Council seats will be

ORDINANCE NO. 2451

Page 4 of 5

eliminated. Commencing with the November 2024 election, Districts 2 and 4 will become 4-year term seats, and only the five (5) City Council district seats will remain active, reverting the legislative body of the City of Montebello from seven (7) members to five (5) members.

SECTION 4. SEVERABILITY. If any action, subsection, line, sentence, clause, phrase, or word of this Ordinance is for any reason held to be invalid or unconstitutional, either facially or as applied, by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, and each and every individual section, subsection, line, sentence, clause, phrase, or word without regard to any such decision.

SECTION 5. COMPLIANCE WITH THE CALIFORNIA VOTING RIGHTS ACT. This Ordinance is being adopted in furtherance of the purposes of the California Voting Rights Act of 2001 of Division 14 of the Elections Code.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days after approval by the City Council.

SECTION 7. PUBLICATION. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published or posted according to law.

APPROVED AND ADOPTED ____th day of _____ 2022.

Kimberly A. Cobos-Cawthorne, Mayor

ATTEST:

Christopher Jimenez, City Clerk

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, City Attorney

ORDINANCE NO. 2451

Page 5 of 5

I HEREBY CERTIFY that the foregoing Ordinance was introduced at the City Council meeting on the 14th day of June 2022 and was adopted by the City Council of the City of Montebello at its meeting held on the ____ day of June 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Christopher Jimenez, City Clerk