

ORDINANCE NO. 929

AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT ESTABLISHING A BY-DISTRICT ELECTION PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010 AND REPEALING ORDINANCE NO. 924

WHEREAS, the Monterey Peninsula Airport District is a California Special District, duly organized pursuant to special legislation passed by the State of California; and

WHEREAS, the board members of the Monterey Peninsula Airport District are currently elected in at-large elections, in which each Board Member is elected by all registered voters of the entire District; and

WHEREAS, at-large election systems such as those presently employed by the District to elect Board Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code (“CVRA”); and

WHEREAS, “by-trustee area” electoral systems, whereby only voters residing within a specific trustee district vote only for the trustee representing that trustee district, are not similarly vulnerable to challenge under the CVRA; and

WHEREAS, the Board of Directors previously determined that it is in the best interest of the District to move from its current at-large electoral system to a by-district election for members of the Board of Directors in furtherance of the purposes of CVRA; and

WHEREAS, the Monterey Peninsula Airport District previously transitioned to election by electoral districts; and

WHEREAS, as a result of the Census issuance by the United States of America, the Monterey Peninsula Airport District is required to adjust the boundaries of the by-district maps to comply with state and federal law; and

WHEREAS, consistent with Elections Code 10010, the Monterey Peninsula Airport District has held public hearings and published several tentative by-district maps for consideration by the Board of Directors and members of the public; and

WHEREAS, it is the considered view of the Board of Directors that revised draft map “Tan B”, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the Monterey Peninsula Airport District; and

WHEREAS, this Urgency Ordinance is necessary as a result of the timelines mandated by AB 1276 for redistricting purposes, that this Ordinance is declared by the Board of Directors to be necessary for preserving the integrity of the election process and

the recitals above taken together constitute the Board of Director's statement of the reasons for adopting this Ordinance on an urgency basis.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT AS FOLLOWS:

SECTION 1. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. Ordinance 924 is hereby repealed.

SECTION 3. (A) Beginning with the general municipal election in November 2022, Board Members shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the Board of Directors shall be elected from each district, by the voters of that district alone. Each Board Member shall serve a four-year term until his or her successor has qualified.

(B) The Board Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Board of Directors must live, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Board Member shall create an immediate vacancy for that Board district unless a substitute residence within the district is established within 30 days after the termination of residency.

(C) Notwithstanding any other provision of this section, each of the Board Members in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in Board Member offices elected at-large may be filled from the District at-large. At the end of the term of each Board Member, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Board Member office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

SECTION 3. The Board Members from Board Districts 4 and 5 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter. The Board Members from Board Districts 1, 2 and 3 shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter.

SECTION 4. The Board of Directors finds that this proposed ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to

Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 5. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The Board of Directors of the Monterey Peninsula Airport District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 6. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 7. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 8. This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Monterey Peninsula Airport District, or is amended such that its provisions no longer apply to the Monterey Peninsula Airport District. In the event this Ordinance is of no further force and effect pursuant to this section, the Board of Directors shall immediately consider an ordinance repealing this Ordinance. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Board Members elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Board Members expire and in accordance with all other provisions of law, until such time as the voters of the Monterey Peninsula Airport District shall approve a different method of election of Board Members in accordance with Government Code section 34871, et seq.

SECTION 9. This Ordinance is an Urgency Ordinance enacted under California Government Code Sections 36934 and 36937(a). This Urgency Ordinance is immediately effective upon adoption by a four-fifths vote of the Board of Directors.

SECTION 10. The Executive Director is authorized to take any and all other necessary actions to give effect to this Ordinance.

PASSED AND ADOPTED BY THE BOARD OF DIRECTORS OF THE MONTEREY PENINSULA AIRPORT DISTRICT: This 16th day of March 2022, by the following roll call vote:

AYES:	DIRECTORS:	Sawhney, Cursio, Leffel, & Chair Miller
NOES:	DIRECTORS:	Sabo
ABSTAIN:	DIRECTORS:	None
ABSENT:	DIRECTORS:	None

Signed this 16th day of March, 2022


Carl M. Miller, Chair

ATTEST:



Michael La Pier, A.A.E.
Executive Director