

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY CALIFORNIA AMENDING CHAPTER 1.12 (ELECTIONS) OF THE CATHEDRAL CITY MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS, ESTABLISHING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS

WHEREAS, the City of Cathedral City supports the full participation of all residents in electing members of the City Council; and

WHEREAS, the City of Cathedral City currently elects its five City Council Members using an at-large election system; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Council Member is elected by the voters of the entire City; and

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

WHEREAS, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election must be submitted to the voters of the City along with the proposed boundaries of the districts; and

WHEREAS, California Government Code section 34886, effective January 1, 2017, permits the City Council of any city to change the city's method of election by ordinance to a "by-district" system without conducting an election if the ordinance includes "a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code);" and

WHEREAS, Section 601 of the City's Charter, approved by the voters of the City at the November 2016 general election, provides that the City must convert to a "by district" election system by the time the population of the City is 65,000 or by the 2022 general municipal election, whichever occurs first, but that the City Council may approve the formation of a "by district" election system for the City Council, in accordance with the California Voting Rights Act, prior to then should the Council determine that the change best suits the needs of the City; and

WHEREAS, as required by California Government Code section 34886 and Section 601 of the City's Charter, it is declared the change in the method of electing members of the City Council of the City of Cathedral City made by this ordinance is in

furtherance of the purposes of the California Voting Rights Act of 2001 and best suits the needs of the City, and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least four public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve an ordinance making the change; and

WHEREAS, the City Council held public hearings on the proposal to establish district boundaries on April 12, April 26, June 26, July 26, August 9 and August 23, 2017 at which it considered the proposal to establish district boundaries, and also held a public hearing on September 13, 2017, the public hearing at which the City Council conducted the first reading of this Ordinance; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of the Members of the City Council of the City of Cathedral City by-district in five single-member districts as reflected in Exhibit A to this Ordinance.

THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendment of Cathedral City Municipal Code.

Chapter 1.12 (Elections) of the Cathedral City Municipal Code is amended to add new Sections 1.12.020, 1.12.030, 1.12.040, and 1.12.050 to read as follows:

“Section 1.12.020. - By-District Electoral System.

A. Pursuant to California Government Code section 34886, members of the City Council of the City of Cathedral City shall be elected by-districts in five (5) single-member districts.

B. (1) Beginning with the general municipal election in November 2018, members of the City Council shall be elected in the electoral districts established by Section 1.12.030 and subsequently reapportioned as provided by State law. Elections shall take place “by-district” as that term is defined in California Government Code section 34871, meaning one member of the City Council shall be elected from each district, by the voters of that district alone. Each member of the City Council shall serve a four-year term until his or her successor is qualified.

(2) Except as provided in subdivision (3) of this section, the Council Member elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, 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 Council Member shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

(3) Notwithstanding any other provision of this section, the members of the City Council in office at the time the Ordinance codified in this chapter takes effect shall continue in office until the expiration of the full term to which he was elected and until his successor is qualified. At the end of the term of each Council Member that Member's successor shall be elected on a by-district basis in the districts established in Section 1.12.030 and as provided in Section 1.12.040.

Section 1.12.030. - Establishment of City Council Electoral Districts.

A. Subject to Section 1.12.040, members of the City Council shall be elected on a "by-district" basis from the five Council districts depicted on the map attached as Exhibit A to the Ordinance codified in this chapter.

B. The Council districts specified in subdivision (A) shall continue in effect until they are amended or repealed in accordance with law.

Section 1.12.040. - Election Schedule.

Council Members shall be elected in Council Districts 3, 4 and 5 beginning at the general municipal election in November 2018, and every four years thereafter. Council Members shall be elected from Council Districts 1 and 2 beginning at the general municipal election in November 2020, and every four years thereafter.

Section 1.12.050. - Implementation.

If necessary to facilitate the implementation of this chapter, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts."

SECTION 2. Effective Date.

This Ordinance shall be effective 30 days from and after its final passage.

SECTION 3. Inconsistencies.

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City 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 4. Interpretation.

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

SECTION 5. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Cathedral City hereby declare they would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 6. Publication.

The City clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

SECTION 7. Certification.

The foregoing Ordinance was introduced at the regular meeting of the Cathedral City City Council on the 13th day of September, 2017, and approved and adopted at a meeting of the City Council held on the ____ day of _____, 2017, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Stanley E. Henry, Mayor

ATTEST:

APPROVED AS TO FORM:

Gary F. Howell, City Clerk

Eric S. Vail, City Attorney

EXHIBIT "A"