ORDINANCE NO. 2350

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA ADDING SECTION 1704 TO CHAPTER 7 OF ARTICLE I OF THE ARCADIA MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS

WHEREAS, the City of Arcadia currently elects five Councilmembers using an at-large election system; and

WHEREAS, in response to threatened litigation regarding alleged non-compliance with the California Voting Rights Act ("CVRA"), the City Council has determined that it is in the best interest of the City to shift from its current at large election system to a by-district election system; and

WHEREAS, on July 21, 2017, the City Council adopted Resolution No. 7179, a resolution declaring the City's intention to transition from at-large to district-based elections pursuant to Elections Code Section 10010; and

WHEREAS, California Government Code section 34886 permits the City Council to change the City's method of election by ordinance, with certain formalities, to a "by-district" system in which each Councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, pursuant to California Government Code section 34886, it is declared that the purpose of the change in the method of electing members of the City Council of the City of Arcadia made by this Ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code; and

1

WHEREAS, the City engaged an expert demographic firm to assist the City with the process of analyzing the City's population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, in accordance with Elections Code section 10010, the City Council held two public hearings to obtain input on any proposed district boundaries on August 1 and August 9, 2017; and

WHEREAS, on August 30, 2017, the City made six maps prepared by its demographer and twelve maps submitted by members of the public available on its website for public review; and

WHEREAS, on September 7 and September 19, 2017, the City Council held two further public hearings at which the public was invited to provide input regarding the content of the draft maps and the sequence of elections; and

WHEREAS, at its September 19, 2017 meeting, the City Council provided direction to staff to bring back this Ordinance for the consideration of the City Council; and

WHEREAS, on October 3, 2017, the City Council introduced, read by title, and waived further 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 Arcadia by-district in five single-member districts as reflected in Exhibit "A" to this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARCADIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 1704 is hereby added to Chapter 7 of Article I of the Arcadia Municipal Code to read as follows:

"1704. – BY-DISTRICT ELECTIONS.

(A)   By-District Elections.   Pursuant to California Government Code section 34886, Members of the City Council of the City of Arcadia shall be elected by-district in five (5) single-member districts.

    1.   Members of the City Council shall be elected in the electoral districts established by subdivision (B) of this Section 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 Councilmember shall be elected from each district, by the voters of that district alone.

    2.   A Councilmember elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued.

    3.   Termination of residency in a district by a Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.

    4.   Notwithstanding any other provision of this Section, the Councilmembers in office at the time this Section takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of the term of a Councilmember in office at the time this Section takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the corporate boundaries of the City. A person

appointed or elected to fill such a vacancy shall hold the office in accordance with Section 403 of the City Charter.

(B)   City Council Districts and District Elections. All five Councilmembers shall be elected on a "by-district" basis from the Council districts shown and numbered on the map titled '**City of Arcadia District Map**' attached as Exhibit A, a copy of which shall be on file in the City Clerk's office. In 2018, and every four years thereafter, the following three City Council districts shall be elected by-district: District 2; District 3; and District 5. In 2020, and every four years thereafter, the following two City Council districts shall be elected by-district: District 1 and District 4.

(C)   Amendment of District Boundaries. Pursuant to Elections Code section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law."

SECTION 2. If necessary to facilitate the implementation of this Ordinance, 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 3. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part thereof is for any reason held to unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council of the City of Arcadia hereby declares that it would have passed each section, subsection, subdivision, paragraph,

sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrases be declared unconstitutional.

SECTION 4. Effective Date. This Ordinance shall become effective upon the thirty-first (31st) day following its adoption by a majority vote of the City Council.

SECTION 5. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of same to be published in the official newspaper of said City within fifteen (15) days after its adoption. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

Passed, approved, and adopted this 17th day of October, 2017.

/S/ Peter Amundson
Mayor of the City of Arcadia

ATTEST:

/S/ Gene Glasco
City Clerk

APPROVED AS TO FORM:

/S/ Stephen P. Deitsch
Stephen P. Deitsch
City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF ARCADIA)

I, GENE GLASCO, City Clerk of the City of Arcadia, hereby certifies that the foregoing Ordinance No. 2350 was passed and adopted by the City Council of the City of Arcadia, signed by the Mayor and attested to by the City Clerk at a regular meeting of said Council held on the 17th day of October, 2017 and that said Ordinance was adopted by the following vote, to wit:

AYES: Chandler, Tay, and Amundson

NOES: Beck, and Verlato

ABSENT: None

ABSTAIN: None

_/S/ Gene Glasco_____
City Clerk of the City of Arcadia

City of Arcadia
Districting 2017
NDC Purple Map

Suggested Election Sequence:
2018: 2, 3, & 5
2020: 1 & 4

Prepared by National Demographics, August 17, 2017