

## ORDINANCE NO. 713

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE, ADDING CHAPTER 2.21 TO TITLE 2 OF THE CITY OF ARROYO GRANDE MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS FOR FOUR COUNCIL MEMBERS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING THE ORDER OF ELECTION FOR EACH DISTRICT**

**WHEREAS**, the City of Arroyo Grande ("City") currently elects four (4) Council members and one (1) Mayor 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 of the City of Arroyo Grande ("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 for four (4) Council members and to continue electing the mayor at-large; and

**WHEREAS**, on October 22, 2019 the City Council adopted Resolution No. 4949, declaring the City's intention to transition from at-large to district-based elections for Council members 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 require the members of the legislative body to be elected by district with an elective mayor; and

**WHEREAS**, pursuant to California Government Code section 34886, it is declared that the purpose of this change in the method of electing Council members is to further the purposes of the California Voting Rights Act of 2001, (California Elections Code section 14025 et seq.) and implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

**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 (2) public hearings to obtain input on proposed district boundaries on July 27, 2021 and August 10, 2021; and

**WHEREAS**, the City conducted public workshops on September 18, 2021 and October 28, 2021 on the proposed district maps and made presentations to eight (8) community organizations; and

**WHEREAS**, on February 15, 2022, the City posted all draft maps submitted by the public on its website for public review; and

**WHEREAS**, on March 1, 2022, the City posted four (4) Council-selected focus district maps prepared by its demographer on its website for public review; and

**WHEREAS**, at its regular meetings on February 22, 2022, March 8, 2022 and March 22, 2022, the City Council held three (3) additional public hearings at which the public was invited to provide input regarding the draft maps and the sequence of district elections; and

**WHEREAS**, at its March 8, 2022, meeting, the City Council provided direction to staff to bring back this Ordinance with a designated draft district map for the consideration of the City Council; and

**WHEREAS**, on March 22, 2022, the City Council introduced, read by title, and waived further reading of this Ordinance; and

**WHEREAS**, the City Council has satisfied all legal prerequisites to the enactment 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 Council members by-district in four (4) single-member districts, as reflected in Exhibit A to this Ordinance, and the election of a Mayor by an at-large election.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

**SECTION 2.** Chapter 2.21 entitled "Elections" is hereby added to Title 2 of the City of Arroyo Grande Municipal Code.

**SECTION 3.** At-Large Election of Mayor. Section 2.21.010 of Chapter 2.21 is hereby added to Title 2 of the City of Arroyo Grande Municipal Code to read as follows:

At-Large Election of Mayor.

The mayor shall be elected at-large and have a term of two (2) years. At a general municipal election in 1982, the voters determined to have an elected mayor who should serve a term of two (2) years.

**SECTION 4.** By-District Elections. Section 2.21.020 is hereby added to Chapter 2.21 of Title 2 of the City of Arroyo Grande Municipal Code to read as follows:

By-District Elections of Council members.

A. Pursuant to California Government Code section 34886, four (4) members of the City Council of the City of Arroyo Grande shall be elected by-district in separate single-member districts.

1. Members of the City Council shall be elected in the electoral districts established by subdivision B of this Section, as may be subsequently reapportioned pursuant to State law. Elections shall take place “by district” as that term is defined in California Government Code section 34871, meaning one Council member shall be elected from each district, by the voters of that district alone.
2. 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. Any Council member elected or appointed to the seat of a specific district must reside in that district and be a registered voter in that district for his or her full term of office.
3. Termination of residency in a district by a Council member shall create a vacancy for that City Council district unless a substitute residence within the district is declared and established within thirty (30) days after the termination of residency.
4. Notwithstanding any other provision of this section, the Council members in office at the time this section takes effect shall continue in office until the expiration of the term to which they were elected. In the event a vacancy occurs during a Council member’s term, the vacancy shall be filled pursuant to the provisions of Government Code section 36512 (b).

B. City Council Districts and District Elections. Four (4) Council members shall be elected on a “by-district” basis from the Council districts shown and numbered on the map titled ‘City of Arroyo Grande District Map’ attached as Exhibit A, a copy of which shall be on file in the City Clerk’s office. In 2022, and every four (4) years thereafter, the following two (2) City Council districts shall be elected by-district: District 1 and District 4. In 2024, and every four (4) years thereafter, the following two (2) City Council districts shall be elected by-district: District 2 and District 3.

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 5.** CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that a transition from at-large to by-district elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, §21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Ordinance is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§15061(b)(3); 15378(b)(5).) In the event adoption of this Ordinance does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, §15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines Section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the San Luis Obispo County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

**SECTION 6.** Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 7.** Effective Date. Pursuant to Government Code section 36937(a), this Ordinance shall take effect immediately upon adoption.

**SECTION 8.** Publication. A summary of this Ordinance shall be published in a newspaper published and circulated in the City of Arroyo Grande at least five (5) days prior to the City Council meeting at which the proposed Ordinance is to be adopted. A certified copy of the full text of the proposed Ordinance shall be posted in the office of the City Clerk. Within fifteen (15) days after adoption of the Ordinance, the summary with the names of those City Council members voting for and against the Ordinance shall be published again, and the City Clerk shall post a certified copy of the full text of such adopted Ordinance.

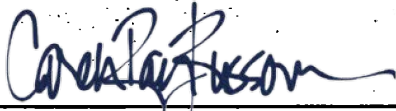
On motion by Council Member Storton, seconded by Council Member Barneich, and by the following roll call vote to wit:

**AYES:** Council Members Storton, Barneich, Paulding, and Mayor Pro Tem George

**NOES:** Mayor Ray Russom

**ABSENT:** None

the foregoing Ordinance was adopted this 12<sup>th</sup> day of April, 2022.



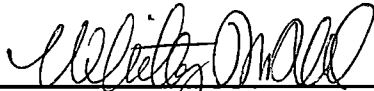
CAREN RAY RUSSOM, MAYOR

ATTEST:



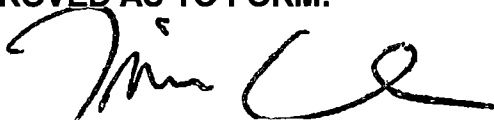
JESSICA MATSON, CITY CLERK

APPROVED AS TO CONTENT:

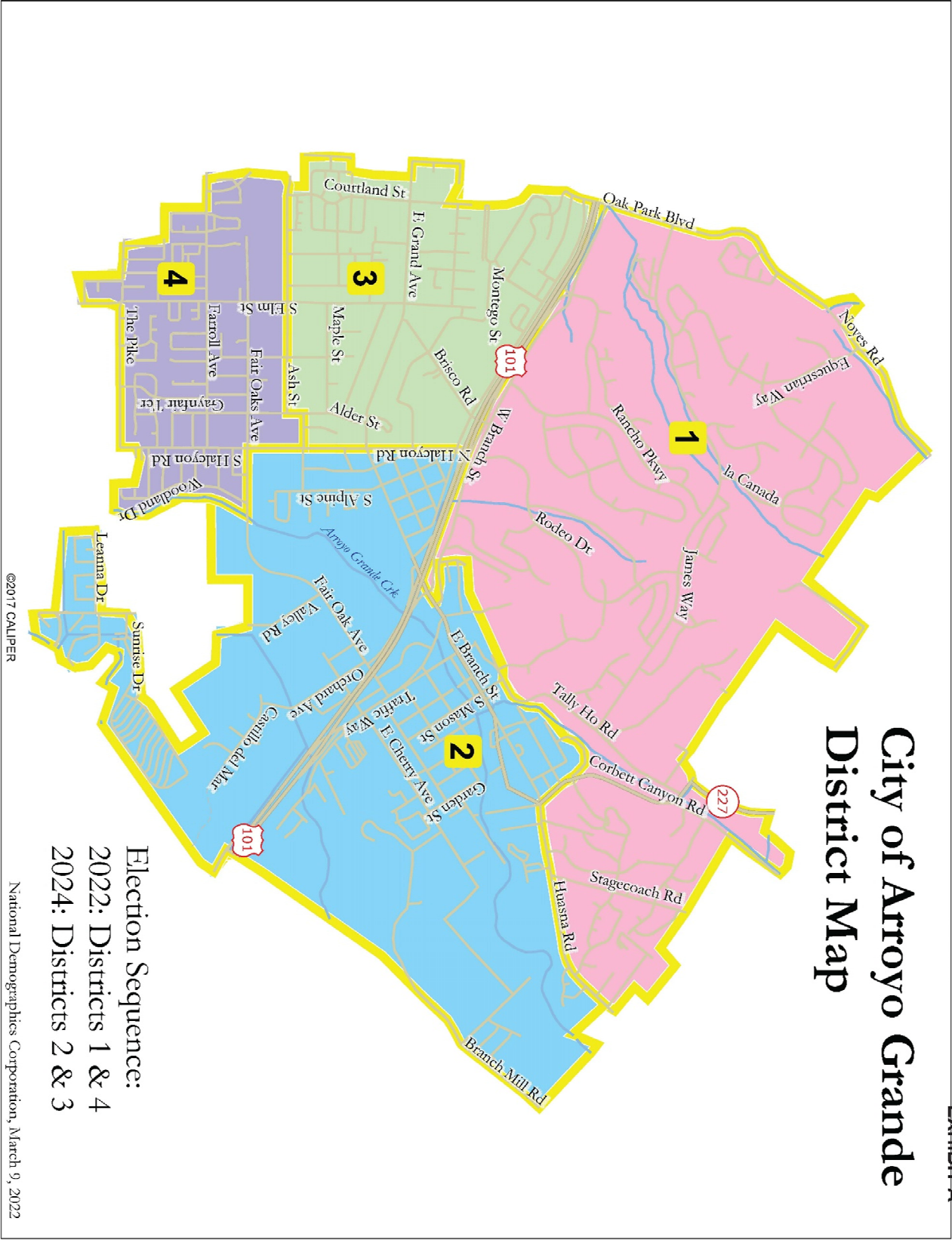


WHITNEY McDONALD, CITY MANAGER

APPROVED AS TO FORM:



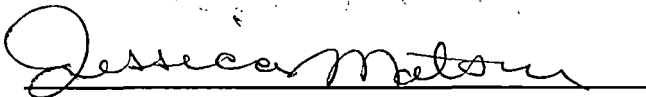
TIMOTHY J. CARMEL, CITY ATTORNEY



**OFFICIAL CERTIFICATION**

I, **JESSICA MATSON**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Ordinance No. 713 which was introduced at a regular meeting of the City Council on March 22, 2022; was passed and adopted at a regular meeting of the City Council on the 12<sup>th</sup> day of April 2022; and was duly published in accordance with State law (G.C. 40806).

**WITNESS** my hand and the Seal of the City of Arroyo Grande affixed this 14<sup>th</sup> day of April, 2022.

A handwritten signature in cursive script, reading "Jessica Matson", written over a horizontal line.

**JESSICA MATSON, CITY CLERK**