

ORDINANCE NO. 22-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA ADDING A NEW CHAPTER 3.2 (DISTRICT-BASED ELECTIONS) OF ARTICLE II (ADMINISTRATION)

WHEREAS, members of City Council of the City of Grover Beach ("City") are currently elected in "at-large" elections in which each of the four Council Members, along with the Mayor, is elected by the registered voters of the entire city; and

WHEREAS, California Government Code section 34886 permits the legislative body of a city to change its method of election by ordinance from an "at-large" system to a "district-based" system in which each member of the legislative body is elected by the voters in the district in which the candidate resides; and

WHEREAS, on May 29, 2019, the City received a letter entitled Notice of Violation of California Voting Rights Act ("Notice") from Jeffrey Mayes, attorney, on behalf of Felipe Rueff ("Prospective Plaintiffs") asserting that the City's elections are characterized by racially polarized voting and demanding that the City transition to district-based elections pursuant to the California Voting Rights Act ("CVRA"); and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code 14028(a)). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code section 14026(e)); and

WHEREAS, the CVRA allows for Prospective Plaintiffs to file a lawsuit against the City if the City does not allow a resolution of intent to institute district-based elections within 45 days of the Notice ("45-day period") (Elections Code section 1001 O); and

WHEREAS, the Notice states that if the City declines to adopt a resolution of intent to transition to district-based elections within the 45-day period, Prospective Plaintiffs will commence a lawsuit to compel district-based elections; and

WHEREAS, July 13, 2019 was the 45th day from the date the City received the Notice; and

WHEREAS, the Prospective Plaintiffs offered to consider a settlement agreement whereby the City would not be required to institute district-based elections until the November 2022 regular election in order to allow 2020 U.S. Census data to be taken into account in drawing district boundaries; and

WHEREAS, the City denies the assertion that its at-large system violates the CVRA or any other provision of law and asserts that the City's election system is legal in all respects; and

WHEREAS, the City Council has concluded that the public interest would be best served by transitioning to a district-based election system for City Council members due to the inherent uncertainties and costs associated with defending the City's at-large election system again a CVRA lawsuit; and

WHEREAS, the City conducted four public hearings and engaged in extensive public outreach to consider city districts and proposed district maps, as required by California Elections Code Section 10010; and

WHEREAS, the City Council voted unanimously in favor of adopting the selected district Plan 901, attached hereto;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Grover Beach as follows:

PART 1: The above recitals and findings are true and correct and incorporated herein by this reference.

PART 2: CEQA. The City Council finds that the proposed amendments to the Grover Beach Municipal Code are 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) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

PART 3: A New Chapter 3.2, (District-Based Elections), of Article II, (Administration), is hereby added to the Grover Beach Municipal Code as follows:

CHAPTER 3.2 –DISTRICT-BASED ELECTIONS

Section 2360. By-district electoral system for four Councilmembers.

(A) Pursuant to California Government Code Sections 34886 and 34871(c), Councilmembers shall be elected by-districts in four (4) single-member districts.

(B) Except as provided in subdivision (c) hereof, the Councilmember elected to represent a district must live 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.

(C) A Councilmember in office at the time this Article takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified. If vacancies in Councilmember offices elected at-large occur before expiration of the full term thereof, such vacancies may be filled according to law from the District for which the vacancy occurs.

(D) Upon expiration of the full term of each Councilmember elected at-large, that Councilmember's successor shall be elected on a by-district basis in the districts established in Section 2362. A vacancy in a Councilmember office elected by-district shall be filled according to law by a person qualified to hold the office, who lives in the district.

Section 2361 Establishment of Boundaries. This City of Grover Beach is divided into four City Council districts, the boundaries of which are designated, numbered and described as set forth in Section 2362.

Section 2362. Districts.

(A) Elections shall take place, and Councilmembers shall be elected, "by-districts" 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.

(B) The districts are as follows:

First City Council district. City Council District One shall be all that territory in the city comprised of the following U.S. Census blocks:

| | | |
|-----------------|-----------------|-----------------|
| 060790121024011 | 060790121022027 | 060790121022017 |
| 060790121024019 | 060790121022025 | 060790121022005 |
| 060790121024008 | 060790121022024 | 060790121022016 |
| 060790121024002 | 060790121022044 | 060790121022033 |
| 060790121024015 | 060790121022037 | 060790121022004 |
| 060790121021035 | 060790121022028 | 060790121022003 |
| 060790121022047 | 060790121022023 | 060790121022034 |
| 060790121024016 | 060790121021023 | 060790121022014 |
| 060790121024001 | 060790121021027 | 060790121022001 |
| 060790121022048 | 060790121021024 | 060790121022015 |
| 060790121024021 | 060790121021026 | 060790121022002 |
| 060790121024018 | 060790121021025 | 060790121022000 |
| 060790121024017 | 060790121022019 | 060790121022066 |
| 060790121024000 | 060790121022007 | 060790121022067 |
| 060790121022049 | 060790121022011 | 060790121021003 |
| 060790121021034 | 060790121021000 | 060790121021007 |
| 060790121022046 | 060790121022010 | 060790121021006 |
| 060790121021033 | 060790121022018 | 060790121021001 |
| 060790121022035 | 060790121022012 | 060790121021022 |
| 060790121022045 | 060790121022006 | 060790122012000 |
| 060790121022036 | 060790121022009 | 060790122012003 |
| 060790121021030 | 060790121022008 | 060790121021015 |
| 060790121021029 | 060790121022021 | 060790121021014 |
| 060790121022026 | 060790121022013 | 060790121021010 |

| | | |
|-----------------|-----------------|-----------------|
| 060790122012001 | 060790121021018 | 060790121024024 |
| 060790121021002 | 060790121021032 | 060790121024023 |
| 060790121024003 | 060790121021020 | 060790121024027 |
| 060790121021017 | 060790121021021 | 060790121024026 |
| 060790121021013 | 060790121021031 | 060790121024025 |
| 060790121021009 | 060790121021028 | 060790121024022 |
| 060790121021005 | 060790121024004 | 060790121024006 |
| 060790121021008 | 060790121024013 | 060790121024020 |
| 060790121021004 | 060790121024012 | |
| 060790121021019 | 060790121024010 | |

Second City Council district. City Council District 2 shall be all that territory in the city comprised of the following U.S. Census blocks:

| | | |
|-----------------|-----------------|-----------------|
| 060790121022050 | 060790120021003 | 060790120022015 |
| 060790121022051 | 060790120021005 | 060790120021019 |
| 060790121022057 | 060790120021001 | 060790120021018 |
| 060790121022056 | 060790120021000 | 060790120021015 |
| 060790121022055 | 060790120021007 | 060790120021016 |
| 060790121022054 | 060790120022012 | 060790120022008 |
| 060790121022038 | 060790120022019 | 060790120022007 |
| 060790121022052 | 060790120022013 | 060790120022000 |
| 060790121022039 | 060790120022018 | 060790120021012 |
| 060790121022029 | 060790120022017 | 060790120021011 |
| 060790121022022 | 060790120022014 | 060790120021004 |
| 060790121022030 | 060790120022011 | 060790120021017 |
| 060790121022020 | 060790120022004 | 060790120021014 |
| 060790121022053 | 060790120022003 | 060790120021021 |
| 060790121022040 | 060790120022010 | 060790120021013 |
| 060790121022041 | 060790120022009 | 060790120021010 |
| 060790121022031 | 060790120022005 | 060790120021006 |
| 060790121022032 | 060790120022002 | 060790120021009 |
| 060790121022042 | 060790120022006 | 060790120021020 |
| 060790121022043 | 060790120022001 | 060790120021008 |
| 060790120021002 | 060790120022016 | 060790120022020 |

Third City Council district. City Council District 3 shall be all that territory in the city comprised of the following U.S. Census blocks:

| | | |
|-----------------|-----------------|-----------------|
| 060790121023003 | 060790121022061 | 060790121023000 |
| 060790121022060 | 060790121022058 | 060790121022065 |
| 060790121022059 | 060790121023001 | 060790121022063 |
| 060790121023002 | 060790121022062 | 060790121022064 |

| | | |
|-----------------|-----------------|-----------------|
| 060790120023006 | 060790121023011 | 060790121023006 |
| 060790120023010 | 060790121023004 | 060790121023008 |
| 060790120023011 | 060790121023026 | 060790121023007 |
| 060790120023004 | 060790121023021 | 060790120023034 |
| 060790120023005 | 060790121023027 | 060790120023018 |
| 060790120023012 | 060790121023025 | 060790120023025 |
| 060790120023014 | 060790121023022 | 060790120023024 |
| 060790120023013 | 060790121023024 | 060790120023026 |
| 060790120023003 | 060790121023023 | 060790120023017 |
| 060790120023002 | 060790121023018 | 060790120023020 |
| 060790120023027 | 060790121023013 | 060790120023028 |
| 060790120023022 | 060790121023017 | 060790120023016 |
| 060790120023023 | 060790121023014 | 060790120023021 |
| 060790120023001 | 060790121023010 | 060790120023015 |
| 060790120023000 | 060790121023005 | 060790120023019 |
| 060790121023020 | 060790121023009 | 060790120023008 |
| 060790121023019 | 060790121023016 | 060790120023009 |
| 060790121023012 | 060790121023015 | 060790120023007 |

Fourth City Council district. City Council District Four shall be all that territory in the city comprised of the following U.S. Census blocks:

| | | |
|-----------------|-----------------|-----------------|
| 060790121023029 | 060790120011037 | 060790120011018 |
| 060790120011021 | 060790120011047 | 060790120011031 |
| 060790120011016 | 060790120011048 | 060790120011017 |
| 060790120011026 | 060790120011040 | 060790120011024 |
| 060790120011015 | 060790120011029 | 060790120011010 |
| 060790120011001 | 060790120011041 | 060790120011006 |
| 060790120011000 | 060790120011042 | 060790120011011 |
| 060790120023035 | 060790120011025 | 060790120011012 |
| 060790120023036 | 060790120011043 | 060790120011005 |
| 060790121024009 | 060790120011044 | 060790120011004 |
| 060790121024014 | 060790120011035 | 060790120023033 |
| 060790121024007 | 060790120011032 | 060790120023032 |
| 060790121024005 | 060790120011033 | 060790120023031 |
| 060790121024028 | 060790120011034 | 060790120023030 |
| 060790121024029 | 060790120011036 | 060790120011030 |
| 060790121023028 | 060790120011019 | 060790120011028 |
| 060790120011046 | 060790120011020 | 060790120011027 |
| 060790120011045 | 060790120011009 | 060790120011023 |
| 060790120011039 | 060790120011008 | 060790120011013 |
| 060790120011038 | 060790120011007 | 060790120011003 |

060790120011022
060790120011014

060790120011002
060790120023029

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

Section 2363. Election schedule.

(A) Councilmembers from Districts One and Two shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

(B) Councilmembers from Districts Three and Four shall be elected beginning at the General Municipal Election in November 2024, and every four years thereafter.

Section 2364. At-large Mayor. Consistent with Government Code Section 34900, the Mayor shall be elected at-large by the entire City for a term of two years. The Mayor shall be entitled to serve only two consecutive terms. The Mayor may run again for any future term for Mayor commencing no later than 24 months after the last of two consecutive terms.

PART 4: A map showing the districts described in this Ordinance, Final Plan 901, is attached hereto as Attachment 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this Chapter and the map incorporated herein, the census block descriptions shall prevail. If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts or the eligibility of candidates. The City Manager shall consult with the 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.

PART 5: Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this chapter, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the determination of any court of competent jurisdiction, such determination shall not affect the validity of the remaining portions of this chapter or its application to other persons. The City Council hereby declares that it would have adopted this chapter and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional.

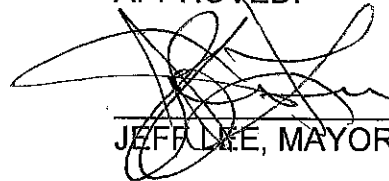
PART 6: Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published

once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

INTRODUCED at a regular meeting of the City Council held March 14, 2022 and PASSED, APPROVED, and ADOPTED by the City Council on March 28, 2022, on the following roll call vote, to wit:

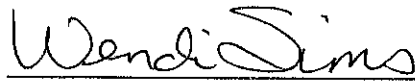
AYES: Council Members – Miller, Robert, Rushing, Mayor Pro Tem Bright
and Mayor Lee
NOES: Council Members – None
ABSENT: Council Members – None
ABSTAIN: Council Members – None

APPROVED:



JEFF LEE, MAYOR

ATTEST:



WENDI SIMS, CITY CLERK

APPROVED AS TO FORM:



DAVID P. HALE, CITY ATTORNEY