

**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 against 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.

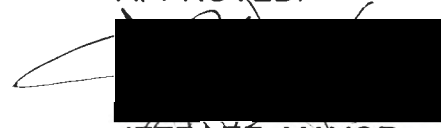

**PART 6:** Effective Date. This Ordinance shall not become effective and in full force and effect until 12:01 a.m. on the thirty first day after its final passage. However, within fifteen (15) days after adoption by the City Council, the Ordinance shall be published

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