ORDINANCE NO. 348

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUCAIPA, CALIFORNIA, ADDING SECTIONS 1.08.020 THROUGH 1.08.060 TO CHAPTER 1.08 OF THE YUCAIPA MUNICIPAL CODE TO ESTABLISH BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS AND ESTABLISHING DISTRICT BOUNDARIES

WHEREAS, the City of Yucaipa supports the full participation of all residents in electing Members of the City Council; and

WHEREAS, the City of Yucaipa currently elects 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, California Government Code Section 34886, effective January 1, 2016, permits the City Council of a city with a population of fewer than 100,000 people, to change the city's method of election by ordinance, with certain formalities, to a "by-district" system in which each City Council Member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City of Yucaipa's population under the 2010 Census was approximately 51,367; and

WHEREAS, pursuant to California Government Code Section 34886, it is declared the change in the method of electing members of the City Council of the City of Yucaipa 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 Section 14031 of the California Voting Rights Act, 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 two 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 or defeat the proposal; and

WHEREAS, the City Council held public hearings on the proposal to establish district boundaries on May 9, 2016 and May 23, 2016, at which it considered the proposal to establish district boundaries, and also held a public hearing on June 13, 2016, the public meeting at which the City Council voted on the proposal; and

WHEREAS, the purpose of this Ordinance, pursuant to California Government Code Section 34886, is to provide for the election of the Members of the City Council of the City of Yucaipa by-district in five single-member districts as reflected in Exhibit 1 to this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF YUCAIPA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1   Chapter 1.08 (Elections) of the City of Yucaipa Municipal Code is hereby amended to add new Sections 1.08.020 through 1.08.060 to read as follows:

Section 1.08.020. By-District Electoral System.

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

1.   Beginning with the General Municipal Election in November 2016, Members of the City Council shall be elected in the electoral districts established by Section 1.08.030 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 during the transition period as provided in subdivision (4) of this Section, the Council Member 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 pursuant to California Government Code section 34882 and Elections Code section 10227.

3.   Termination of residency in a district by a Council Member shall create a vacancy for that Council district unless a substitute residence within the district is immediately declared and established by the Council Member within thirty (30) days after the termination of residency. If a substitute residence is not established within thirty (30) days after the termination of residency, the thirty-first day after the termination of residency by the Council Member shall be deemed "commencement of a vacancy". Notwithstanding the previous sentence, if the Council Member who terminates residency in a district submits a letter of resignation effective immediately, or the City Council declares the existence of a vacancy and the commencement thereof by a resolution reciting the circumstances creating the vacancy and the date on which the vacancy commences, the commencement of the vacancy shall begin as and when set forth in the letter of the Council Member or the resolution of the City Council.

4. Notwithstanding any other provision of this Section, the Council Members in office at the time this Chapter takes effect shall continue in office until the expiration of the full four year term to which he or she was elected and until his or her successor is qualified. At the end of the full four year term of each Council Member, that Council Member or that Council Member's successor shall be elected on a by-district basis in the districts established in Section 1.08.030 and as provided in Section 1.08.040. In 2016, the full four year term of three Council Members expires and said Council Members or their successors shall be elected by-district. In 2018, the full four year term of two Council Members expires and said Council Members or their successors shall be elected by-district. In the event a vacancy occurs in a City Council Office before the expiration of the full four year term of a City Council Office in 2018, a person who is appointed to fill such vacancy may reside anywhere within the corporate boundaries of the City. In the event a vacancy occurs in a City Council Office before the expiration of the full four year term of a City Council Office in 2018, a person who is elected to fill such vacancy may reside anywhere within the corporate boundaries of the City and shall be elected at- large by all the voters of the City. A person appointed or elected to fill such a vacancy shall hold the Office for the remainder of the term of that Office pursuant to Government Code Section 36512 and subject to Section 1.08.040.

Section 1.08.030. Establishment of City Council Electoral Districts.

A. Five Members of the City Council shall be elected on a "by-district" basis from the Council districts described as follows:

1. Council District 1 shall comprise all that portion of the City beginning at the point of intersection of the City's eastern border and Oak Glen Road; thence proceeding westerly and southwesterly along Oak Glen Road to Chapman Heights Road; thence proceeding westerly along Chapman Heights Road to 13th Street; thence proceeding southerly along 13th Street to Yucaipa Boulevard; thence proceeding westerly along Yucaipa Boulevard to 14th Street; thence proceeding southerly along 14th Street to Kentucky Street; thence proceeding westerly along Kentucky Street to Dunlap Boulevard; thence proceeding northwesterly along Dunlap Boulevard to 16th Street; thence proceeding southwesterly along 16th Street to the Outer 10 Highway South; thence proceeding northwesterly along Outer 10 Highway South to 17th Street; thence proceeding southerly along 17th Street to the City border; thence proceeding clockwise along the City border to the point of origin.

2. Council District 2 shall comprise all that portion of the City beginning at the point of intersection of the City's southern border, County Line Road, and 5th Street; thence proceeding northerly along 5th Street to Wildwood Canyon Road; thence proceeding westerly along Wildwood Canyon Road to 6th

Street; thence proceeding northerly along 6th Street to Yucaipa Boulevard; thence proceeding westerly along Yucaipa Boulevard to Oak Glen Road thence proceeding northeasterly along Oak Glen Road to Chapman Heights Road; thence proceeding westerly along Chapman Heights Road to 13th Street; thence proceeding southerly along 13th Street to Yucaipa Boulevard; thence proceeding westerly along Yucaipa Boulevard to 14th Street; thence proceeding southerly along 14th Street to Kentucky Street; thence proceeding westerly along Kentucky Street to Dunlap Boulevard; thence proceeding northwesterly along Dunlap Boulevard to 16th Street; thence proceeding southwesterly along 16th Street to the Outer 10 Highway South; thence proceeding northwesterly along Outer 10 Highway South to 17th Street; thence proceeding southerly along 17th Street to the City border; thence proceeding counter-clockwise along the City border to the point of origin.

3.   Council District 3 shall comprise all that portion of the City beginning at the point of intersection of Wildwood Canyon Road and 6th Street; thence proceeding northerly along 6th Street to Yucaipa Boulevard; thence proceeding easterly along Yucaipa Boulevard to 2nd Street; thence proceeding southerly along 2nd Street to Avenue B; thence proceeding easterly along Avenue B to Bryant Street; thence proceeding southerly along Bryant Street to Avenue E; thence proceeding easterly along Avenue E to Douglas Street; thence proceeding southerly along Douglas Street to Wildwood Canyon Road; thence proceeding westerly along Wildwood Canyon Road to the point of origin.

4.   Council District 4 shall comprise all that portion of the City beginning at the point of intersection of Oak Glen Road and Pendleton Road; thence proceeding southerly and westerly along Pendleton Road to Fremont Street; thence proceeding southerly along Fremont Street to Avenue E; thence proceeding westerly along Avenue E to Bryant Street; thence proceeding northerly along Bryant Street to Avenue B; thence proceeding westerly along Avenue B to 2nd Street; thence proceeding northerly along 2nd Street to Yucaipa Boulevard; thence proceeding westerly along Yucaipa Boulevard to Oak Glen Road; thence proceeding northeasterly along Oak Glen Road to the point of origin.

5.   Council District 5 shall comprise all that portion of the City beginning at the point of intersection of the City's eastern border and Oak Glen Road; thence proceeding westerly and southwesterly along Oak Glen Road to Pendleton Road; thence proceeding southerly and westerly along Pendleton Road to Fremont Street; thence proceeding southerly along Fremont Street to Avenue E; thence proceeding westerly along Avenue E to Douglas Street; thence proceeding southerly along Douglas Street to Wildwood Canyon Road; thence proceeding westerly along Wildwood Canyon Road to 5th Street;

thence proceeding southerly along 5th Street to the City border; thence proceeding counter-clockwise along the City border to the point of origin.

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

Section 1.08.040. Election Schedule.

Council Members shall be elected in Council Districts 3, 4, and 5 beginning at the General Municipal Election in November 2016, and every four years thereafter.   Council Members shall be elected from Council Districts 1 and 2 beginning at the General Municipal Election in November 2018, and every four years thereafter.

Section 1.08.050. Implementation.

A map showing the districts described in this Ordinance codified in this Chapter is attached hereto as Exhibit 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 map shall prevail.

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 1.08.060. Adjustment of Boundaries.

Pursuant to Elections Code Section 21601, as it may be amended, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census. Using the census as a basis, the City Council shall adjust the boundaries so that the districts shall be as nearly equal in population as practicable and in compliance with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance adopted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken. Prior to the public hearing approving the adjustment of the district boundaries, the City Council shall hold a public hearing on the proposed district boundaries as required by Election Code Section 21607.

At the time of any annexation of territory to the City, the City Council shall designate, by resolution adopted by a vote of at least a majority of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Election Code Section 21603, as it may be amended.

Pursuant to Elections Code Section 21606, the term of office of any Council Member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected. At the first election for council following adjustment of the boundaries of the districts, a person meeting the

requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan that has the same district number as a district whose incumbent's term on the council is due to expire.

SECTION 2   Severability

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance, or any part thereof, is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance irrespective of the fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective. To this end, the provisions of this Ordinance are declared to be severable.
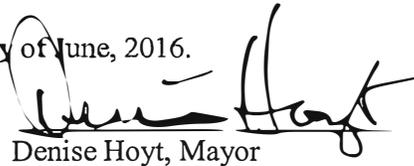
SECTION 3   Effective Date

Pursuant to Election Code Section 9235(a) this Ordinance shall take effect upon its final passage.

SECTION 4   Publication and Posting

The City Clerk is hereby directed to cause the following summary of this Ordinance to be published by two (2) insertions in the Yucaipa News Mirror, a newspaper of general circulation that is printed, published, and circulated in the City of Yucaipa, and hereby designated for that purpose by said Council of the City of Yucaipa: Ordinance No. 348 adds Sections 1.08.020 through 1.08.060 to Chapter 1.08 (Elections) of the Yucaipa Municipal Code to establish by-district elections with respect to electing City Council Members and establishes district boundaries.

PASSED, APPROVED and ADOPTED on this 27th day of June, 2016.

Denise Hoyt, Mayor

ATTEST:

Jennifer Shankland, City Clerk

APPROVED AS TO FORM:

David Snow, City Attorney