

ORDINANCE NO.25-826

AN ORDINANCE OF THE CITY OF CALIFORNIA CITY, CALIFORNIA, ADDING ARTICLE 5 TO TITLE 2 OF THE CITY OF CALIFORNIA CITY MUNICIPAL CODE CHANGING THE ELECTION METHOD FOR MEMBERS OF THE CITY COUNCIL, OTHER THAN THE DIRECTLY ELECTED MAYOR, FROM AT-LARGE TO BY DISTRICT; ADOPTING A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBERS FOR EACH ELECTORAL DISTRICT; ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT; AND ESTABLISHING RELATED PROCEDURES

WHEREAS, the City of California City (“City”) currently elects members of the City Council using an “at-large” election system and directly elects the Mayor using an “at-large” election system;

WHEREAS, the City received a certified letter from a potential plaintiffs’ attorney, alleging a violation of the California Voting Rights Act (“CVRA”) and threatening litigation if the City declines to voluntarily change to a by district-based election system for electing members of the City Council;

WHEREAS, Government Code Section 34886, in certain circumstances, permits the City Council to adopt an ordinance changing the system of elections for members of the City Council from an “at-large” elections system to a “by district” elections system with the Mayor directly elected at-large;

WHEREAS, Elections Code Section 10010 provides a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the CVRA if the jurisdiction complied with the “safe harbor” provisions of Elections Code Section 10010;

WHEREAS, on February 11, 2025, pursuant to Elections Code Section 10010, the City Council adopted a Resolution of Intention to transition to by district elections;

WHEREAS, pursuant to Elections Code Section 10010(a)(1), the City Council held duly noticed public hearings for the purposes of receiving public testimony regarding the transition to by district elections, including, without limitation, the composition of communities of interest on February 25, 2025, and March 11, 2025;

WHEREAS, pursuant to Elections Code Section 10010(a)(2), the City Council held duly noticed public hearings concerning the transition to by district elections, including, without limitation, the content of draft district maps and the proposed sequencing of elections on March 25, 2025, and April 8, 2025, and, further the draft maps considered at each public hearing were posted at least seven days before each respective public hearing;

WHEREAS, at the April 8, 2025, regular meeting, at the conclusion of the duly noticed public hearing, the City Council selected and attached the district map entitled

“Draft Map A” to this Ordinance as Exhibit A (“Selected District Map”); selected the election sequence to be included in this Ordinance; and, further, introduced this Ordinance for a first reading at that time with a public hearing, second reading, and adoption scheduled to take place on April 22, 2025;

WHEREAS, throughout the foregoing process, the City engaged in public outreach and engagement required by California Elections Code Section 10010 and those applicable portions of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (“Fair Maps”) Act;

WHEREAS, such outreach included but is not limited to, maintaining a City website dedicated to the process of transitioning from at-large elections to by district elections, regularly notifying residents of meetings and posting notices about the public hearings to discuss the districting process;

WHEREAS, in selecting the map, the City Council considered the criteria set forth in Elections Code Section 21130 of the Fair Maps Act and is adopting district boundaries in accordance with the provisions stated therein, as well as the federal Voting Rights Act, the California Voting Rights Act, the U.S. Constitution, and California Constitution;

WHEREAS, the Selected District Map meets all the requirements of state and federal law and was posted on the City’s website for public consideration at least seven (7) days before the introduction of this Ordinance;

WHEREAS, on April 22, 2025, the City Council held a duly noticed public hearing concerning this Ordinance, the Selected District Map, and the transition to by district elections;

WHEREAS, the change in method for electing members of the City Council is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025 *et seq.*);

WHEREAS, based upon the forgoing, the City Council now desires to adopt an ordinance changing the system of elections for members of the City Council other than the Mayor in the City from an at-large elections system to a by district elections system with a Mayor continued to be elected at-large;

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

SECTION 1. RECITALS.

The City Council of the City of California City finds and declares that the Recitals set forth above are true and correct and are incorporated herein by this reference.

SECTION 2. CALIFORNIA ENVIRONMENTAL QUALITY ACT.

Adoption of this Ordinance is exempt from environmental review as the adoption of this

Ordinance does not qualify as a “project” pursuant to Public Resource Code Section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of this Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

SECTION 3. CODE AMENDMENT; DISTRICT ELECTIONS.

Article 5 (By District Election of Council Members) is hereby added to Chapter 1 (City Council) of Title 2 (Administration) of the City of California City Municipal Code as follows:

ARTICLE 5 – BY DISTRICT ELECTION OF COUNCIL MEMBERS

Sec. 2-1.501. – Declaration of Purpose.

The purpose of this Article is to further the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025, et seq.), as amended.

Sec. 2-1.502. – Applicability.

- (a) This Article shall apply to the election of Council members, but shall not apply to the election of the Mayor.
- (b) For the purposes of this Article, references to “Council member” shall not include the Mayor.

Sec. 2-1.503. – By District Elections for Council Members.

- (a) Pursuant to Government Code Section 34886, all Council members shall be elected by district in four single-member districts.
- (b) All Council members shall be elected in the electoral districts established in Section 2-1.504 and as such districts are subsequently amended as provided therein. All Council elections shall take place "by district" as that term is defined in Government Code Section 34871, meaning each of the four Council members, other than the directly elected Mayor, shall be elected from each district by the voters of that district alone. Each Council member shall serve a four-year term.
- (c) Pursuant to Government Code Section 34882, 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 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 Elections Code Section 10227.
- (d) Registered voters signing nomination papers or voting for a Council member shall be residents of the geographical area making up the district

from which such member is to be elected.

Sec. 2-1.504. – Council Districts Adoption and Amendment.

- (a) All Council members shall be elected on a by district basis from the Council districts shown and numbered on the Council District Map in Exhibit “A” of Ordinance No. 25-826 and on file in the City Clerk's Office, which is hereby adopted and incorporated herein by this reference.
- (b) The Council districts described in subsection (a) shall be amended after each federal decennial census pursuant to Elections Code Section 21600 et seq. and, further, may otherwise be amended as permitted by applicable law.

Sec. 2-1.505. – Implementation of By District Elections.

- (a) The by district system of elections provided in this Article shall be implemented, beginning at the general municipal election held in November 2026, as follows:
 - (1) Council members shall be elected in districts 1 and 3 beginning at the general municipal election in November 2026, and every four years thereafter.
 - (2) Council members shall be elected in districts 2 and 4 beginning at the general municipal election in November 2028, and every four years thereafter.
- (b) Notwithstanding any other provision of this Article, all Council members in office at the time this Article takes effect shall continue in office until the expiration of the at-large term to which they were elected.

SECTION 4. SEVERABILITY.

If any chapter, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each chapter, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more Sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE.

This ordinance shall take effect thirty (30) days after its passage by the City Council.

SECTION 6. CITY CLERK ACTION.

The City Clerk is authorized and directed to cause this Ordinance to be published within fifteen (15) days after its passage in a newspaper of general circulation and circulated within the City in accordance with Government Code Section 36933(a) or, to cause this Ordinance to be published in the manner required by law using the alternative summary and pasting procedure authorized under Government Code Section 39633(c).

PASSED AND ADOPTED by the City Council of the City of California City on the 22nd day of April, 2025.

Signed by:

Marquette Hawkins

Marquette E. Hawkins, Mayor

APPROVED AS TO FORM:

Signed by:

[Signature]

Victor M. Ponto, City Attorney

ATTEST:

Signed by:

[Signature]

Leandrea Weible, Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF KERN)
CITY OF CALIFORNIA CITY)

I, Leandrea Weible, Acting City Clerk of the City of California City, California, do hereby certify that the foregoing Ordinance No. _____, was introduced at a regular meeting of the City Council of the City of California City held on the 8th day of April, 2025, and was passed by the City Council of the City of California at a regular meeting held on the 22nd day of April, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed by:


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Leandrea Weible, Acting City Clerk

EXHIBIT A
COUNCIL DISTRICT MAP