

ORDINANCE NO. 877**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DUARTE, CALIFORNIA, ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS (GOVERNMENT CODE § 34886 & ELECTIONS CODE §10010)**

WHEREAS, the City of Duarte currently elects its members of the City Council using an at-large method of election where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City; and

WHEREAS, while the City Council of the City of Duarte strongly believes that the interests of all of the City's residents have been fully and fairly represented under the City's current at-large method of election, the City Council nonetheless finds that moving to a by-district method of election is in the best interest of the City and its taxpayers because of the status of State law, and the significant litigation costs that could result if the City does not change its method of election; and

WHEREAS, California Government Code Section 34886, effective January 1, 2017, permits the City Council to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides; and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large City Council method of election to a by-district City Council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

WHEREAS, at special meeting of the City Council of the City of Duarte held on the 20th day of September, 2017, the City Council adopted Resolution No. 17-44 that initiated the process of establishing a by-district election system and adopted the schedule for a series of public hearings regarding the proposed change; and

WHEREAS, thereafter, at regular meetings of the City Council of the City of Duarte held on the 26th day of September and the 10th day of October, 2017, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Duarte considered and discussed the same; and

WHEREAS, at the regular meeting of the City Council of the City of Duarte held on the 26th day of September, 2017, the City Council adopted Resolution No. 17-45 defining the mandatory and permissive criteria it would consider when drawing voting district maps; and

WHEREAS, thereafter, at special meetings of the City Council of the City of Duarte held on the 2nd and 13th day of November, 2017, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, as well as the proposed sequence of elections, and the City Council of the City of Duarte considered and discussed the same; and

WHEREAS, the City Council has determined it is in the best interest of the voters of the City to expand the City Council from five to seven members; and

WHEREAS, at the special meeting of the City Council of the City of Duarte held on the 13th day of November, 2017, the City Council directed staff to draft an ordinance adopting the voting district map known as Map 703 and a sequence of elections whereby the seats for Council Districts 1, 4, 5 and 6 will be placed on the City's 2018 ballot, as well as District 7 for an initial two-year term, and the seats for Council Districts 2, 3 and 7 will be placed on the 2020 ballot; and

WHEREAS, at the special meeting of the City Council of the City of Duarte held on the 4th day of December, 2017, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in this Ordinance, which was introduced for a first reading at the same regular meeting of the City Council of the City of Duarte; and

WHEREAS, at the regular meeting of the City Council of the City of Duarte held on the 12th day of December, 2017, the City Council of the City of Duarte conducted a second reading and adopted the 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 members of the City Council of the City of Duarte by district in seven single-member districts as reflected in Exhibit 1 to this Ordinance, in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) and to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Title 2 of the Duarte Municipal Code is hereby amended by adding new Chapter 2.02 (consisting of sections 2.02.010 through 2.02.030) to read as follows:

2.02.010 By-District Electoral System.

Pursuant to California Government Code Section 34886 and the schedule established in Section 2.02.030 of this Chapter, beginning in November 2018, members of the City Council shall be elected on a by-district basis from seven (7) single-member Council Districts. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

2.02.020 Establishment of City Council Electoral Districts.

A. Pursuant to Section 2.02.010 of this Chapter, members of the City Council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (a), from the seven Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. Council District 1 shall comprise all that portion of the City reflected on Exhibit 1.
2. Council District 2 shall comprise all that portion of the City reflected on Exhibit 1.
3. Council District 3 shall comprise all that portion of the City reflected on Exhibit 1.
4. Council District 4 shall comprise all that portion of the City reflected on Exhibit 1.
5. Council District 5 shall comprise all that portion of the City reflected on Exhibit 1.
6. Council District 6 shall comprise all that portion of the City reflected on Exhibit 1.
7. Council District 7 shall comprise all that portion of the City reflected on Exhibit 1.

B. Members of the City Council shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, each member of the City Council elected to represent a district must reside 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. Termination of residency in a district by a member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the City Council in office at the time the Ordinance codified in this Chapter takes effect shall

continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. At the end of the term of each member of the City Council that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in this Chapter.

2.02.030 Election Schedule.

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council Districts 1, 4, 5, and 6 beginning at the General Municipal Election in November 2018, and every four years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council Districts 2, 3, and 7 beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts shall be amended. However, a Member of the City Council shall be elected from Council District 7 beginning at the General Municipal Election in November 2018 for an initial two-year term.

SECTION 3. A map showing the districts described in this Ordinance and codified in Section 2.02.020 of the City of Duarte Municipal Code is attached hereto as Exhibit 1 and incorporated herein by reference.

SECTION 4. 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 5. In the event at any time in the future the California Voting Rights Act is amended, found to be unconstitutional, or otherwise is no longer applicable to the City, the City Council expressly indicates its intention that the by-district election method be re-examined, and on behalf of itself and all future City Councils, expressly reserves its right to repeal or modify this Ordinance, including Chapter 2.02 of the Duarte Municipal Code.

SECTION 6. To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

SECTION 7. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes of consistency with applicable law.

SECTION 8. If any section, 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, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Duarte hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

INTRODUCED at a special meeting of the City Council of the City of Duarte held on the 4th day of December, 2017, and thereafter,

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Duarte this 12th day of December, 2017.

/s/ John Fasana
Mayor John Fasana

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF DUARTE)

I, Marla Akana, City Clerk of the City of Duarte, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 877 was adopted by the City Council of said City of Duarte at a regular meeting of said Council held on the 12th day of December, 2017, by the following Roll Call vote:

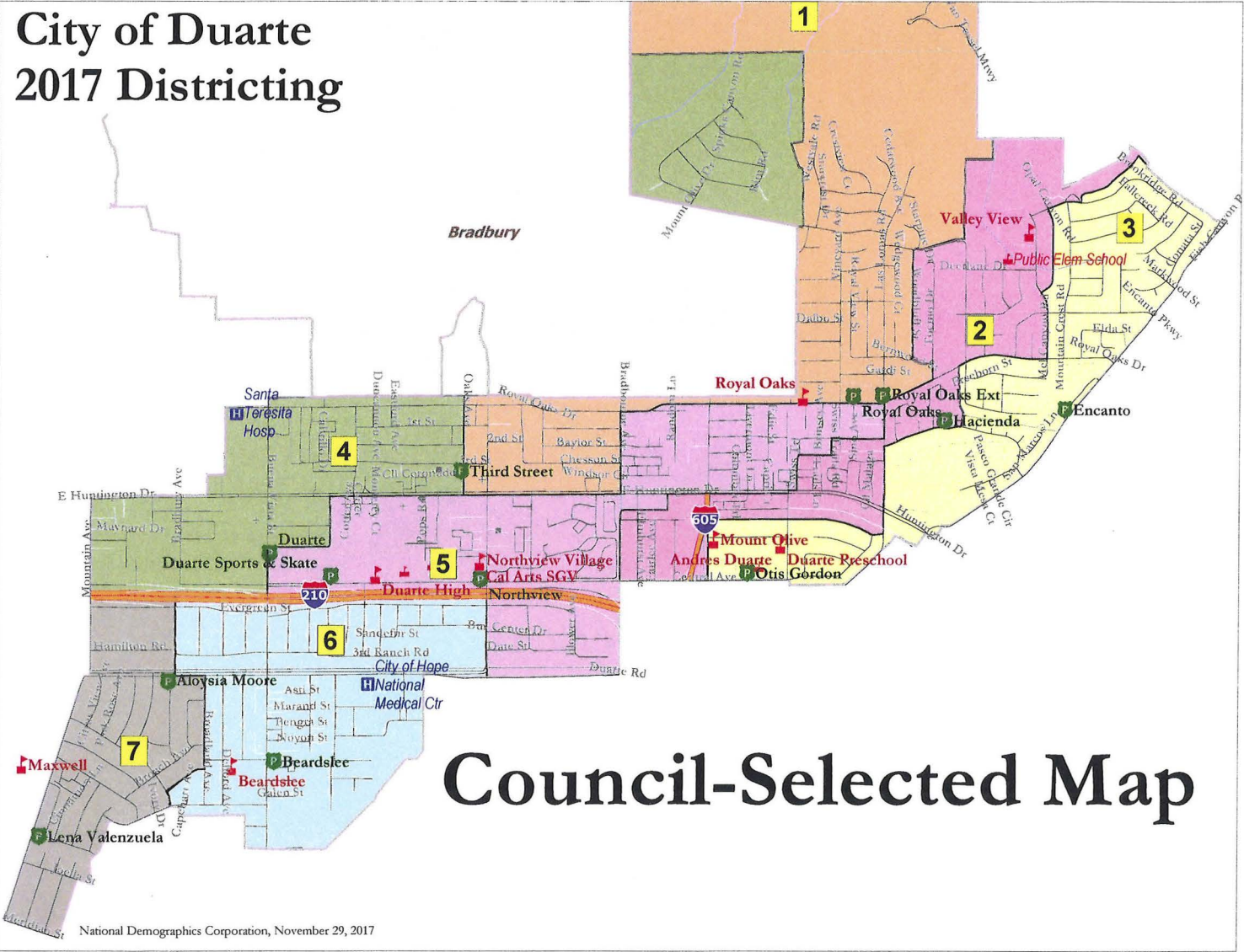
AYES: Councilmembers: Kang, Finlay, Paras-Caracci, Reilly, Fasana

NOES: Councilmembers: None

ABSENT: Councilmembers: None

/s/ Marla Akana
City Clerk Marla Akana
City of Duarte, California

City of Duarte 2017 Districting



City of Duarte 2017 Districting

Council-Selected Map

