

ORDINANCE NO. 23-958

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
FILLMORE ADDING CHAPTER 1.15 TO THE FILLMORE MUNICIPAL
CODE ESTABLISHING A DISTRICT-BASED ELECTION SYSTEM AND
ADOPTION OF AN EXEMPTION FROM CEQA**

Summary: This ordinance establishes a district based election for City Council elections.

WHEREAS, members of the City Council of the City of Fillmore ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, the City received a letter on August 26, 2023 from Jason Dominguez of Druven PC law firm, alleging that the City's at-large electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing councilmembers; and

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

WHEREAS, October 10, 2023, the City Council adopted Resolution 23-3964 initiating the process to transition from an at-large election system to a district-based election system; and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes the method of electing city council members from an at-large election system to a by-district method of election requires a total of five public hearings, which includes at least two public hearings prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district maps; and

WHEREAS, as required by California Elections Code Section 10010, the City Council held public hearings at the regular and special City Council meetings on October 24, 2023 and October 26, 2023, to consider input from the public on the composition of City Council districts; and

WHEREAS, as required by California Elections Code Section 10010, the City Council held public hearings at the regular and special City Council meetings on November 14, 2023 and November 28, 2023, to consider input from the public on the draft maps and the proposed sequence of elections; and

WHEREAS, the City Council considered all oral and written information, testimony, and comments received during the public review process. All draft maps were published at least seven days before the public hearing at which they were discussed; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886 and in furtherance of the purposes of the CVRA, an ordinance providing for the election of members of the City Council of the City of Fillmore by district in single-member districts as reflected in Exhibit “A” to this Ordinance.

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

Section 1. **Code Amendment.** Title 1 of the Fillmore Municipal Code is hereby amended by adding Chapter 1.15 to the existing title to read as follows:

“Chapter 1.15 City Council Elections.

Section 1.15.010 Declaration of Purpose.

Section 1.15.020 City Council Districts Established.

Section 1.15.030 Election of Members of the City Council by District.

Section 1.15.030 Election of Members of the City Council by District.

Section 1.15.010 Declaration of Purpose. The City Council of the City of Fillmore hereby declares that the change of method of electing members of this Council hereby enacted is being made in furtherance of the California Voting Rights Act of 2001.

Section 1.15.020 City Council Districts Established. Five City Council districts (“Districts”) are hereby established in the City Fillmore. The boundaries of each district shall be as described on the Map attached as Exhibit “A”.

- A. The Districts specified above shall continue in effect until they are amended or repealed in accordance with law. Should the law be changed in a manner which would allow the City Council to utilize a structure other than voting districts, the City Council shall revisit its voting system to determine which voting system is best suited for the City.
- B. Districts shall be adjusted following each decennial federal census, as required by the Elections Code and other applicable law.

Section 1.15.030 Election of Members of the City Council by District.

- A. Following the effective date of this ordinance and upon the commencement of “by district” elections in the order established in Section 1.15.040 of this Code, Members of the City Council shall be elected “by District” as defined in California Government Code Section 34871 or any successor statute.

- B. Registered voters signing nomination papers or voting for a Member of the City Council shall be residents of the geographical area making up the district from which the Member is to be elected.
- C. Except as provided in subsection D, below, each Councilmember elected by 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 they seek election at the time nomination papers are issued, pursuant to Government Code Section 34882 and Elections Code Section 10227. Termination of residency in a district by a Councilmember shall create an immediate vacancy for that district unless a substitute residence within the district is established within thirty (30) days after that termination of residency.
- D. An at-large Councilmember shall continue in office until the expiration of the full term to which they were elected or appointed and until their successor is qualified. If vacancies in Councilmember offices elected at-large occur before expiration of the full term thereof, such vacancies shall be filled pursuant to California Government Code Section 36512.
- E. 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 1.15.020. and as provided in Section 1.15.040.

1.15.030 Election of Members of the City Council by District. Commencing with the general municipal election in November of 2024 and thereafter, the voters in districts 1, 2 and 5 shall elect Members of the City Council by district for full four (4) year terms. At the general municipal election in 2026 and thereafter, the voters in districts 3 and 4 shall elect Members of the City Council by district for full four (4) year terms.”

Section 2. **Technical Adjustments.** 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 3. **CEQA.** The City Council finds that the proposed amendments to the Dublin Municipal Code are exempt from the requirements of the California Environmental Quality Act 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.

Section 4. Severability. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. This Ordinance shall become effective on the thirty-first (31st) day after its passage and adoption, and within fifteen (15) days after its final passage and the City Clerk shall cause it to be posted and published in the *Fillmore Gazette*, a newspaper of general circulation, printed, published and circulated in the City in the manner required by law and shall cause a copy of this Ordinance and its certification, together with proof of publication, to be entered in the Book of Ordinances of the City.

PASSED AND ADOPTED this 12th day of December , 2023

Mark Austin

Mark Austin, Mayor

ATTEST:

Olivia Carrera Lopez

Olivia Carrera Lopez, City Clerk

APPROVED AS TO FORM:

Tiffany J. Israel

Tiffany J. Israel, City Attorney

CITY OF FILLMORE)
COUNTY OF VENTURA)§
STATE OF CALIFORNIA)

I, Olivia Carrera Lopez, City Clerk of the City of Fillmore, California, do hereby certify that the foregoing Ordinance No. 23-958 was duly passed and adopted by the City Council of the City of Fillmore at the regular meeting thereof, held on the 12th day of December, 2023, and was signed by the Mayor of the said City, and that the same was passed and adopted by the following vote:

AYES: Villaseñor, Broggie, Gurrola

NOES: Austin, Mendez

ABSENT:




ABSTAIN:

Olivia Carrera Lopez

Olivia Carrera Lopez, City Clerk

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12 / 18 / 2023
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