

ORDINANCE NO. 2248

**AN ORDINANCE OF THE CITY COUNCIL
ESTABLISHING A BY-DISTRICT ELECTION
PROCESS IN FIVE COUNCIL DISTRICTS**

WHEREAS, the City of Campbell supports the full participation of all residents in electing members of the City Council; and

WHEREAS, the City of Campbell is incorporated and operates under the general laws of the State of California; and

WHEREAS, the City currently has a five-member City Council with each Councilmember elected at-large by the electorate of the City; 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 which 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, on December 3, 2018, the City received a letter from an attorney asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the City disputes the proffered evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act would likely be extremely high; and

WHEREAS, the elections to fill the City Council are conducted in the manner provided for by general law; and

WHEREAS, California Government Code section 34886, as amended effective January 1, 2017, provides:

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made 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

WHEREAS, California Government Code section 34871(a) provides for the election of members of the legislative body of a city by districts in five districts; 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 Campbell made by this ordinance is to further the purposes of the California Voting Rights Act (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code,) and 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 city that changes from an at-large City Council method of election to a district-based City Council method of election requires a total of four 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 its regular meeting on January 15, 2019, the City Council adopted Resolution No. 12402 that initiated the process of establishing a district-based election system and adopting a proposed schedule therefore; and

WHEREAS, pursuant to California Elections Code Section 10010(a)(1), before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on March 19, 2019, and April 2, 2019, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, at the public hearing on April 2, 2019, the City Council adopted Resolution No. 12423 setting forth criteria to guide the establishment of City Council Electoral Districts and setting the number of districts to be established and instructed its demographic consultant to develop redistricting plan options in accordance with that criteria; and

WHEREAS, on May 22, 2019, consistent with the provisions of California Elections Code section 10010, the City published and made available for release, 25 draft maps for consideration by the Council, one of which was prepared by the City's demographic consultant and 24 of which were prepared and submitted to the City by members of the public, together with the potential sequence of the elections; and

WHEREAS, on June 11, 2019, consistent with the provisions of California Elections Code section 10010, the City published and made available for release, an additional five draft maps that were prepared by the City's demographic consultant for consideration by the Council, together with the potential sequence of the elections; and

WHEREAS, as required by California Elections Code section 10010 and as detailed hereafter, the City held at least two additional hearings within a period of no more than 45 days from the date that the last draft map was published, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, on June 4, 2019 and June 18, 2019, 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 the meetings, and the proposed sequence of elections, and the City Council of the City of Campbell considered and discussed the same; and

WHEREAS, on June 18, 2019, the City Council held a 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 meeting of the City Council of the City of Campbell; and,

WHEREAS, the City Council has scheduled another public hearing for July 2, 2019, on the proposal to establish district boundaries, review additional public input, and adopt this Ordinance, approving the selected district map and election sequence; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement as required by California Elections Code Section 10010; and,

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of Campbell by-district in five single-member districts;

WHEREAS, the term limits provisions of Campbell Municipal Code section 2.04.160 will apply to Councilmembers elected by-district as well as Councilmembers currently elected at-large;

THE CITY COUNCIL OF THE CITY OF CAMPBELL DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Sections 2.04.170 and 2.04.180 are hereby added to Chapter 2.04 of the Campbell Municipal Code to read as follows:

2.04.170 By-district electoral system.

- A. Pursuant to California Government Code sections 34886 and 34871(a), Councilmembers shall be elected by-districts in five (5) single-member districts.
- B. Beginning with the general municipal election in November of 2020, Councilmembers shall be elected in the electoral districts reflected on the District Map as adopted and periodically modified by ordinance of the City Council as provided by State law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871,

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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.

SECTION 5. The City Council finds that this ordinance is 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) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 6. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision or decisions 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 section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 7. 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 8. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

SECTION 9. A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Campbell Express, a newspaper of general circulation published and circulated in the City of Campbell, Santa Clara County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

PASSED AND ADOPTED this 2nd day of July, 2019 by the following roll call vote:

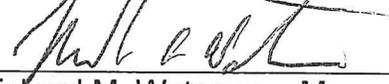
AYES: COUNCILMEMBERS: Resnikoff, Bybee, Gibbons, Landry, Waterman
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

ATTEST:



Wendy Wood, City Clerk

APPROVED:



Richard M. Waterman, Mayor

