

ORDINANCE NO. 2017-06

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AMENDING CHAPTER 2-25 REGARDING ELECTIONS AND THEREBY ESTABLISHING A BY-DISTRICT ELECTION PROCESS**

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

**WHEREAS**, the City of Santa Maria currently elects four (4) of its City Council members using an at-large election system, with a separately elected Mayor, who is also a member of the City Council; 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 on who their representative will be; and

**WHEREAS**, on or about December 16, 2016, the City received a letter from Jason Dominguez, an attorney representing Hector Sanchez (an unsuccessful candidate in the November 2016 City Council election), asserting its 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 letter received on or about December 16, 2016 did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high, even if the City were successful, and at this time such an expensive defense would severely burden the City's budget and curtail the City's ability to provide needed services to its residents; and

**WHEREAS**, California Government Code section 34886, as amended effective January 1, 2017, permits the City Council of a city to change the city's method of election by ordinance 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**, Mr. Dominquez's client, Hector Sanchez, granted the City an extension until February 21, 2017 to adopt a resolution of intent to establish a by-district election process pursuant to Elections Code section 10010, as recently amended by AB 350, effective on January 1, 2017; and

**WHEREAS**, the City Council adopted a Resolution of intention to establish a by-district voting process pursuant to Elections Code section 10010 at its regular meeting on February 21, 2017; 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 Santa Maria 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 (2) public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

**WHEREAS**, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on March 7, 2017 and March 30, 2017 at which input from the public on the proposed district boundaries was invited and heard; and

**WHEREAS**, consistent with the provisions of California Elections Code section 10010, after all draft maps are drawn, the City published and made available for release, all of the draft maps on April 12, 2017, and the sequence of elections was also published; and

**WHEREAS**, as required by California Elections Code section 10010, the City held two (2) additional hearings within a period of no more than 45 days, the first on April 20, 2017 and the second, on May 2, 2017, at which the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections; 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 Santa Maria by-district in four (4) single-member districts, retaining a separately elected office of Mayor, as reflected in Exhibit A to this Ordinance.

**NOW, THEREFORE**, the City Council of the City of Santa Maria does ordain as follows:

**SECTION 1.** Chapter 2-25 of the Santa Maria Municipal Code is hereby amended by adding new Sections 2-25.03 through 2-25.05 as follows:

**Section 2-25.03. By-District Electoral System.**

A. Pursuant to California Government Code section 34886, Members of the City Council of the City of Santa Maria shall be elected by-districts in four (4) single-member districts. The Mayor will be elected City-wide.

B. Beginning with the general municipal election in November 2018, members of the City Council shall be elected in the electoral districts established by Section 2-25.04 and subsequently reapportioned 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, meaning one (1) member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected City-wide. Each Member of the City Council, including the Mayor, shall serve a four-year term until his or her successor has qualified.

(1) Except as provided in subdivision B(2) hereof, the Council Member 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 Council Member shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within 30 days after the termination of residency.

(2) Notwithstanding any other provision of this section, 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. Vacancies in City Council offices elected at-large may be filled from the City at-large. At the end of the term of each council

member that member's successor shall be elected on a by-district basis in the districts established in Section 2-25.04 and as provided in Section 2-25.05.

**Section 2-25.04. Establishment of City Council Electoral Districts.**

A. Subject to Section 2-25.03, 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 of that portion of the City beginning at the intersection of the city's northern border and the centerline of Preisker Ln; thence proceeding southerly along Preisker Ln to the centerline of Hidden Pines Way; thence proceeding westerly along the centerline of Hidden Pines Way to the intersection of the Hidden Pines Way centerline and the projection of the western border of Preisker Park; thence proceeding southerly along the western border of Census Block 060830023061002 as it proceeds along the western border of Preisker Park and, below Bradley Channel, continuing along that Census Block border between the open space to its east and the houses on the east edge of the Casa Grande development (Tract 5203 as recorded in the County of Santa Barbara Recorder's Office in Book of Maps 94 pages 95 through 100) to its west, to the centerline of Taylor St; thence proceeding westerly along Taylor St to the centerline of Railroad Ave; thence proceeding southerly along Railroad Ave to the centerline of Alvin Ave; thence proceeding easterly along Alvin Ave to the centerline of Thornburg St; thence proceeding southerly along Thornburg St to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Broadway (also known as State Route 135); thence proceeding southerly along Broadway to the centerline of Main St (also known as State Route 166); thence proceeding westerly along Main St to the centerline of Railroad Ave; thence proceeding southerly along Railroad Ave to the centerline of the Santa Maria Valley railroad right-of-way approximately 290 feet south of Boone St; thence proceeding westerly along the railroad right-of-way to the centerline of Blosser Rd; thence proceeding northerly along Blosser Rd to the centerline of Main St; thence proceeding westerly along Main St to the city's western border; thence proceeding clockwise along the city border to the point of beginning.

(2) Council District 2 shall comprise all of that portion of the City beginning at the intersection of the city's northern border and the centerline of Preisker Ln; thence proceeding southerly along Preisker Ln to the centerline of Hidden Pines Way; thence proceeding westerly along the centerline of Hidden Pines Way to the intersection of the Hidden Pines Way centerline and the projection of the western border of Preisker Park; thence proceeding southerly along the western border of Census Block 060830023061002 as it proceeds along the western border of Preisker Park and, below Bradley Channel, continuing along that Census Block border between the open space to its east and the houses on the east edge of the Casa Grande development (Tract 5203 as recorded in the County of Santa Barbara Recorder's Office in Book of Maps 94 pages 95 through 100) to its west, to the centerline of Taylor St; thence proceeding westerly along Taylor St to the centerline of Railroad Ave; thence proceeding southerly along Railroad Ave to the centerline of Alvin Ave; thence proceeding easterly along Alvin Ave to the centerline of Thornburg St; thence proceeding southerly along Thornburg St to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Broadway (also known as State Route 135); thence proceeding southerly along Broadway to the centerline of Main St (also known as State Route 166); thence proceeding easterly along Main St to the centerline of Miller St; thence proceeding northerly along Miller St to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Elizabeth St; thence proceeding northerly along Elizabeth St to the centerline of Alvin Ave; thence proceeding easterly along Alvin Ave to State Highway 101; thence proceeding southeasterly along State Highway 101 to the northwestern most property corner of Tract 5286 as recorded in the County of Santa Barbara Recorder's Office in Book of Maps 98 pages 4 and 5; thence proceeding east along the northernmost property line of Tract 5286 to the property corner adjacent to the intersection of Fesler St and Tiffany Dr; thence east to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Suey Rd; thence proceeding northerly along Suey Rd to Alvin Ave; thence proceeding westerly along Alvin Ave to the centerline of the northern leg of Palisade Dr; thence proceeding northerly along Palisade Dr to the centerline of Dena Way; thence proceeding westerly along Dena Way to the centerline of Concord Ave; thence proceeding northerly along Concord Ave to the centerline of Harding Ave; thence proceeding westerly along Harding Ave to the centerline of the alley right-of-way, approximately 230 feet east of the

centerline of Bay Ave; thence proceeding northerly, easterly, and northerly along the alley to the centerline of Donovan Rd; thence proceeding easterly along Donovan Rd to River Rock Ct; thence proceeding northerly along the centerline of River Rock Rd and continuing along the northerly projection of the River Rock Ct to the city boundary; thence proceeding counter-clockwise along the city border to the point of beginning.

(3) Council District 3 shall comprise all of that portion of the City beginning at the intersection of the City's southern border and the centerline of Orcutt Expressway (also known as State Route 135); thence proceeding northerly along Orcutt Expressway and continuing northerly along Broadway to the centerline of Main St; thence proceeding westerly along Main St to the centerline of Railroad Ave; thence proceeding southerly along Railroad Ave to the centerline of the Santa Maria Valley railroad right-of-way about 290 feet south of Boone St; thence proceeding westerly along the centerline of the Santa Maria Valley Railroad right-of-way to the centerline of Blosser Rd; thence proceeding northerly along Blosser Rd to the centerline of Main St; thence proceeding westerly along Main St to the city's western border; thence proceeding counter-clockwise along the city border to the point of beginning.

(4) Council District 4 shall comprise all of that portion of the City beginning at the intersection of the City's southern border and the centerline of Orcutt Expressway (also known as State Route 135); thence proceeding northerly along Orcutt Expressway and continuing northerly on Broadway; thence proceeding northerly along Broadway to the centerline of Main St; thence proceeding easterly along Main St to the centerline of Miller St; thence proceeding northerly along Miller St to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Elizabeth St; thence proceeding northerly along Elizabeth St to the centerline of Alvin Ave; thence proceeding easterly along Alvin Ave to State Highway 101; thence proceeding southeasterly along State Highway 101 to the northwestern most property corner of Tract 5286 as recorded in the County of Santa Barbara Recorder's Office in Book of Maps 98 pages 4 and 5; thence proceeding east along the northernmost property line of Tract 5286 to the property corner adjacent to the intersection of Fesler St and Tiffany Dr; thence east to the centerline of Fesler St; thence proceeding easterly along Fesler St to the centerline of Suey Rd; thence proceeding northerly along Suey Rd to Alvin Ave; thence proceeding westerly along Alvin Ave to the centerline of the northern leg of Palisade Dr; thence proceeding northerly along Palisade Dr to the centerline of Dena Way; thence proceeding westerly along Dena Way to the centerline of Concord Ave; thence proceeding northerly along Concord Ave to the centerline of Harding Ave; thence proceeding westerly along Harding Ave to the centerline of the alley right-of-way alley approximately 230 feet east of the centerline of Bay Ave; thence proceeding northerly, easterly, and northerly along the alley to the centerline of Donovan Rd; thence proceeding easterly along Donovan Rd to River Rock Ct; thence proceeding northerly along River Rock Rd and continuing along the northerly projection of the River Rock Ct centerline to the city boundary; thence proceeding northerly along River Rock Rd and its northerly extension to the city border; thence proceeding clockwise along the city border to the point of beginning.

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

#### **Section 2-25.05. Election Schedule.**

Council members shall be elected in Council Districts 3 and 4 beginning at the General Municipal Election in November, 2018, and every four (4) years thereafter. The Mayor and Council members from Council Districts 1 and 2 shall be elected beginning at the General Municipal Election in November 2020, and every four (4) years thereafter.

**SECTION 2.** A map showing the districts described in the Ordinance codified in this Chapter is attached hereto as Exhibit A. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this Chapter and the map, the map shall prevail. If necessary to facilitate the implementation of this Ordinance, the Chief Deputy 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 Chief Deputy 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.** This Ordinance has been reviewed for compliance with the California Environmental Quality Act (CEQA), and the CEQA guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to Section 15061(a)(3) of the CEQA Guidelines, because the City Council hereby finds with certainty that there is no possibility the passage of this Ordinance amending the zoning code will have a significant effect on the environment.

**SECTION 4.** If any part or provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the remainder of the chapter, including the application of that part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

**SECTION 5.** This Ordinance shall be in full force and effect 30 days after its passage. Within 15 days following its passage, the City Clerk shall cause this Ordinance to be published in a newspaper of general circulation in accordance with State Law; or when deemed necessary due to the length or complexity of the Ordinance, cause a summary of the Ordinance to be prepared and published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted. If a summary is published at least five days prior to the City Council meeting at which the proposed Ordinance is to be adopted, then within 15 days after adoption of the Ordinance the City Clerk shall publish a summary of the Ordinance with the names of those City Council Members voting for and against the Ordinance and shall post a certified copy of the full text of such adopted Ordinance along with the names of those City Council Members voting for and against the Ordinance.

**INTRODUCED** at a regular meeting of the City Council held the 2<sup>nd</sup> day of May 2017, and **PASSED AND ADOPTED** at a regular meeting held on this 16<sup>th</sup> day of May 2017, by the following roll call vote:

**AYES:** Councilmembers Boysen, Cordero, Waterfield, and Mayor Patino.  
**NOES:** Councilmember Moats.  
**ABSENT:** None.  
**ABSTAINED:** None.

**/s/ ALICE M. PATINO**

\_\_\_\_\_  
Mayor

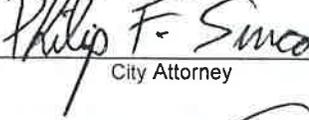
**ATTEST:**

**/s/ RHONDA M. GARIETZ, CMC**

\_\_\_\_\_  
Chief Deputy City Clerk

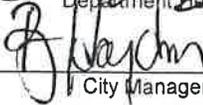
EXHIBIT A – Based upon Map N-1

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

APPROVED AS TO CONTENT:

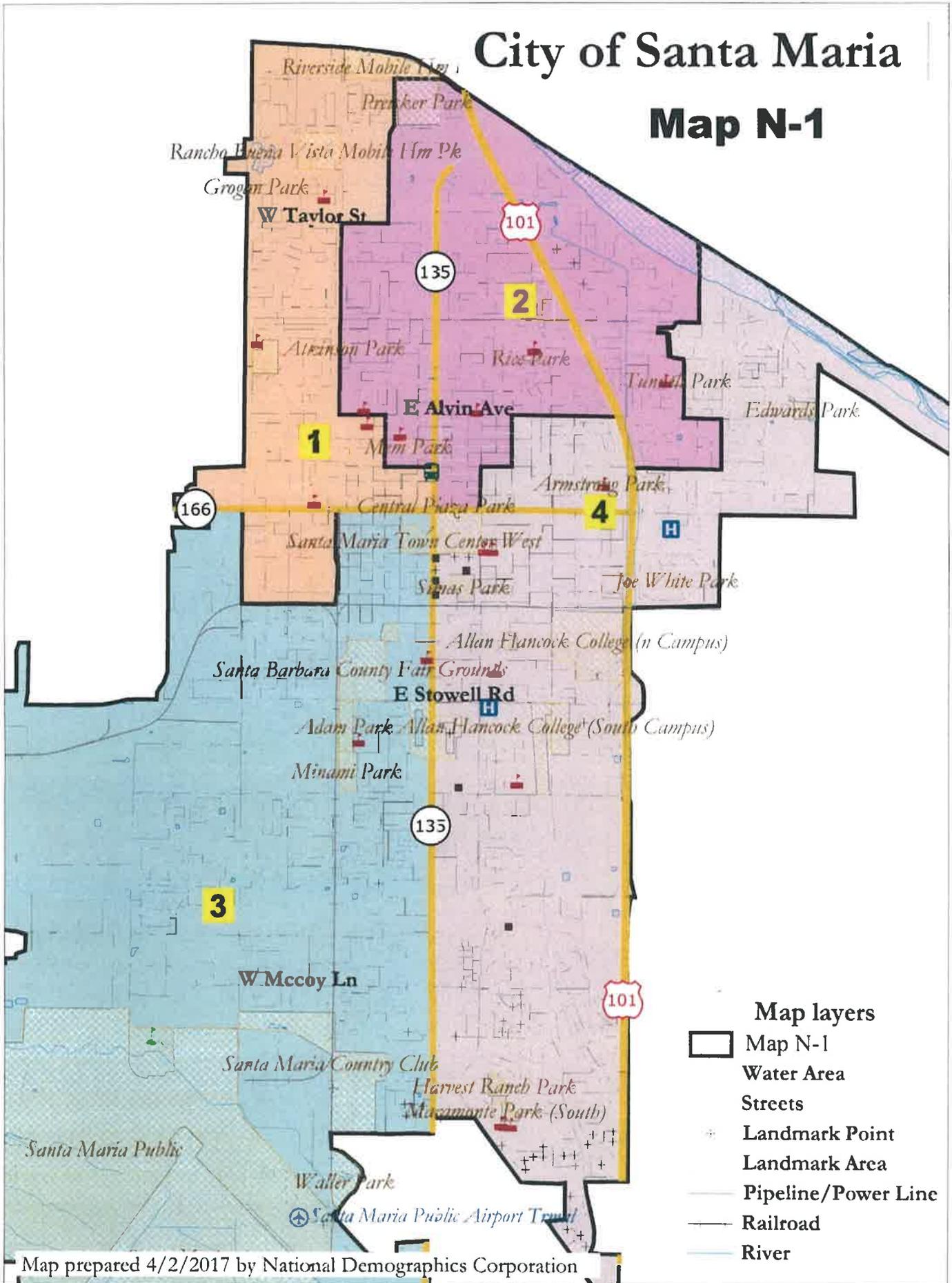
  
\_\_\_\_\_  
Department Head

  
\_\_\_\_\_  
City Manager

ALICE M. PATINO

# City of Santa Maria

## Map N-1



Map prepared 4/2/2017 by National Demographics Corporation

**EXHIBIT A**



STATE OF CALIFORNIA )  
COUNTY OF SANTA BARBARA ) ss.  
CITY OF SANTA MARIA )

I, RHONDA M. GARIETZ, CMC, Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Ordinance No. 2017-06 which was duly and regularly introduced by said City Council at a regular meeting held May 2, 2017, on motion by Councilmember Waterfield, seconded by Councilmember Cordero, and carried on the following vote:

**AYES:** Councilmembers Boysen, Cordero, Waterfield, and Mayor Patino.

**NOES:** Councilmember Moats.

**ABSENT:** None.

**ABSTAINED:** None.

and which was duly and regularly adopted by said City Council at a regular meeting held May 16, 2017, on motion by Councilmember Boysen, seconded by Councilmember Cordero, and carried on the following vote:

**AYES:** Councilmembers Boysen, Cordero, Waterfield, and Mayor Patino.

**NOES:** Councilmember Moats.

**ABSENT:** None.

**ABSTAINED:** None.

I further certify that said Ordinance No. 2017-06 will be duly published in full in accordance with the law and order of said City Council in the SANTA MARIA TIMES, a newspaper printed and published in said City, on May 23, 2017.

  
\_\_\_\_\_  
Chief Deputy City Clerk of the City of Santa  
Maria and ex officio Clerk of the City Council

