

ORDINANCE NO. ORD-2018-007

ORDINANCE OF THE COUNCIL OF THE CITY OF SANTA ROSA AMENDING CHAPTER 1-12 OF THE SANTA ROSA CITY CODE TO ESTABLISH DISTRICT-BASED ELECTION OF COUNCIL MEMBERS, ADOPTING A MAP DESCRIBING THE BOUNDARIES OF EACH DISTRICT, AND DETERMINING THE SEQUENCE OF DISTRICT ELECTIONS

WHEREAS, the City of Santa Rosa supports the full participation of all citizens in electing members of the City Council; and

WHEREAS, the City of Santa Rosa currently elects its seven Council members through an at-large election system, in which candidates may reside in any part of the City and in which, at each election, the candidates that receive the most votes city-wide earn a four-year term on the Council; and

WHEREAS, the Council has received substantial evidence of racially polarized voting within the City, polarization which has impaired the ability of the City's Latino voters to elect candidates of their choice and to influence the outcome of elections; and

WHEREAS, in light of that evidence, on August 29, 2017, the City Council adopted Resolution No. RES-2017-173, declaring its intent to initiate proceedings to transition the City from at-large to district-based Council member elections pursuant to Elections Code Section 10010 and Government Code Section 34886; and

WHEREAS, by Resolution No. RES-2017-173, Council established a schedule of five public hearings to receive public comment regarding the composition of voting districts, the sequence of district elections, and the transition to district-based Council member elections. The first two hearings were to be held prior to the publication of draft district maps, and the final three hearings were to be held following the publication of draft district maps; and

WHEREAS, the first of those public hearings took place on October 3, 2017; the remaining public hearings were postponed due to the impacts of the wildfires that swept into the City beginning on October 8, 2017; and

WHEREAS, on January 23, 2018, Council established a new schedule of public hearings to restart the process of composing voting districts and establishing district-based Council member elections; and

WHEREAS, pursuant to that new schedule, Council held public hearings on February 6, 2018 and February 13, 2018, and invited the public to provide input regarding the criteria for composition of the City's voting districts before any draft maps were drawn. After the hearing, Council considered and discussed the same and gave direction to staff and its consultants; and

WHEREAS, pursuant to Elections Code section 10010, the first version of a proposed map must be published at least seven days before consideration at a public hearing; and

WHEREAS, proposed district maps were posted on March 6, 2018 and continuing thereafter; and

WHEREAS, on March 13, 2018, Council held a third public hearing to provide the public an opportunity to comment on the proposed district maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections. After the public hearing, the Council selected six preferred maps for further consideration; and

WHEREAS, additional proposed district maps were posted on or before March 27, 2018 and continuing thereafter; and

WHEREAS, on April 3, 2018, Council held a fourth public hearing to provide the public an additional opportunity to comment on the six preferred maps previously selected by the Council as well as the newly posted proposed maps, and to offer alternatives and to weigh in on an appropriate sequencing of elections. After the public hearing, the Council selected a single preferred map for further consideration; and

WHEREAS, additional proposed district maps were posted on or before April 3, 2018 and continuing thereafter; and

WHEREAS, on April 10, 2018, Council held a fifth public hearing on the single preferred map selected by Council as well as the newly posted proposed maps and invited further public comment on the proposed maps and an appropriate sequencing of election; and

WHEREAS, after the public hearing, Council selected, and determined to implement, the voting district map known as Map 121D, attached hereto as Exhibit A; and

WHEREAS, Council also selected, and determined to implement, an election sequence in which Council members for Districts Nos. 2, 4, and 6 would be elected in November 2018 and every four years thereafter, and Council members for Districts Nos. 1, 3, 5, and 7 would be elected in November 2020 and every four years thereafter; and

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

WHEREAS, the purpose of this Ordinance is to provide for the election of Council members on a by-district basis, such that each of the seven voting districts, as set forth in Exhibit A to this Ordinance, elects one of its own residents to be its representative on the Council, in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025 et seq.), and the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution.

THE PEOPLE OF THE CITY OF SANTA ROSA DO ENACT AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct.

Section 2. Amendment of Code. Chapter 1-12 of the Santa Rosa City Code is hereby amended to read as follows:

“Chapter 1-12 ELECTIONS

1-12.010 District-Based Council Member Elections.

A. Members of the City Council shall be elected by-district as provided in this Chapter. Seven City Council Districts shall be established as follows, and shall continue in effect until such City Council Districts are amended or repealed in accordance with law:

1. City Council District 1 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-1 – City Council District 1.
2. City Council District 2 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-2 – City Council District 2.
3. City Council District 3 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-3 – City Council District 3.
4. City Council District 4 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-4 – City Council District 4.
5. City Council District 5 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-5 – City Council District 5.
6. City Council District 6 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-6 – City Council District 6.
7. City Council District 7 shall be comprised of all that portion of the City bound by [add description], as depicted in Figure 1-7 – City Council District 7.

B. One Council member shall be elected from each City Council District, as established in subdivision A. Election shall be by the registered voters of that District alone. The candidate who receives the most votes within the District shall earn a four year term on the Council.

C. A candidate for City Council must live in, and be a registered voter in, the City Council District in which he or she seeks election at the time nomination papers are issued, pursuant to Elections Code 10227. A Council member elected to represent a City Council

District must continue to reside in that District and be a registered voter in that District. Should a Council member terminate his or her residency within his or her District and fail to re-establish such residency within thirty (30) days thereafter, or such other time as the Council, by five affirmative votes, finds reasonable and appropriate under the circumstances, he or she shall be deemed to have surrendered his or her seat on the Council, thereby creating an immediate vacancy for that City Council District.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of Section 4 of the City Charter, the Members of the City Council in office at the time this Ordinance 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. Such Council members shall continue to represent the entirety of the City as an at-large member of the City Council. In the event that such Council member vacates his or her seat before expiration of his or her term, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the boundaries of the City.

1-12.020 Election Schedule.

Members of the City Council shall be elected by-district in City Council Districts Nos. 2, 4, and 6 in the General Municipal Election in November 2018, and every four years thereafter. Members of the City Council shall be elected in City Council Districts Nos. 1, 3, 5, and 7 in the General Municipal Election in November 2020, and every four years thereafter. Should any vacancies occur on the City Council outside of this election schedule, such vacancies shall be filled in accordance with City Charter Section 31.

1-12.030 When Held.

All municipal elections shall be held on Tuesday unless a different date is designated in the resolution or ordinance calling the election."

Section 3. Map. A map showing the districts described in this Ordinance is attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Environmental Determination. The Council finds that the adoption and implementation of this ordinance are exempt from the provisions of the California Environmental Quality Act under section 15061(b)(3) of Title 14 of the California Code of Regulations, in that the Council finds there is no possibility that the implementation of this ordinance may have significant effects on the environment.

Section 5. Technical Adjustments. If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the City Council 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 6. Conflicting Terms. 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 law, 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. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held to be invalid and/or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. Effective Date. This ordinance shall take effect immediately upon adoption, in accordance with Government Code section 36937.

This ordinance was introduced by the Council of the City of Santa Rosa on April 10, 2018.

IN COUNCIL DULY PASSED AND ADOPTED this 17th day of April, 2018.

AYES: (7) Mayor Coursey, Vice Mayor Rogers, Council Members Combs, Olivares, Sawyer, Schwedhelm, Tibbetts

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – Map of Districts
Exhibit B – Figures 1-1 through 1-7