ORDINANCE NO. 2318

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADDING A NEW ARTICLE XV TO CHAPTER 2 (ADMINISTRATION) TO THE SOUTH PASADENA MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING MEMBERS OF THE CITY COUNCIL, ESTABLISING DISTRICT BOUNDARIES, AND SEQUENCING OF ELECTIONS WITHIN THE DISTRICTS

WHEREAS, the City of South Pasadena (City) supports the full participation of all residents in electing members of the City Council; and

WHEREAS, in the City's current at-large election system, candidates may reside anywhere within city limits and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, in a district-based election system, a candidate for the 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, the City received a certified letter on June 5, 2017, from Kevin I. Shenkman, Esq., on behalf of his client Southwest Voter Registration Education Project, containing unsubstantiated allegations that the City's at-large electoral system violates the California Voting Rights Act (CVRA) and threatening litigation if the City declined to adopt a district-based electoral system; and

WHEREAS, the City denies that its election system violates the CVRA or any other provision of law, but in order to avoid unnecessary and costly legal fees to defend against the threatened litigation, the City initiated the public process to begin to transition to district-based elections; and

WHEREAS, at its regular meeting on July 19, 2017, the City Council adopted Resolution No. 7524 declaring its intent to establish a by-district election system pursuant to California Elections Code (EC) Section 10010; and

WHEREAS, under the provisions of the EC 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 public hearings over a period of no more than thirty 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 August 16, 2017 and September 6, 2017, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, as required by EC Section 10010, the City held additional hearings within a period of no more than 45 days, the first on September 20, 2017, the second on October 4, 2017, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, it is the City Council's desire and intent that City resources will continue to be prioritized based on the greatest citywide need and benefit, and that the City Council will work cooperatively with one another for the benefit of the entire City; and

WHEREAS, if the CVRA is amended in a manner which qualifies the City to return to at-large elections, the City Council declares it desires for appropriate actions to be taken.

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

SECTION 1. Chapter 2 (Administration) of the South Pasadena Municipal Code is hereby amended by the addition of the following Article XV (By-District Electoral System) which shall read as follows:

ARTICLE XV. BY-DISTRICT ELECTORAL SYSTEM

Sec. 2.99-51 By-District Electoral System.

(a) The City Council declares that the change in method of electing members of this City Council hereby enacted is being made in furtherance of the CVRA of 2001.

(b) Beginning with the municipal election in November 2018, members of the City Council shall be elected in the electoral districts established by Section 2.99-51(c) and subsequently reapportioned as provided by State law. Elections shall take place by-district as that term is defined in California Government Code (GC) Section 34871, meaning one member of the City Council shall be elected from each district, by the voters of the district alone. Each member of the City Council shall serve a four-year term.

(c) Members of the City Council shall be elected on a by-district basis from the five (5) City Council districts hereby established. The boundaries and identifying number of each district shall be as described on the City Council District Map attached hereto as "Exhibit A" and incorporated by reference.

(d) Commencing with the general municipal election in November 2018 and thereafter, the voters in districts 4 and 5 shall elect members of the City Council by-district for full four (4) year terms. At the general municipal election in November 2020 and thereafter, the voters in districts 1, 2, and 3 shall elect members of the City Council by-district for full four (4) year terms.

(e) 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 reside 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 GC Section 34882 and EC Section 10227. It is the intent of the City Council that no term of any member of the City Council that commenced prior to the effective date of this ordinance shall be affected by this Article.

(f) 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 candidate is to be elected.

(g) Termination of residency in a district by a City Councilmember shall create an immediate vacancy for that City Council district unless the City Councilmember immediate declares and establishes another residence within the district within 30 days.

(h) If necessary to facilitate the implementation of this Article, 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 2. This ordinance shall be effective immediately as an ordinance relating to an election pursuant to GC Section 36937(a).

SECTION 3. To the extent the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions on any prior City ordinance, motion, resolution, rule or regulation on the same subject, the terms of this ordinance shall prevail with respect to the subject matter thereof.

SECTION 4. In interpreting this ordinance or resolving any ambiguity, this ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

PASSED, APPROVED, AND ADOPTED ON this 4th day of October, 2017.

Michael A. Cacciotti, Mayor

ATTEST:

Evelyn G. Zneimer, City Clerk
(seal)
Date: 10/04/2017

APPROVED AS TO FORM:

Teresa L. Highsmith, City Attorney

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the 4th day of October, 2017, by the following vote:

AYES: Joe, Khubesrian, Mahmud, Schneider, and Mayor Cacciotti

NOES: None

ABSENT: None

ABSTAINED: None

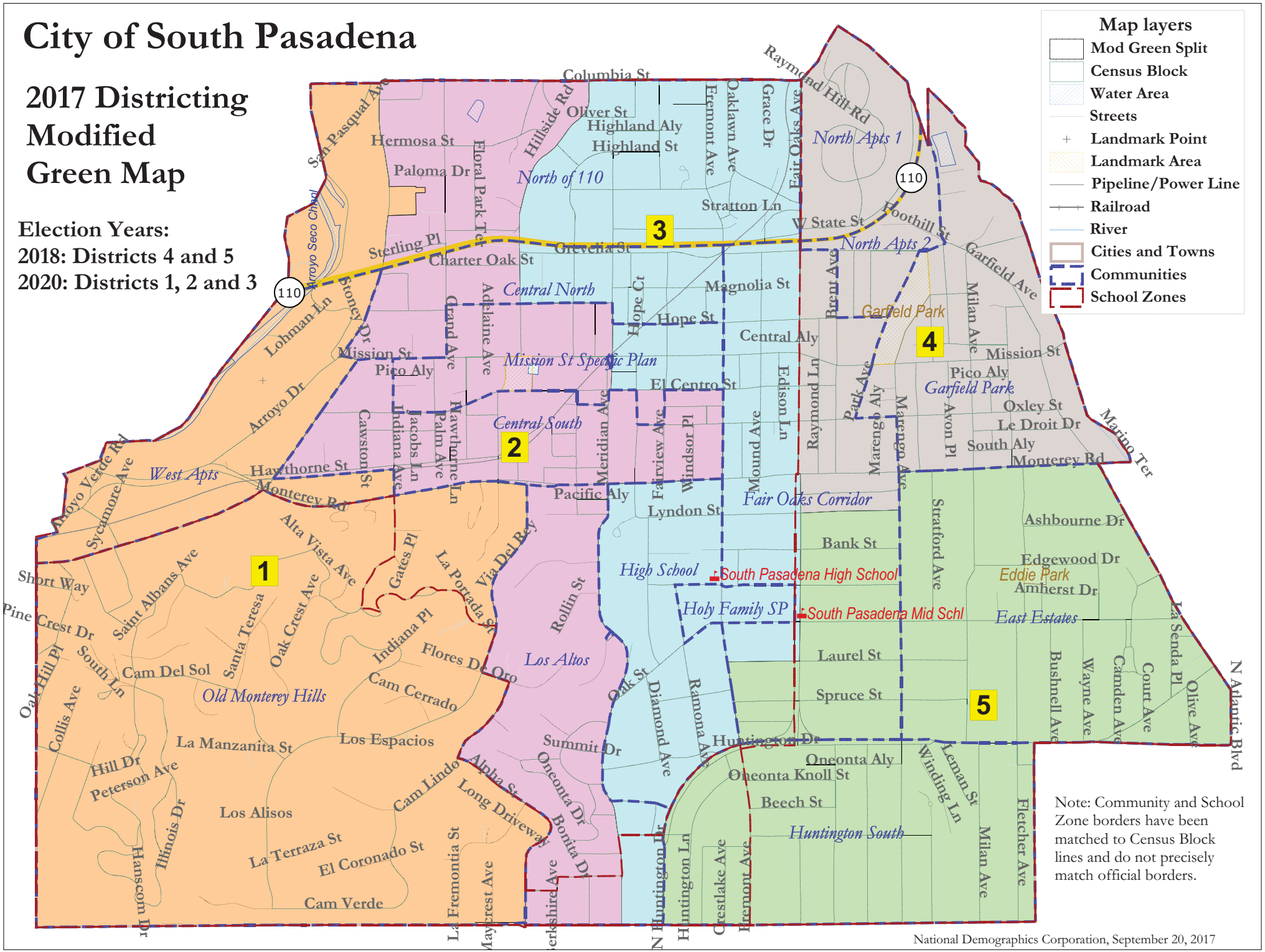
Evelyn G. Zneimer, City Clerk
(seal)

Exhibit A

City of South Pasadena

2017 Districting Modified Green Map

Election Years:
2018: Districts 4 and 5
2020: Districts 1, 2 and 3



Note: Community and School Zone borders have been matched to Census Block lines and do not precisely match official borders.

National Demographics Corporation, September 20, 2017