

ORDINANCE NO. 16-05

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AMENDING CHAPTER 2.04 OF THE EASTVALE MUNICIPAL CODE TO ADD SECTIONS 2.04.070-2.04.090 CHANGING THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS, ESTABLISHING DISTRICT BOUNDARIES, AND SCHEDULING ELECTION WITHIN THE DISTRICTS

WHEREAS, the City of Eastvale supports the full participation of all residents in electing City Council Members; and

WHEREAS, the City of Eastvale currently elects its five City Council Members using an at-large election system; 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 whom their representative will be; and

WHEREAS, California Government Code 34886, effective January 1, 2016, permits the City Council of a city with a population of fewer than 100,000 people to change the city's method of election by ordinance, with certain formalities, 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, pursuant to and as required by California Government Code Section 34886, it is declared that this change in the method of electing members of the City Council of the City of Eastvale is 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, 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 public hearings on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal; and

WHEREAS, on April 27, 2016 the City Council adopted its Resolution No. 16-09 initiating the process of establishing voting by-districts and adopting the criteria and schedule therefore, and thereafter held public hearings on the proposal to establish district boundaries on May 11, 2016 and May 25, 2016, at which it considered the proposal to

establish district boundaries, and during which the Council received comments from the public and reviewed various versions of voting district maps labeled 5A, 5B and 5C; and

WHEREAS, the City Council determined to proceed with five voting districts rather than the four districts and Mayor at-large and to designate the districts in which the Council election would be conducted in November 2016; and

WHEREAS, the City Council held the third public hearing on June 8, 2016, reviewed additional public input and map variations, and selected Map 5 C ; thereafter the boundaries of Map 5 C were incorporated into this ordinance; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of City Council Members of the City of Eastvale by-district in five single-member districts as reflected in Exhibit 1 to this Ordinance; and

WHEREAS, in order to protect the welfare of the residents of Eastvale by providing for such a change in voting to be implemented in time for the November 2016 election, this ordinance is an urgency ordinance which shall take effect upon its adoption and pursuant to Govt. Code Section 36937.

NOW, THEREFORE, THE CITY COUNCIL THE CITY OF EASTVALE DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.04 of the Eastvale Municipal Code is hereby amended by adding new Sections 2.04.070, 2.04.080 and 2.04.090 to read as follows:

Section 2.04.070. By-District Electoral System.

- A. Pursuant to California Government Code Section 34886, City Council Members of the City of Eastvale shall be elected by-districts in five (5) single-member districts.
- B. (1) Beginning with the general municipal election in November 2016, Members of the City Council shall be elected in the electoral districts established by Section 2.04.080 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 Member of the City Council shall be elected from each Council district and shall serve a four-year term until his or her successor is qualified or such term as provided by Govt. Code Section 36512.
- (2) Except as provided in subdivision (3) 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 thirty (30) days after the termination of residency.

- (3) Notwithstanding any other provision of this section, and consistent with the requirements of Govt. Code Section 36512 as amended, 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. 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 2.04.080 and as provided in Section 2.04.090.

Section 2.04.080. Establishment of City Council Electoral Districts.

- A. Subject to Section 2.04.090, 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 that portion of the City beginning at the point of intersection of Archibald Ave and the City's northern border; thence proceeding southerly along Archibald to Limonite Ave; thence proceeding easterly along Limonite to Hammer Ave; thence proceeding southerly along Hammer to Oakdale St; thence proceeding easterly along Oakdale to Badminton Way; thence proceeding southerly along Badminton to Caxton St; thence proceeding easterly along Caxton to Moonriver St; thence proceeding southerly along Moonriver to Marble Way; thence proceeding easterly along Marble to Black Horse St; thence proceeding northerly along Black Horse to Meadowvale St; thence proceeding easterly along Meadowvale to Harrow St; thence proceeding southerly and westerly along Harrow to Wells Spring St; thence proceeding southerly along Wells Spring to Kourtney Ct; thence proceeding easterly along Kourtney to Theresa St; thence proceeding northerly along Theresa to Leanne St; thence proceeding easterly and southerly along Leanne to Tarah St; thence proceeding southerly along Tarah to 68th St; thence proceeding easterly along 68th to the City border; thence proceeding counter-clockwise along the City border to the point of beginning.
 - (2) Council District 2 shall comprise all that portion of the City beginning at the point of intersection of Hammer Ave and Schleisman Way; thence proceeding westerly along Schleisman Way to Scholar Way;

thence proceeding southerly along Scholar Way to Citrus St; thence proceeding westerly along Citrus to Harrison Ave; thence proceeding southerly along Harrison to Chandler St; thence proceeding westerly along Chandler St to Archibald Ave; thence proceeding northerly along Archibald Ave to Fairchild Dr; thence proceeding westerly along Fairchild to Swan Creek Dr; thence proceeding southerly along Swan Creek to Redwood Valley Rd; thence proceeding westerly along Redwood Valley to Selby Ave; thence proceeding southerly along Selby to Chandler St; thence proceeding westerly along Chandler St to the City border; thence proceeding counter-clockwise along the City border to Hammer Ave; thence proceeding northerly along Hammer to the point of beginning.

- (3) Council District 3 shall comprise all that portion of the City beginning at the point of intersection of Hammer Ave and Schleisman Way; thence proceeding westerly along Schleisman Way to Scholar Way; thence proceeding southerly along Scholar Way to Citrus St; thence proceeding westerly along Citrus to Summer Ave; thence proceeding northerly along Summer Ave to 68th St; thence proceeding easterly along 68th to Scholar Way; thence proceeding northerly along Scholar Way to Limonite Ave; thence proceeding easterly along Limonite to Hammer Ave; thence proceeding southerly along Hammer to Oakdale St; thence proceeding easterly along Oakdale to Badminton Way; thence proceeding southerly along Badminton to Caxton St; thence proceeding easterly along Caxton to Moonriver St; thence proceeding southerly along Moonriver to Marble Way; thence proceeding easterly along Marble to Black Horse St; thence proceeding northerly along Black Horse to Meadowvale St; thence proceeding easterly along Meadowvale to Harrow St; thence proceeding southerly and westerly along Harrow to Wells Spring St; thence proceeding southerly along Wells Spring to Kourtney Ct; thence proceeding easterly along Kourtney to Theresa St; thence proceeding northerly along Theresa to Leanne St; thence proceeding easterly and southerly along Leanne to Tarah St; thence proceeding southerly along Tarah to 68th St; thence proceeding easterly along 68th to the City border; thence proceeding clockwise along the City border to Hammer Ave; thence proceeding northerly along Hammer to the point of beginning.
- (4) Council District 4 shall comprise all that portion of the City beginning at beginning at the point of intersection of 65th St and Summer Ave; thence proceeding westerly along 65th to Archibald Ave; thence proceeding southerly along Archibald to Chandler St; thence proceeding westerly along Chandler St to Harrison Ave; thence proceeding northerly along Harrison to Citrus St; thence proceeding easterly along Citrus to Summer Ave; thence proceeding northerly along Summer to the point of beginning.

(5) Council District 5 shall comprise all that portion of the City beginning at the point of intersection of Archibald Ave and the City's northern border; thence proceeding southerly along Archibald to Limonite; thence proceeding easterly along Limonite to Scholar Way; thence proceeding southerly along Scholar Way to 68th St; thence proceeding westerly along 68th St to Summer Ave; thence proceeding northerly along Summer to 65th St; thence proceeding westerly along 65th to Archibald Ave; thence proceeding southerly along Archibald to Fairchild Dr; thence proceeding westerly along Fairchild to Swan Creek Dr; thence proceeding southerly along Swan Creek to Redwood Valley Rd; thence proceeding westerly along Redwood Valley to Selby Ave; thence proceeding southerly along Selby to Chandler St; thence proceeding westerly along Chandler St 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 2.04.090. Election Schedule.

Except as otherwise required by Govt. Code Section 36512, Council Members shall be elected in Council Districts 1, 2 and 5 beginning at the General Municipal Election in November, 2016, and every four years thereafter. Council Members shall be elected from Council Districts 3 and 4 beginning at the General Municipal Election in November 2018, and every four years thereafter as such Council districts shall be amended.

SECTION 3. Implementation.

A map showing the districts described in the ordinance codified in this chapter is attached hereto as Exhibit 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this chapter and the map incorporated herein, the map shall prevail.

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 4. Effective Date.

This Ordinance shall be effective immediately as an urgency ordinance necessary for public welfare and pursuant to Govt. Code Section 36937.

SECTION 5. Inconsistencies.

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 6. Interpretation.

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

SECTION 7. Severability.

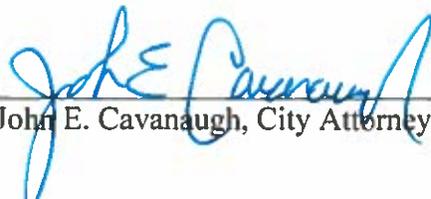
If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Eastvale hereby declares the Council would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the passage of this ordinance; shall enter the same in the book of original ordinances of the City; shall make a minute of the passage and adoption thereof in the record of the proceedings of the City Council at which the same is passed and adopted; and shall, within 15 days after the passage and adoption hereof, cause a summary thereof to be published in a newspaper of general circulation, as defined in Government Code section 6008, for the City of Eastvale.

PASSED, APPROVED AND ORDAINED this 8th day of June, 2016.


Ike Bootsma, Mayor

APPROVED AS TO FORM:


John E. Cavanaugh, City Attorney

ATTEST:

Marc Donohue, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Marc Donohue, City Clerk of the City Council of the City of Eastvale, California, do hereby certify that the foregoing Urgency Ordinance No. 16-05 was duly introduced and passed at a regular meeting of the City Council on the 8th day of June, 2016, by the following vote:

AYES: Councilmember Simmons, Mayor Pro Tem Tessari, Mayor Bootsma

NOES: Councilmembers Lorimore, Rush

ABSENT:

ABSTAIN:


Marc Donohue, City Clerk

Eastvale 2016 Districting

Draft C

