

ORDINANCE NO. 2018-05

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, ESTABLISHING A DISTRICT-BASED ELECTION SYSTEM FOR MEMBERS OF THE CITY COUNCIL

WHEREAS, members of the City Council of the City of Los Alamitos are currently elected in at-large elections, in which each City Councilmember is elected by voters of the entire City; and

WHEREAS, on March 29, 2018, the City received a certified letter from attorney Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large Councilmember election system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system where each City Councilmember resides within a designated district boundary and is elected only by the voters in that district; and; and

WHEREAS, the City denies its current at-large election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever regarding the way it has conducted its City Council elections; and

WHEREAS, while the City Council strongly believes that the interests of all of the City's residents have been fully and fairly represented under the City's current at-large election system, the City Council has concluded it is in the public interest to transition to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit and the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, on May 11, 2018, the City Council adopted Resolution No. 2018-08, declaring the City's intention to transition from at-large to district-based elections pursuant to California Elections Code Section 10010; and

WHEREAS, the City retained an expert demographer to assist the City with the process of analyzing the City's population, developing draft district maps consistent with the CVRA and the Federal Voting Rights Act, and gathering input from residents on the potential Council district maps; and

WHEREAS, in accordance with California Elections Code Section 10010(a)(1), the City Council held two public hearings on May 29, 2018 and June 4, 2018 where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn; and

WHEREAS, in accordance with California Elections Code Section 10010(a)(2), the

City Council held two additional public hearings on June 18, 2018 and July 9, 2018 where the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections; and

WHEREAS, at its July 9, 2018 meeting, the City Council selected its preferred district map, determined its preferred sequence of district elections, and directed staff to bring forward this Ordinance for its consideration; and

WHEREAS, in accordance with California Government Code Section 34886, it is declared that the change in the method of electing members of the City Council of the City of Los Alamitos made by this Ordinance is 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 to implement the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution.

THE CITY COUNCIL OF THE CITY OF LOS ALAMITOS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. Establishment of a District-Based Election System.

A. By-District Elections. Pursuant to California Government Code Section 34886, beginning in November 2020 and upon the expiration of the current terms of office of members of the City Council, City Councilmembers shall be elected by the five Council districts established by subdivision (B) of this Section. Elections shall take place “by-district” as that term is defined in California Government Code Section 34871, meaning one City Councilmember shall be elected from each district by the voters of that district alone.

B. Council Districts. All five Councilmembers shall be elected on a “by-district” basis from the Council districts shown and numbered on the district map attached hereto as Exhibit A, and incorporated herein by reference, a copy of which shall be on file in the City Clerk’s office.

C. Sequence of Elections. Commencing with the November 2020 General Municipal Election, and every four years thereafter, the following two Council districts shall be elected by-district: District 1 and District 3. Commencing with the November 2022 General Municipal Election, and every four years thereafter, the following three Council districts shall be elected by-district: District 2; District 4; and District 5.

D. Residency in Council District Required. A Councilmember elected or appointed to represent a Council 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 Council district in which he or she seeks election at the time nomination papers are issued. Termination of residency in a Council district by a Councilmember

shall create an immediate vacancy for that district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

E. Expiration of At-Large Terms of Office. Notwithstanding any other provision of this Section, the Councilmembers in office prior to the November 2020 General Municipal Election shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of the term of a Councilmember in office prior to the November 2020 General Municipal Election, a person who is appointed or elected in accordance with Section 502 of the Los Alamitos City Charter to fill such vacancy may reside anywhere within the corporate boundaries of the City.

SECTION 3. If necessary to facilitate the implementation of this Ordinance as determined by the County Registrar of Voters, the City Clerk is authorized to make technical adjustments to the 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 4. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify as to the adoption of this Ordinance and shall cause a summary thereof to be published within fifteen (15) days of the adoption and shall post a Certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk, in accordance with Government Code Section 36933.

PASSED, APPROVED, AND ADOPTED this 30th day of July, 2018.

Troy Edgar, Mayor

ATTEST:

Windmera Quintanar, CMC, City Clerk

APPROVED AS TO FORM:

Michael S. Daudt, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LOS ALAMITOS)

I, Windmera Quintanar, CMC, City Clerk of the City of Los Alamitos, do hereby certify that the foregoing Ordinance No. 2018-05 was duly introduced and placed upon its first reading at a regular meeting of the City Council on the 16th day of July, 2018 and that thereafter, said Ordinance was duly adopted and passed at an adjourned regular meeting of the City Council on the 30th day of July, 2018 by the following roll-call vote, to wit:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

Windmera Quintanar, CMC, City Clerk

Exhibit A

City of Los Alamitos Council District Map

City of Los Alamitos 2018 Districting

Green

