ORDINANCE NO. 809

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POWAY, CALIFORNIA, ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS AND AMENDING CHAPTER 2.04 OF THE POWAY MUNICIPAL CODE TO PROVIDE FOR CITY COUNCIL ELECTIONS BY DISTRICTS

WHEREAS, the City of Poway supports the full participation of all citizens in electing members of the City Council;

WHEREAS, the City of Poway currently elects its four (4) members of the City Council using an at-large election system, with a separately elected mayor, where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City;

WHEREAS, California Government Code Section 34886, effective January 1, 2017, permits the City Council to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides, and permits the mayor to continue to be elected at-large, in accordance with California Government Code Section 34871, subdivision (c);

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s);

WHEREAS, at regular meeting of the City Council of the City of Poway held on the 18th day of July 2017, the City Council adopted Resolution No. 2017-046 that initiated the process of establishing a by-district election system and adopted the schedule therefore;

WHEREAS, thereafter, at a regular and special meeting of the City Council of the City of Poway held on the 1st and 8th day of August 2017, respectively, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Poway considered and discussed the same;

WHEREAS, at the regular meeting of the City Council of the City of Poway held on the 1st day of August 2017, the City Council adopted Resolution No. 2017-055 setting forth the mandatory and permissive criteria to be considered when drawing voting district maps;

WHEREAS, thereafter, at special meetings of the City Council of the City of Poway held on the 18th and 31st day of August 2017, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, as well as the proposed sequence of elections, and the City Council of the City of Poway considered and discussed the same;

WHEREAS, at the special meeting of the City Council of the City of Poway held on the 31st day of August 2017, the City Council directed staff to draft an ordinance adopting the voting district map known as Map 133 and a sequence of elections whereby the Council District 1 and 3 seats will be placed on the 2018 ballot, and the Council District 2 and 4 seats on the 2020 ballot;

WHEREAS, at the regular meeting of the City Council of the City of Poway held on the 19th day of September 2017, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in this Ordinance, which was introduced for a first reading at the same regular meeting of the City Council of the City of Poway;

WHEREAS, at the regular meeting of the City Council of the City of Poway held on the 3rd day of October 2017, the City Council of the City of Poway conducted a second reading and adopted the 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 members of the City Council of the City of Poway by-district in four single-member districts as reflected in Exhibit 1 to this Ordinance, with the Mayor elected at-large, 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 1 and of Section of Article II of the California Constitution.

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

SECTION 1. The foregoing recitals are true and correct.

SECTION 2. The City of Poway is hereby divided into four (4) Council districts and the boundaries of the districts are more particularly depicted in Exhibit A, which is attached hereto and incorporated by this reference.

SECTION 3. Chapter 2.04 of the Poway Municipal Code is hereby amended by adding new Sections 2.04.060, 2.04.070, 2.04.080, and 2.04.090 to read as follows:

2.04.060 By-District Electoral System.

Pursuant to California Government Code Section 34886 and the schedule established in Section 2.04.080 of this Chapter, beginning in November 2018,

members of the City Council shall be elected on a by-district basis from four (4) single-member Council Districts. The Mayor shall be separately elected on a City-wide basis. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (c).

2.04.070 Establishment of City Council Electoral Districts.

A. Pursuant to Section 2.04.060 of this Chapter, members of the City Council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (c), from the four Council Districts as established and amended from time to time by ordinance, and numerically designated as District 1, District 2, District 3, and District 4.

B. Members of the City Council, excluding the Mayor, shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, the member of the City Council elected or (in the event of a vacancy filled by the City Council) appointed 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 member of the City Council 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.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, 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 member of the City Council, excluding the separate office of Mayor, that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in Section 2.04.080 of this Chapter.

E. Nothing in this Section shall affect the election of the Mayor, who shall remain elected on a City-wide basis, in accordance with Government Code Sections 34871, subdivision (c), and 34900 et seq.

2.04.080 Election Schedule.

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council Districts 1 and 3 beginning at the General Municipal Election in November 2018, and every four

years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council Districts 2 and 4 beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts shall be amended. The election schedule for the Mayor is not affected by this Section.

2.04.090 Map of Council Districts.

The city clerk shall maintain a map of the city showing the current boundaries and numbers of each city council district as may be established and amended from time to time by ordinance of the city council.

SECTION 4. 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 5. 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. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 7. 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 Poway 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.

EFFECTIVE DATE: This Ordinance shall take effect and be in force thirty (30) days after its adoption.

CERTIFICATION/PUBLICATION: The City Clerk shall certify the adoption of this Ordinance and cause it or a summary of it, to be published with the names of the City Council members voting for and against the same in the *Poway News Chieftain*, a newspaper of general circulation in the City of Poway within fifteen (15) days after its adoption and shall post a certified copy of this Ordinance in the Office of the City Clerk in accordance with Government Code § 36933.

Introduced and first read at a regular meeting of the City Council of the City of Poway, California, held the 19th day of September 2017, and thereafter PASSED AND ADOPTED at a regular meeting of said City Council held the 3rd day of October 2017.

Steve Vaus, Mayor

ATTEST:

Nancy Neufeld, CMC, City Clerk

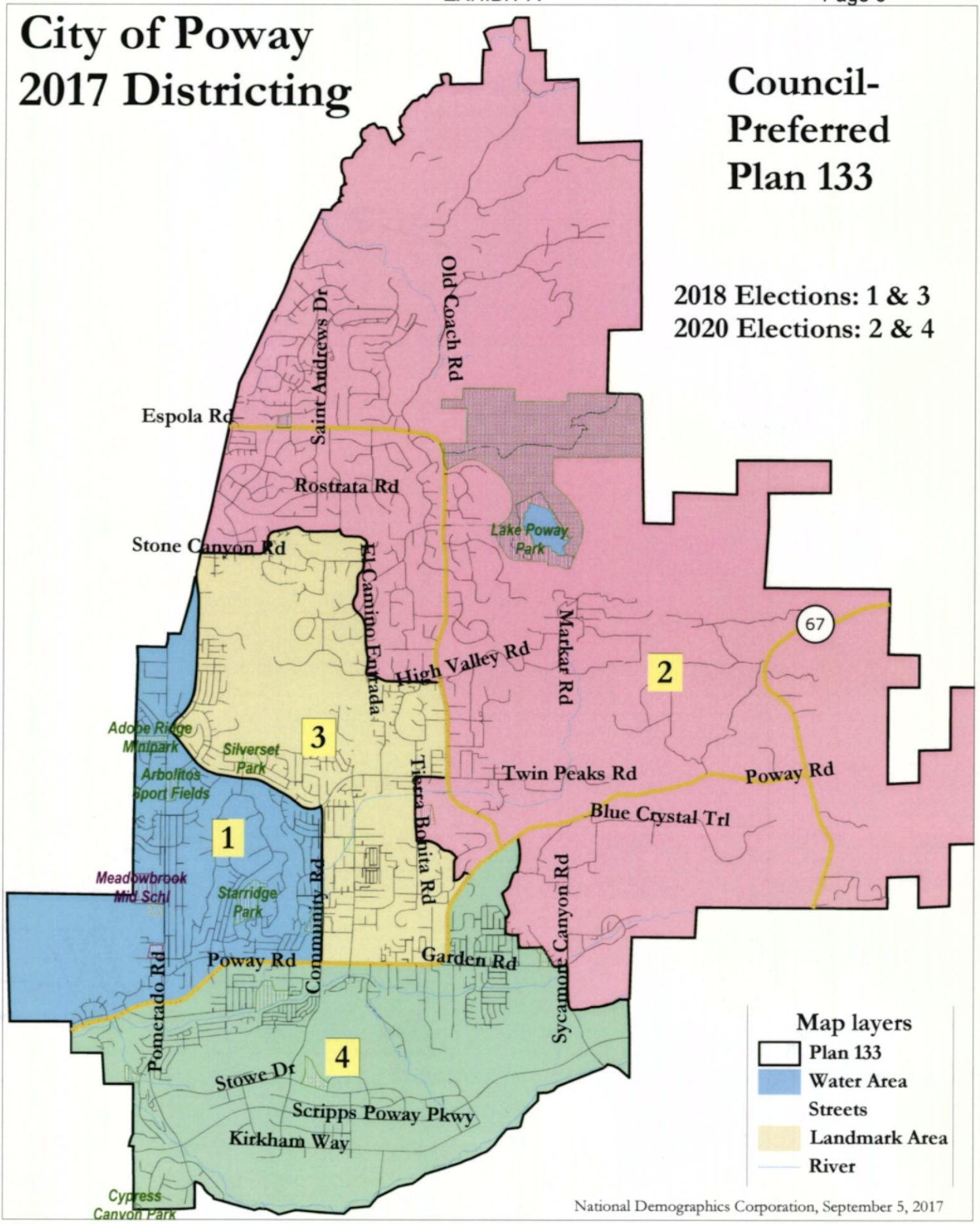
STATE OF CALIFORNIA)
) SS
COUNTY OF SAN DIEGO)

I, Nancy Neufeld, City Clerk of the City of Poway, California, do hereby certify that the foregoing Ordinance No. 809, was duly adopted by the City Council at a regular meeting of said City Council held on the 3rd day of October 2017, and that it was so adopted by the following vote:

AYES:	CUNNINGHAM, GROSCH, MULLIN, VAUS
NOES:	NONE
ABSENT:	LEONARD
DISQUALIFIED:	NONE

Nancy Neufeld, CMC, City Clerk
City of Poway

EXHIBIT A


City of Poway
2017 Districting
Council-Preferred Plan 133
2018 Elections: 1 & 3
2020 Elections: 2 & 4
Espola Rd
Saint Andrews Dr
Old Coach Rd
Rostrata Rd
Stone Canyon Rd
El Camino Entrada
Lake Poway Park
Markar Rd
67
High Valley Rd
2
3
Adobe Ridge Minipark
Silverset Park
Arbolitos Sport Fields
Tierra Bonita Rd
Twin Peaks Rd
Poway Rd
Blue Crystal Trl
1
Meadowbrook Mid Schl
Starridge Park
Community Rd
Sycamore Canyon Rd
Poway Rd
Garden Rd
Pomerado Rd
4
Stowe Dr
Scripps Poway Pkwy
Kirkham Way
Cypress Canyon Park
Map layers
Plan 133
Water Area
Streets
Landmark Area
River
National Demographics Corporation, September 5, 2017