

ORDINANCE NO. ____

ORDINANCE OF THE COUNCIL OF THE CITY OF ROSEVILLE ADDING
CHAPTER 2.06 OF TITLE 2 OF THE ROSEVILLE MUNICIPAL CODE
REGARDING DISTRICT BASED MUNICIPAL ELECTIONS

WHEREAS, as required by Section 2.02 of the Roseville City Charter, the five (5) members of the City Council of the City of Roseville (“City”) are currently elected in at-large elections, in which each councilmember is elected by the registered voters of the entire City; and

WHEREAS, in response to the potential for litigation regarding alleged non-compliance with the California Voting Rights Act (“CVRA”), the City Council has determined that it is in the best interest of the City to shift from its current at-large election system to a by-district election system; and

WHEREAS, the Court of Appeal for the Second Appellate District concluded that the CVRA and its goal of preventing voter dilution is a matter of statewide concern and, therefore, applies to charter cities (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781); and

WHEREAS, on September 4, 2019, the City Council adopted Resolution No. 19-377, a resolution declaring the City’s intention to transition from at-large to district-based elections pursuant to California Elections Code Section 10010; and

WHEREAS, California Government Code Section 34886 authorizes the City Council to adopt an ordinance to change its method of election from an at-large system to a by-district system in which each councilmember is elected only by the voters in the district in which the candidate resides without submitting the ordinance to the voters for approval; and

WHEREAS, the plain language of Government Code Section 34886, which permits cities to transition to by-district elections by ordinance, makes no distinction between charter cities and general law cities; and

WHEREAS, the legislative history behind Government Code Section 34886 suggests that the California Legislature intended to permit charter cities to transition to by-district elections by ordinance; and

WHEREAS, in light of the foregoing, a charter city may transition to by-district elections in compliance with the CVRA without submitting the matter to the voters; and

WHEREAS, pursuant to California Government Code Section 34886, it is declared that the purpose of the change in the method of electing members of the City Council of the City of Roseville made by this Ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code; and

WHEREAS, the City engaged an expert demographic firm to assist the City with the process of analyzing the City's population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, in accordance with Elections Code Section 10010, the City Council held two (2) public hearings to obtain input on any proposed district boundaries on September 18, 2019 and October 2, 2019; and

WHEREAS, on October 16, 2019, the City made twenty-eight (28) maps available on its website for public review; and

WHEREAS, on October 23, 2019 and November 6, 2019, the City Council held two (2) further public hearings at which the public was invited to provide input regarding the content of the draft maps and the sequence of elections; and

WHEREAS, at its November 6, 2019 meeting, the City Council selected Map 117B and provided direction to staff to bring back this Ordinance for the consideration of the City Council; and

WHEREAS, on November 20, 2019, the City Council introduced and waived further reading of 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 the members of the City Council of the City of Roseville by-district in five (5) single-member districts.

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Chapter 2.06 of Title 2 of the Roseville Municipal Code is hereby added to read as follows:

Chapter 2.06

MUNICIPAL ELECTIONS

2.06.010 Purpose.

The purpose of this chapter is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of the members of the city council of the City of Roseville by-district in five (5) single-member districts. It is also declared that the purpose of the change in the method of electing members of the city council made by this ordinance is to

implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code.

2.06.020 By-District elections.

A. City Councilmember Districts and District Elections. Pursuant to California Government Code Section 34886, all members of the city council of the City of Roseville shall be elected by-district as that term is defined in Government Code Section 34871, meaning that each of the five (5) councilmembers shall be elected one (1) from each district, by the voters of that district alone. All five (5) councilmembers shall be elected in the electoral districts established by this chapter and as subsequently reapportioned pursuant to state law.

B. District Map. The boundaries of the council districts shall be shown upon the map designated as the “City of Roseville District Map” (referred to herein as the “District Map”), a copy of which shall be placed on file with the city clerk and available for public review. The District Map has been adopted by the council in compliance with applicable law, and is hereby incorporated into this chapter by reference as though it were fully set forth herein. All five (5) councilmembers shall be elected on a by-district basis from the council districts shown and numbered on the District Map.

C. Amendment of District Boundaries. Pursuant to California Elections Code Section 21620 et seq., as it may be amended from time to time, the approval authority shall update the District Map and adjust the boundaries of any or all of the districts following each federal decennial census to ensure that the districts are in compliance with all applicable provisions of law. The approval authority shall be the city council unless the city charter specifies otherwise.

D. District Sequencing and Timing. In November, 2020, and every four (4) years thereafter, the following three (3) city council seats shall be elected by-district: District 1; District 3; and District 5. In November, 2022, and every four (4) years thereafter, the following two (2) city council seats shall be elected by-district: District 2 and District 4. The city council may, by future enactment, change the dates of these elections as required and/or authorized by applicable law.

E. Residency. Any councilmember elected or 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 reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued. Termination of residency in a district by a councilmember elected or appointed to that district seat shall create a vacancy for that city council district unless a substitute residence within the district is immediately declared and established within thirty (30) calendar days after the termination of residency. Vacancies shall be filled in accordance with City Charter Section 3.09.

F. Incumbent City Councilmembers at Time of Adoption. Notwithstanding any other provision of this Section 2.06.020, all councilmembers in office at the time this Chapter 2.06 takes effect shall continue in office until the expiration of the at-large term to which they were elected. In the event a vacancy occurs before the expiration of the term of a councilmember in office at the time this Chapter 2.06 takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the corporate boundaries of the city and shall serve only through the remainder of the vacated term.

G. Mayor and Vice-Mayor. As soon as practicable following the certification of the 2020 general election and following every general election thereafter, the city council shall select

a vice-mayor from its membership. The vice-mayor in office at the time this Chapter 2.06 takes effect shall become mayor following the November 2020 general election and shall serve a two (2) year term as mayor. As soon as practicable following the certification of the 2022 general election and following every general election thereafter, the city council shall select a mayor from its membership. The mayor and vice-mayor shall each serve a two (2) year term unless stated otherwise in the city charter. In the event of a vacancy of the mayor or vice-mayor, the remaining council members shall appoint from its membership a replacement for the remaining term.

H. General Principles of Governance. The city council understands the value of at-large governance regardless of the method from which city councilmembers are elected. Governing in the interest of all residents and not just the residents of a single district allows for the continuation of accessible customer service, the most effective use of taxpayer resources, and consistency in city services. Therefore, each councilmember will govern in the interest of the entire community regardless of the district from which they are elected. The city council shall remain united in its service to the community, and understands that customer service is a priority. Any member of the city council may respond to and assist anyone in the community who calls or contacts them regardless of residence in or representation of any particular district. Professional management in a city manager form of government will continue, with all of the best management practices that the city council expects, and supporting resources will be allocated based on expenses and expertise. Current practices regarding invitations to members of the city council to events and activities, and the process with respect to appointments to committees and various bodies will remain in effect, unless and until changed by the city council.

2.06.030 Rules and regulations.

The city elections official may issue rules, regulations, notices, memoranda, or conditions from time to time as the city elections official deems appropriate or necessary, consistent with the provisions of this chapter, the Roseville Municipal Code, the City Charter, and state law.

2.06.040 Severability.

The provisions of this chapter are hereby declared to be severable. If any provision, clause, word, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

SECTION 2. This ordinance shall be effective at the expiration of thirty (30) days from the date of adoption.

SECTION 3. The City Clerk is hereby directed to cause this ordinance to be published in full at least once within fourteen (14) days after it is adopted in a newspaper of general circulation in the City, or shall within fourteen (14) days after its adoption cause this ordinance to be posted in full in at least three (3) public places in the City and enter in the Ordinance Book a certificate stating the time and place of said publication by posting.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 20__, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

MAYOR

ATTEST:

City Clerk