

ORDINANCE NO. 2017-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADDING A NEW CHAPTER 1.09 TO THE HESPERIA MUNICIPAL CODE TO CHANGE THE SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY COUNCIL FROM AN AT-LARGE SYSTEM TO A BY-DISTRICT SYSTEM AND ADOPT A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT

WHEREAS, the City of Hesperia ("City") currently elects the members of the City Council using an at-large system of elections; and

WHEREAS, pursuant to Government Code section 34886, the City Council has the authority to adopt an ordinance changing the system of elections in the City from an at-large elections system to a by-district elections system; and

WHEREAS, the City Council of the City now desires to adopt an ordinance changing the system of elections in the City from an at-large system of elections to a by-district elections system; and

WHEREAS, the change in method for electing members of the City Council is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code section 14025, *et seq.*); and

WHEREAS, pursuant to the requirements of Elections Code section 10010, the City Council held public hearings on March 7, 2017 and March 21, 2017 in order to receive testimony regarding the potential composition of City Council districts; and

WHEREAS, also pursuant to the requirements of Elections Code section 10010, the City Council held public hearings regarding proposed draft maps on April 18, 2017 and May 2, 2017, and received proposed draft maps from members of the public; and

WHEREAS, on May 16, 2017 the City Council selected one of the proposed district maps to establish the City Council electoral districts in the City, which is attached hereto as Exhibit "A"; and

WHEREAS, also on May 16, 2017 the City Council held a duly noticed public hearing after which the City Council voted to introduce this Ordinance for a first reading; and

WHEREAS, the City Council now desires to adopt this Ordinance to establish by-district elections in five single-member districts in the City, and to adopt the map describing the boundaries and identifying number of the five City Council districts in the City.

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

SECTION 1. The above recitals are true and correct and incorporated herein by this reference.

SECTION 2. A new Chapter 1.09 “City Council Elections By-District” is hereby added to the Hesperia Municipal Code to read in its entirety as follows:

“CHAPTER 1.09 CITY COUNCIL ELECTIONS BY-DISTRICT

1.09.010 Declaration of Purpose

1.09.020 By-District Elections for City Council

1.09.030 City Council Districts Established

1.09.040 Commencement of By-District Elections

1.09.010 Declaration of Purpose

The city council of the city hereby declares the purpose of this Chapter is to further the purposes of the California Voting Rights Act of 2001 (Elections Code section 14025, *et seq.*), as amended.

1.09.020 By-District Elections for City Council

A. Pursuant to Government Code section 34886, members of the city council shall be elected by-district in five single-member districts. Members of the city council shall be elected by-district, as that term is defined in Government Code section 34871(a), as amended, meaning one member of the city council shall be elected from each district by the voters of that district alone. Each member of the city council shall serve a four-year term until his or her successor is qualified.

B. Pursuant to Government Code section 34882, the city 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 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 Elections Code section 10227.

1.09.030 City Council Districts Established

A. The boundaries and identifying number of each of the five city council districts shall be as described on the City Council District Map attached hereto as Exhibit “A”, and incorporated by this reference.

B. The city council districts described in subsection A, above, shall continue in effect until they are amended or repealed in accordance with law. The boundaries of the

city council districts shall be reapportioned from time to time as required by the Elections Code, or any other applicable law.

1.09.040 Implementation of By-District Elections

A. The by-district system of elections shall be implemented, beginning at the general municipal election held in November 2018, as follows:

1. Members of the city council shall be elected in districts Two, Three and Four beginning at the general municipal election in November 2018, and every four years thereafter; and

2. Members of the city council shall be elected in districts One and Five beginning at the general municipal election in November 2020, and every four years thereafter.

B. No term of any member of the city council that commenced prior to the effective date of this Chapter shall be affected by the adoption of this Chapter.”

SECTION 3. If any section, subsection, 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, such decision shall not affect the validity of the remaining sections, subsections, sentences, clauses, phrase, or portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be effective commencing on the thirtieth (30th) day after its adoption.

SECTION 5. The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Hesperia, California, at a regular meeting held on this 6th day of June, 2017.

Paul Russ, Mayor

ATTEST:

Melinda Sayre, City Clerk

APPROVED AS TO FORM

Eric L. Dunn, City Attorney

EXHIBIT “A”

DISTRICT MAP

[Attached behind this page]