

**ORDINANCE NO. 2019-003**

**AN ORDINANCE OF THE CITY OF CITRUS HEIGHTS ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FIVE COUNCIL DISTRICTS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010 AND ADDING SECTIONS 2.34-2.37 TO ARTICLE II OF CHAPTER 2 OF THE CITY OF CITRUS HEIGHTS MUNICIPAL CODE TO PROVIDE FOR CITY COUNCIL ELECTION DISTRICTS**

**WHEREAS**, the City of Citrus Heights currently elects its five City Councilmembers using an at-large election system;

**WHEREAS**, in the at-large election system, candidates may reside in any part of the City and each City Councilmember is elected by the voters of the entire City;

**WHEREAS**, the City's current electoral system observes the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution, the Equal Protection Clause of the United States Constitution, and the federal Voting Rights Act;

**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 who their representative will be;

**WHEREAS**, on December 3, 2019, the City received a letter from Shenkman and Hughes, asserting the City's at-large electoral system violated the California Voting Rights Act and threatening litigation if the City declined to adopt by-district elections;

**WHEREAS**, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high even if the City is successful, and at this time such an expense would severely burden the City's resources and curtail the City's ability to provide essential services to its residents;

**WHEREAS**, under the provisions of California Government Code sections 34870 *et seq.*, a proposal to adopt a by-district method of election in a general law city must ordinarily be submitted to the voters of the city;

**WHEREAS**, California Government Code section 34886 permits the City Council, to change the City's method of election by ordinance, to a "by-district" system, subject to certain conditions;

**WHEREAS**, the City wishes to avoid litigation and to take advantage of the provisions of Government Code section 34886, and therefore, pursuant to 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 Citrus Heights is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code sections 14025 *et seq.*); and

**WHEREAS**, at its regular meeting on January 10, 2019, the City Council adopted Resolution No. 2019-013, a resolution of intent to establish a by-district voting process pursuant to Elections Code section 10010;

**WHEREAS**, pursuant to Elections Code section 10010, a city that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts;

**WHEREAS**, before any maps of the proposed boundaries of the districts were considered, the City held public hearings on February 28, 2019, and March 14, 2019, at which time input from the public on the proposed composition of the districts was invited and heard;

**WHEREAS**, on May 13, 2019, pursuant to Elections Code section 10010, the City published and made available for public review, nine draft maps for consideration by the Council;

**WHEREAS**, pursuant to Elections Code section 10010, the City held a third public hearing on May 23, 2019, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections;

**WHEREAS**, after the close of the public hearing on May 23, 2019, the City Council provided input as to the draft maps; and

**WHEREAS**, on June 6, 2019, pursuant to Elections Code section 10010, the City published and made available for public review, four draft maps for consideration by the Council; and

**WHEREAS**, pursuant to Elections Code section 10010, the City held a fourth public hearing on June 13, 2019, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections;

**WHEREAS**, pursuant to Elections Code section 10010, the City held a fifth public hearing on June 27, 2019, at which the public was again invited to provide input prior to the City Council's consideration to adopt the ordinance creating district elections; and Ordinance No. 2019-\_\_\_\_\_;

**WHEREAS**, it is the position of the City Council that map "102", attached hereto as Exhibit A, will serve the best interests of the City of Citrus Heights and be consistent with the California Voting Rights Act and applicable law; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of Citrus Heights by-district in five (5) single-member districts.

**NOW THEREFORE**, the City Council of the City of Citrus Heights does ordain as follows:

The provisions of Chapter 2 of the City of Citrus Heights Municipal Code are amended, as follows:

**Section 1:** The above-listed recitals are true and correct, have served as a basis for the findings, and are a substantive part of this Ordinance.

**Section 2:** Pursuant to Government Code section 34886, it is declared that this change in the method of electing members of the City Council of the City of Citrus Heights is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code sections 14025 *et seq.*);

**Section 3:** The City of Citrus Heights is hereby divided into five (5) Council districts with the boundaries of the districts as shown in Exhibit A, which is attached hereto and incorporated by this reference.

**Section 4:** Sections 2.34-2.37, inclusive, are hereby added to Title II of Chapter 2 of the Citrus Heights Municipal Code to read as follows:

**Section 2.34. City Council By-District Electoral System.**

Pursuant to Government Code section 34886 and the schedule established in Section 2.14.030 of this Chapter, commencing with the November 2020 general municipal election, each member of the Citrus Heights City Council shall be elected by district in five (5) single-member districts. Each Councilmember shall serve a term of four years. The City's by-district electoral system shall be conducted in accordance with California Government Code section 34871(c).

**2.35. Establishment of City Council Electoral Districts.**

A. Pursuant to Section 2.34 of this Chapter and beginning with the general municipal election in November 2020, the members of the City Council from Districts 2 and 4 shall be elected on a by-district basis as that term is defined in Government Code section 34871(c).

B. Pursuant to Section 2.34 of this Chapter and beginning with the general municipal election in November 2022, the members of the City Council from Districts 1, 3, and 5 shall be elected on a by-district basis as that term is defined in Government Code section 34871(c)

C. Except as provided in subdivision (D) hereof, all candidates for the City Council and all appointed and elected Councilmembers shall fully comply with applicable law including but not limited to Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Councilmember 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, each of the Councilmembers in office at the time 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. Vacancies in Councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each Councilmember, that member's successor shall be elected on a by-district basis in the districts established in subsection A hereof and as subsequently reapportioned as provided by law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, consistent with applicable law.

### **2.36. Election Schedule for Councilmembers Elected By-District.**

A. Consistent with Section 2.35, Councilmembers from Council Districts 2 and 4 shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts may be amended from time to time.

B. Consistent with Section 2.35 the Councilmembers from Council Districts 1, 3, and 5 shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter, as such Council Districts may be amended from time to time, consistent with applicable law.

### **2.37 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 they are established and may be amended from time to time by ordinance of the City Council. The map is attached hereto as Exhibit A and incorporated herein.

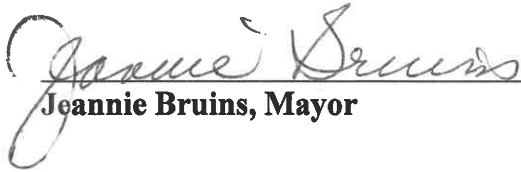
Section 4. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of Citrus Heights.

**PASSED AND ADOPTED** by the City Council of the City of Citrus Heights this 27<sup>th</sup> day of June 2019 by the following vote:

**AYES:** Council Members: Daniels, Middleton, Miller, Slowey, Bruins  
**NOES:** Council Members: None

**ABSENT: Council Members: None**  
**ABSTAIN: Council Members: None**

  
\_\_\_\_\_  
**Jeannie Bruins, Mayor**

**ATTEST:**

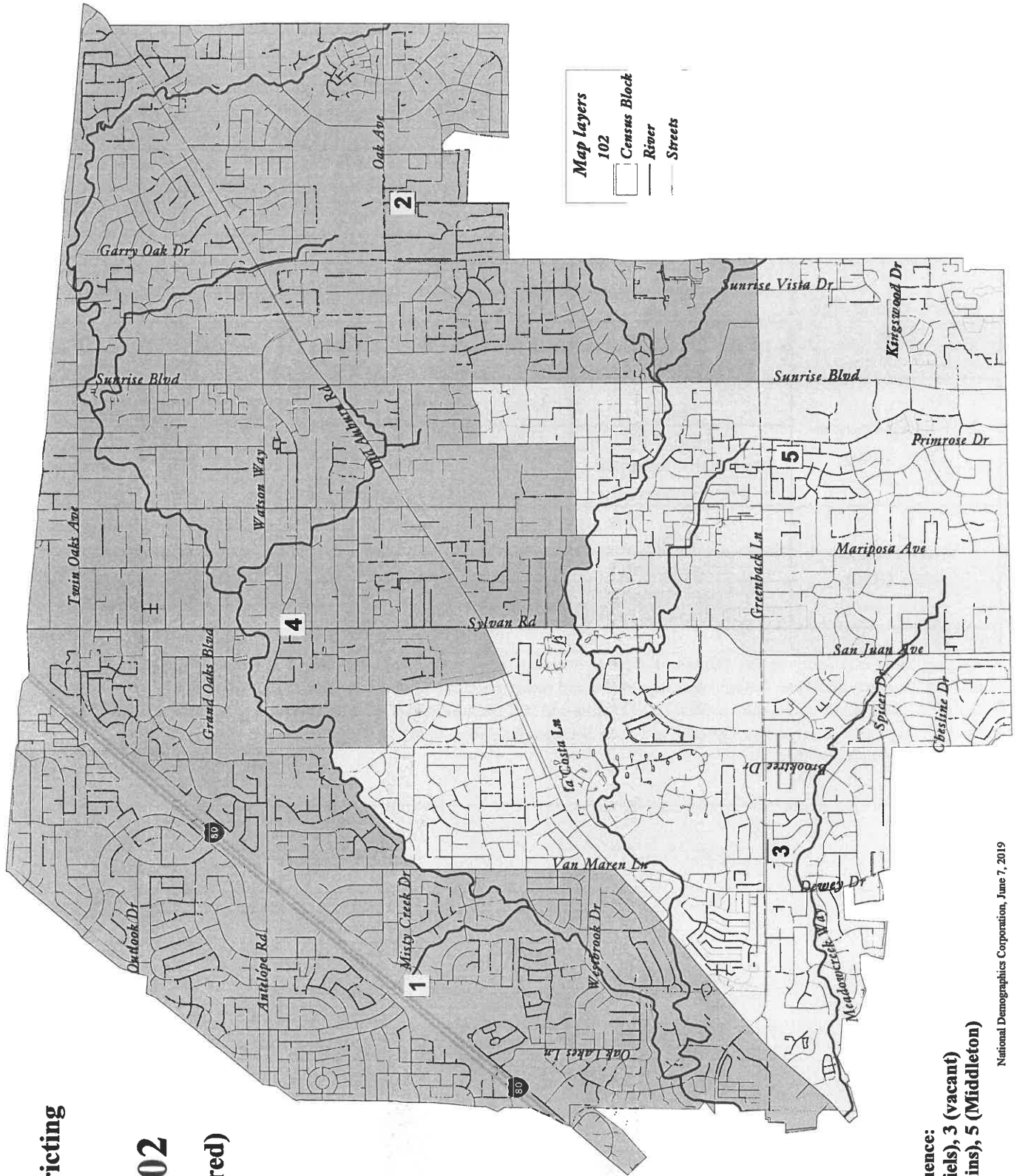
  
\_\_\_\_\_  
**Amy Van, City Clerk**

**Exhibit A: Map 102**



**Citrus Heights  
2018/2019 Districting**

**Map 102  
(renumbered)**



### Citrus Heights - Map 102

District		1	2	3	4	5	Total
Ideal	Total Pop	16,573	16,868	16,235	17,076	16,549	83,301
16,660	Deviation from ideal	-87	208	-425	416	-111	841
	% Deviation	-0.52%	1.25%	-2.55%	2.50%	-0.67%	5.05%
Total Pop	% Hisp	16%	14%	18%	13%	22%	16%
	% NH White	73%	74%	72%	78%	66%	73%
	% NH Black	4%	4%	3%	3%	5%	4%
	% Asian-American	4%	4%	3%	4%	4%	4%
Citizen Voting Age Pop	Total	12,561	13,395	12,571	13,331	11,666	63,523
	% Hisp	12%	11%	12%	13%	12%	12%
	% NH White	76%	79%	76%	76%	77%	77%
	% NH Black	5%	4%	4%	2%	6%	4%
Voter Registration (Nov 2016)	Total	9,482	10,264	8,500	10,019	7,883	46,148
	% Latino est.	12%	10%	11%	8%	11%	10%
	% Asian-Surnamed	2%	2%	1%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
Voter Turnout (Nov 2016)	Total	7,095	7,678	6,265	7,769	5,657	34,463
	% Latino est.	11%	9%	10%	8%	10%	9%
	% Asian-Surnamed	2%	2%	1%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%

Total population data from the 2010 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database. Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.