

ORDINANCE NO. 3-2024

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MCFARLAND ESTABLISHING A BY DISTRICT ELECTION SYSTEM IN FOUR COUNCIL DISTRICTS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010, AND AMENDING AND ADDING NEW SECTIONS TO CHAPTER 1.25 GENERAL MUNICIPAL ELECTIONS OF THE MCFARLAND MUNICIPAL CODE TO PROVIDE FOR CITY COUNCIL ELECTION DISTRICTS

Section 1. Recitals

WHEREAS, California Government Code Section 34886, effective January 1, 2016, permits the City Council of any city 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); and

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); and

WHEREAS, at regular meeting of the City Council of the City of McFarland held on the 14th day of December 2023, the City Council adopted Resolution No. 2023-156 that initiated the process of establishing a by-district election system and adopting the schedule; therefore, and

WHEREAS, thereafter, at regular meeting of the City Council of the City of McFarland held on the 11th day of January 2024, 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 McFarland considered and discussed the same; and

WHEREAS, thereafter, at a regular meeting of the City Council of the City of McFarland held on the 8th day of February, 2024, respectively, 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, and the proposed sequence of elections, and the City Council of the City of McFarland considered and discussed the same; and

WHEREAS, at the regular meeting of the City Council of the City of McFarland held on the 22nd day of February 2024, the City Council directed staff to draft an ordinance adopting the voting district map known as Red Map (attached hereto as Attachment A) and putting the Council districts 2 and 4 on the 2024 ballot, and the Council districts 1 and 3 on the 2026 ballot; and

WHEREAS, at the regular meeting of the City Council of the City of McFarland held on the 14th day of March 2024 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 McFarland; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including, but not limited to, two public workshops; 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 McFarland by-district in four single-member districts as reflected in Attachment A 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 I and of Section of Article II of the California Constitution.

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

Section 1. Code Amendment. Title 1 of the McFarland Municipal Code is hereby amended by adding Chapter 1.25 to the existing title to read as follows:

“1.25 City Council Elections.

“1.25.010 Declaration of Purpose. The City Council of the City of McFarland hereby declares that the change of method of electing members of this Council hereby enacted is being made in furtherance of the California Voting Rights Act of 2001.

“1.25.020 City Council Districts Established. Four City Council districts are hereby established in the City of McFarland. The boundaries and identifying number of each district shall be as described on the Council District Map attached hereto as Exhibit “A” and incorporated hereby by this reference.

“1.25.030 Election of Members of the City Council by District.

“a. Following the effective date of this ordinance and upon the commencement of “by district” elections in the order established in Section 1.25.040 of this Code, Members of the City Council shall be elected “by District” as defined in California Government Code Section 34871 or any successor statute. No term of any Member of the City Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

“b. Registered voters signing nomination papers or voting for a Member of the City Council shall be residents of the geographical area making up the district from which the Member is to be elected.

“c. The terms of the office of each Member elected to the City council shall remain four (4) years.

“1.25.040 Commencement of District Elections. Commencing with the general municipal election in November of 2024 and thereafter the voters in districts 2 and 4 shall elect Members of the City Council by district for full four (4) year terms. At the general municipal election in 2026 and thereafter, the voters in districts 1 and 3 shall elect Members of the City Council by district for full four (4) year terms.

“Pursuant to Elections Code Section 21606, the term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.”

Section 2. Effective Date. This Ordinance shall take effect immediately upon its adoption.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of McFarland hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 4. The City Clerk shall certify to the adoption of this Ordinance.

INTRODUCED, at a regular meeting of the City Council of the City of McFarland, California on 2/22/2024, by the following vote:

PASSED AND ADOPTED at a regular meeting of the City Council of the City of McFarland on 3/14/2024 by the following vote:

	Aye	Nae	Abstain	Absent
Saul Ayon	✓			
Ricardo Cano				✓
Amador Ayon	✓			
Anita Gonzalez	✓			
María T. Pérez	✓			

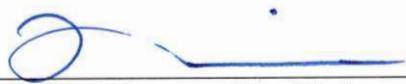

Francisca Alvarado, City Clerk

I hereby certify that the foregoing Ordinance was duly and regularly adopted by the City Council of the City of McFarland by a regular meeting thereof held on March 14, 2024.

ATTEST:


Saul Ayon, Mayor

APPROVED AS TO FORM:


Francisca Alvarado, City Clerk



Posted: March 15, 2024