

**ORDINANCE NO. 765**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLEDAD  
ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS  
(GOVERNMENT CODE § 34886 AND ELECTIONS CODE § 10010)**

**WHEREAS**, the City of Soledad supports the full participation of all citizens in electing members of the City Council; and

**WHEREAS**, the City of Soledad 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; and

**WHEREAS**, California Government Code Section 34886, effective January 1, 2017, 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, with the mayor thereafter to be selected from among the council members in accordance with a Council-approved process, in accordance with California Government Code Section 34871(a); 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**, after receiving a demand to transition to by-district elections and a threat of potential litigation, at a regular meeting of the City Council of the City of Soledad held on July 20, 2022, the City Council adopted Resolution No. 5833 that initiated the process of establishing a by-district election system and adopting the schedule therefor; and

**WHEREAS**, thereafter, at special joint meetings of the City Councils of the Cities of Gonzales and Soledad held on the 25th day of October, 2022 and the 14th day of December, 2022, 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 Soledad considered and discussed the same; and

**WHEREAS**, thereafter, at regular meetings of the City Council of the City of Soledad held on the 15th day of February, 2023 and the 2nd day of August, 2023, 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 four-district and/or five-district maps that had been released at least seven (7) days before each meeting, as prepared by consultant National

Demographics Corporation (“NDC”) or by members of the public, as well as the proposed sequence of elections, and the City Council of the City of Soledad considered and discussed the same; and

**WHEREAS**, in addition to the Council meetings set forth above, the Council directed NDC and Staff to conduct a series of community workshops to educate the public on the districting process and to explain how to use mapping tools in the event any member of the public desired to prepare a map for council consideration, in said workshops were conducted in both English and Spanish on April 15 and June 13 and 14; and

**WHEREAS**, the City Council also formed The City of Soledad Advisory Community Districting Committee, comprised of residents of the City appointed by the Council, to review draft maps and to make recommendations to the Council, and the Committee thereafter met on May 25 and June 28, 2023 and forwarded its recommendations for both preferred four-district and five-district maps; and

**WHEREAS**, at a regular meeting of the City Council of the City of Soledad held on the 6<sup>th</sup> day of September, 2023, the City Council held a Fifth and final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected a five-district voting district map and the corresponding election sequence, as attached to this Ordinance and incorporated herein, which was introduced for a first reading at the same regular meeting of the City Council of the City of Soledad; 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, postings of map information and diagrams and notice of City hearings on the City’s website; 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 Soledad by-district in five single-member districts as reflected in Attachment A to this Ordinance, 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 2 of Article II of the California Constitution.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Soledad as follows:

**SECTION 1.** All of the recitals set forth above are true and correct to the best of its knowledge and by this reference are incorporated herein as findings.

**SECTION 2.** Chapter 2.04 of Title 2-Administration and Personnel of the Soledad City Code is hereby amended by adding new Sections 2.04.030, 2.04.040, and 2.04.050 to read as follows:

#### **2.04.030 By-District Electoral System.**

Pursuant to California Government Code Section 34886 and the schedule established in Section 2.04.050 of this Chapter, beginning in November 2024, members of the city council shall be elected on a by-district basis from five (5) single-member Council Districts. The mayor shall be selected from among the five elected council members by a process approved by the City Council. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

#### **2.04.040 Establishment of City Council Electoral Districts.**

A. Pursuant to Section 2.04.030 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 (a), from the five Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. Council District 1 shall comprise all that portion of the City reflected on Attachment A.
2. Council District 2 shall comprise all that portion of the City reflected on Attachment A.
3. Council District 3 shall comprise all that portion of the City reflected on Attachment A.
4. Council District 4 shall comprise all that portion of the City reflected on Attachment A.
5. Council District 5 shall comprise all that portion of the City reflected on Attachment A.

B. Members of the city council 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 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 and Mayor 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, 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 2.04.050 of this Chapter. Upon the end of the term of current Mayor's position, the position of Mayor elected at-large shall terminate.

#### **2.04.050 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the members of the city council shall be elected as follows: Council members in Districts 3, 4 and 5 at the General Municipal Election in November of 2024 and every four years thereafter, as such Council Districts may be amended; Council members in Districts 1 and 2 at the General Municipal Election in 2026, and every four years thereafter, as such Council Districts may be amended.

**SECTION 3.** A map showing the districts described in this Ordinance and codified in Section 2.04.040 of the City of Soledad Municipal Code is attached hereto as Attachment A and incorporated herein by reference.

**SECTION 4.** 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, only when necessary to facilitate the implementation of this Ordinance. 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. Pursuant to Elections Code Section 21610, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial census to ensure that the districts are in compliance with all applicable provisions of the law.

**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 Soledad 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.

**SECTION 8.** This Ordinance is not subject to the California Environmental Quality Act (CEQA) because it is not a "project" within the meaning of Section 15378 of the State CEQA

Guidelines, since there is no potential for the Ordinance to result in direct or indirect physical change to the environment. In addition, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines Section 15061, as it can be seen with certainty that there is no possibility the Ordinance may have a significant effect on the environment.

**SECTION 9.** This ordinance shall be effective thirty days after its adoption (scheduled for September 20, 2023) and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Soledad within fifteen days after its adoption.

**INTRODUCED AND FIRST READ** at a Regular Meeting of the Soledad City Council on the 6<sup>th</sup> day of September 2023, and thereafter.

**PASSED, APPROVED AND ADOPTED** at a Regular Meeting of the City Council of the City of Soledad on the 4<sup>th</sup> day of October 2023, by the following vote:

**AYES**, and in favor thereof Councilmembers: Mayor Pro Tem Ben Jimenez, Jr., Alejandro Chavez, Maria Corralejo

**NOES**, Councilmembers: Cabrera, Velazquez

**ABSENT**, Councilmembers: None

**ABSTAIN**, Councilmembers: None

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ANNA M. VELAZQUEZ, Mayor

ATTEST:

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MEGAN HUNTER, City Clerk