CITY OF PALMDALE

COUNTY OF LOS ANGELES, CALIFORNIA

ORDINANCE NO. 1579

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE , CALIFORNIA, TO ENSURE PALMDALE'S ELECTIONS COMPLY WITH THE CALIFORNIA VOTING RIGHTS ACT; AMENDING SECTIONS 2.08.010, 2.08.020, 2.08.030, 2.08.060, 4.10.010, 4.10.020, 4.11.010 and 4.11.020 OF THE PALMDALE MUNICIPAL CODE, ADDING SECTION 4.10.030 TO THE PALMDALE MUNICIPAL CODE, REPEALING SUBDIVISIONS (B) AND (C)(2) OF SECTION 2.08.025 OF THE PALMDALE MUNICIPAL CODE, ESTABLISHING DISTRICT-BASED ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING DISTRICT ELECTIONS.

WHEREAS, the City of Palmdale currently elects and is governed by five (5) City Councilmembers, one of whom serves as Mayor, using district elections to elect four (4) of the Councilmembers and an at-large election system to elect the Mayor; and

WHEREAS, the California Voting Rights Act (CVRA), at California Elections Code section 14027, states: "An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class ... "; and

WHEREAS, the City's elections were the subject of a lawsuit under the CVRA – *Jauregui v. City of Palmdale* – and ultimately the City's at-large election system was found to violate the CVRA; and

WHEREAS, The California Court of Appeals has ruled that the City of Palmdale, and other Charter Cities, must comply with the CVRA's requirements regarding district-based elections (*Jauregui v. City of Palmdale*, (2014) 226 Cal.App.4th 781); and

WHEREAS, to date, dozens of Charter Cities have transitioned from at-large to by-district elections without a public vote, most by ordinance and others by court order; and

WHEREAS, in order to maximize the goals of the CVRA and the City's goals of equality, diversity and inclusion, the City Council has determined that it is in the best interest of the City to transition from its current at-large election system (as defined by the CVRA) to a district-based election system; and

WHEREAS, Palmdale enjoys a diverse demographic blend of several racial and ethnic groups – e.g. Latino, African American and non-Hispanic white; and

WHEREAS, pursuant to California Elections Code Section 10010, the City has held several public meetings at which the public's input on district maps was invited; and

WHEREAS, the City's retained expert demographic firms assisted the City with developing draft electoral district maps and gathering input from residents on the district boundaries of possible maps; and

WHEREAS, on April 6, 2022, the City Council introduced, read by title, and waived further reading of this Ordinance which includes a map (see attached Exhibit "A") with five council districts that are population balanced and based on communities of interest and other Constitutional factors as set forth in Elections Code sections 21601 et seq. and other applicable law; and

WHEREAS, California Government Code section 34886 permits the City Council to change the City's method of election by ordinance, with certain formalities, to a district-based system in which each Councilmember is elected only by the voters in the electoral district in which the Councilmember resides; 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 Palmdale made by this Ordinance is to implement the guarantees of Article I, Section 7 and Article II, Section 2 of the California Constitution, as set forth in the California Voting Rights Act of 2001 (California Elections Code sections 14025 through 14032); 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 Palmdale by-district in five single-member districts as reflected in Exhibit A to this Ordinance.

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

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference as material findings in support of this Ordinance.

SECTION 2. District-Based Elections.

Section 2.08.010 of Title 2 of the City of Palmdale Municipal Code is hereby amended to read as follows

The office of the Mayor of the City shall, beginning at the end of the elected Mayor's term, be filled by one of the Councilmembers. The District from which the office of Mayor is initially filled shall be decided by lot as soon thereafter as reasonably practicable. Thereafter, the office of Mayor shall rotate every one (1) year and will be decided by a majority of the City Council.

Section 2.08.020 of Title 2 of the City of Palmdale Municipal Code is hereby amended to read as follows:

The five Councilmembers shall be elected from five (5) geographic districts in which each resides by a vote of the electors in each respective district.

Subdivisions (b) and (c)(2) of Section 2.08.025 of Title 2 of the City of Palmdale Municipal Code are hereby deleted.

Section 2.08.030 of Title 2 of the City of Palmdale Municipal Code is hereby amended to read as follows:

Unless otherwise specifically provided in this code or by state law, the City Council shall make all appointments to boards, commissions and committees of the City as follows unless otherwise formed by resolution:

(A) City Council boards, commissions and committees shall consist of a minimum of five members, who shall be nominated by each City Councilmember, subject to approval by the City Council, for appointment. All members shall be voting members of the board, commission, or committee. No member shall be a member of the City Council. It is preferable that a City Councilmember's appointee reside within the Councilmember's district; however, it is not required when subject matter expertise is desirable. Members serve at the pleasure of the City Council and may be removed prior to the expiration of their term by a vote of a majority of the members of the City Council.

(B) All board and commission vacancies shall be advertised, seeking volunteers willing and desiring to be appointed to fill such vacancies. Any person seeking to be so appointed must complete and submit the City application, together with any other information requested by the City Council as appropriate for a specific board or commission.

(C) All such applications shall be provided to the City Council for review, who shall, at a regularly scheduled City Council meeting, nominate, from among such applicants, the persons whom the City Councilmembers desire to appoint by making a motion for each such appointment.

(D) If the nomination is approved by a majority vote of the City Council, the nominating City Councilmember may then proceed to appoint the person to the board or commission under consideration.

(E) If the specific nomination by the City Councilmember is not approved by a majority vote of the City Council, the City Council will nominate, by motion, a different candidate until someone is approved by majority vote of the City Council for the position under consideration.

(F) All members of boards, commissions and committees serve at the pleasure of the City Council and are subject to removal by a majority vote of the City Council.

Section 2.08.060 of Title 2 of the City of Palmdale Municipal Code is hereby amended to read as follows:

> The Mayor shall receive, in addition to the compensation set forth in PMC 2.08.020, such further amount as shall cause the total compensation for services to equal $1,265 per month.

Section 4.10.010 of Title 4 of the City of Palmdale Municipal Code is hereby amended to read as follows:

> The following district boundaries are hereby adopted as the electoral districts for the five City Council members of the City of Palmdale through the general municipal election in November 2030:

District #1

The portion of the City of Palmdale bounded and described as follows: Beginning at the point of intersection of Palmdale City Boundary and 20th St W, and proceeding easterly along Palmdale City Boundary to 50th St E, and proceeding southerly along 50th St E to Palmdale City Boundary, and proceeding westerly along Palmdale City Boundary to 15th St E, and proceeding southerly along 15th St E to E Ave R, and proceeding westerly along E Ave R to Southern Pacific RR, and proceeding southerly along Southern Pacific RR to Palmdale Siding 2 RR, and proceeding southerly along Palmdale Siding 2 RR to Sierra Hwy, and proceeding southerly along Sierra Hwy to Palmdale City Boundary, and proceeding westerly along Palmdale City Boundary to Tract 910217 Block 1018 Boundary, and proceeding northerly along Tract 910217 Block 1018 Boundary to TLID:241215641, and proceeding easterly along TLID:241215641 to TLID:241208656, and proceeding northerly along TLID:241208656 to TLID:649209981, and proceeding northerly along TLID:649209981 to Tract 910217 Block 1018 Boundary, and proceeding northerly along Tract 910217 Block 1018 Boundary to Tract 910217 Block 1008 Boundary, and proceeding northerly along Tract 910217 Block 1008 Boundary to Tract 910217 Block 1006 Boundary, and proceeding northerly along Tract 910217 Block 1006 Boundary to TLID:142705408, and proceeding easterly along TLID:142705408 to TLID:142705407, and proceeding easterly along TLID:142705407 to TLID:142705405, and proceeding easterly along TLID:142705405 to TLID:142705403, and proceeding easterly along TLID:142705403 to TLID:141524676, and proceeding easterly along TLID:141524676 to TLID:141845802, and proceeding easterly along TLID:141845802 to TLID:141845803, and proceeding easterly along TLID:141845803 to TLID:241112777, and proceeding easterly along TLID:241112777 to TLID:642190418, and proceeding easterly along TLID:642190418 to TLID:642192917, and proceeding easterly along TLID:642192917 to TLID:638631443, and proceeding easterly along TLID:638631443 to Tierra Subida Ave, and proceeding northerly along Tierra Subida Ave to Palmdale City Boundary, and proceeding northerly along Palmdale City Boundary to TLID:648860693, and proceeding westerly along TLID:648860693 to Summerwind Dr, and proceeding westerly along Summerwind Dr to Ave P-8, and proceeding westerly along Ave P-8 to 20th St W, and proceeding northerly along 20th St W to W Ave P, and proceeding westerly along W Ave P to 20th St W, and proceeding northerly along 20th St W to the point of beginning.

District #2

The portion of the City of Palmdale bounded and described as follows: Beginning at the point of intersection of Palmdale City Boundary and Tract 910217 Block 1018 Boundary, and proceeding easterly along Palmdale City Boundary to 20th St W, and proceeding southerly along 20th St W to W Ave P, and proceeding easterly along W Ave P to 20th St W, and proceeding southerly along 20th St W to Ave P-8, and proceeding easterly along Ave P-8 to Summerwind Dr, and proceeding easterly along Summerwind Dr to TLID:648860693, and proceeding easterly along TLID:648860693 to Palmdale City Boundary, and proceeding southerly along Palmdale City Boundary to Tierra Subida Ave, and proceeding southerly along Tierra Subida Ave to TLID:638631443, and proceeding westerly along TLID:638631443 to TLID:642192917, and proceeding westerly along TLID:642192917 to TLID:642190418, and proceeding westerly along TLID:642190418 to TLID:241112777, and proceeding westerly along TLID:241112777 to TLID:141845803, and proceeding westerly along TLID:141845803 to TLID:141845802, and proceeding westerly along TLID:141845802 to TLID:141524676, and proceeding westerly along TLID:141524676 to TLID:142705403, and proceeding westerly along TLID:142705403 to TLID:142705405, and proceeding westerly along TLID:142705405 to TLID:142705407, and proceeding westerly along TLID:142705407 to TLID:142705408, and proceeding westerly along TLID:142705408 to Tract 910217 Block 1006 Boundary, and proceeding southerly along Tract 910217 Block 1006 Boundary to Tract 910217 Block 1008 Boundary, and proceeding southerly along Tract 910217 Block 1008 Boundary to Tract 910217 Block 1018 Boundary, and proceeding southerly along Tract 910217 Block 1018 Boundary to TLID:649209981, and proceeding southerly along TLID:649209981 to TLID:241208656, and proceeding southerly along TLID:241208656 to TLID:241215641, and proceeding westerly along TLID:241215641 to Tract 910217 Block 1018 Boundary, and proceeding southerly along Tract 910217 Block 1018 Boundary to the point of beginning.

District #3

The portion of the City of Palmdale bounded and described as follows: Beginning at the point of intersection of E Ave R and 25th St E, and proceeding easterly along E Ave R to 45th St E, and proceeding southerly along 45th St E to Palmdale City Boundary, and proceeding southerly along Palmdale City Boundary to Pearblossom Hwy, and proceeding northerly along Pearblossom Hwy to Barrel Springs Rd, and proceeding westerly along Barrel Springs Rd to 25th St E, and proceeding northerly along 25th St E to the point of beginning.

District #4

The portion of the City of Palmdale bounded and described as follows: Beginning at the point of intersection of Palmdale City Boundary and 50th St E, and proceeding easterly along Palmdale City Boundary to 45th St E, and proceeding northerly along 45th St E to E Ave R, and proceeding westerly along E Ave R to 40th St E, and proceeding northerly along 40th St E to Palmdale City Boundary, and proceeding northerly along Palmdale City Boundary to 50th St E, and proceeding northerly along 50th St E to the point of beginning.

District #5

The region bounded and described as follows: Beginning at the point of intersection of Palmdale City Boundary and 15th St E, and proceeding easterly along Palmdale City Boundary to 40th St E, and proceeding southerly along 40th St E to E Ave R, and proceeding westerly along E Ave R to 25th St E, and proceeding southerly along 25th St E to Barrel Springs Rd, and proceeding easterly along Barrel Springs Rd to Pearblossom Hwy, and proceeding southerly along Pearblossom Hwy to Palmdale City Boundary, and proceeding westerly along Palmdale City Boundary to Sierra Hwy, and proceeding northerly along Sierra Hwy to Palmdale Siding 2 RR, and proceeding northerly along Palmdale Siding 2 RR to Southern Pacific RR, and proceeding northerly along Southern Pacific RR to E Ave R, and proceeding easterly along E Ave R to 15th St E, and proceeding northerly along 15th St E to the point of beginning.

Section 4.10.020 of Title 4 of the City of Palmdale Municipal Code is hereby amended to read as follows:

> A map depicting the boundaries set forth in PMC 4.10.010 is attached to the ordinance codified in this chapter as Exhibit A and incorporated into this chapter by this reference.

Section 4.10.030 is hereby added to Title 4 of the City of Palmdale Municipal Code to read as follows:

> "A. District-Based Elections. Pursuant to California Government Code section 34886, all members of the City Council of the City of Palmdale shall be elected by-district in five (5) single-member districts.
>
> > 1. All members of the City Council shall be elected in the electoral districts established by Section 4.10.010 and as subsequently reapportioned pursuant to State law. All City Council elections shall be "district-based" as that term is defined in California Elections Code section 14026(b), meaning each of the five (5) Councilmembers shall be elected from each district, by the voters of that district alone.
> >
> > 2. Any Councilmember elected or appointed to represent a district must reside in that district, and any candidate for City Council must reside in the district in which that candidate seeks election at the time nomination papers are issued.
> >
> > 3. Termination of residency in a district by a Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.

Section 4.11.010 of Title 4 of the City of Palmdale Municipal Code is hereby amended to read as follows:

4.11.010 Term of office for Districts Three, Four and Five.

Councilmembers shall be elected to represent District Three, District Four and District Five at the November 8, 2022, general municipal election for four-year terms, and until a successor is qualified.

Section 4.11.020 of Title 4 of the City of Palmdale Municipal Code is hereby amended to read as follows:

4.11.020 Term of office for Districts One and Two.

Councilmembers shall be elected to represent District One and District Two at the November 5, 2024, general municipal election for four-year terms, and until a successor is qualified.

SECTION 3. Notwithstanding any other provision of this Section, all Councilmembers in office at the time this Section takes effect shall continue in office until the expiration of the term to which they were elected.

SECTION 4. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that a transition from the current election system to district-based elections is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit.14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Ordinance is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061 (b)(3); 15378(b)(5).) In the event adoption of this Ordinance does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Los Angeles County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

SECTION 5. Effective Date. Pursuant to Government Code section 36937(a), this Ordinance shall become effective immediately following its adoption.
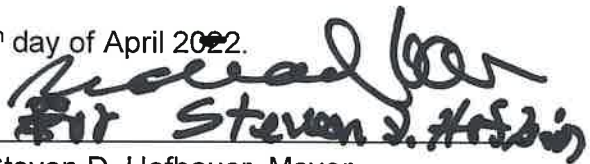
SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary of the same to be published in an adjudicated newspaper of the City of Palmdale within fifteen (15) days following its adoption.

SECTION 7. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be

unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

SECTION 8. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance to be published or posted as required by law.

PASSED, APPROVED and **ADOPTED** this 6th day of April 2022.

Steven D. Hofbauer, Mayor

Approved as to form:

ATTEST:

Christopher L. Beck
City Attorney

Shanae S. Smith, City Clerk

I, Shanae S. Smith, City Clerk of Palmdale, California, do hereby certify that the foregoing Ordinance was duly introduced, passed, approved, and adopted by the City Council of the City of Palmdale at a regular meeting of said Council held on the 6th day of April 2022 effective on the 6th day of April 2022 by the following roll call vote:

AYES: Loa, Carrillo, Bishop, Bettencourt

NOES: Hofbauer

ABSTAIN: None   ABSENT: None

Date: 4/14/2022

Shanae S. Smith, City Clerk