

## **ORDINANCE NO. 1845**

### **AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTIONS 2-1.1 THROUGH 2- 1.5 OF CHAPTER 2, ARTICLE I, TO THE PORTERVILLE MUNICIPAL CODE RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICTS**

WHEREAS, members of the City Council of the City of Porterville ("City") are currently elected in "at-large" elections, in which each City Council Member is elected by the registered voters of the entire City, held concurrently with the State-wide General Election in November of even-numbered years;

WHEREAS, in August 2017 the City received written notice alleging that the City's at large system results in or has resulted in violations of the California Voting Rights Act, and while the City disputes this claim, it has determined that it is in the best interest of the City to shift from its current at large election system to a by district election for members of the City Council;

WHEREAS, California Government Code 34886, effective January 1, 2016, permits the City Council of the a city with a population of fewer than 100,000 people to change the city's method of election by ordinance from an at-large system to a by-district system;

WHEREAS, as a Charter City, the City of Porterville may adopt such an ordinance adding such regulations to the municipal code if those regulations become effective upon the approval by the voters of an amendment to the City's charter, or if otherwise required by a court order or other appropriate legal determination;

WHEREAS, on December 19, 2017 Judgment was entered in Tulare County Superior Court enjoining the City from utilizing an "at-large voting system" and ordering the City to proceed with the implementation of a by-district election system;

WHEREAS, the City Council held public hearings as required by California law prior to and after the development of draft district maps in order to receive testimony regarding the potential composition of City Council districts;

WHEREAS, on April 3, 2018, 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";

WHEREAS, on May 1, 2018, 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 PORTERVILLE  
DOES ORDAIN, AS FOLLOWS:**

**SECTION 1: Recitals.** The City Council of the City of Porterville hereby finds that the above recitals are true and correct and are incorporated into the substantive portion of this ordinance.

**SECTION 2:** The City Council hereby adds Sections 2-1.1 through 2-1.5, to Chapter 2, Article I to read as follows:

**2-1.1 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.

**2-1.2 By-District Elections for City Council**

- A. Members of the City Council shall be elected by-district in five single-member districts. 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. 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.

**2-1.3 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 applicable law.

**2-1.4 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 1 and 2 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 3, 4, and 5 beginning at the general municipal election 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.

### **2-1.5 Severability**

In any section, subsection, sentence or clause of this chapter is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 3:** This Ordinance shall be in full force and effect thirty (30) days after its final adoption by the City Council. The City Clerk shall cause this ordinance, or a summary thereof, to be published in accordance with applicable law.

**PASSED, APPROVED, AND ADOPTED** this 15<sup>th</sup> day of May, 2018.

  
\_\_\_\_\_  
Brian Ward, Mayor Pro Tem

ATTEST:  
John D. Lollis, City Clerk

By:   
\_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk


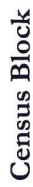
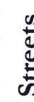







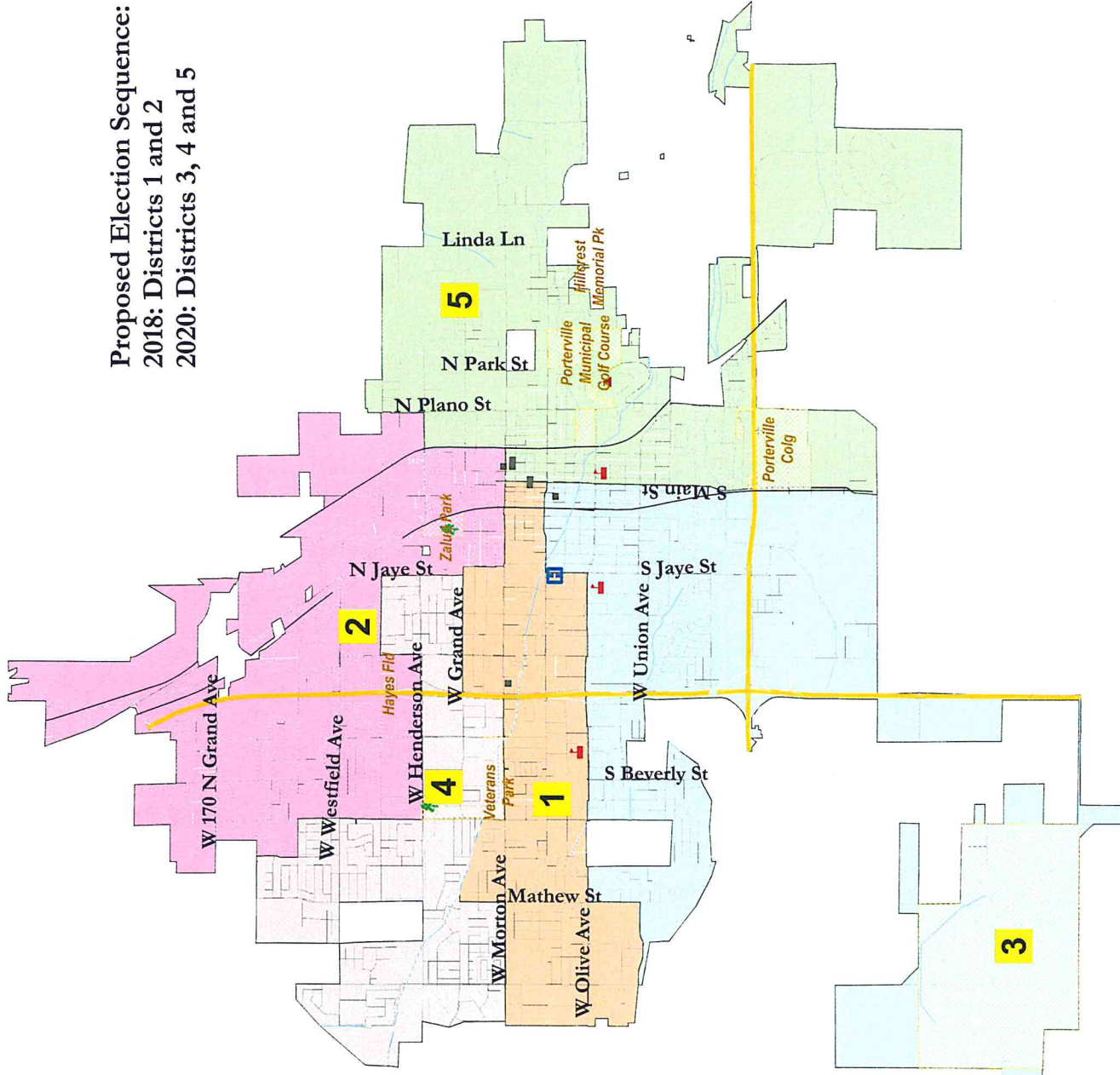
# Porterville 2018 Districting

## Green

Proposed Election Sequence:  
2018: Districts 1 and 2  
2020: Districts 3, 4 and 5

### Map layers

-  Green
-  Census Block
-  Streets
-  Landmark Point
-  Landmark Area
-  Pipeline/Power Line
-  Railroad
-  River



STATE OF CALIFORNIA     )  
CITY OF PORTERVILLE     )     (SS)  
COUNTY OF TULARE     )

I, JOHN D. LOLLIS, the duly qualified City Clerk of the City of Porterville do hereby certify:

THAT the foregoing ordinance is a true and correct copy of Ordinance No. 1845, passed and adopted by the Council of the City of Porterville at a regular meeting held on the 15th day of May, 2018, that said ordinance has been duly published pursuant to law, and that by the terms and provisions of the Charter of the City of Porterville, said ordinance to become effective December June 14, 2018, at which time said ordinance is deemed to be in full force and effect.

THAT said ordinance was introduced by Council and the same was duly passed and adopted by the following vote:

COUNCIL:	REYES	WARD	STOWE	HAMILTON	FLORES
AYES:	X	X	X	X	X
NOES:					
ABSTAIN:					
ABSENT:					

JOHN D. LOLLIS, City Clerk

  
By: Luisa M. Zavala, Deputy City Clerk