

**ORDINANCE NO. 2019 – 8**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, AMENDING CHAPTER 11 (ELECTIONS) OF TITLE 1 (ADMINISTRATIVE) OF THE CITY OF SELMA MUNICIPAL CODE, TO ESTABLISH THE ELECTION OF FOUR MEMBERS OF THE CITY COUNCIL BY FOUR DISTRICTS, WITH AN ELECTIVE MAYOR THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, THE ELECTION ORDER OF EACH DISTRICT AND OF THE ELECTIVE MAYOR AND THE TERM OF OFFICE OF THE ELECTIVE MAYOR**

**WHEREAS**, the City currently elects its five (5) City Councilmembers using an at-large election system, whereby candidates may reside in any part of the City, and each Councilmember 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 system in which four members of the City Council are elected by district with only the voters in the district in which the candidate resides, electing the four members, with an elective Mayor to be elected on a city-wide basis by the voters of the entire City; 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 method of election of four districts with an elected Mayor is required to conduct 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 a regular meeting of the City Council held on October 7, 2019 the City Council adopted Amended Resolution No. 2019-39R, declaring its intention to consider adoption of an ordinance creating four electoral districts for the election of four members of the City Council and an elected Mayor pursuant to Government Code §34886 and Elections Code §10010, and adopting a schedule of the proceedings thereon; and

**WHEREAS**, thereafter, at regular meetings of the City Council of the City of Selma held on October 7, 2019, and October 21, 2019, 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 considered and discussed the same; and

**WHEREAS**, thereafter, at regular meetings of the City Council held on November 4, 2019, and November 18, 2019, 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, the proposed sequence of elections, and the term of office of the elective Mayor and the City Council considered and discussed the same; and

**WHEREAS**, at the regular meeting of the City Council of the City of Selma held on November 18, 2019, 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, attached hereto as Attachment A and incorporated herein by reference and determined that the term for the elective mayor shall be two years and that the City Council members to be elected by district shall be sequenced so that the by-district Council members for Districts 1 and 4 shall appear on the November 2020 ballot and that the council members for Districts 2 and 3 shall be elected at the General Municipal Election in 2022; and

**WHEREAS**, throughout the foregoing process, the City invited the public to participate in the districting process, published public hearing notices in the newspaper, and posted the districting information on the City's website, as required in California Elections Code Section 10010; 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 by-district, in four single-member districts, as reflected in Attachment A to this Ordinance, with an elective Mayor 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 of Article II of the California Constitution; and

**WHEREAS**, all legal prerequisites to the adoption of this Ordinance have occurred.

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

**SECTION 1. Findings.** The City Council finds that based upon substantial evidence presented to the City Council during the November 18, 2019 public hearing, that all of the facts set forth in the Recitals, are true and correct, and are incorporated herein by reference.

**SECTION 2. Selma Municipal Code Amendment.** Chapter 11 (Elections) of Title 1 (Administrative) of the City of Selma Municipal Code is hereby amended to read in its entirety as follows:

**"1-11-1 City Council Elections.** The general election laws of the State shall be made applicable and shall be observed in all Municipal elections, general or special, held in the City.

**"1-11-2 Declaration of Purpose.** The City Council of the City of Selma 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.

**"1-11-3 City Council Districts Established.** Four City Council districts and an elected Mayor are hereby established in the City of Selma. The boundaries

and identifying number of each district shall be as described on the Council District Map attached hereto as Exhibit "A" and incorporated herein by this reference, and which shall be codified in this Section.

"1-11-4 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 of four members of the City Council and an elected Mayor, in the order established in Section 1-11-5 of this Code, four Members of the City Council shall be elected "by District" as defined in California Government Code Section 34871 or any successor statute and an elective Mayor shall be elected on a city-wide basis by the voters of the entire city. 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 any one of the four Members of the City Council to be elected by district shall be residents of the geographical area making up the district from which the Member is to be elected. Registered voters signing nomination papers or voting for the elective Mayor shall be residents of the City.

"c. The terms of the office of each City Council Member elected to the City council by district shall be four (4) years. The term of office of the elective Mayor of the City shall be two (2) years.

"d. No person shall simultaneously seek election to the position of elective Mayor and as City Council Member of any of the four electoral districts for City Council members.

"1-11-5 Commencement of District Elections. Commencing with the general municipal election in November of 2020 and thereafter, the voters in districts one (1) and four (4) shall elect Members of the City Council by district for full four (4) year terms and the voters of the entire City shall elect the elective Mayor for a two (2) year term. At the general municipal election in 2022 and thereafter, the voters in districts two (2) and three (3) shall elect Members of the City Council by district for full four (4) year terms, and the voters of the entire City shall elect the elective Mayor for a two (2) year term.

"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 the amendment of this ordinance or by any change in the boundaries of the district from which he or she was elected; or, in the case of the elective Mayor, shall not be affected by any change in or establishment of any district for election of Council members."

**Section 3. Clerical Errors.** The City Council directs the City Clerk to correct any clerical errors found in this Ordinance including, but not limited to, typographical errors, irregular number and incorrect section references.

**Section 4. 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 Selma 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 5. Effective Date.** Pursuant to the provisions of Government Code Section 36937(a), this Ordinance shall take effect immediately upon its adoption.

**Section 6. Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause a summary of this ordinance to be published and posted as required by law.

**PASSED, APPROVED AND ADOPTED** this 2<sup>nd</sup> day of December, 2019, by the following vote:

AYES: 3 COUNCILMEMBER: AVALOS, GUERRA, ROBERTSON  
NOES: 2 COUNCILMEMBER: TRUJILLO, FRANCO  
ABSENT: 0 COUNCILMEMBER: NONE  
ABSTAIN: 0 COUNCILMEMBER: NONE

  
Louis Franco, Mayor

ATTEST:

  
Reyna Rivera, City Clerk

# City of Selma 2019 Districting

