

ORDINANCE NO. 278

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA, ADOPTING AMENDMENTS TO TITLE 2, CHAPTER 2.05, PART II OF THE MUNICIPAL CODE OF THE TOWN OF YUCCA VALLEY TO ESTABLISH BY-DISTRICT ELECTIONS FOR TOWN COUNCIL.

WHEREAS, the Town currently elects five Council Members using an at-large election system; and

WHEREAS, in the at-large election system, candidates may reside in any part of the Town and each Council Member is elected by the voters of the entire Town; and

WHEREAS, in a by-district election system, a candidate for Town Council must reside in the district that he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election in a general law city must be submitted to the voters of the city; and

WHEREAS, California Government Code section 34886 permits the Town Council, to change the Town's method of election by ordinance, with certain formalities, to a "by-district" system in which each Council member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the Town received a letter dated September 19, 2017, asserting its at-large electoral system violates the California Voting Rights Act, and threatening litigation if the Town declined to adopt a by-district election system; and

WHEREAS, the September 19, 2017 letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high, even if the Town is successful, and at this time such an expensive defense would severely burden the Town's budget and curtail the Town's ability to provide needed services to its residents; and

WHEREAS, the Town's current at-large electoral system observes the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution; and

WHEREAS, the Town wishes to avoid litigation and take advantage of the provisions of Government Code section 34886, and therefore, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the Town Council of the Town of Yucca Valley made by this Ordinance also implements the guarantees of Section

7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall, among other things, hold at least four public hearings on a proposal to establish the electoral district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal; and

WHEREAS, the Town Council held public hearings on the proposal to establish district boundaries on March 6, March 12, March 26, and April 9, 2018, at which it considered the proposal to establish district boundaries in accordance with Elections Code section 10010, and fully complied with the requirements of that section, and also held a public hearing on April 24, 2018, the public hearing at which the Town Council voted on this ordinance; and

WHEREAS, on March 6, 2018, the Town Council adopted Resolution 18-14 specifying criteria to guide the establishment of district boundaries; and

WHEREAS, on April 24, 2018, the Town Council adopted Resolution 18-16, formally adopting clarifying criteria that had become known during the districting process; and

WHEREAS, the districting map attached hereto as Exhibit 1 complies with criteria adopted by the Town Council;

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 Town Council of the Town of Yucca Valley by-district in five single-member districts, as reflected in Exhibit 1 to this Ordinance.

THE TOWN COUNCIL OF THE TOWN OF YUCCA VALLEY, CALIFORNIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Title 2, Chapter 2.05, Part II of the Municipal Code of the Town of Yucca Valley, is hereby amended to add new subsections 2.05.100, 2.05.110, and 2.05.120, as follows:

Section 2.05.100. - By-District Electoral System.

- a. Pursuant to California Government Code section 34886, Members of the Town Council of the Town of Yucca Valley, shall be elected by-district in five (5) single-member districts.
- b. (1) Beginning with the general municipal election in November 2018, Members of the Town Council shall be elected in the electoral districts established by Section 2.05.110 and subsequently reapportioned as provided by State law. Elections shall take place “by-district” as that term is defined in California Government

Code section 34871, meaning one Member of the Town Council shall be elected from each district, by the voters of that district alone. Each Member of the Town Council shall serve a four-year term until his or her successor is qualified.

- (2) Except as provided in subdivision (4) of this section, the Council Member elected or appointed to represent a district must reside in that district and be a registered voter in that district, and any candidate for Town 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.
- (3) Termination of residency in a district by a Council Member shall create a vacancy for that Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.
- (4) Notwithstanding any other provision of this section, the Members of the Town Council in office at the time this section 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 Council Member, that Member's successor shall be elected on a by-district basis in the districts established in Section 2.05.110 and as provided in Section 2.05.120. An appointee to fill a vacancy in the office of a Town Council Member who continues in office pursuant to this subdivision, may reside anywhere within the corporate boundaries of the Town and, subject to Section 2.05.120, shall be elected at-large by all the voters of the Town.

Section 2.05.110. - Establishment of Town Council Electoral Districts.

- a. Five Members of the Town Council shall be elected on a "by-district" basis from the Council districts as reflected in Exhibit 1 to this Ordinance, which is incorporated herein by reference. A true and accurate street-by street description of the district boundaries reflected in Exhibit 1 shall be on file in the office of the Town of Yucca Valley Town Clerk.
- b. To the extent there is a conflict between the street-by-street descriptions on file in the office of the Town Clerk, and the map reflected in Exhibit 1 to the Ordinance codified herein, the map reflected in Exhibit 1 shall prevail.
- c. The Council districts specified in Exhibit 1 shall continue in effect until they are amended or repealed in accordance with law and this Ordinance.

Section 2.05.120. - Election Schedule.

Council Members shall be elected in Council Districts 1, 3, and 5 beginning at the general municipal election in November 2018, and every four years thereafter. Council Members shall be elected in Council Districts 2 and 4 beginning at the general municipal election in November 2020, and every four years thereafter.

SECTION 2. Implementation.

If necessary to facilitate the implementation of this Ordinance, the Town 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. The Town Clerk shall consult with the Town Manager and Town Attorney concerning any technical adjustments deemed necessary and shall advise Town Council of any such adjustments required in the implementation of the districts.

SECTION 3. Inconsistencies.

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior Town 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 4. Interpretation.

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 5. Sunset Provisions.

This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the Town of Yucca Valley, or is amended such that its provisions no longer apply to the Town of Yucca Valley. In the event this Ordinance is of no further force and effect pursuant to this section, the Town Council shall immediately consider an Ordinance repealing subsections 2.05.100, 2.05.110, and 2.05.120 of Title 2, Chapter 2.05, Part II of the Municipal Code of the Town of Yucca Valley. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Council Members elected pursuant to the provisions of this Ordinance shall complete their terms of office, and their successors shall be elected at-large in the order in which their terms expire and in accordance with all other provisions of law, unless the provisions of subsections 2.05.100, 2.05.110, and 2.05.120 of Title 2, Chapter 2.05, Part II of the Municipal Code of the Town of Yucca Valley are re-enacted by the Town Council and approved by the voters in accordance with Government Code section 34871, *et seq.*

SECTION 6. NOTICE OF ADOPTION. Within fifteen (15) days after the adoption hereof, the Town Clerk shall certify to the adoption of this Ordinance and cause it to be published once in a newspaper of general circulation printed and published in the County and circulated in the Town pursuant to Section 36933 of the Government Code.

SECTION 7. SEVERABILITY. If any provision of this Ordinance is held invalid, such invalidity shall not affect the remaining provision of this Ordinance, which shall remain in effect absent the provision held to be invalid, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION 8. EFFECTIVE DATE. This Ordinance shall become effective thirty (30) days from and after the date of its adoption.

APPROVED AND ADOPTED by the Town Council and signed by the Mayor and attested by the Town Clerk this 1st day of May, 2018.

MAYOR

ATTEST:

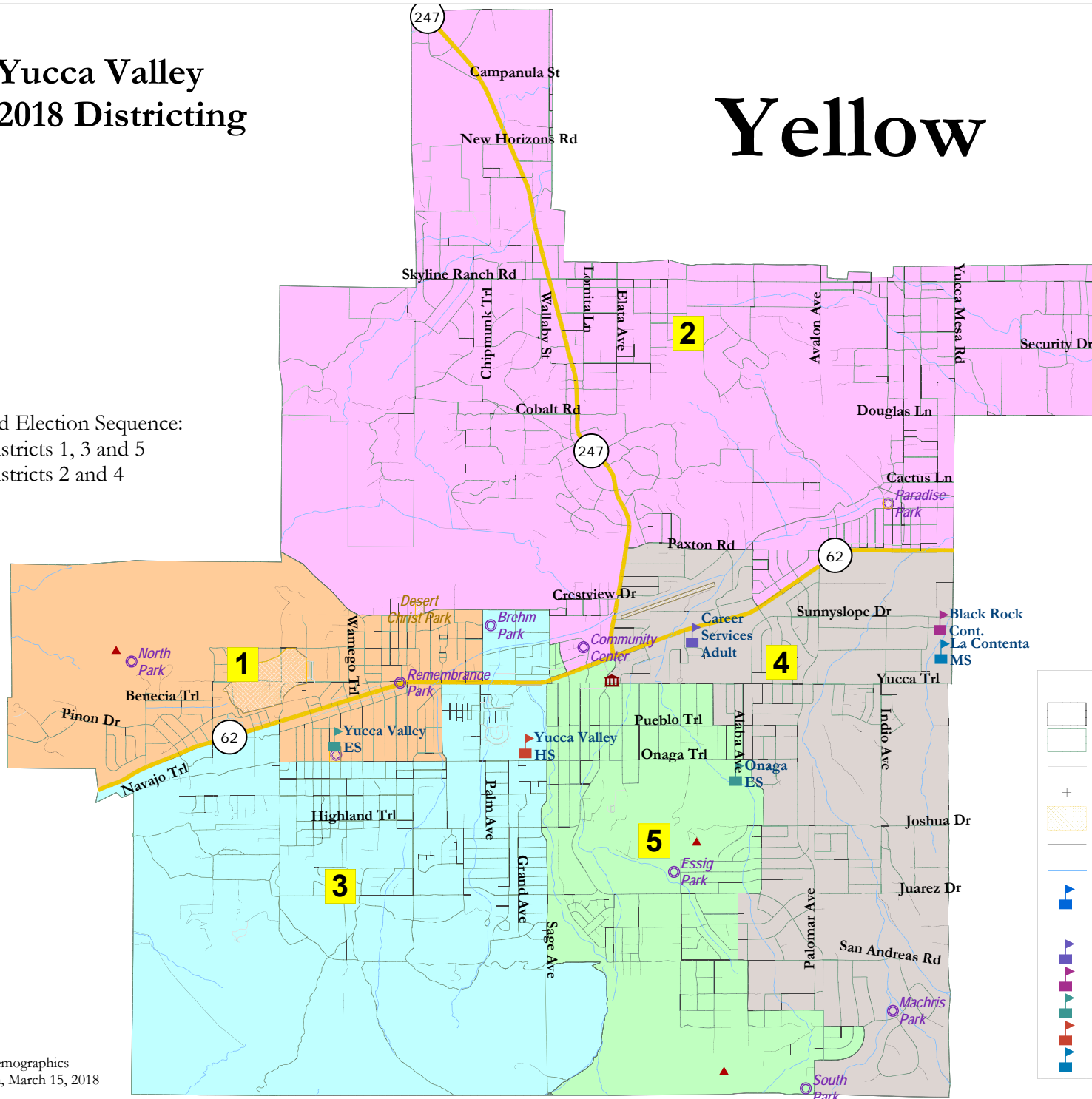
TOWN CLERK

Exhibit 1

Yucca Valley 2018 Districting

Yellow

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



Map layers

- Yellow
- Census Block
- Streets
- + Landmark Point
- Landmark Area
- Pipeline/Power Line
- River
- ▲ Schools

Type

- ▲ Adult (1)
- ▲ Cont. (1)
- ▲ ES (2)
- ▲ HS (1)
- ▲ MS (1)

City of Yucca Valley - Yellow Map

District		1	2	3	4	5	Total
<u>Ideal</u>	Total Pop	4,160	4,071	4,227	4,106	4,136	20,700
4,140	Deviation from ideal	20	-69	87	-34	-4	156
	% Deviation	0.48%	-1.67%	2.10%	-0.82%	-0.10%	3.77%
Total Pop	% Hisp	22%	17%	16%	16%	18%	18%
	% NH White	69%	74%	77%	75%	73%	74%
	% NH Black	4%	4%	2%	3%	4%	3%
	% Asian-American	3%	2%	2%	3%	4%	3%
Voting Age Pop	Total	3,188	3,058	3,386	3,019	3,112	15,763
	% Hisp	16%	15%	12%	13%	14%	14%
	% NH White	75%	78%	81%	79%	77%	78%
	% NH Black	4%	3%	2%	3%	3%	3%
	% Asian-American	2%	2%	2%	3%	3%	2%
Citizen Voting Age Pop	Total	3,155	3,094	3,159	2,879	2,981	15,269
	% Hisp	25%	7%	18%	10%	15%	15%
	% NH White	67%	76%	69%	82%	80%	74%
	% NH Black	4%	12%	5%	3%	1%	5%
	% Asian/Pac.Isl.	1%	2%	1%	3%	2%	2%
Voter Registration	Total	1,828	1,934	2,240	2,008	1,873	9,883
	% Latino est.	11%	11%	12%	12%	11%	11%
	% Asian-Surnamed	1%	1%	1%	1%	1%	1%
	% Filipino-Surnamed	0%	0%	1%	1%	1%	1%
	% Spanish-Surnamed	10%	10%	11%	11%	10%	10%
	% NH White est.	84%	81%	85%	83%	86%	84%
	% NH Black	4%	6%	1%	4%	1%	3%
Voter Turnout (Nov 2014)	Total	884	837	1,045	956	943	4,665
	% Latino	6%	6%	7%	7%	6%	6%
	% Asian-Surnamed	1%	0%	1%	1%	1%	1%
	% Filipino-Surnamed	0%	0%	0%	0%	0%	0%
	% Spanish-Surnamed	5%	5%	6%	6%	6%	6%
	% NH White est.	88%	86%	91%	88%	91%	89%
Voter Turnout (Nov 2012)	Total	1,310	1,330	1,622	1,494	1,404	7,161
	% Latino	7%	7%	9%	8%	8%	8%
	% Asian-Surnamed	1%	1%	1%	0%	1%	1%
	% Filipino-Surnamed	0%	0%	0%	0%	1%	0%
	% Spanish-Surnamed	7%	7%	8%	7%	7%	7%
	% NH White est.	87%	85%	89%	87%	90%	88%
	% NH Black est.	4%	6%	1%	4%	1%	3%
ACS Pop. Est.	Total	4,338	4,298	4,429	4,101	4,117	21,283
Age	age0-19	25%	29%	23%	28%	28%	26%
	age20-60	47%	46%	48%	52%	52%	49%
	age60plus	28%	25%	29%	21%	20%	25%
Immigration	immigrants	9%	9%	10%	6%	6%	8%
	naturalized	48%	38%	56%	53%	54%	49%
Language spoken at home	english	85%	87%	82%	93%	93%	88%
	spanish	11%	7%	14%	4%	4%	8%
	asian-lang	3%	3%	2%	1%	0%	2%
	other lang	2%	3%	2%	2%	2%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	4%	4%	3%	3%	3%	4%
Education (among those age 25+)	hs-grad	72%	73%	71%	75%	75%	73%
	bachelor	7%	5%	10%	7%	7%	7%
	graduatedegree	4%	4%	4%	6%	6%	5%
Child in Household	child-under18	24%	29%	20%	30%	30%	26%
Work (percent of pop age 16+)	employed	39%	38%	42%	50%	51%	44%
	Commute on Public Transit	0%	1%	0%	1%	1%	0%
Household Income	income 0-25k	37%	39%	34%	33%	33%	35%
	income 25-50k	24%	22%	26%	26%	26%	25%
	income 50-75k	19%	18%	20%	12%	12%	16%
	income 75-200k	18%	19%	18%	28%	28%	22%
	income 200k-plus	2%	1%	3%	1%	1%	2%
Housing Stats	single family	85%	82%	87%	88%	88%	86%
	multi-family	15%	18%	13%	12%	12%	14%
	vacant	19%	21%	14%	11%	11%	15%
	occupied	81%	79%	86%	89%	89%	85%
	rented	43%	47%	40%	36%	36%	40%
	owned	57%	53%	60%	64%	64%	60%
Total and Voting Age population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 American Community Survey and Special Tabulation 5-year data.							