

ORDINANCE 004-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUBA CITY, CALIFORNIA, ADDING SECTIONS 2-9.04, 2-9.05, AND 2-9.06 TO CHAPTER 9, TITLE 2 OF THE YUBA CITY MUNICIPAL CODE TO ESTABLISH A DISTRICT-BASED SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY COUNCIL

WHEREAS, the members of the City Council of the City of Yuba City (City) are currently elected at-large, whereby all members are elected by all of the voters of the City; and

WHEREAS, pursuant to Government Code sections 34886 and 34871, the City has the authority to adopt an ordinance requiring members of the City Council to be elected by district in five districts; and

WHEREAS, pursuant to Elections Code section 10010, the City Council held public hearings on September 21, 2021 and October 5, 2021 to receive public input regarding the composition of district maps, and also held public hearings on December 21, 2021 and January 18, 2022 regarding the content of proposed district maps and sequences of elections; and

WHEREAS, also pursuant to Elections Code section 10010, the City Council held a public hearing on February 1, 2022, prior to adoption of this Ordinance; and

WHEREAS, in order to further the purposes of the California Voting Rights Act of 2001, the City Council now wishes to adopt an ordinance providing that the members of the City Council shall be elected by-district in five districts beginning at the November 8, 2022 general municipal election; and

WHEREAS, the City Council electoral districts to be established are described further in this Ordinance and shown on the district map attached hereto as Exhibit "A" to this Ordinance.

NOW, THEREFORE, the City Council of the City of Yuba City does ordain as follows:

SECTION 1. Findings. The City Council finds as follows:

- (a) The above recitals are true and correct and are incorporated herein by this reference.
- (b) The City Council hereby declares the intent and purpose of this Ordinance adopting a district-based system of elections for members of the City Council is to further the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

SECTION 2. By-District Electoral System. Section 2-9.04 is added to Chapter 2, Title 9 of the Yuba City Municipal Code to read in its entirety as follows:

2-9.04 By-District Electoral System.

- (a) Beginning with the November 8, 2022 general municipal election, and thereafter, members of the City Council of the City of Yuba City shall be elected by-district in five single-member districts.

- (b) Each member of the City Council elected or appointed to represent a district must reside in that district and be a registered voter in that district. Each candidate for City Council must be a registered voter in the City of Yuba City and reside in the district in which that candidate is seeking election at the time nomination papers are issued to that candidate, pursuant to Elections Code 34882. Termination of residency in a district by a seated Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is established within thirty (30) days after that termination of residency.
- (c) Notwithstanding any other provision of this chapter, the members of the City Council in office at the time this section takes effect may continue in office until the expiration of the full term to which they were elected and until their successor is qualified.

SECTION 3. Establishment of City Council Electoral Districts. Section 2-9.05 is added to Chapter 2, Title 9 of the Yuba City Municipal Code to read in its entirety as follows:

2-9.05 Establishment of City Council Electoral Districts.

- (a) Subject to the provisions of this chapter, members of the City Council shall be elected by-district from City Council districts shown and numbered on the map titled 'City of Yuba City District Map', a copy of which shall be on file in the City Clerk's office, and which is attached as Exhibit A to this ordinance.
- (b) The City Council electoral districts described in this section shall be adjusted from time to time as required by Elections Code section 21600 et seq. or by other law.

SECTION 4. Election Sequence for Implementation of By-District Electoral System. Section 2-9.06 is added to Chapter 2, Title 9 of the Yuba City Municipal Code to read in its entirety as follows:

2-9.06 Election Sequence for Implementation of By-District Electoral System.

Members of the City Council shall be elected in City Council Districts 1, 2 and 3 at the 2022 general municipal election and every four years thereafter. Members of the City Council shall be elected in City Council Districts 4 and 5 at the 2024 general municipal election and every four years thereafter.

SECTION 5. Severability. 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, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date and Publication. This ordinance shall take effect 30 days after its adoption. The City Clerk, or duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

Introduced and read at a regular meeting of the City Council of the City of Yuba City on the 18th day of January, 2022, and passed and adopted at a regular meeting held on the 1st day of February, 2022.

AYES: Councilmembers Boomgaarden, Espindola, Harris, Kirchner and Mayor Shaw
NOES: None
ABSENT: None
ABSTAIN: None

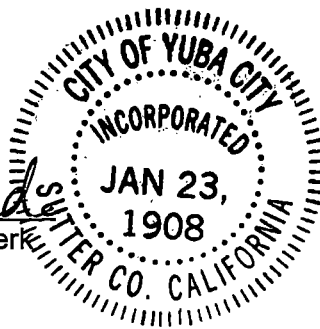


Dave Shaw, Mayor
City of Yuba City

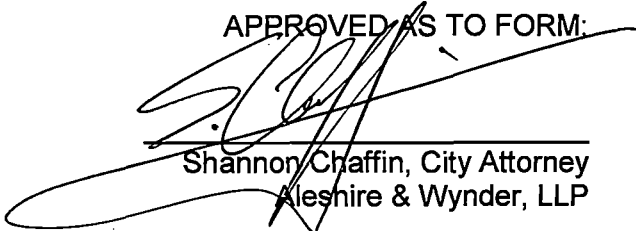
ATTEST:



Ciara Wakefield, Deputy City Clerk



APPROVED AS TO FORM:



Shannon Chaffin, City Attorney
Aleshire & Wynder, LLP

Exhibit A: City of Yuba City District Map

EXHIBIT A

CITY OF YUBA CITY DISTRICT MAP

