

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: Deborah S. Traffenstedt, Assistant City Manager

DATE: 03/20/2019 Regular Meeting

SUBJECT: Public Hearing to Receive Public Comments on, and Consider First Reading and Introduction of, Revised Ordinance No. 467, an Ordinance of the City of Moorpark, California, Providing for the Election of City Councilmembers by Districts with an At-Large Elected Mayor, Establishing the Boundaries and Identification Number of Each District, Establishing the Election Order of Each District, Amending Chapter 2.08 (“Municipal Elections”) of the Moorpark Municipal Code, and Making a Determination of Exemption Pursuant to the California Environmental Quality Act

BACKGROUND

Background information regarding the California Voting Rights Act (CVRA) and the procedures to convert to a district-based election process for electing City Councilmembers is available on the City’s website at: <https://www.moorparkca.gov/Districts>, including the staff reports, videos and other relevant information for the prior meetings and public hearings on this district-based election process, including on 10/3/2018, 10/11/2018, 11/13/2018, 12/12/2018, 1/23/2019, 2/6/2019, 2/21/2019, and 3/6/2019.

At the public hearing at the adjourned meeting on 2/21/2019, the City Council introduced for first reading Ordinance No. 467 and scheduled second reading and adoption of Ordinance No. 467 for an advertised public hearing at the regular meeting on 3/6/2019. At the 3/6/2019 public hearing, the City Council determined to revise the Exhibit A Council District Map in Ordinance No. 467 from Map 401a to Map 401b. The revisions to the map consisted of adding three Population Unit Identification (Pop. ID) areas 8, 14, and 24 to District 4 on Map 401a. These revisions effectively created Map 401b. Section 10010(a)(2) of the California Elections Code requires that if a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted. Map 401b was published on 3/7/2019. This public hearing agenda item for the 3/20/2019 regular meeting has been scheduled to take public testimony and introduce the revised Ordinance No. 467 (attached) that now includes Map 401b as the Council District Map, and also includes corrections to reflect the revised City Council meeting dates for first reading and introduction and second reading and adoption. Ordinance 467 is before the Council for first reading and introduction at the 3/20/2019

regular meeting, and the final public hearing is scheduled for the 4/3/2019 regular meeting for second reading and adoption of Ordinance No. 467.

DISCUSSION

The City of Moorpark has been conducting the process set forth in the CVRA to consider transition from a system of at-large elections to a system of district-based elections. Following public testimony at the public hearing for the district-based election process on 3/6/2019, the City Council by unanimous vote determined to revise draft Ordinance No. 467 by selecting Map 401b to replace Map 401a as the Exhibit A Council District Map. The difference between the two maps is that Pop. ID areas 8, 14, and 24 were removed from District 1 and added to District 4. A revised Ordinance No. 467 that now incorporates Map 401b as Exhibit A and also includes corrections to reflect the revised City Council meeting dates in the recitals is attached to this report.

Prior to consideration of the public hearing for Ordinance No. 467 at the 3/6/2019 regular meeting, the City Council discussed agenda item 9.A., a reconsideration agenda item that Councilmember Pollock had requested that pertained to the district election sequencing portion of Ordinance No. 467 that is included in the ordinance recitals on page 2 and in the proposed new Municipal Code Section 2.08.050 on page 4 of the ordinance. Councilmember Pollock's reconsideration request asked the City Council to reconsider a vote to adopt Sequencing Option 2 as the sequence of elections for Map 401a with Districts 2 and 4 elected in 2020 and Districts 1 and 3 in 2022. Councilmember Pollock was additionally requesting the City Council again consider a randomization method for determining sequencing. The reconsideration of vote motion failed by a 2-3 vote, Councilmembers Pollock and Mikos voting yes, and Councilmember Enegren, Councilmember Simons and Mayor Parvin voting no. As a result of the action taken on Item 9.A. at the 3/6/2019 meeting, there was no change to the district election sequencing in Ordinance No. 467, and as shown on the Exhibit A Council District Map (now Map 401b, as published on 3/7/2019).

FISCAL IMPACT

The fiscal impacts of converting from at-large to district-based elections were discussed in the prior agenda reports referenced in the Background section of this report. Any further revisions to Ordinance No. 467 would result in additional costs for advertising another public hearing, as well as additional costs for bilingual translation for a hearing notice, bilingual translator meeting attendance, and City Attorney and staff costs for continued work on agenda items. The adoption of Ordinance No. 467 must occur at a regular meeting of the City Council. Any revisions to Ordinance No. 467 that would delay adoption of the ordinance until after the regular 4/3/2019 Council meeting could result in additional attorney's fees and litigation defense costs. The City has entered into a tolling agreement with Kevin Shenkman (an attorney of the law firm of Shenkman and Hughes), and the tolling agreement precludes him from filing a lawsuit under the CVRA until April 9, 2019.

STAFF RECOMMENDATION

Staff recommends that the City Council:

1. Open the public hearing and receive public comments, close the public hearing, waive full reading, and introduce revised Ordinance No. 467 for first reading by title only; and
2. Direct staff to advertise and schedule a public hearing for the regular City Council meeting on April 3, 2019 to consider second reading and adoption of revised Ordinance No. 467.

Attachment: Revised Ordinance No. 467

ORDINANCE NO. 467

AN ORDINANCE OF THE CITY OF MOORPARK, CALIFORNIA, PROVIDING FOR THE ELECTION OF CITY COUNCILMEMBERS BY DISTRICTS WITH AN AT-LARGE ELECTED MAYOR, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT, AMENDING CHAPTER 2.08 ("MUNICIPAL ELECTIONS") OF THE MOORPARK MUNICIPAL CODE, AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, the City of Moorpark currently elects its four (4) City Councilmembers and Mayor using an at-large election system, where candidates may reside in any part of the City and each City Councilmember and the Mayor are elected by the voters of the entire City; and

WHEREAS, pursuant to Elections Code Section 10010, a city that changes from an at-large method of electing City Councilmembers to a district-based method of electing City Councilmembers requires a total of five public hearings, which include: (1) at least two public hearings regarding the composition of the districts before any draft maps are drawn; (2) at least two public hearings following the release of draft district maps; and (3) a final public hearing before an ordinance establishing the district-based method of electing City Councilmembers is adopted; and

WHEREAS, at a regular meeting of the Moorpark City Council held on October 11, 2018, the City Council adopted Resolution No. 2018-3755, declaring the City Council's intent to transition from at-large to district-based City Councilmember elections, with a separately elected at-large Mayor; and

WHEREAS, pursuant to Elections Code Section 10010(e)(3)(B), a prospective plaintiff could not commence an action against the City to enforce the requirements of the California Voting Rights Act of 2001 within ninety (90) days of the City Council's adoption of Resolution No. 2018-3755. In addition, pursuant to Elections Code Section 10010(e)(3)(C), on October 11, 2018, the City Council entered into a tolling agreement with the law firm of Shenkman & Hughes to extend by an additional ninety (90) days the period of time by which the City could conduct public outreach, encourage public participation, and receive public input in connection with district-based elections; and

WHEREAS, pursuant to Elections Code Section 10010(a)(1), on November 13, 2018 and December 12, 2018, the City held public hearings where the public was invited to provide input regarding the composition of the districts before any draft maps were drawn; and

WHEREAS, on January 16, 2019, January 18, 2019, and January 30, 2019, the City published and made available for release approximately twenty-one (21), three (3), and eleven (11) draft maps, respectively, and the potential sequencing of the district elections for such maps, which were prepared by the public and the City's professional demographer. Pursuant to Elections Code Section 10010(a)(2), these thirty-five (35) maps were published at least seven (7) days before consideration at a public hearing; and

WHEREAS, at a special meeting of the Moorpark City Council held on January 23, 2019, a regular meeting of the Moorpark City Council held on February 6, 2019 and adjourned to February 21, 2019, pursuant to 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, and the proposed sequence of elections, and the City Council considered and discussed the same; and

WHEREAS, at the conclusion of the public hearing held on February 21, 2019, the City Council considered this Ordinance adopting the district map known as Map 401a with Districts 2 and 4 holding elections in 2020 and every four years thereafter, and Districts 1 and 3 holding elections in 2022 and every four years thereafter, and closed the public hearing and ~~Thereafter, the City Council~~ introduced this Ordinance for first reading; and

WHEREAS, at a regular meeting of the Moorpark City Council held on March 6, 2019, pursuant to Elections Code Section 10010(a), the City Council held a public hearing on the proposal to consider second reading and adoption of this Ordinance, and following public testimony at the public hearing determined to revise this Ordinance to replace Map 401a with Map 401b, with Districts 2 and 4 holding elections in 2020 and every four years thereafter, and Districts 1 and 3 holding elections in 2022 and every four years thereafter, and retaining the directly elected at-large office of Mayor, and the City Council further directed that Map 401b be published and made available to the public for at least seven days before introducing this Ordinance for first reading at a public hearing on March 20, 2019; and

WHEREAS, at the conclusion of the public hearing held on March 20, 2019, the City Council considered this Ordinance adopting the district map known as Map 401b with Districts 2 and 4 holding elections in 2020 and every four years thereafter, and Districts 1 and 3 holding elections in 2022 and every four years thereafter, and closed the public hearing and introduced this Ordinance for first reading; and

WHEREAS, at a regular meeting of the Moorpark City Council held on ~~March 6~~April 3, 2019, pursuant to Elections Code Section 10010(a), the City Council held a final public hearing on the proposal to establish the district boundaries and sequencing for the election of City Councilmembers, read this Ordinance for the second time, and approved this Ordinance adopting Map 401~~a~~ab, with Districts 2 and 4 holding elections in

2020 and every four years thereafter, and Districts 1 and 3 holding elections in 2022 and every four years thereafter, and retaining the directly elected at-large office of Mayor; and

WHEREAS, throughout the foregoing process, the City engaged a significant amount of public outreach and engagement above and beyond the minimum requirements of the California Voting Rights Act of 2001, including substantial participation by the public in drafting proposed district maps.

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

SECTION 1. This Ordinance is adopted with respect to the following purposes and findings:

(a) Pursuant to California Government Code Sections 34871, 34886 and Elections Code Section 10010, the City Council votes to approve the change to a district-based election system for the four City Councilmembers whereby all four of those City Councilmembers shall be elected by the voters of four City Council districts rather than at-large. The office of Mayor shall remain a separately elected at-large office.

(b) Pursuant to California Government Code Section 34886, it is declared the change in the method of electing members of the City Council of the City of Moorpark made by this Ordinance is in furtherance of the purposes of the California Voting Rights Act of 2001.

(c) Providing for the election of City Councilmembers by districts and establishing the district boundaries is exempt from review under the California Environmental Quality Act (CEQA) pursuant to Section 15061(B)(3) of the State CEQA Guidelines, because it can be seen with certainty that the change will not have any potentially significant adverse impact on the environment.

SECTION 2. Chapter 2.08 (“Municipal Elections”) of Title 2 (“Administration and Personnel”) of the Moorpark Municipal Code is hereby amended to read as follows:

“Chapter 2.08

MUNICIPAL ELECTIONS

Sections:

- | | |
|-----------------|-----------------------------------------------------|
| 2.08.010 | Procedure for Holding Elections. |
| 2.08.020 | At-Large Election of Mayor. |
| 2.08.030 | City Council Districts Established. |
| 2.08.040 | Election of City Councilmembers by District. |

2.08.050 Election Sequence.

2.08.060 Adjustment of City Council District Boundaries.

2.08.010 Procedure for Holding Elections.

All city municipal elections shall be held in accordance with the election laws of the state of California, as the same now exists or hereafter may be amended, for the holding of municipal elections.

2.08.020 At-Large Election of Mayor.

The Mayor shall be a separately elected at-large office, as required by Measure D, approved by the voters of Moorpark on November 8, 1988.

2.08.030 City Council Districts Established.

Four City Council districts are hereby established in the City of Moorpark. The boundaries and identifying number of each district shall be as described on the official "Council District Map" on file in the Office of the City Clerk.

2.08.040 Election of City Councilmembers by District.

A. Commencing with the November 2020 general municipal election, City Councilmembers shall be elected "by districts" as defined in California Government Code Section 34871. Except for the Mayor, a person shall not be eligible to be elected as a City Councilmember unless he or she is otherwise qualified as required by law, resides in the geographical area making up the district from which he or she is nominated to be elected and is a registered voter of the City of Moorpark at the time nomination papers are issued to the candidate as provided in California Elections Code Section 10227. No term of any City Councilmember that commenced on or prior to the effective date of this Chapter, as amended, shall be affected by the requirements of this Section prior to the expiration date of the City Councilmember's current term.

B. Registered voters signing nomination papers or voting for a City Councilmember shall be residents of the geographical area making up the district from which the Member is to be elected.

C. The terms of the office of the Mayor and each City Councilmember are set forth in Section 2.04.045.

2.08.050 Election Sequence.

Commencing with the General Municipal Election in November of 2020 and thereafter, the voters in Council Districts 2 and 4 shall elect City Councilmembers by district for full four (4) year terms and the Mayor shall be elected at large for a two (2) year term. At the general municipal election in 2022 and thereafter, the voters in Council Districts 1 and 3 shall elect City

Councilmembers by district for full four (4) year terms and the Mayor shall be elected at large for a two (2) year term.

2.08.060 Adjustment of City Council District Boundaries.

A. Pursuant to Elections Code Section 21601, following each decennial federal census, and using that census as a basis, the City Council shall adjust the boundaries of any or all of the council districts of the City so that the council districts shall be nearly equal in population and shall comply with all applicable provisions of law. Any adjustment of district boundaries shall be made by ordinance adopted by the City Council before the first day of November of the year following the year in which each decennial federal census is taken commencing with the 2020 federal census. The City Council shall hold a public hearing on the proposed district boundaries as required by Elections Code Section 21607 prior to the introduction of an ordinance adjusting the district boundaries.

B. At the time of any annexation of territory to the City, the City Council shall designate, by resolution adopted by a vote of at least a majority of the City Council, the contiguous district to which the annexed territory shall be a part and shall amend the district boundaries if necessary in accordance with Elections Code Section 21603.

C. Pursuant to Elections Code Section 21606 the term of office of any City Councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

D. At the first election for City Council following adjustment of the district boundaries pursuant to this section, a person meeting the requirements of Government Code Section 34882 shall be elected to the City Council for each district under the readjusted district plan. The election of a City Councilmember by a district shall occur in the year in which the term of an incumbent City Councilmember elected by the district, if any, is due to expire.”

SECTION 3. The official “Council District Map” referenced in Section 2.08.030 of the Moorpark Municipal Code is hereby approved and is attached hereto as Exhibit “A” to this Ordinance and incorporated herein by this reference. The official “Council District Map” shall be kept on file in the Office of the City Clerk.

SECTION 4. If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries that do not affect the populations of the districts, the eligibility of candidates, or the residence of elected City Councilmembers within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed

necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 5. To the extent the terms and provisions of this Ordinance may be inconsistent or conflict with the terms of conditions of any prior City 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 6. This Ordinance shall become effective thirty (30) days after its passage and adoption.

SECTION 7. If any section, subsection, sentence, clause, phrase, part or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, part or portion thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

SECTION 8. The City Clerk shall certify to the passage and adoption of this ordinance; shall enter the same in the book of original ordinances of said City; shall make a written record of the passage and adoption thereof in the minutes of the proceedings of the City Council at which the same is passed and adopted; and shall publish notice of adoption in the manner required by law.

PASSED AND ADOPTED this ____ day of _____, 2019.

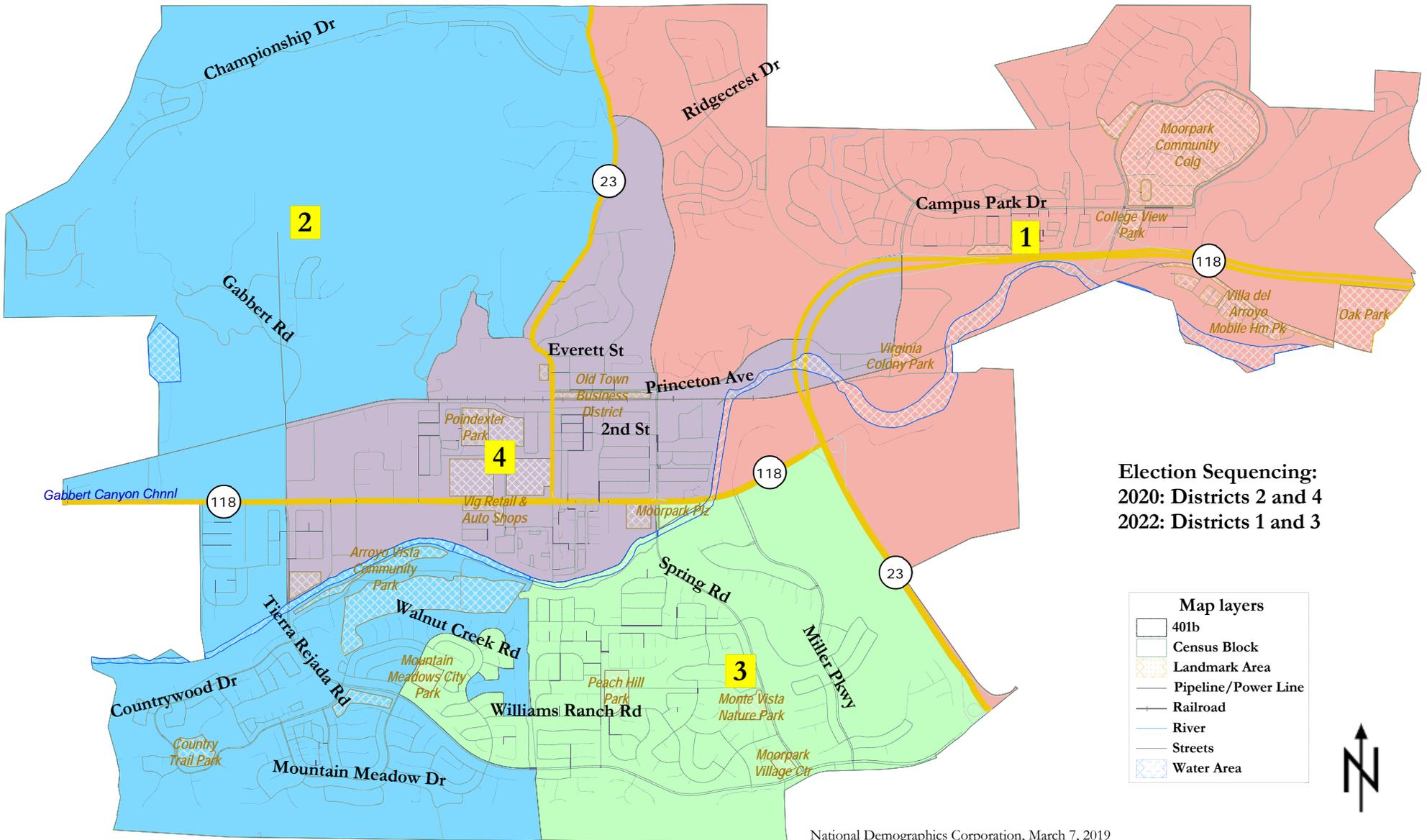
Janice S. Parvin, Mayor

ATTEST:

Maureen Benson, City Clerk

Exhibit A: Council District Map

Map 401b



Election Sequencing:
 2020: Districts 2 and 4
 2022: Districts 1 and 3