ORDINANCE NO. ____ C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR MEMBERS OF THE CITY COUNCIL WITH AN ELECTIVE MAYOR

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the City of Monterey supports the full participation of all citizens in electing members of the City Council;

WHEREAS, the City's Charter specifies the number of elective officers, i.e., a mayor and four councilmembers, and the terms of office for each: two years and four years, respectively. (Charter sections 2.1, 3.1, and 4.1.) The City's Charter also authorizes the city to "exercise any right, power, or privilege granted to municipal corporations by the general laws of the State of California." (Charter section 1.4);

WHEREAS, the City of Monterey currently elects its four members of the City Council using an at-large election system, with a separately elected mayor, where candidates may reside in any part of the city and each member of the City Council is elected by the voters of the entire city;

WHEREAS, on September 25, 2021, the city received a demand from the League of United Latin American Citizens (LULAC), District 12 (Monterey, San Benito, and Merced counties), to switch to district based elections;

WHEREAS, California Government Code section 34886, effective January 1, 2017, permits the city to change its method of election by ordinance to a district based elections system in which each member of the City Council is elected only by the voters in the district in which the candidate resides, and permits the mayor to continue to be elected at-large, in accordance with Government Code section 34871(c);

WHEREAS, at a regular meeting held on November 16, 2021, the City Council adopted Resolution 21-119, which initiated the process of establishing a district based election system;

WHEREAS, under the provision of California Elections Code section 10010, a city that changes from an at-large method of election to a district based method of election requires at least four public hearings, which includes 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);

WHEREAS, pursuant to Elections Code section 10010(a)(1), on December 7, 2021 and December 21, 2021, the City Council held two 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;

WHEREAS, the city published and made available for release on December 28, 2021, four proposed voting district draft maps and the City Council received public comment on these draft maps at a public meeting held on January 4, 2022;

WHEREAS, the city held a third public hearing on January 18, 2022, where the public was invited to provide input regarding the content of the draft maps that had been released on December 28, 2021, and the proposed sequence of elections;

WHEREAS, at the January 18, 2022 public hearing, the City Council directed staff to draft an ordinance adopting the voting district map known as the "Dolphin" map and placing the Council District 1 and 2 seats on the November 8, 2022 ballot, and the Council District 3 and 4 seats on the November 5, 2024 ballot. The Dolphin map is set forth in Exhibit A and is titled and hereafter referred to as the "City of Monterey City Councilmember District Map";

WHEREAS, in determining the final sequence of staggered district elections, the City Council considered the purposes of the California Voting Rights Act, and the preferences expressed by the members of the districts. Sequencing District 4 to coincide with the 2024 Presidential Election would maximize voting rights for Latinx but allowing that district (16.9% Latinx Citizen Voting Age Population; or 29.8% Latinx total 2020 Census population) to increase their likelihood for voting a candidate of their choice. This is because Latinx voters have higher rates of voter turnout during presidential elections when compared to midterm elections, even when compared with the overall population;

WHEREAS, the City of Monterey City Councilmember District Map keeps as many neighborhoods, and communities of interest, intact as possible. This map maximizes minority voting rights by creating the highest percentage of Latinx voters and citizens, which is the largest protected class in the City of Monterey. Councilmember District 4 under the City of Monterey City Councilmember District Map is comprised of a 16.9% Latinx Citizen Voting Age Population; or 29.8% Latinx total 2020 Census population, larger than any other District in any of the four maps presented (Councilmember District D in the Bat Ray map is identical to the District 4 in the City of Monterey City Councilmember District Map, but was not chosen because it splits the New Monterey neighborhood);

WHEREAS, among the primary protected classes (Latinx, Asian, and Black), the City of Monterey City Councilmember District Map also creates the most diverse district with Councilmember District 4, with 29.6% Latinx/Asian/Black combined Citizen Voting Age Population, and 41.3% Latinx/Asian/Black combined 2020 Census population;

WHEREAS, geographically, the City of Monterey City Councilmember District Map contains the following neighborhoods, business districts, and landmarks:

- District 1 includes New Monterey and most of Old Town; Lower Presidio; the New Monterey (Lighthouse Avenue) and Cannery Row Business Districts; and Coast Guard Pier.
- District 2 keeps the lower sections of Old Town and Monterey Vista neighborhoods together, as well as the entirety of Downtown, Alta Mesa, Glenwood, La Mesa Village, Aguajito Oaks, Fisherman's Flats, and Deer Flats neighborhoods; with the Old Monterey

Business District, Fisherman's Wharf, Municipal Wharf 2, El Estero Park, Monterey Peninsula College, Del Monte Center, and Ryan Ranch.

- District 3 combines Skyline Forest and Skyline Ridge neighborhoods with the upper portions of the Monterey Vista neighborhood, and the upper portion of the Presidio of Monterey; includes Veterans Memorial Park and the Community Hospital of the Monterey Peninsula.
- District 4 keeps the neighborhoods near North Fremont Street together – Villa Del Monte, Del Monte Grove/Laguna Grande, Casanova Oak Knoll as well as the Del Monte Beach and Oak Grove neighborhoods; includes the North Fremont Business District, Monterey County Fairgrounds, and Naval Postgraduate School.

WHEREAS, renters were identified as a significant Community of Interest. Heat maps were generated by Redistricting Partners to show the concentration of renter-occupied units for each of the proposed districts based on the U.S. Census Bureau's American Community Survey (ACS) data between 2014 and 2018. Among the four draft maps presented, the Dolphin map is the only map with a 65% or greater percentage of renter-occupied units in three of the four districts (66.6%, 65.8%, and 75.7% in Districts 1, 2, and 4, respectfully, with 23.1% in District 3).

WHEREAS, on February 1, 2022, the City of Monterey held a fourth public hearing on the proposal to establish district boundaries, reviewed additional public input, and formally selected the voting district map and the election sequence set forth in this ordinance;

WHEREAS, on February 15, 2022, the City of Monterey held a fifth public hearing on the second reading and adoption of this ordinance;

WHEREAS, throughout the foregoing process, the city engaged in a significant amount of public outreach above and beyond the public hearings and other procedures required by California Elections Code section 10010, including, but not limited to: a community informational meeting on December 9, 2021; the public meeting held on January 4, 2022; information on the City's "Have Your Say Monterey" public engagement portal; messages on the City's e-mail newsletter and social media; advertisements in the Monterey County Weekly, Monterey Herald, and El Sol; two postcards mailed to all households in the City of Monterey; published maps posted at the library and community centers; an interactive "mapping station" at the Monterey Public Library; and extensive media outreach;

WHEREAS, the City Council has determined that it is in the best interests of the city to move from its current at-large elections system to a district based elections system for members of the City Council in furtherance of the purposes of the California Voting Rights Act; and

WHEREAS, the City of Monterey determined that the transition from at-large to by-district elections for city councilmembers is not a project as defined by the California Environmental Quality Act (CEQA) (CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The adoption of this ordinance is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeably indirect physical change in the environment, and is therefore not a project of purposes of CEQA pursuant to CEQA Guidelines sections 15061(b)(3); 15378(b)(5). Because the matter does not cause a

direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. In the event adoption of this ordinance does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption (State CEQA Guidelines section 15320). Further, none of the exceptions to exemptions found in State CEQA Guidelines section 15300.2 apply.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 1: The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2: Existing Chapter 2, Article 2, section 2-2.01 through section 2-2.11 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 3, section 2-3.01 through section 2-3.11.

SECTION 3: Existing Chapter 2, Article 3, section 2-3.00 through section 2-3.04 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 4, section 2-4.00 through section 2-4.04.

SECTION 4: Existing Chapter 2, Article 4, section 2-4.00 through section 2-4.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 5, section 2-5.00 through section 2-5.01.

SECTION 5: Existing Chapter 2, Article 5 section 2-5.00 through section 2-5.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 6, section 2-6.00 through section 2-6.01.

SECTION 6: Existing Chapter 2, Article 6, section 2-6.00 through section 2-6.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 7, section 2-7.00 through section 2-7.01.

SECTION 7: Existing Chapter 2, Article 7, section 2-7.00 through section 2-7.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 8, section 2-8.00 through section 2-8.01.

SECTION 8: Existing Chapter 2, Article 8, section 2-8.00 through section 2-8.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 9, section 2-9.00 through section 2-9.01.

SECTION 9: Existing Chapter 2, Article 9, section 2-9.00 through section 2-9.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 10, section 2-10.00 through section 2-10.01.

SECTION 10: Existing Chapter 2, Article 10, section 2-10.00 through section 2-10.02 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 11, section 2-11.00 through section 2-11.01.

SECTION 11: Existing Chapter 2, Article 11, section 2-11.00 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 12, section 2-12.00.

SECTION 12: Existing Chapter 2, Article 12, section 2-12.00 through section 2-12.01 of the Monterey City Code is hereby renumbered sequentially as Chapter 2, Article 13, section 2-13.00 through section 2-13.01.

SECTION 13: Existing Chapter 2, Article 13, section 2-13.00 is hereby renumbered sequentially and added to the Monterey City Code as Chapter 2, Article 14, section 2-14.00.

SECTION 14: A new Chapter 2, Article 2, is hereby added to read as follows:

Article 2.   District Based Elections System for City Councilmembers

Sec. 2-02.00   Purpose
A. Pursuant to Government Code section 34886, the City Council of the City of Monterey intends to change from at-large elections to district based elections for city councilmembers. A district based election system is one where the City is divided into separate geographical areas making up the districts, and voters residing within the district elect a representative who also resides within the district.

B. The mayor shall continue to be separately elected on a city-wide basis where all voters, no matter where they live in the city, elect the mayor. No provision of this Article shall affect the election of the mayor.

C. No provision of this Article shall affect the term of any councilmember in office whose term has not expired pursuant to Elections Code section 21606(a).

D. References to state statutes in this Article shall include any amendments thereto and any successor statutes.

Sec. 2-02.01   Establishment of Districts
A.   Four city councilmember districts are hereby established in the City of Monterey. City councilmembers shall be elected in the electoral districts established by this Section. The boundaries and identifying number of each district shall be as described in the City of Monterey City Councilmember District Map, attached hereto and incorporated by reference as Exhibit A, and shall continue to be in effect until such districts are amended or repealed.

B.   City councilmembers elected to represent a district must reside in that district and be a registered voter in that district, and any city councilmember candidate must live in, and be a registered voter in, the district in which they seek election at the time nomination papers are issued. (City Charter section 2.2, Government Code sections 34882, and Elections Code section 10227.)

C.   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 councilmember is to be elected pursuant to Government Code section 34883.

Sec. 2-02.02   Election Schedule
Except as otherwise required by City Charter section 2.5, city councilmembers shall be elected in Council Districts 1 and 2 beginning at the general municipal election in November 2022, and every four years thereafter pursuant to City Charter section 4.1.

City councilmembers shall be elected in Council Districts 3 and 4 beginning at the general municipal election in November 2024, and every four years thereafter pursuant to City Charter section 4.1.

SECTION 15: In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its state purposes.

SECTION 16: 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, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Monterey hereby declares the Council would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 17: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 18: This ordinance shall be in full force and effect thirty (30) days from and after its final passage and adoption.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this _____ day of _____, 2022, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:
ABSTAIN: COUNCILMEMBERS:

APPROVED:

ATTEST:

_____
  Mayor of said City

_____
  City Clerk thereof