



CITY COUNCIL AGENDA

As directed by the City Council on May 3, 2017, **NOTICE IS HEREBY GIVEN** that a Special Meeting of the Oceanside City Council is called for Tuesday, August 1, 2017, at 5:00 p.m. in the City Council Chambers, 300 North Coast Highway, Oceanside, California, for the following purpose:

PLEDGE OF ALLEGIANCE ROLL CALL

CONSENT ITEM

1. City Council/Harbor/CDC/OPFA: Approval to waive reading of the text of all ordinances and resolutions considered at this meeting and provide that ordinances shall be introduced after a reading only of the title(s)

CITY ATTORNEY ITEM

2. City Council: Adoption of an ordinance establishing by-district elections for City Council offices and approving an election calendar for the newly created Council Districts (*Introduced 7/25/2017, 3-1, Feller-no, Wood-absent*)
3. Public Communications on City Council Matters (off-agenda items)

ADJOURNMENT

The next regularly scheduled meeting is at 3:30 p.m. on Wednesday, August 9, 2017

In accordance with Government Code Section 54956, this Notice has been posted on a bulletin board outside the City Council Chambers at least 24 hours prior to the Special Meeting.

STAFF REPORT*CITY OF OCEANSIDE*

DATE: August 1, 2017

TO: Honorable Mayor and City Councilmembers

FROM: Michelle Skaggs Lawrence, City Manager

SUBJECT: WAIVER OF READING OF ORDINANCES AND RESOLUTIONS

ANALYSIS

The City Council/Harbor Board/CDC/OPFA has adopted a policy that it is sufficient to read the title of ordinances at the time of introduction and adoption, and that reading of the full text of ordinances and the full text and title of resolutions may be waived.

Approval of this consent calendar item allows the City Council/Harbor Board/CDC/OPFA to waive the reading of the full text and title of all resolutions agendaized in the Consent Calendar, as well as the full text of all ordinances agendaized in either the Introduction and Adoption of Ordinances or General Items sections. **This particular consent calendar item requires unanimous approval of the City Council/Harbor Board/CDC/OPFA.**

Upon approval of this item as part of the Consent Calendar, all resolutions included in the motion and second to approve the Consent Calendar shall be approved. Those resolutions removed from the Consent Calendar and considered under separate action may also be approved without the reading of the full text and title of the resolutions.

Also upon approval of this item, the City Attorney will read the titles of all ordinances included in the Introduction and Adoption of Ordinances section. After reading of the ordinance titles, the City Council/Harbor Board/CDC/OPFA may introduce and/or adopt all the ordinances in one motion and second.

RECOMMENDATION

Staff recommends that the City Council/Harbor Board/CDC/OPFA approve the waiving of reading of the text of all ordinances and the text and title of all resolutions included in this agenda. **Unanimous approval of the City Council/Harbor Board/CDC/OPFA is required.**

Respectfully Submitted,



Michelle Skaggs Lawrence
City Manager

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA ADDING ARTICLE XV TO CHAPTER 2 OF THE OCEANSIDE CITY CODE ESTABLISHING BY-DISTRICT ELECTIONS FOR CITY COUNCIL OFFICES AND APPROVING AN ELECTION CALENDAR FOR THE NEWLY CREATED COUNCIL DISTRICTS

WHEREAS, the City of Oceanside ("City") currently utilizes at-large system for councilmember elections in which each council member is elected by the registered voters of the entire city; and

WHEREAS, California Government Code section 34886 permits cities to change to a by-district method of election through adoption of an ordinance in which each councilmember is elected by the voters in the district where the candidate resides; and

WHEREAS, on March 27, 2017, the City received a letter alleging the City's at-large system of electing councilmembers violates the California Voting Rights Act and threatening litigation if the City chooses not to adopt by-district elections; and

WHEREAS, the aforementioned threat of litigation lacks evidence to substantiate the alleged CVRA violation, however, the City Council believes it is in the City's best interests to avoid the substantial costs and uncertainty of the threatened CVRA litigation while ensuring the proposed districts are drawn with extensive public input; and

WHEREAS, California Elections Code section 10010 requires a total of four public hearings during the process of transitioning to by-district elections, two of which must be held within thirty days of each other before the maps are drawn and two of which must be held within forty-five days of each other after the maps are drawn; and

WHEREAS, the City Attorney has retained Q2 Data and Research L.L.C. to assist the City in establishing a by-district electoral system; and

WHEREAS, on May 3, 2017, the City Council adopted a resolution stating its intention to transition from an at-large method of election for city council offices to by-district elections; and

WHEREAS, the City Council approved an extensive public outreach effort, including five community outreach meetings throughout the City and four public hearings; and

1 WHEREAS, the City Council's resolution of intent includes the following criteria for the
2 demographer to follow in drawing the maps:

- 3 i. Each district should contain nearly the same number of people;
- 4 ii. Boundaries shall be drawn in a manner that complies with the United
5 States Constitution and the FVRA;
- 6 iii. Council districts shall consist of contiguous territory in as compact form
7 as practicable;
- 8 iv. Districts shall follow visible features and boundaries when possible;
- 9 v. Council districts shall respect communities of interest as much as
10 practicable. Communities of interest generally refers to a contiguous population which
11 shares common social and economic interests that should be included within a single district
12 for purposes of fair and effective representation;
- 13 vi. The demographer will disregard the location of incumbents and
14 candidates as well as the interests of political parties.

15 WHEREAS, the City has maintained a website to provide residents with all applicable
16 information on this districting process and to allow residents to provide comments and concerns; and

17 WHEREAS, on June 5, 2017, the City posted on its website three proposed maps developed by
18 its demographer during the community outreach meetings along with demographic information on each
19 map and a proposed election calendar; and

20 WHEREAS, on June 21, 2017, the City Council conducted a duly noticed public hearing to
21 receive comments on the draft maps and unanimously directed staff to bring forward the Community of
22 Interest map for consideration on July 25, 2017;

23 NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF OCEANSIDE DOES
24 ORDAIN AS FOLLOWS:

25 SECTION 1: The City Council finds that all the facts, findings, and conclusions
26 set forth above in this Ordinance are true and correct.

27 SECTION 2: Article XV to Chapter 2 of the Oceanside City Code is added as
28 follows:

Section 2.88 City Council Offices

A. The office of the City Councilmember shall be elected pursuant to by-district
elections in accordance with California Government Code section 34886, beginning in
November 2018, based upon the schedule established in Section 2.90 of this Chapter.

- 1 1. City Councilmembers shall be elected in the electoral districts established by
2 Section 2.89 of this Chapter and subsequently reapportioned pursuant to applicable
3 State and Federal law. Beginning in November 2018, elections shall take place on
4 a by-district basis as defined in California Government Code section 34871,
5 subdivision (c).
- 6 2. Except as provided in subdivision (3) of this Section, the City Councilmember
7 elected to represent a district must reside in that district and be a registered voter in
8 that district, and any candidate for City Council must live in, and be registered to
9 vote in the district in which he or she seeks election at the time nomination papers
10 are issued, pursuant to Government Code section 34822 and Elections Code section
11 10227. Termination of residency in a district by a City Councilmember shall create
12 an immediate vacancy for that district unless a substitute residence within the
13 district is established within thirty (30) days after the termination of residency.
- 14 3. Notwithstanding any other provision of this Section, City Councilmembers in
15 office at the time this Ordinance takes effect shall continue in office until the
16 expiration of the full term to which he or she was elected prior to the adoption of
17 this Ordinance. If a City Councilmember elected prior to the time this Ordinance
18 takes effect is unable to complete his or her term and the Councilmember office is
19 declared vacant, the vacancy shall be filled in the manner provided by Government
20 Code section 36512 and the Councilmember appointed or elected to fill the
21 vacancy may be a resident of any council district until the expiration of the term.

17 **Section 2.89 City Councilmember Districts**

- 18 A. Subject to election schedule in Section 2.90, City Councilmembers shall be elected
19 on a by-district basis from the Council districts depicted on the Official District Map
20 attached as Exhibit 1 to this Section and incorporated herein by reference.
- 21 B. The Council districts specific in subdivision (A) shall continue in effect until they
22 are amended or repealed.

23 **Section 2.90 Election Schedule**

24 Except as provided by Government Code section 36512, City Councilmembers shall be
25 elected in Council Districts 1 and 2 beginning at the General Municipal Election in November
26 2018 and every four years thereafter, as such Council districts shall be amended. City
27 Councilmembers shall be elected in Council Districts 3 and 4 beginning at the General
28

1 Municipal Election in November 2020 and every four years thereafter, as such Council district
2 shall be amended.

3
4 SECTION 4. The City Clerk of the City of Oceanside is hereby directed to publish this
5 Ordinance, or the title hereof as a summary, pursuant to state statute, once within fifteen (15)
6 days after its passage in a newspaper of general circulation published in the City of Oceanside.

7
8 SECTION 5. If any section, sentence, clause or phrase of this Ordinance is for any reason
9 held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such
10 decision shall not affect the validity of the remaining portions of this Ordinance. The City
11 Council hereby declares that it would have passed this Ordinance and
12 adopted this Ordinance and each section, sentence, clause or phrase thereof, irrespective of the
13 fact that any one or more sections, subsections, sentences, clauses or phrases be declared
14 invalid or unconstitutional.

15 SECTION 6. This ordinance shall be effective 30 days after its adoption.

16 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
17 California, held on the 25th day of July, 2017, and, thereafter,

18 PASSED AND ADOPTED at a regular meeting of the City Council of the City of
19 Oceanside, California, held on the ____ day of _____, 2017, by the following vote:

20 AYES:

21 NAYS:

22 ABSENT:

23 ABSTAIN:

24 MAYOR OF THE CITY OF OCEANSIDE

25
26 ATTEST:

27 APPROVED AS TO FORM:

28 _____
CITY CLERK



CITY ATTORNEY

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE, CALIFORNIA, ADDING ARTICLE XV TO CHAPTER TWO OF THE OCEANSIDE CITY CODE ESTABLISHING BY DISTRICT COUNCIL ELECTIONS AND APPROVING AN ELECTION SCHEDULE FOR THE NEWLY CREATED COUNCIL DISTRICTS.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28



EXHIBIT 1

