

ORDINANCE NO. 2160

**AN ORDINANCE CHANGING THE CITY'S PROCEDURE FOR ELECTING MEMBERS OF THE CITY COUNCIL FROM AT-LARGE TO BY-DISTRICT.**

**THE CITY COUNCIL DOES ORDAIN AS FOLLOWS:**

SECTION 1: The City Council finds and determines as follows:

- A. The City of Monterey Park supports the full participation of all residents in electing Members of the City Council;
- B. The City currently elects its five City Council Members using an at-large election system;
- C. Some members of the public believe adopting a by-district electoral system for the Monterey Park City Council would better promote the full participation of all residents in electing Members of the City Council;
- D. In the at-large election system, candidates may reside in any part of the City and each City Council Member is elected by the voters of the entire City;
- E. Government Code § 34886 allows the City Council to change the City's method of election by ordinance to a "by-district" system in which each member of the City Council is elected only by the voters in the district in which the candidate resides;
- F. Elections Code § 10010 requires cities changing from an at-large city council method of election to a by-district city council method of election hold a total of five public hearings which includes at least two public hearings regarding potential voting district boundaries before the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s);
- G. On November 7, 2018, the City Council adopted Resolution No. 12043 that initiated the process of establishing a by-district election system and adopted an implementation schedule;
- H. Public Hearings were held on December 5, 2018 and December 19, 2018 to receive public input regarding the composition of the City's voting districts before any draft maps were drawn;
- I. Public Hearings were then held on February 20, 2019, March 20,

2019, April 3, 2019, and April 17, 2019 where the public was invited to provide input regarding the content of the draft maps;

- J. On April 17, 2019, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth in this Ordinance; and
- K. This Ordinance is enacted pursuant to Government Code § 34886 to provide for election of members of the City Council of the City of Monterey Park by-district in five single-member districts as reflected in Exhibit 1 to this Ordinance to implement the purposes of the California Voting Rights Act of 2001 (Elections Code § 14025, *et seq.*) and protect the guarantees of the California Constitution.

**SECTION 2:** Sections 2.04.060 to 2.04.090 are added to Chapter 2.04 of the Monterey Park Municipal Code ("MPMC") to read as follows:

**"2.04.060 By-District Electoral System.**

Beginning in 2020, members of the City Council will be elected by-district from five single-member Council Districts in accordance with this chapter.

**2.04.070 Council Districts Established.**

- A. Pursuant to Government Code § 34871(a), City Council members will be elected on a by-district basis from the five Council Districts established and amended from time to time by ordinance, and numerically designated as District 1, District 2, District 3, District 4, and District 5.
- B. City Council members must be elected in the electoral districts established by this chapter and subsequently reapportioned pursuant to applicable law.
- C. Except as otherwise provided by applicable law, and notwithstanding any other provision of this chapter, once this chapter is fully implemented, a member of the City Council elected appointed to represent a district must reside in that district and be a registered voter in that district. Pursuant to Government Code § 34882 and Elections Code § 10227, candidates for City Council must live, and be a registered voter, in the Council District in which he or she seeks election at the time nomination papers are issued. Termination of

residency in a district by a member of the City Council will create an immediate vacancy for that Council District unless a substitute residence within the district is established within 30 days after the termination of residency.

- D. Pursuant to Government Code § 36512, members of the City Council in office at the time this chapter becomes effective will 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 member of the City Council that member of the City Council's successor will be elected in accordance with this chapter.

#### 2.04.080 Election Schedule.

Except as otherwise required by Government Code § 36512, the members of the City Council will be elected from Council Districts 2, 3, and 4 beginning at the General Municipal Election in 2020, and every four years thereafter. Members of the City Council will be elected from Council Districts 1 and 5 beginning at the General Municipal Election in 2022, and every four years thereafter.

#### 2.04.090 Map of Council Districts.

The city clerk will maintain a map of the city showing the current boundaries and numbers of each city council district as may be established and amended from time to time by ordinance of the city council.”

### SECTION 3: Council District Map; Implementation.

- A. A map showing the Council Districts is attached as Exhibit “A,” and incorporated by reference.
- B. The City 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 City Clerk must consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 4: Environmental Assessment. The City Council finds that the Ordinance is not subject to review under the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment. Adopting this Ordinance will not have the effect of deleting or substantially changing any

regulatory standards or required findings. This Ordinance would not result in any development or changes to the physical environment. Following an evaluation of possible adverse impacts, it can be seen with certainty that there is no possibility that the Ordinance will have a significant effect on the environment.

SECTION 5: *Validity of Previous Code Sections.* If the entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal of the MPMC or other regulation by this Ordinance will be rendered void and cause such MPMC provision or other regulation to remain in full force and effect for all purposes.

SECTION 6: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 7: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 8: *Preservation.* Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Ordinance are severable.

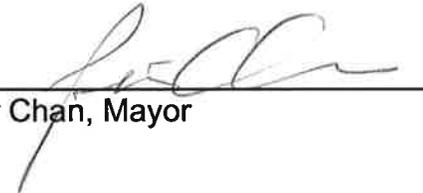
SECTION 10: *Summaries of Information.* All summaries of information in the findings, which precede this section, are based on the substantial evidence in the record. The absence of any particular fact from any such summary is not an indication that a particular finding is not based in part on that fact.

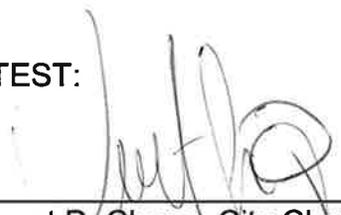
SECTION 11: The City Clerk is directed to certify the passage and adoption of this

Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within ten (10) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

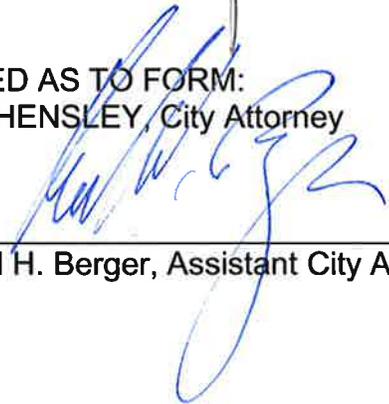
**SECTION 12:** This Ordinance will take effect on the 30<sup>th</sup> day following its final passage and adoption.

PASSED, APPROVED, AND ADOPTED May 1, 2019.

  
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Peter Chan, Mayor

ATTEST:   
\_\_\_\_\_  
Vincent D. Chang, City Clerk

APPROVED AS TO FORM:  
MARK D. HENSLEY, City Attorney

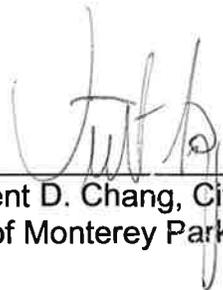
By:   
\_\_\_\_\_  
Karl H. Berger, Assistant City Attorney

State of California            )  
County of Los Angeles        ) §  
City of Monterey Park        )

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2160 was introduced, and placed upon its first reading at a regular meeting of the City Council of the City of Monterey Park, held on the 17th day of April, 2019. That thereafter on the 1st day of May, 2019, said Ordinance was duly passed, approved and adopted by the following vote:

Ayes:            Council Members: Lam, Liang, Chan  
Noes:            Council Members: Real Sebastian, Ing  
Absent:          Council Members: None  
Abstain:         Council Members: None

Dated this 1st day of May, 2019.

  
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Vincent D. Chang, City Clerk  
City of Monterey Park, California

## Monterey Park 2019 Districting

