

ORDINANCE NO. 1518

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN, CALIFORNIA, ADDING SECTION 1309 TO CHAPTER 3 (CITY COUNCIL) OF ARTICLE 1 (ADMINISTRATION) OF THE TUSTIN CITY CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF FOUR COUNCIL MEMBERS AND ESTABLISHING THE OFFICE OF THE MAYOR TO BE ELECTED AT-LARGE

City Attorney Summary

This Ordinance adds Section 1309 to Chapter 3 of Article 1 of the Tustin City Code to establish “by-district” elections of council members from four electoral districts and a mayor elected at-large. The Ordinance requires that four members of the City Council be elected by the voters of each of the four districts. The Ordinance further establishes the boundary lines for each of the four districts, with one district to be elected at the regular municipal election to be held in November 2022 and three districts to be elected at the regular municipal election to be held in November 2024. The Ordinance provides for the Mayor to be elected to a term of four years at the municipal election to be held in November 2022.

WHEREAS, members of the City Council of the City of Tustin are currently elected in at-large elections, in which each of the five Councilmembers is elected by voters of the entire City, and the City Council elects one council member to serve as Mayor each year; and

WHEREAS, the City Council has determined that it is in the best interest of the City to shift from its current at-large election system to a by-district election system where four Councilmembers reside within a designated district boundary and is elected only by the voters in that district, plus the Mayor to be elected by voters at-large; and

WHEREAS, on August 3, 2021, the City Council adopted Resolution No. 21-64, declaring the City’s intention to transition from at-large to district-based elections pursuant to California Elections Code Section 10010(e)(3)(A); and

WHEREAS, the City retained an expert demographer and community organizers to assist the City with the process of analyzing the City’s population, developing draft district maps consistent with the California Voting Rights Act and the Federal Voting Rights Act, implement a community participation plan to gather public input from residents and to facilitate the development of preliminary district map proposals; and

WHEREAS, the City established a dedicated webpage containing notices and information on the district elections mapping process with information in English, Spanish, Korean, Traditional Chinese and Vietnamese; City staff provided information to the public on the district mapping process through the City’s social media accounts, press releases,

posting notices in the City's regular posting locations, listings on the City's events calendar, emails to local community groups and residents, two virtual public workshops via Zoom on August 31, 2021 and September 22, 2021.

WHEREAS, in accordance with California Elections Code Section 10010(a)(1), in addition to the public workshops, the City Council held two public hearings on September 7, 2021 and September 17, 2021 where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn; and

WHEREAS, in accordance with California Elections Code Section 10010(a)(2), the City Council held two additional public hearings on October 9, 2021 and October 25, 2021 where the public was invited to provide input regarding the content of the draft maps and the proposed sequence of elections; and

WHEREAS, at its October 25, 2021 meeting, the City Council selected its preferred district map, determined its preferred sequence of district elections, and introduced this Ordinance for adoption at its regular meeting scheduled for November 1, 2021; and

WHEREAS, in accordance with California Government Code Section 34886, it is declared that the change in the method of electing members of the City Council of the City of Tustin made by this Ordinance is in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) and to implement the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution.

Now, therefore, the City Council of the City of Tustin does hereby ordain as follows:

SECTION I. Section 1309 is hereby added to Chapter 3 (City Council) of Article 1 (Administration) of the Tustin City Code to read as follows:

1309– Qualifications of the Members of the City Council

a. Members of the City Council, generally.

Beginning with the November 2022 general municipal election, the City Council shall consist of five members with the Mayor elected at-large and four Council Members elected by-districts.

b. Mayor.

The person elected to serve in the office of Mayor shall be elected by the voters City-wide (at-large). A person is not eligible to hold office as Mayor unless he or she is at the time of seeking nomination or appointment to office an elector of the City. If, during his or her term of office he or she moves his or her place

of residence outside of the City limits or ceases to be an elector of the City, his or her office shall immediately become vacant.

c. Council Member (Other than Mayor).

Beginning with the November 2022 general municipal election, a person elected as a member of the City Council other than the Mayor shall be a resident of his or her respective Council District created under subdivision (d), as may be subsequently reapportioned as provided by applicable law, and shall be nominated and elected only by the voters of his or her respective Council District. A person is not eligible to hold office as Council Member unless he or she is at the time of seeking nomination or appointment to office an elector of the City, residing in the District from which he or she is elected or appointed. If, during his or her term of office he or she moves his or her place of residence outside of the District boundaries or ceases to be an elector of the City, his or her office shall immediately become vacant. However, no Council Member shall be deemed to have moved outside of his or her District as a result of District boundary changes which may occur during his or her term of office, and such Council Member shall continue to serve until his or her term is complete or the office otherwise becomes vacant.

d. Council Districts.

1. BOUNDARIES.

Descriptions of the boundaries for each of the four Districts and their numbering are as shown on the attached Exhibit "A" along with a map entitled "City of Tustin District Map," a copy of which shall be on file in the City Clerk's office.

2. TRANSITION.

- (a) Nothing herein shall affect the terms of office of the five members of the City Council in office at the time the ordinance codifying this section establishing district elections takes effect, who shall continue in office until their respective terms expire and until their successors are elected and qualified. Recall proceedings, if any, of such City Council members serving the remainder of an at-large elected term and an election of a successor to such City Council member to complete that term, shall be conducted at-large in accordance with applicable law.
- (b) The Mayor shall be elected at-large for a term of four years at the general municipal election in November 2022 and at the general municipal election every four years thereafter.

- (c) A Council Member shall be elected in Council District 3 at the general municipal election in November 2022 and at the general municipal election every four years thereafter.
- (d) Council members shall be elected in Council Districts 1, 2 and 4 at the general municipal election in November 2024 and at the general municipal election every four years thereafter.

3. FUTURE REDISTRICTING.

- (a) Future adjustments to the boundaries of the Districts established herein shall be made in accordance with federal and state law applicable to general law cities, including, but not limited to, the provision of California Elections Code §§ 21600 et seq. requiring the adjustments of the boundaries of any or all of the Districts following each decennial federal census.
- (b) Pursuant to Elections Code § 21606, the term of office of any Council Member 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, whether or not that Council Member is a resident within the boundaries of the District as adjusted. At the first election for Council following adjustment of the boundaries of the District, a person meeting the requirements of Government Code § 34882 shall be elected to the City Council for each District under the readjusted District plan that has the same District number as a District whose incumbent's term on the Council is due to expire.

4. ANNEXATIONS.


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 or Districts to which the annexed territory shall be a part and shall amend the District boundaries if necessary in accordance with Elections Code § 21603, as it may be amended from time to time.

SECTION II. Effective Date. This Ordinance shall take effect on the 31st day after its adoption. The City Clerk or his or her duly appointed deputy shall certify to the adoption of the Ordinance and cause this Ordinance to be published as required by law.

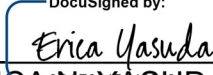
SECTION III. Severability. If any section, sub-section, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid,

the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected.

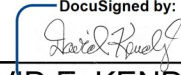
PASSED AND ADOPTED, at a regular meeting of the City Council of the City of Tustin on this 1st day of November, 2021.

DocuSigned by:

 LETITIA CLARK,
 Mayor

ATTEST:

DocuSigned by:

 ERICA N. YASUDA,
 City Clerk

APPROVED AS TO FORM:

DocuSigned by:

 DAVID E. KENDIG,
 City Attorney

STATE OF CALIFORNIA)
 COUNTY OF ORANGE) ss.
 CITY OF TUSTIN)

I, Erica N. Yasuda, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is 5; that the above and foregoing Ordinance No. 1518 was duly and regularly introduced at a regular meeting of the Tustin City Council, held on the 25th day of October, 2021, and was given its second reading, passed, and adopted at a regular meeting of the City Council held on the 1st day of November, 2021, by the following vote:

COUNCILMEMBER AYES:	<u>Lumbard, Cooper, Gallagher</u>	(3)
COUNCILMEMBER NOES:	<u>Clark, Gomez</u>	(2)
COUNCILMEMBER ABSTAINED:	_____	(0)
COUNCILMEMBER ABSENT:	_____	(0)

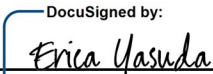
DocuSigned by:

 ERICA N. YASUDA,
 City Clerk

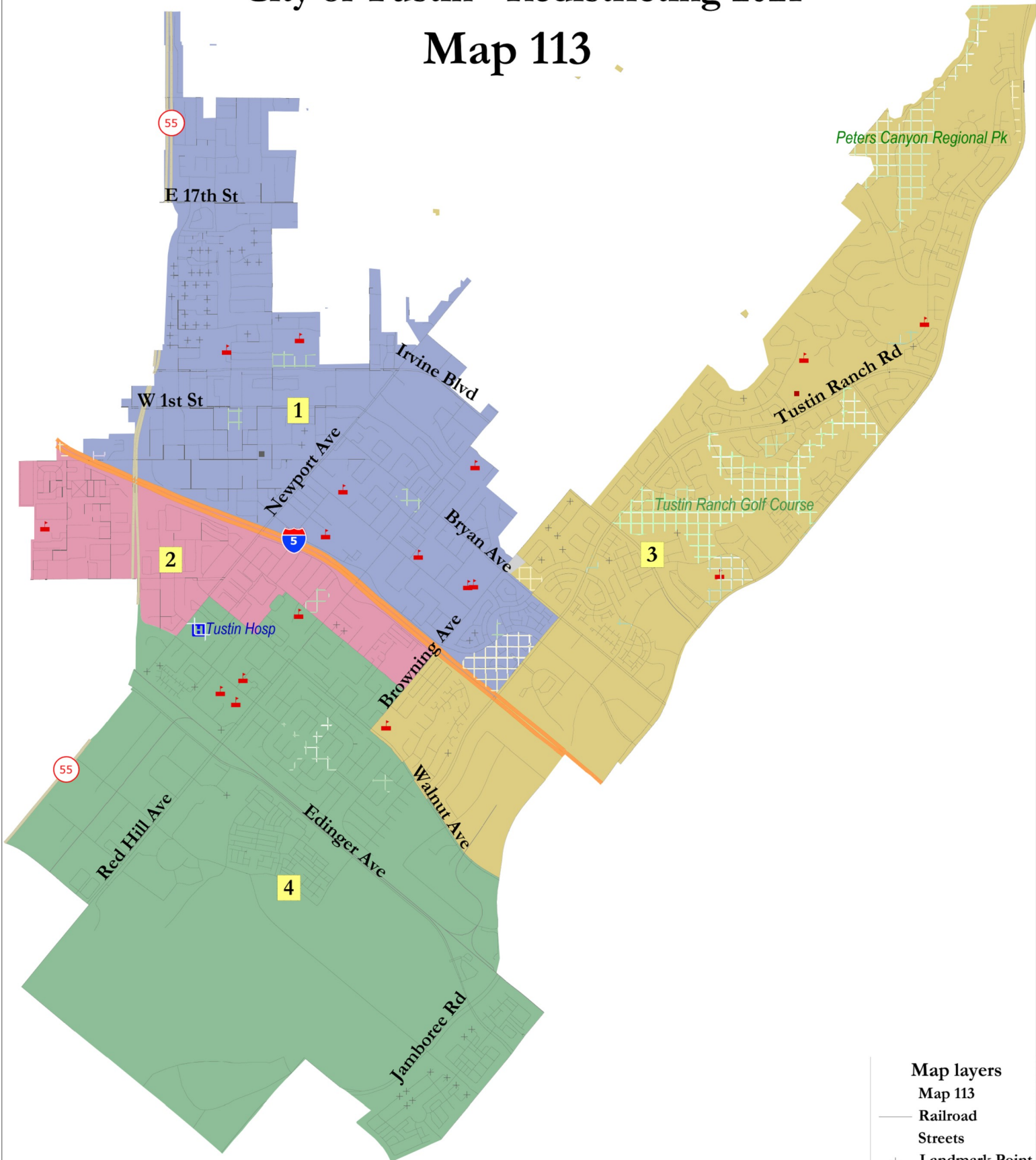
EXHIBIT A

CITY OF TUSTIN DISTRICT MAP

The City of Tustin District Map is attached, and a copy shall be on file in the City Clerk's office.

City of Tustin - Redistricting 2021

Map 113



Map prepared 9/30/2021 by National Demographics

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