

ORDINANCE NO. 2023-139

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GONZALES
ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS
(GOVERNMENT CODE § 34886 AND ELECTION CODE § 10010)**

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

WHEREAS, the City of Gonzales currently elects its four (4) 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; and

WHEREAS, California Government Code Section 34886, effective January 1, 2017, permits the City Council of any city 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, and permits the mayor to continue to be elected at-large, in accordance with California Government Code Section 34871(c); and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least 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); and

WHEREAS, after receiving a threat of potential litigation, at a regular meeting of the City Council of the City of Gonzales held on the July 18, 2022, the City Council adopted Resolution No. 2022-54 that initiated the process of establishing a by-district election system and adopting the schedule therefor; and

WHEREAS, thereafter, at special joint meetings of the City Councils of the Cities of Gonzales and Soledad held on the 25th day of October, 2022 and the 14th day of December, 2022, respectively, pursuant to California Elections Code Section 10010(a)(1), the City Council held 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, and the City Council of the City of Gonzales considered and discussed the same; and

WHEREAS, thereafter, at regular meetings of the City Council of the City of Gonzales held on the 23rd day of March, 2023 and the 8th day of June, 2023, respectively, pursuant to California 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, as prepared by consultant National Demographics

Corporation (“NDC”), as well as the proposed sequence of elections, and the City Council of the City of Gonzales considered and discussed the same; and

WHEREAS, at a regular meeting of the City Council of the City of Gonzales held on the 20th day of June, 2023, 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, which was introduced for a first reading at the same regular meeting of the City Council of the City of Gonzales; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including, but not limited to, postings of map information and diagrams and notice of City hearings on the City’s website; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of members of the City Council of the City of Gonzales by-district in four single-member districts as reflected in Attachment A to this Ordinance, with the Mayor elected at-large, 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 1 and of Section of Article II of the California Constitution.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gonzales as follows:

SECTION 1. All of the recitals set forth above are true and correct to the best of its knowledge and by this reference are incorporated herein as findings.

SECTION 2. Chapter 1.20 of Title 1-Administration of the Gonzales City Code is hereby amended by adding new Sections 1.20.100, 1.20.110, and 1.20.120 to read as follows:

1.20.100 By-District Electoral System.

Pursuant to California Government Code Section 34886 and the schedule established in Section 1.20.110 of this Chapter, beginning in November 2024, members of the city council shall be elected on a by-district basis from four (4) single-member Council Districts. The mayor shall be separately elected on a City-wide basis per Section 1.20.040. The City’s by-district electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (c).

1.20.110 Establishment of City Council Electoral Districts.

A. Pursuant to Section 1.20.100 of this Chapter, members of the city council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (c), from the four Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:

1. Council District 1 shall comprise all that portion of the City reflected on Attachment A.
2. Council District 2 shall comprise all that portion of the City reflected on Attachment A.
3. Council District 3 shall comprise all that portion of the City reflected on Attachment A.
4. Council District 4 shall comprise all that portion of the City reflected on Attachment A.

B. Members of the city council, excluding the mayor, shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.

C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, the member of the city council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for city council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a member of the city council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the city council in office at the time the Ordinance codified in this Chapter takes effect shall 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, excluding the separate office of mayor, that member of the city council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in Section 1.20.120 of this Chapter.

E. Nothing in this Section shall affect the election of the mayor, who shall remain elected on a City-wide basis, in accordance with Section 1.20.040 of this Chapter of this Code.

1.20.120 Election Schedule.

Except as otherwise required by California Government Code Section 36512, the members of the city council shall be elected as follows: Council member in Council District 2 at the General Municipal Election in November of 2024; Council members in Districts 1 and 3 (full term) and council member in District 4 (initial 2 year term) at the General Municipal Election in 2026; council members in Districts 2 and 4 at the General Municipal Election in 2028, and every four years thereafter, as such Council Districts may be amended; council members in Districts 1 and 3 at the General Municipal Election in 2030 and every four

years thereafter, as such Council Districts shall be amended. The election schedule for the mayor is not affected by the schedule established in this Section.

SECTION 3. A map showing the districts described in this Ordinance and codified in Section 1.20.110 of the City of Gonzales Municipal Code is attached hereto as Attachment A and incorporated herein by reference.

SECTION 4. 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, only when necessary to facilitate the implementation of this Ordinance. 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 in conflict with the terms or 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. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 7. 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 Gonzales hereby declares the Council would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. This ordinance shall be effective thirty days after its adoption and the City Clerk shall certify the adoption of this ordinance and cause the full text of the ordinance or a summary of the ordinance prepared by the City Attorney to be published at least once in a newspaper of general circulation in the City of Gonzales within fifteen days after its adoption.

INTRODUCED AND FIRST READ at a Regular Meeting of the Gonzales City Council on the 20th day of June, 2023, and thereafter

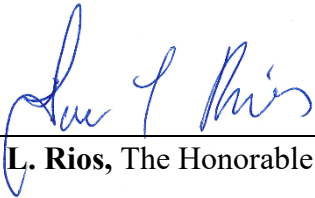
PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Gonzales on the 7th day of August, 2023, by the following vote, to wit:

AYES: **COUNCIL MEMBERS:** Mayor Pro Tem Scott Funk, Liz Silva, Lorraine Worthy, Maria Orozco, and Mayor Jose L. Rios

NOES: **COUNCIL MEMBERS:** None

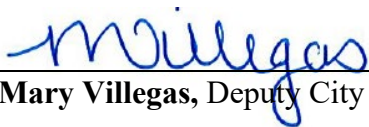
ABSTAIN: **COUNCIL MEMBERS:** None

ABSENT: **COUNCIL MEMBERS:** None



Jose L. Rios, The Honorable Mayor

ATTEST:

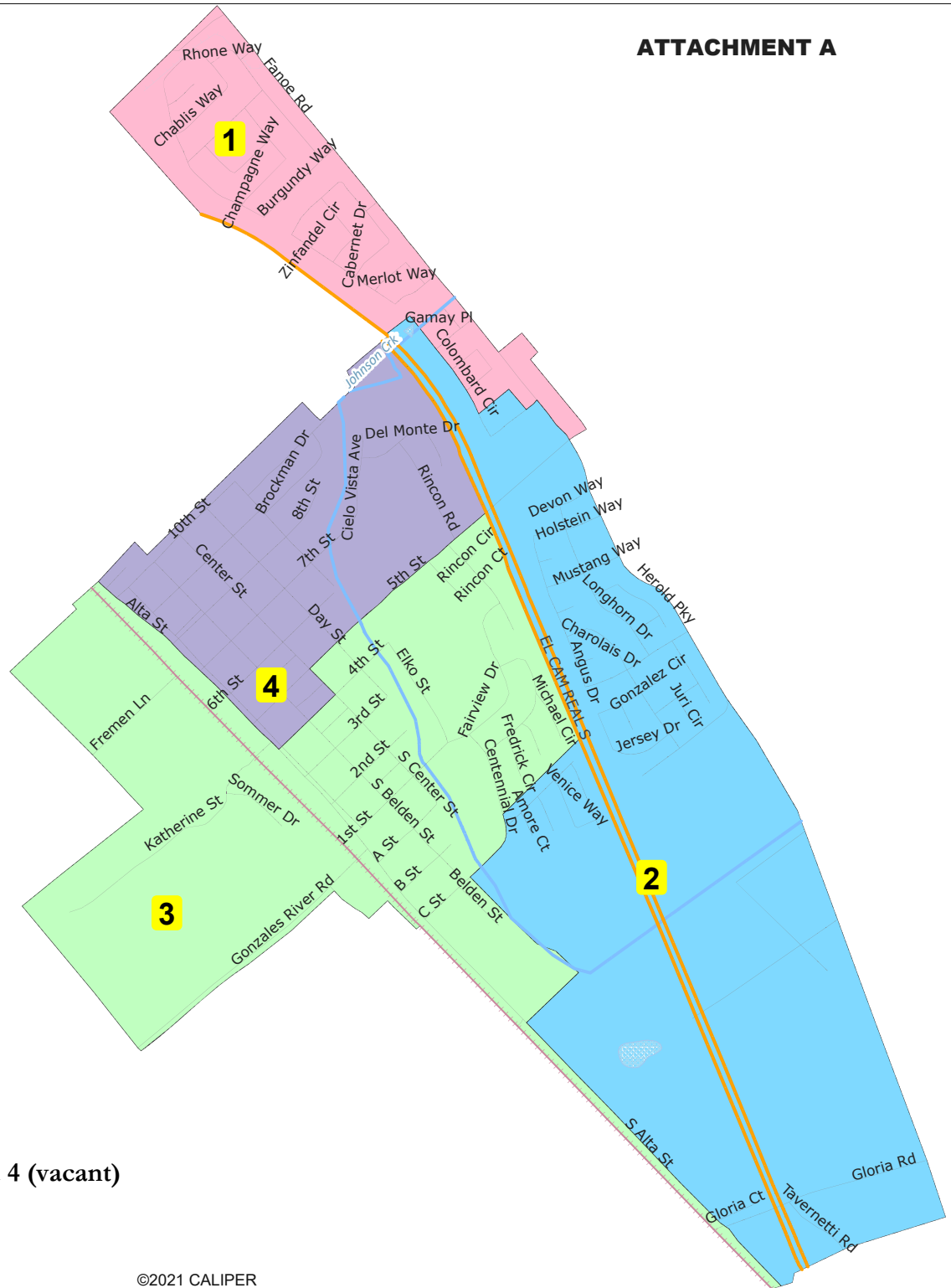


Mary Villegas, Deputy City Clerk

Maroon

Map layers

- Maroon
- Railroad
- River
- Streets
- Water Area



Zero-population, non-contiguous
City territory is included in District 3.

Proposed Election Sequence:
2024: Districts 2 (Funk)
2026: Districts 1 (Orozco & Worthy), 3 (Silva) and 4 (vacant)

Maroon						
District		1	2	3	4	Total
	Total Pop	2,212	2,093	2,164	2,195	8,664
	Deviation from ideal	46	-73	-2	29	119
	% Deviation	2.12%	-3.37%	-0.09%	1.34%	5.49%
Total Pop	% Hisp	89.5%	93%	93%	91%	92%
	% NH White	6%	3%	4%	5%	5%
	% NH Black	0%	1%	0%	0%	0%
	% Asian-American	3%	1%	1%	2%	2%
Citizen Voting Age Pop	Total	971	1,009	1,124	975	4,079
	% Hisp	77%	94%	87%	73%	83%
	% NH White	17%	3%	12%	22%	13%
	% NH Black	0%	0%	0%	0%	0%
	% Asian/Pac.Isl.	6%	3%	0%	4%	3%
Voter Registration (Nov 2020)	Total	998	939	712	813	3,462
	% Latino est.	88%	92%	89%	88%	89%
	% Spanish-Surnamed	80%	87%	81%	82%	83%
	% Asian-Surnamed	1%	0%	0%	1%	1%
	% Filipino-Surnamed	1%	2%	1%	2%	2%
	% NH White est.	14%	8%	14%	12%	12%
	% NH Black	2%	1%	0%	0%	1%
Voter Turnout (Nov 2020)	Total	728	656	516	600	2,500
	% Latino est.	86%	93%	85%	87%	88%
	% Spanish-Surnamed	79%	86%	78%	81%	81%
	% Asian-Surnamed	2%	0%	0%	1%	1%
	% Filipino-Surnamed	1%	2%	1%	2%	1%
	% NH White est.	15%	9%	17%	13%	13%
	% NH Black	2%	2%	0%	0%	1%
Voter Turnout (Nov 2018)	Total	473	405	340	370	1,588
	% Latino est.	83%	90%	81%	82%	84%
	% Spanish-Surnamed	77%	82%	76%	76%	78%
	% Asian-Surnamed	2%	0%	1%	1%	1%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	16%	11%	18%	16%	16%
	% NH Black est.	2%	2%	0%	0%	1%
ACS Pop. Est.	Total	2,005	1,951	2,547	2,078	8,581
Age	age0-19	36%	33%	35%	29%	33%
	age20-60	52%	57%	52%	60%	55%
	age60plus	12%	10%	13%	11%	12%
Immigration	immigrants	32%	32%	29%	35%	32%
	naturalized	22%	21%	18%	18%	20%
Language spoken at home	english	27%	19%	32%	38%	29%
	spanish	72%	80%	68%	62%	70%
	asian-lang	1%	1%	0%	0%	1%
	other lang	0%	0%	0%	0%	0%
Language Fluency	Speaks Eng. "Less than Very Well"	21%	28%	35%	23%	27%
Education (among those age 25+)	hs-grad	51%	61%	60%	54%	56%
	bachelor	5%	3%	4%	3%	4%
	graduatedegree	4%	2%	1%	3%	3%
Child in Household	child-under18	54%	66%	52%	48%	55%
Pct of Pop. Age 16+	employed	61%	70%	67%	58%	64%
Household Income	income 0-25k	4%	8%	9%	22%	11%
	income 25-50k	21%	17%	30%	26%	24%
	income 50-75k	12%	16%	20%	14%	16%
	income 75-200k	51%	59%	40%	31%	44%
	income 200k-plus	12%	0%	0%	8%	5%
Housing Stats	single family	98%	84%	58%	75%	77%
	multi-family	2%	16%	42%	25%	23%
	rented	19%	24%	73%	52%	45%
	owned	81%	76%	27%	48%	55%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						