

ORDINANCE NO. [REDACTED]

AN URGENCY ORDINANCE OF THE CITY OF LOS ALTOS TO AMEND THE LOS ALTOS MUNICIPAL CODE BY ADDING SECTIONS 2.05.070 THROUGH 2.04.100 TO CHAPTER 2.04, WHICH PROVIDE FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS, ESTABLISH THE BOUNDARIES, IDENTIFICATION NUMBERS, AND THE ELECTION ORDER OF EACH DISTRICT, ESTABLISH A RESIDENCY REQUIREMENT TO SEEK A COUNCIL SEAT FROM EACH DISTRICT, AND RELATED ACTIONS

WHEREAS, the City of Los Altos has historically used an at-large method of election, which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

WHEREAS, California Government Code Section 34886 permits the City Council to change the 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, in accordance with California Government Code Section 34871; and

WHEREAS, a by-district system can also be consistent with the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

WHEREAS, on May 28, 2024, the City Council adopted Resolution No. 2024-71 which initiated the process of establishing a by-district election system; 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 must hold a total of five public hearings, which includes at least two (2) public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two (2) public hearings following the release of draft voting district maps; and

WHEREAS, on June 11 and July 13, 2024, 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 Los Altos considered and discussed the same; and

WHEREAS, at the public hearing of the City Council on July 13, 2024, the City Council also invited input on whether to have four (4) districts and an at-large directly-elected Mayor, or five (5) districts with the Mayor selected by the City Council on a rotating basis, and voted to proceed with a five-district system with the mayoral rotation, directing its demographer to draft maps that divide the City into five (5) districts in preparation for the August 28, 2024 public hearing; and

WHEREAS, on August 28, September 24, October 8, and October 21, 2024, 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

and published at least seven (7) days before each public hearing and the proposed sequence of the elections, and the City Council of the City of Los Altos considered and discussed the same; and

WHEREAS, at its public hearing on September 24, 2028, the City Council directed staff to prepare a proposed ordinance adopting a voting district map for the City Council’s consideration and determining the sequence of elections in each district; and

WHEREAS, on October 8, 2024, the City Council held its fifth and final public hearing on the proposal to establish district boundaries, reviewed and considered additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth, in this Ordinance as Exhibit A, which was introduced for a first reading at the same public hearing; 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 hosting a webpage dedicated to districting; inviting the submission of community of interest forms to allow the public to provide input on keeping communities of interest in single districts to the extent possible; inviting the submission of draft maps by the public using an interactive mapping tool; and providing districting information to local and to good government, civic engagement, and minority groups active within the City; 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 Los Altos by district in five (5) single-member districts as reflected in the voting district map referred to as Map [redacted] and attached as Exhibit A to this Ordinance, in furtherance of the California Voting Rights Act of 2001 (Chapter 1.5 [commencing with Section 14025] of Division 14 of the Elections Code) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

WHEREAS, this Urgency Ordinance, pursuant to Government Code section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and welfare of the City, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City; and

WHEREAS, the City Council finds that this ordinance must be adopted as an Urgency Ordinance to comply with the California Voting Rights Act and any alleged violations of the California Voting Right Act by attorney Kevin Shenkman representing the Southwest Voter Registration Education Project; and

WHEREAS, the City Council further finds that it is necessary that this ordinance be adopted as an Urgency Ordinance for the preservation of the public peace, health, safety, and welfare of the City by complying with the October 31, 2024, deadline granted by the Southwest Voter Registration Education Project to create five (5) legally permissible voting districts within

the City. If this ordinance is not adopted by October 31, 2024, then the City would be exposed to litigation and attorneys' fees.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS ALTOS, CALIFORNIA ORDAINS THAT:

Section 1: INCORPORATION OF RECITALS. The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

Section 2: URGENCY ORDINANCE.

This Urgency Ordinance, pursuant to Government Code Section 36937, is hereby declared to be necessary as an urgency measure for the preservation of the public peace, health, safety and welfare of the City of Los Altos, and as such shall take effect immediately and be in full force and effect after its adoption after publication at least once in an official newspaper of the City for the following reasons:

The City Council finds that this ordinance must be adopted as an Urgency Ordinance to comply with the California Voting Rights Act and any alleged violations of same by attorney Kevin Shenkman representing the Southwest Voter Registration Education Project.

Section 3: SECTIONS 2.04.070 THROUGH 2.04.100 OF CHAPTER 2.04 OF THE LOS ALTOS MUNICIPAL CODE ARE ADDED AS FOLLOWS:

2.04.070 - Declaration of Purpose

The City Council hereby declares that the change of method of electing members of this City Council hereby enacted is being made in furtherance of the California Voting Rights Act of 2001.

02.04.080 - City Council Districts Established

Five (5) City Council districts are hereby established in the City of Los Altos. The boundaries and identifying number of each district shall be as described on the City Council District Map attached hereto as Exhibit A and incorporated herein.

02.04.090 - Election of Members of the City Council By-District

(a) Following the effective date of this Ordinance and upon the commencement of “by-district” elections in the order established in Section 2.04.100 of this Chapter, City Councilmembers shall be elected “by-district” as defined in California Government Code Section 34871 or any successor statute. **Any candidate for City Council must have been a resident and elector of the district in which they seek election for at least 30 days before the time they file nominating papers or an equivalent declaration of candidacy for the City Council, or such person’s appointment to fill a vacancy therein.** No term of any City Councilmember that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

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(b) Registered voters signing nominating papers or voting for a City Councilmember shall be residents of the geographical area making up the district from which the City Councilmember is to be elected.

(c) The terms of the office of each City Councilmember elected shall remain four (4) years. Pursuant to Section 2.04.020 of the Los Altos Municipal Code, no person shall be eligible to serve as a City Councilmember for more than two consecutive four (4) year terms.

02.04.100 - Commencement of District Elections

(a) Commencing on the general municipal election in 2026, and every four (4) years thereafter, the voters in Districts [redacted] and [redacted] shall elect City Councilmembers by-district for full four (4) year terms. At the general municipal election in 2028, and every four (4) years thereafter, the voters in Districts [redacted], [redacted], and [redacted] shall elect City Councilmembers by-district for full four (4) year terms.

(b) The term of office of any City Councilmember 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.

Section 4: TECHNICAL ADJUSTMENTS AND METES-AND-BOUNDS.

If necessary to facilitate the implementation of this Ordinance, 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 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 by-district elections. The City Clerk shall also direct the City's demographer to provide a metes-and-bounds description of each district as shown on the map attached as Exhibit A and incorporated herein by reference, which shall be submitted to the City Council at its next regular meeting and kept on file in the City Clerk's office for public review.

Section 5: SEVERABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a court of competent jurisdiction, such section, subsection, sentence, clause, phrase, or portion of this Ordinance shall be deemed severable and the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council of the City of Los Altos hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid, unconstitutional, or unenforceable.

Section 6. ENVIRONMENTAL DETERMINATION.

The City Council hereby finds and determines that this Urgency Ordinance has been assessed in accordance with the California Environmental Quality Act (Cal. Pub. Res. Code, § 21000 et seq.)

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(“CEQA”) and the State CEQA Guidelines (14 Cal. Code Regs. § 15000 et seq.) and is exempt from CEQA under CEQA Guidelines, § 15061(b)(3) in that it can be seen with certainty that the adoption of this Urgency Ordinance implementing the California Voting Rights Act would not result in a significant environmental effect.

Section 7. PUBLICATION. This Urgency Ordinance shall be published as provided in Government Code section 36933.

Section 8: EFFECTIVE DATE:

The City Council finds that it is necessary that this ordinance be adopted as an Urgency Ordinance for the preservation of the public peace, health, safety, and welfare of the City by complying with the October 31, 2024, deadline granted by the Southwest Voter Registration Education Project to create five (5) legally permissible voting districts within the City. If this ordinance is not adopted by October 31, 2024, then the City would be exposed to litigation and attorneys’ fees.

In order to accomplish these goals, Ordinance No. must adopted by means of an Urgency Ordinance.

The foregoing Urgency Ordinance was duly and properly introduced and adopted at a regular meeting of the City Council of the City of Los Altos held on _____, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jonathan D. Weinberg, MAYOR

Attest:

Melissa Thurman, MMC
City Clerk

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