

[full text of ordinance]

ORDINANCE NO. ____

AN ORDINANCE OF THE VOTERS OF THE CITY OF LOS BANOS TO ADD MUNICIPAL CODE TITLE 2, CHAPTER 1, ARTICLE 2, TO ESTABLISH ELECTORAL DISTRICTS FOR ELECTION OF MEMBERS OF THE LOS BANOS CITY COUNCIL BY DISTRICTS AND ELECTION OF THE MAYOR OF LOS BANOS AT-LARGE, SUBJECT TO APPROVAL BY A VOTE OF THE PEOPLE

THE PEOPLE OF THE CITY OF LOS BANOS DO ORDAIN AS FOLLOWS:
SECTION 1. PURPOSE.

WHEREAS, the City of Los Banos supports the full participation of all residents in electing members of the City Council; and

WHEREAS, members of the public have petitioned the City Council to adopt “by-district” voting for the City Council, contending that such a system would better promote the full participation of all residents in electing members of the City Council; and

WHEREAS, under the provisions of California Government Code sections 34870-34884 and 34900-34906, a proposal to adopt district-based voting in a general law city must be submitted to the voters of the City; and

WHEREAS, pursuant to the laws relating to general law cities in the State of California, a general municipal election shall be held on November 4, 2014, for the purpose of electing members of the Los Banos City Council; and

WHEREAS, the Council supports the adoption of by-district elections and supports the submission of a proposal to adopt district-based voting to the voters of Los Banos; and

The purpose of this Ordinance is to enact, pursuant to California Government Code sections 34870-34906, an ordinance providing for the election of the members of the City Council of the City of Los Banos by districts in four districts with a separately-elected mayor, elected on a Citywide basis.

SECTION 2. AMENDMENT TO CODE.

Title 2, Chapter 1, of the Los Banos Municipal Code is amended to add Article 1 thereto, to read as follows:

Article 2. Method of election of Mayor and City Council.

Sec. 2-2.101 Method of election.

(a) Pursuant to California Government Code sections 34871(c) and 34881, members of the legislative body of Los Banos shall be elected by districts in four (4) districts with a separately-elected mayor elected Citywide pursuant to Article 5 (commencing with Section 34900) of the Government Code.

(b) Mayor. The Mayor shall be elected by the voters of the entire City at each general municipal election, and shall serve a two-year term until his or her successor is elected and qualified. The Mayor shall be a resident of the City of Los Banos. The Mayor in office at the time this Article 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 elected and qualified.

(c) Councilmembers.

(1) Beginning with the general municipal election in November 2016, members of the City Council shall be elected in the electoral districts established by Section 2-2.102 and subsequently reapportioned as provided by state law. Elections shall take place on a "by-district" basis as that term is defined in California Government Code section 34871, meaning one member of the Council shall be elected from each district, by the voters of that district alone. Each member of the Council shall serve a four-year term until his or her successor is elected and qualified.

(2) Except as provided in subdivision (3) hereof, the Councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for the Council must live in, and be a registered voter in, the district in which he or she seeks election. Termination of residency in a district by a Councilmember shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days of the termination of residency.

(3) Transition. Notwithstanding any other provision of this Article, the members of the Council in office at the time this ordinance 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 elected and qualified. Each Councilmember's successor shall be elected on a "by-district" basis in the districts established in Section 2-2.102.

Sec. 2-2.102 Establishment of council districts.

(a) Beginning with the general municipal election in November 2016, members of the City Council shall be elected on a "by-district" basis from the Council districts described as follows:

(1) **Council District 1** shall comprise all that portion of the City beginning at the intersection of Overland Rd and the City's western border on the eastern border of parcel APN 081100033000; thence proceeding easterly along Overland Rd to San Miguel St; thence proceeding northerly along San Miguel St to La Purisma St; thence proceeding easterly along La Purisma St to San Luis Obispo St; thence proceeding northerly along San Luis Obispo St to San Diego St; thence proceeding westerly along San Diego St to the parcel border between 1512 and 1516 San Diego St; thence proceeding northerly along that parcel border and continuing northerly along the parcel borders between parcels APN 424115004000 and 424115005000 and continuing northerly along the parcel borders between parcels APN 424114009000 and 424114010000; and continuing northerly along the parcel borders between parcels APN 424114016000 and 424114015000 on the west and 424114014000 on the east; and continuing northerly along the parcel borders between parcels APN 424116011000 and 424116012000; thence proceeding westerly along the northern border of parcels APN 424116010000 and 424116011000; thence proceeding northerly along the parcel borders between parcels APN 424116006000 and 424116005000 to Regency Dr; thence proceeding westerly along Regency Dr to Rockport Dr; thence proceeding northerly along Rockport Dr to Westminster Way; thence proceeding northerly along Westminster Way and its extension along the western border of parcel APN 424010002000; thence proceeding easterly along the northern border of parcel APN 424010002000 to the intersection of the City border and the San Luis Canal; thence proceeding counter-clockwise along the City border to the point of beginning.

(2) **Council District 2** shall comprise all that portion of the City beginning at the intersection of Highway 165 (a.k.a. Mercey Springs Rd) and the City's southern border just south of Pioneer Rd; thence proceeding northerly along Mercey Springs Rd to E Pacheco Blvd; thence proceeding easterly along E Pacheco Blvd to Nickel St; thence proceeding northerly along Nickel St to San Luis St; thence proceeding westerly along San Luis St to Place Rd; thence proceeding northerly along Place Rd to E B St; thence proceeding westerly along E B St to Wisteria Ave; thence proceeding northwesterly along Wisteria Ave to Willmott Rd; thence proceeding westerly along Willmott Rd to Mercey Springs Rd; thence proceeding northerly along Mercey Springs Rd to Overland Ave; thence proceeding easterly along Overland Rd to San Miguel St; thence proceeding northerly along San Miguel St to La Purisma St; thence proceeding easterly along La Purisma St to San Luis Obispo St; thence proceeding northerly along San Luis Obispo St to San Diego St; thence proceeding westerly along San Diego St to the parcel border between 1512 and 1516 San Diego St; thence proceeding northerly along that parcel border and continuing northerly along the parcel borders between parcels APN 424115004000 and 424115005000 and continuing northerly along the parcel borders between parcels APN 424114009000 and

424114010000; and continuing northerly along the parcel borders between parcels APN424114016000 and 424114015000 on the west and 424114014000 on the east; and continuing northerly along the parcel borders between parcels APN 424116011000 and 424116012000; thence proceeding westerly along the northern border of parcels APN 424116010000 and 424116011000; thence proceeding northerly along the parcel borders between parcels APN 424116006000 and 424116005000 to Regency Dr; thence proceeding westerly along Regency Dr to Rockport Dr; thence proceeding northerly along Rockport Dr to Westminster Way; thence proceeding northerly along Westminster Way and its extension along the western border of parcel APN 424010002000 to the northern border of parcel APN 424010002000; thence proceeding easterly along the northern border of parcel APN 424010002000 to the intersection of parcel APN 424010002000, the City border, and the San Luis Canal; thence proceeding clockwise along the City border to the point of beginning.

(3) **Council District 3** shall comprise all that portion of the City beginning at the intersection of Highway 165 (a.k.a. Mercey Springs Rd) and the City's southern border just south of Pioneer Rd; thence proceeding northerly along Mercey Springs Rd to E. Pacheco Blvd; thence proceeding easterly along E Pacheco Blvd to Nickel St; thence proceeding northerly along Nickel St to San Luis St; thence proceeding westerly along San Luis St to Place Rd; thence proceeding northerly along Place Rd to E B St; thence proceeding westerly along E B St to Wisteria Ave; thence proceeding northwesterly along Wisteria Ave to Willmott Rd; thence proceeding westerly along Willmott Rd to Mercey Springs Rd; thence proceeding northerly along Mercey Springs Rd to Overland Ave; thence proceeding westerly along Overland Rd to North St; thence proceeding southerly along North St to Willmott Rd; thence proceeding westerly along Willmott Rd to 2nd St; thence proceeding southerly along 2nd St to I St; thence proceeding southeasterly along I St to 3rd St; thence proceeding southwesterly along 3rd St to K St; thence proceeding westerly along K St to California Ave; thence proceeding southerly along California Ave to Pacheco Blvd; thence proceeding easterly along Pacheco Blvd to Center Ave; thence proceeding southerly along Center Ave to the intersection of the city border, Center Ave, and Main Canal; thence proceeding counter-clockwise along the city border to the point of beginning.

(4) **Council District 4** shall comprise all that portion of the City beginning at the intersection of Overland Rd and the City's western border on the eastern border of parcel APN 081100033000; thence proceeding easterly along Overland Rd to North St; thence proceeding southerly along North St to Willmott Rd; thence proceeding westerly along Willmott Rd to 2nd St; thence proceeding southerly along 2nd St to I St; thence proceeding southeasterly along I St to 3rd St; thence proceeding southwesterly along 3rd St to K St; thence proceeding westerly along K St

to California Ave; thence proceeding southerly along California Ave to Pacheco Blvd; thence proceeding easterly along Pacheco Blvd to Center Ave; thence proceeding southerly along Center Ave to the intersection of the city border, Center Ave, and Main Canal; thence proceeding clockwise along the city border to the point of beginning.

(5) A map showing these districts is attached hereto as Exhibit 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in subdivisions (1)-(4) and the map incorporated herein, subdivisions (1)-(4) shall prevail.

(6) If necessary to facilitate the implementation of this Article, 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 Clerk shall advise the Council of any such adjustments that are found to be required in the implementation of the districts.

(b) Councilmembers shall be elected in Council District 1 and Council District 4 beginning at the general municipal election in 2016 and every four years thereafter. Members shall be elected from Council District 2 and Council District 3 beginning at the general municipal election in 2018 and every four years thereafter.

(c) The council districts specified in subdivision (a) hereof shall continue in effect until they are repealed or amended by the voters or until they are adjusted pursuant to California Elections Code sections 21600-21606, any successor statute thereto, or any other provision of state law authorizing the City Council to amend the districts without a vote of the people.

SECTION 3. EFFECTIVE DATE.

Pursuant to California Elections Code section 9217, this Ordinance shall be in full force and effect ten (10) days after the certification by the City Council of the election returns indicating passage of the Ordinance by a majority of the voters casting votes in the election.

SECTION 4. INCONSISTENCIES.

To the extent that 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 5. INTERPRETATION.

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

SECTION 6. SEVERABILITY.

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, such decision shall not affect the validity of the remaining portions of this Ordinance. The People of the City of Los Banos hereby declare that they 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 7. PUBLICATION.

The City Clerk is directed to cause a copy of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its approval by the voters.

Exhibit 1 to Los Banos Municipal Code § 2.2-102(a)(5)

(Map of City Council Districts)

Los Banos Selected Plan "3"

Map layers

-  Plan 3
-  Incorporated Cities
-  Water Area
-  Streets
-  Landmark Area
-  Pipeline/Power Line
-  Railroad
-  River

