



City of  
**Los Banos**

*At the Crossroads of California*

## **Agenda Staff Report**

**TO:** Mayor and Council Members

**FROM:** Steve Carrigan, City Manager  
William A. Vaughn, City Attorney

**DATE:** August 6, 2014

**SUBJECT:** Submission of By-District Method Election of City Council Members to the Voters Pursuant to California Government Code § 34871; Approval of Ballot Argument in Favor

**TYPE OF REPORT:** Non Consent Agenda

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### **Recommendation:**

The recommendation from the City Manager and the City Attorney is for the City Council of the City of Los Banos to

1. Adopt Resolution No. \_\_\_\_, calling for a special ballot measure election to be held in the City of Los Banos on Tuesday, November 4, 2014, in consolidation with the statewide general election, at which there will be submitted to the qualified electors of the City of Los Banos a ballot measure seeking voter approval to provide 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.
2. Adopt Resolution No. \_\_\_\_, submitting a ballot argument in favor of the measure to the voters, on behalf of the City Council, pursuant to Elections Code section 9282(b). As part of approving this Resolution, we would ask that the Council designate two Councilmembers to provide a rebuttal to any argument against the Measure, if one is filed.

**Background:**

On June 4, the Council adopted Resolution No. 5584 to begin the process for submission of a by-district election method of City Council-members to the voters at the November 4, 2014, statewide election. The City has retained an experienced redistricting/demographic consulting firm, National Demographics Corporation (“NDC”), and experienced special legal counsel, Nielsen Merksamer Parrinello Gross & Leoni LLP (“Nielsen Merksamer”), to advise the City on the process of preparing a Council district plan for submission to the voters. Following presentations by NDC and Nielsen Merksamer on June 18, 2014, the Council adopted Resolution No. 5587, setting forth the criteria to guide the creation of a council district plan.

On June 25, 2014, an initial set of four draft council district plans, prepared by the City’s demographic consultant according to the criteria set forth in Resolution No. 5587, were made publicly available on the City’s website, and at the regular City Council meeting on July 2, 2014, the demographic consultant presented the four initial draft council district plans to the Council and the members of the public, after which the Council solicited public comments on the draft plans.

At its July 18, 2014, meeting, the Council conducted a duly-noticed public hearing regarding the four draft district proposals from the consultant as well as a fifth district plan proposed by a member of the public (Public Plan A1). Following the public hearing, the Council requested the preparation of a resolution and ordinance for submission of draft council district Plan 3 to the voters in November.

At a special meeting on July 30, 2014, the Council conducted a second duly-noticed public hearing regarding the proposal to move forward with Plan 3. No opposition was expressed.

The deadline to submit a measure to the County elections official for inclusion in the November 2014 ballot is Friday, August 8, 2014—88 days prior to the election.

**Discussion:**

If the resolution is approved by the City Council, the following ballot question would be placed on the November 4, 2014 ballot:

“LOS BANOS COUNCIL DISTRICTS. Shall four members of the legislative body of the City of Los Banos be elected by districts described in Ordinance No. ____, and the Mayor of the City of Los Banos be elected on a citywide basis by the voters of the entire city to serve a two-year term?”	YES	(+)
	NO	(+)

The ballot measure to adopt by-district Council elections shall be approved if a majority of the votes cast on the measure are affirmative.

The first district-based elections would be conducted at the next general municipal election in November 2016. Councilmembers would be elected in Districts 1 and 4 at the election in 2016 and in Districts 2 and 3 at the election in 2018. Councilmembers would continue to serve four year terms.

State law provides that the adoption of district-based elections shall not affect the terms of sitting Councilmembers, so Councilmembers elected in 2012 would continue to serve out their terms until 2016, but could only run for re-election in the district in which he or she resides. Councilmembers elected in 2014 would continue to serve out their terms until 2018, but could then only run for re-election in the district in which he or she resides.

**Fiscal Impact:**

There will be significant legal, experts, consultants, and processing costs associated with this process however, as of this writing those fiscal impacts cannot be accurately estimated.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, CALIFORNIA, CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF THE CITY A MEASURE TO ESTABLISH ELECTORAL DISTRICTS FOR ELECTION OF MEMBERS OF THE LOS BANOS CITY COUNCIL BY DISTRICTS AND ELECTION OF THE MAYOR OF LOS BANOS CITY-WIDE, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MERCED, CALIFORNIA, TO PROVIDE FOR THE CONSOLIDATION OF THE SPECIAL BALLOT MEASURE ELECTION WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON NOVEMBER 4, 2014, PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

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

WHEREAS, on June 4, 2014, the City Council adopted Resolution No. 5584, commencing the process of submitting a measure to the voters for the adoption of district-based elections pursuant to California Government Code sections 34870-34884 and 34900-34906; and

WHEREAS, at the regular City Council meeting on June 18, 2014, the Council and the public received a presentation by the City’s special redistricting counsel regarding legal considerations and appropriate policy criteria governing districting, and by the City’s demographic consultant regarding City demographics; and

WHEREAS, following those presentations, the Council solicited public input regarding appropriate criteria, and adopted Resolution No. 5587, setting forth the following criteria to guide the establishment of council districts consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the City:

- The boundaries of the Council districts shall be established so that the Council districts are equal in population as defined by law.
- The boundaries of the Council districts shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
- The boundaries of the Council districts shall be established so that the Council districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
- The boundaries of the Council districts shall observe communities of interest including rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
- The boundaries of the Council districts shall be compact, insofar as practicable.
- The boundaries of the Council districts shall be created to contain cohesive, contiguous territory, insofar as practicable.
- The boundaries of the Council districts may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc. as natural divisions between districts, insofar as practicable.
- Unless otherwise required by law, the Council districts shall be created using whole census blocks.
- The boundaries of the Council districts may seek to avoid the “pairing” of incumbents in the same Council districts, insofar as this does not conflict with the constitution and laws of the State of California and the United States, and insofar as feasible.
- The boundaries of the Council districts shall comply with such other factors which become known during the redistricting process and are formally adopted by the City Council; and

WHEREAS, on June 25, 2014, an initial set of four draft council district plans, prepared by the City’s demographic consultant according to the criteria set forth above, were made publicly available on the City’s website; and

WHEREAS, at the regular City Council meeting on July 2, 2014, the demographic consultant presented the four initial draft council district plans to the Council and the members of the public, after which the Council solicited public comments on the draft plans; and

WHEREAS, at its July 18, 2014, meeting, the Council conducted a duly-noticed public hearing regarding the four draft district proposals from the consultant as well as a fifth district plan proposed by a member of the public (Public Plan A1); and

WHEREAS, at a special meeting on July 30, 2014, the Council conducted a second duly-noticed public hearing regarding the draft district proposals previously presented; and

WHEREAS, the Council has considered all public comments on the proposed council district plans; and

WHEREAS, the populations in the proposed districts of all five draft council district plans are reasonably equal in compliance with legal requirements; and

WHEREAS, Section 2 of the Voting Rights Act, 42 U.S.C. § 1973 prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and all five draft council district plans comply with section 2 of the Voting Rights Act; and

WHEREAS, all five draft council district plans anticipate the use of a single-member, by-district electoral system, and thereby comply with the California Voting Rights Act; and

WHEREAS, each of the plans is drawn to be compact and to contain cohesive, contiguous territory to the extent possible; and

WHEREAS, each of the plans is drawn to take into account geography, topography, and communities of interest to the extent possible; and

WHEREAS, each of the draft council district plans is drawn to avoid the “pairing” of incumbent Council-members to the extent feasibly possible, consistent with the other criteria set forth in Resolution No. 5587; and

WHEREAS, the Council believes that the districts contained in proposed Plan 3, incorporated herein, best reflect the criteria adopted in Resolution No. 5587, and best serve the interests of the City and the public at large;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to California Elections Code section 9222, a special municipal election is hereby called and ordered to be held in the City on Tuesday, November 4, 2014, at which election there shall be submitted to the qualified voters the measure that, if approved, would enact an ordinance adopting the electoral district lines contained in proposed council district Plan 3 for use beginning at the 2016 election.

SECTION 2. The City Council hereby orders submitted to the voters on the ballot for Tuesday, November 4, 2014, the following ballot question:

<p><b>“LOS BANOS COUNCIL DISTRICTS.</b> Shall four members of the legislative body of the City of Los Banos be elected by districts described in Ordinance No. ____, and the Mayor of the City of Los Banos be elected on a citywide basis by the voters of the entire city to serve a two-year term?”</p>	YES	(+)
	NO	(+)

SECTION 3. The complete text of the Ordinance to be approved by the voters is attached hereto as Exhibit “A”. The City Council approves the form and content of the Ordinance and approves submitting the Ordinance to the voters at the Tuesday, November 4, 2014, election.

SECTION 4. Pursuant to California Elections Code section 10400, et seq., the County Board of Supervisors is hereby requested to consent and agree to the consolidation of this special election with the general municipal election for the City of Los Banos and the statewide general election to be held on November 4, 2014.

SECTION 5. Pursuant to California Elections Code section 10002, the City requests that the Board of Supervisors permit the County Registrar of Voters to render services to the City relating to this election.

SECTION 6. The consolidated election shall be held and conducted, elections officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, certificates of election issued, and all other proceedings incidental to and connected with the elections shall be regulated and done by the County Registrar of Voters in accordance with the provisions of law regulating a regularly scheduled consolidated election. The Board of Supervisors is hereby requested to issue all officers of the County charged with duties pertaining to the November 4, 2014, election instructions to take any and all steps necessary for the holding of a consolidated election pursuant to California Elections Code sections 10400-10418.

SECTION 7. The ballots to be used at the election shall be in form and content as required by law.

SECTION 8. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding elections in the City of Los Banos that are consolidated with any other elections.

SECTION 9. The City Clerk is authorized, instructed, and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the special municipal election.

SECTION 10. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election, in time, form, and manner as required by law.

SECTION 11. The City Council hereby directs the City Attorney to prepare an impartial analysis of the measure in accordance with section 9280 of the Elections Code showing the effect of the measure on existing law and the operation of the measure.

SECTION 12. Arguments in favor of or against the ballot measure and rebuttal arguments may be submitted in accordance with sections 9282-9285 of the Elections Code of the State of California. The provisions of said sections 9282-9285 are hereby adopted and shall apply to this election.

SECTION 13. Pursuant to California Elections Code section 9282(b), the City Council will approve and submit a ballot argument in support of the adoption of the proposed ordinance.

SECTION 14. The City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the Election Department for the County of Merced no later than 88 days prior to the November 4 election.

SECTION 15. The City Clerk is hereby directed to cause notice of the measure to be published once in the *Los Banos Enterprise*, the official newspaper of the City, in accordance with section 12111 of Elections Code and section 6061 and the Government Code of the State of California.

SECTION 16. The full text of the ordinance contained in Exhibit "A," adding Los Banos Municipal Code Title 2, Chapter 1, Article 2, and entitled "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," will be made available at no cost, at the Los Banos City Clerk's office or on the City of Los Banos's website at [www.losbanos.org](http://www.losbanos.org). A statement about how to obtain the full text of the ordinance will be included in the voter information pamphlet below the impartial analysis.

SECTION 17. The City of Los Banos recognizes that additional costs will be incurred by the County by reason of the requested consolidation and agrees to reimburse the County for such costs.

SECTION 18. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions, and to take other appropriate actions necessary to ensure the placement of said proposition before the voters of the City of Los Banos at said special election.

PASSED AND ADOPTED by the City Council of the City of Los Banos at a regular meeting held on the 6th day of August, 2014, by the following called vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

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Michael Villalta, Mayor

ATTEST:

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Lucille L. Mallonee, City Clerk

**EXHIBIT "A"**

**[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 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 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 southwestwardly 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 southwestwardly 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.

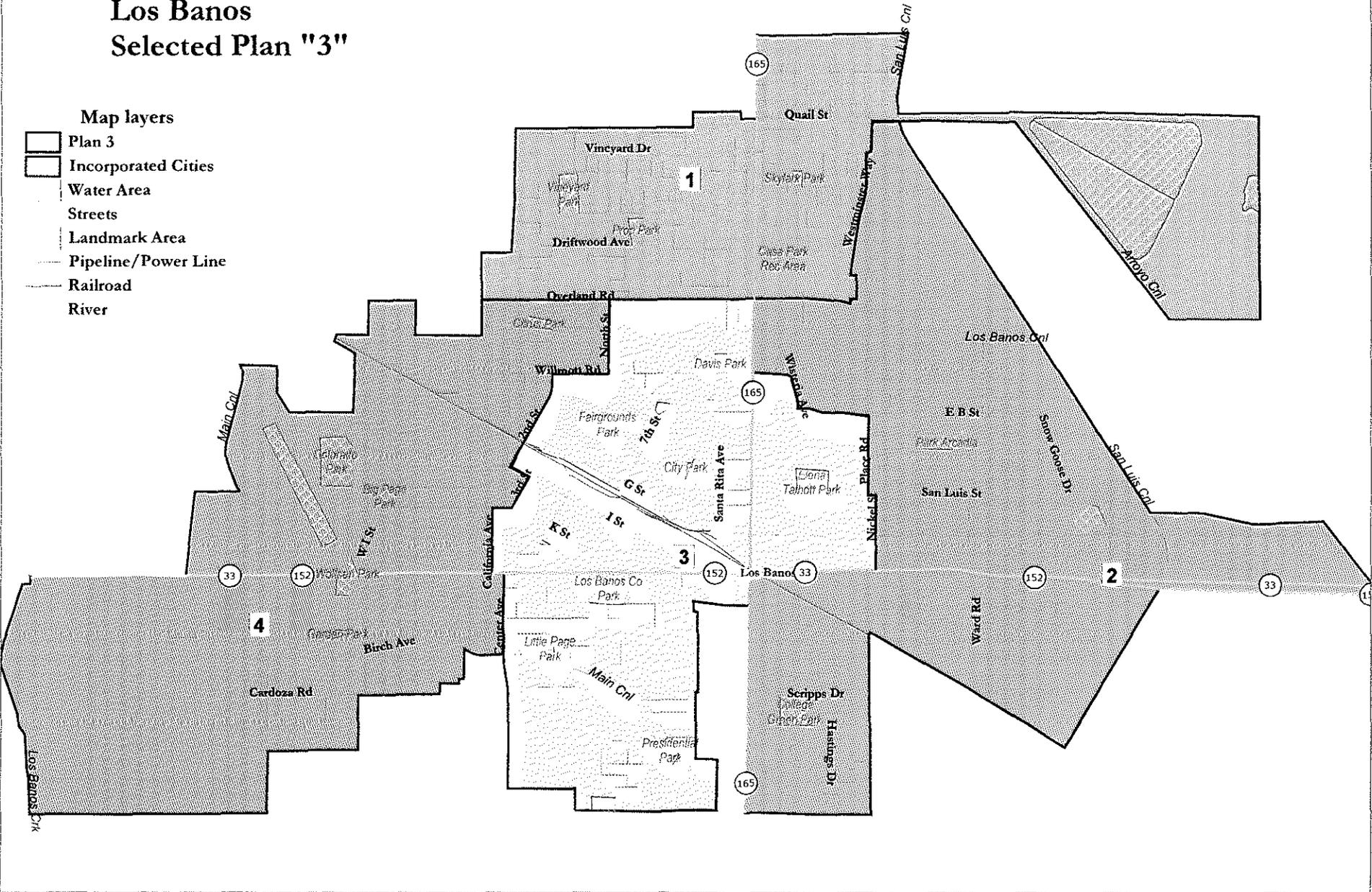
The City Clerk is directed to cause a copy of this Ordinance to be published in the official newspaper at least once within fifteen (15) days after its approval by the voters.

**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



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS, CALIFORNIA, APPROVING AND SUBMITTING A BALLOT ARGUMENT IN FAVOR OF A MEASURE TO ESTABLISH ELECTORAL DISTRICTS FOR ELECTION OF MEMBERS OF THE LOS BANOS CITY COUNCIL BY DISTRICTS AND ELECTION OF THE MAYOR OF LOS BANOS CITY-WIDE, TO BE VOTED ON NOVEMBER 4, 2014, PURSUANT TO SECTION 9282(B) OF THE ELECTIONS CODE.

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

WHEREAS, on August 6, 2014, the Council adopted Resolution No. \_\_\_\_\_, submitting a measure to the voters of the City of Los Banos that would establish electoral districts for election of members of the Los Banos City Council by districts and election of the Mayor of Los Banos City-wide; and

WHEREAS, Section 13 of Resolution No. \_\_\_\_\_ provided that “Pursuant to California Elections Code section 9282(b), the City Council will approve and submit a ballot argument in support of the adoption of the proposed ordinance”;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LOS BANOS DOES HEREBY RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. Pursuant to California Elections Code section 9282(b), the City Council approves the ballot argument contained in Exhibit 1 hereto, and incorporated herein by this reference, for submission to the elections official for inclusion in the sample ballot. The members of the City Council shall be deemed the “authors” of the argument.

SECTION 2. The City Manager is hereby designated to act as the contact person on behalf of the Council for communications regarding the ballot argument, and for receipt of the argument in opposition to the measure, if any, pursuant to California Elections Code section

9285(a)(1). The City Manager is hereby instructed to take all necessary actions to submit the ballot argument contained in Exhibit 1 to the elections official on behalf of the City Council.

SECTION 3. The Council hereby authorizes the following members of the Council, pursuant to California Elections Code section 9285(a)(2), to prepare and file a rebuttal to the argument in opposition to the measure, if any, on behalf of the Council.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED by the City Council of the City of Los Banos at a regular meeting held on the 6th day of August, 2014, by the following called vote:

AYES:  
NOES:  
ABSENT:

APPROVED:

\_\_\_\_\_  
Michael Villalta, Mayor

ATTEST:

\_\_\_\_\_  
Lucille L. Mallonee, City Clerk

**Exhibit 1 to Los Banos City Council Resolution No. \_\_\_\_\_**

**(City Council’s Ballot Argument in Favor of Measure to Establish Electoral Districts for Election of Members of the Los Banos City Council By Districts and Election of the Mayor of Los Banos City-Wide, to be Voted on November 4, 2014)**

Los Banos is a great place to live, and a city we’re proud to represent.

**That’s why we should vote YES on Measure \_\_\_\_.**

**Measure \_\_\_\_ requires that council members live in the district they represent and allows you to elect a council member from your neighborhood.**

Over the past 10-15 years, Los Banos has grown significantly—by more than 40% since 2000. As part of adapting to that growth, and the growth we anticipate in the future, we must ensure that all parts of the City are effectively represented and governed by council members who are personally knowledgeable of the unique needs of the City’s various neighborhoods.

The districts contained in Measure \_\_\_\_ were thoughtfully crafted to reflect its neighborhoods through an extensive public process. The Council solicited and received input on the districting process and proposed draft district plans at half a dozen Council meetings, over the course of several months, including two duly-noticed public hearings. We believe that this plan is designed to best serve the interests of the City.

Yes on Measure \_\_\_\_ means smaller electoral districts, and a council member elected to represent your neighborhood. Under Measure \_\_\_\_, your council member’s job will be to make sure your part of town gets its fair share of city services, and its streets are clean, the potholes filled, the trees trimmed, and your voices heard at City Hall. Well-represented neighborhoods mean a strong City overall.

Voting YES on Measure \_\_\_\_ keeps Los Banos a wonderful, safe place to live, and gives us the necessary tools to achieve our full potential.