ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE
ADDING SECTIONS 2.04.030 AND 2.04.040 TO CHAPTER 2.04 OF TITLE 2 OF THE
GARDEN GROVE MUNICIPAL CODE IMPLEMENTING BY-DISTRICT ELECTIONS OF
COUNCIL MEMBERS AND ESTABLISHING BOUNDARY LINES THEREFOR

City Attorney Summary

This Ordinance adds Sections 2.04.030 and 2.04.040 to Chapter 2.04 of the Garden Grove Municipal Code to establish "by-district" elections of council members from six electoral districts. The Ordinance expands the City Council membership to seven, and requires that six members of the City Council be elected by the voters of each of the six districts, with the Mayor elected at-large. The Ordinance further establishes the boundary lines for each of the six districts, with four districts to be elected at the regular municipal election to be held in November 2016. One of the council members elected in November 2016 will serve a term of two years so that three districts will come up for election at the regular municipal election in November 2018.

WHEREAS, this Ordinance is adopted pursuant to, and in accordance with, that certain judgment of the Orange County Superior Court entered on or about February 8, 2016, in the action entitled *Rickk Montoya v. City of Garden Grove, California,* Case No. 30-2015-00799522;

WHEREAS, the City retained Compass Demographics to direct the process of creating districts, including a community participation plan to gather public input on voting district boundaries 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, 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, flyer distribution on public counters and at public meetings, listings on the City's events calendar, information in the City water bill inserts, emails to local community groups and residents, a Channel 3 news segment, a Study Session at the November 24, 2015, City Council meeting, a Public Hearing at the January 26, 2016, City Council Meeting, an update at the March 22, 2016, City Council Meeting, and two more Public Hearings on April 12, 2016, and April 26, 2016.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE HEREBY ORDAINS AS FOLLOWS:

SECTION 1: Section 2.04.030 is hereby added to Chapter 2.04 of Title 2 of the Garden Grove Municipal Code to read as follows:

2.04.030 Qualifications

A. 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.

B. COUNCIL MEMBER (OTHER THAN MAYOR). Beginning with the November 2016 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 by Section 2.04.040 (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.

SECTION 2: Section 2.04.040 is hereby added to Chapter 2.04 of Title 2 of the Garden Grove Municipal Code to read as follows:

2.04.040 Council Districts

A. BOUNDARIES. Beginning with the November 2016 General Municipal Election, the City Council shall consist of seven members with the Mayor elected at-large and six Council Members elected by-districts. Descriptions of the boundaries for each of the six Districts and their numbering are as shown on the attached Exhibit A along with a map entitled "City of Garden Grove District Map," a copy of which shall be on file in the City Clerk's Office.

B. TRANSITION.

1.   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.

2. Council Members shall be elected in Council Districts ___, ___, ___, and ___ at the General Municipal Election in November 2016 and at the General Municipal Election every four years thereafter with the following exception: The council member elected in Council District ___ shall serve a term of office of two years and shall be subject to the election cycle schedule for the Districts described in paragraph 3 below.

3. Council Members shall be elected in Council Districts ___, and ___ at the General Municipal Election in November 2018 and at the General Municipal Election every four years thereafter. The Council Member elected in District ___ (whose member was elected at the November 2016 election to serve a two-year term of office) shall be elected at the General Municipal Election in November 2018 and every four years thereafter.

C. FUTURE REDISTRICTING.

1. 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.

2. 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 City 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 City Council is due to expire.

D. 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.

SECTION 3: If any section, subsection, subdivision, sentence, clause, phrase, word, 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 City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, word, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, words or portions thereof be declared invalid or unconstitutional.

SECTION 4: The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after adoption.

EXHIBIT A

CITY OF GARDEN GROVE DISTRICT MAP

The City of Garden Grove District Map is attached, and a copy shall be on file in the City Clerk's office. Descriptions of the boundaries of each District and their numbering are as follows.

 District 1. The region bounded and described as follows: [TBD]

District 2. The region bounded and described as follows: [TBD]

District 3. The region bounded and described as follows: [TBD]

District 4. The region bounded and described as follows: [TBD]

District 5. The region bounded and described as follows: [TBD]

District 6. The region bounded and described as follows: [TBD]

[MAP]