

ORDINANCE NO. 944

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AMENDING TITLE 2 "ADMINISTRATION AND PERSONNEL" OF THE ROHNERT PARK MUNICIPAL CODE TO ADD A CHAPTER 2.66, "DISTRICT ELECTIONS" TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS; ESTABLISH THE DISTRICT BOUNDARIES; AND ELECTION ORDER OF EACH DISTRICT

WHEREAS, on October 11, 2019, the City of Rohnert Park received a letter from a potential Plaintiff's attorney alleging that the City's at large election system violated the California Voting Rights Act; and

WHEREAS, to date, no city has successfully litigated a CVRA challenge and such litigation can be costly and burdensome to cities; and

WHEREAS, California Government Code Section 34886, effective January 1, 2016, 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

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, at a regular meeting held on November 12, 2019, the City Council adopted Resolution No. No. 2019-140, to begin the process of transitioning to a district based election system and adopting the schedule for public hearings to conform to the requirements of California Elections Code section 10010; and

WHEREAS, thereafter, at regular meetings held on November 12, 2019 and November 26, 2019, 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 number and composition of the City's voting districts and election sequencing, before any draft maps were drawn, and the City Council considered public input and discussed the same at those meetings; and

WHEREAS, thereafter, at regular meetings on December 10, 2019, January 14, 2020, January 28, 2020 and February 11, 2020 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, and the proposed sequence of elections, and the City Council received considered and discussed the same; and

WHEREAS, at the regular meeting on February 11, 2020, the City Council held a public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting districts known as Map 112 and the election sequence attached hereto and incorporated herein as Attachment "A" to this Ordinance, which was introduced for a first reading at that time with a second reading and adoption scheduled to take place on February 25, 2020; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public procedures required by California

City of Rohnert Park, California
Certified to be a True and Exact Copy
Date 2/21/20 Sig 
Sylvia Lopez Cuevas, Assistant City Clerk

Elections Code Section 10010 and complied with the provisions and timelines set forth in Elections Code Section 10010; and

WHEREAS, the City considered the criteria set forth in Elections Code Section 21601 and is adopting district boundaries in accordance with the provisions stated therein, as well as the federal Voting Rights Act and the California Voting Rights Act; 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 Rohnert Park by-district in five single-member districts as reflected in Attachment A to this Ordinance and to implement the guarantees of the California Constitution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds that the foregoing recitals are a true and accurate and are incorporated herein by reference.

Section 2. California Environmental Quality Act (CEQA) Determination.

Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of the Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 3. Code Amendment. Title 2 “Administration and Personnel” of the Rohnert Park Municipal Code is hereby amended to add a Chapter 2.66 “District Elections,” within Title 2 to read as follows:

“Chapter 2.66. - District Elections.

2.66.010-Declaration of Purpose. The City Council of the City of Rohnert Park hereby declares that the change of method of electing members of this Council, hereby enacted, is being made in furtherance of the California Voting Rights Act of 2001.

2.66.020-City Council Districts Established. Five City Council districts are hereby established in the City of Rohnert Park. The district boundaries and identifying number of each district shall be as described on the Council District Map, attached hereto as Attachment “A” and incorporated hereby by this reference.

2.66.030-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 pursuant to section 2.66.040, members of the City Council shall be elected “by District,” as defined in California Government Code Section 34871, or any successor statute.

B. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the member is to be elected.

C. No term of any member of the City Council that commenced prior to the effective date of this ordinance shall be affected by the adoption of this ordinance.

2.66.040-Commencement of District Elections. Commencing with the general municipal election in November of 2020 and thereafter the voters in districts 1, 3 and 4 shall elect members of the City Council by district for full four (4) year terms. At the general municipal election in 2022 and thereafter, the voters in districts 2 and 5 and shall elect members of the City Council by district for full four (4) year terms.”

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Rohnert Park 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 or unenforceable.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

Section 6. Publication; Certification.

The City Clerk shall attest to the adoption of this Ordinance and cause the same to be published in accordance with State law.

This ordinance was introduced by the City Council of the City of Rohnert Park on February 11, 2020 and DULY AND REGULARLY ADOPTED this 25th day of February, 2020 by the following vote:

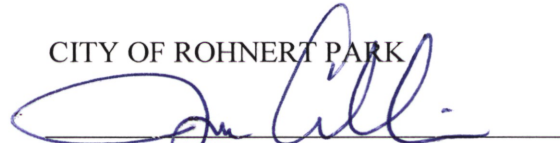
AYES: (3) Councilmembers Adams, Stafford, Mayor Callinan

NOES: (2) Councilmember Belforte, Vice Mayor Muckenzie

ABSENT: (0) None


ABSTAIN: (0) None

CITY OF ROHNERT PARK



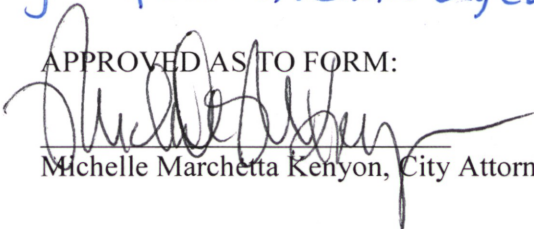
Joseph T. Callinan, Mayor

ATTEST:



JoAnne Buergler, City Clerk
Sylvia Lopez Cuevas, Assistant City Clerk

APPROVED AS TO FORM:

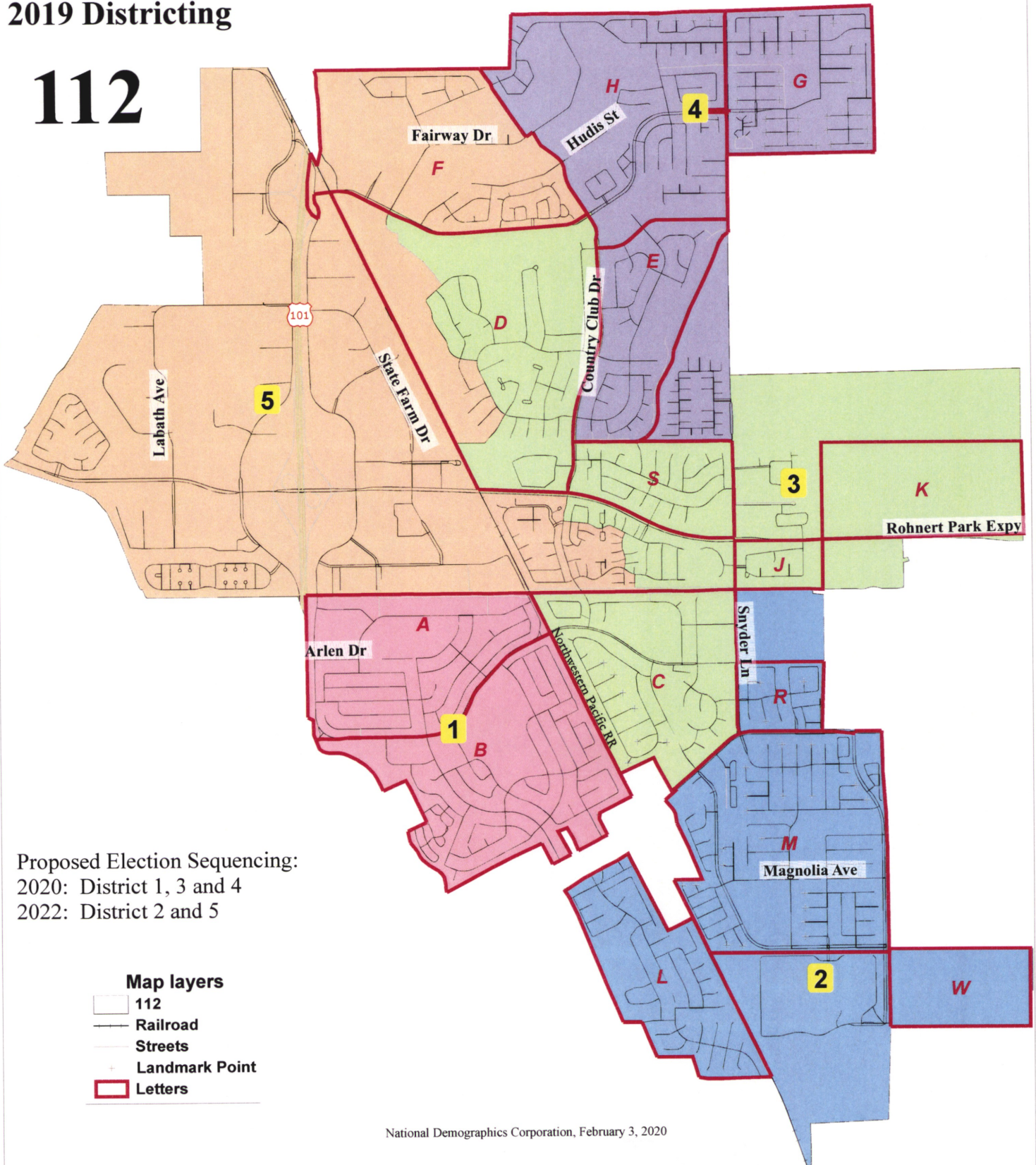


Michelle Marchetta Kenyon, City Attorney

ATTACHMENT A- DISTRICT MAP 112

Rohnert Park 2019 Districting

112



Proposed Election Sequencing:
2020: District 1, 3 and 4
2022: District 2 and 5

- Map layers**
- 112
 - Railroad
 - Streets
 - Landmark Point
 - Letters

National Demographics Corporation, February 3, 2020

Rohnert Park - Map 112

District		1	2	3	4	5	Total
	Total Pop	8,126	8,461	7,893	8,295	8,196	40,971
	Deviation from ideal	-68	267	-301	101	2	568
	% Deviation	-0.83%	3.26%	-3.67%	1.23%	0.02%	6.93%
Total Pop	% Hisp	36%	17%	19%	15%	23%	22%
	% NH White	54%	70%	69%	73%	65%	66%
	% NH Black	3%	2%	2%	2%	3%	2%
	% Asian-American	4%	9%	6%	7%	6%	6%
	Total	5,102	6,652	6,276	6,542	6,421	30,993
Citizen Voting Age Pop	% Hisp	27%	17%	13%	13%	18%	17%
	% NH White	66%	74%	76%	79%	72%	74%
	% NH Black	2%	2%	2%	1%	2%	2%
	% Asian/Pac.Isl.	4%	7%	7%	5%	5%	6%
	Total	3,348	4,682	4,713	4,812	4,233	21,788
Voter Registration (Nov 2018)	% Latino est.	23%	15%	14%	13%	18%	16%
	% Spanish-Surnamed	20%	14%	13%	12%	17%	15%
	% Asian-Surnamed	2%	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	79%	76%	82%	65%	75%
	% NH Black	2%	2%	2%	2%	2%	2%
	Total	2,280	3,351	3,486	3,602	2,885	15,604
Voter Turnout (Nov 2018)	% Latino est.	20%	14%	12%	12%	15%	14%
	% Spanish-Surnamed	18%	12%	11%	11%	14%	13%
	% Asian-Surnamed	2%	3%	3%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	76%	81%	78%	84%	68%	78%
	% NH Black	2%	2%	2%	2%	2%	2%
	Total	2,673	3,757	3,955	4,109	3,378	17,872
Voter Turnout (Nov 2016)	% Latino est.	21%	14%	13%	12%	17%	15%
	% Spanish-Surnamed	19%	12%	12%	11%	15%	13%
	% Asian-Surnamed	2%	3%	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	78%	72%	84%	74%	77%
	% NH Black est.	2%	3%	1%	1%	2%	2%
	Total	8,722	8,454	7,547	8,660	8,687	42,071
ACS Pop. Est.	Total	8,722	8,454	7,547	8,660	8,687	42,071
Age	age0-19	24%	20%	27%	22%	23%	23%
	age20-60	63%	67%	54%	55%	57%	59%
	age60plus	14%	14%	20%	23%	21%	18%
Immigration	immigrants	24%	9%	11%	10%	18%	14%
	naturalized	37%	71%	59%	66%	45%	50%
Language spoken at home	english	61%	86%	80%	84%	71%	76%
	spanish	33%	9%	12%	9%	22%	17%
	asian-lang	3%	3%	4%	4%	3%	3%
	other lang	3%	2%	4%	3%	3%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	18%	4%	5%	5%	10%	8%
Education (among those age 25+)	hs-grad	61%	63%	66%	63%	61%	62%
	bachelor	16%	22%	20%	20%	20%	20%
	graduatedegree	6%	11%	7%	9%	7%	8%
Child in Household	child-under18	30%	26%	26%	27%	26%	27%
Pct of Pop. Age 16+	employed	63%	66%	64%	63%	64%	64%
Household Income	income 0-25k	23%	14%	16%	11%	20%	17%
	income 25-50k	23%	17%	20%	19%	22%	20%
	income 50-75k	26%	19%	20%	18%	20%	20%
	income 75-200k	27%	46%	40%	47%	34%	39%
	income 200k-plus	2%	4%	4%	6%	5%	4%
Housing Stats	single family	52%	75%	69%	78%	64%	68%
	multi-family	48%	25%	31%	22%	36%	32%
	rented	60%	43%	45%	39%	49%	47%
	owned	40%	57%	55%	61%	51%	53%

Total population data from the 2010 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 2013-2017 American Community Survey and Special Tabulation 5-year data.