

ORDINANCE NO. 3010

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA, ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS (GOVERNMENT CODE § 34886 & ELECTIONS CODE § 10010) AND CODIFYING THE SAME UNDER A NEW CHAPTER 2.01 (BY-DISTRICT ELECTORAL SYSTEM) TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE EL MONTE MUNICIPAL CODE

WHEREAS, the City Council of the City of El Monte ("City Council") is presently composed of one (1) elected Mayor serving a term of two years; and four (4) regular City Council members each elected for four-year staggered terms of office; and

WHEREAS, the City of El Monte ("City") currently elects City Council members using an at-large method of election where candidates may reside in any part of the City and each member of the City Council is elected by the voters of the entire City; and

WHEREAS, while the City Council believes and finds that moving to a by-district method of election is in the best interest of the City and its taxpayers because of the status of State law – specifically, the California Voting Rights Act – and the significant litigation costs that could result if the City tries to maintain its current at-large method of election; and

WHEREAS, California Government Code Section 34886, effective January 1, 2017, permits the City Council 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 at least four 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 the regular meeting of the City Council held on January 11, 2022, the City Council adopted Resolution No. 10330 that initiated the process of establishing a by-district election system and adopted the schedule for a series of public hearings regarding the proposed change; and,

WHEREAS, thereafter, at a Special Meeting held February 16, 2022 and a Regular Meeting held March 1, 2022, 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 considered and discussed the same; and,

WHEREAS, thereafter, at a Regular Meeting held March 15, 2022 and a Special Meeting held March 29, 2022, 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 sequencing of district elections; and,

WHEREAS, the City Council has determined it is in the best interest of the voters of the City to establish a by-district electoral system that will create a City Council made up of one (1) Mayor elected at-large serving a two-year term of office, and six (6) regular City Council members elected by-district for a newly constituted City Council composed of seven (7) members total; and,

WHEREAS, at the conclusion of a fourth public hearing held pursuant to Elections

Code Section 10010(a))(2) as part of the City Council's Special Meeting held March 29, 2022, the City Council by majority vote: (i) selected and adopted a final district map, identified in the agenda materials as Map 117, from among the various proposed prepared by the City's demographer and members of the public which were also posted on the City website at least seven (7) calendar days prior to the March 29, 2022 public hearing; and (ii) approved the sequence for phasing-in the conversion to district-based elections over the 2022 and 2024 General Municipal Election cycles; and

WHEREAS, at the same Special Meeting of March 29, 2022, immediately following the fourth public hearing required by Elections Code Section 10010(a)(2), the City Council conducted a fifth and final public hearing to consider and approve for first reading this Ordinance which formally adopts the district map and district election sequencing approved at the conclusion of the fourth public hearing; and

WHEREAS, at its Regular Meeting of April 5, 2022, the City Council approved this Ordinance for second reading following a final round of public comment; 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 by-district in six (6) single-member districts as reflected, in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) ("CVRA") and to implement the guarantees of Section 7 of Article 1 and of Section 1 of Article II of the California Constitution; and

WHEREAS, the ability of the City to adopt a by-district method of election by ordinance, pursuant to Government Code Section 34886, in furtherance of the purposes of the CVRA, is a matter of statewide concern and supersedes all other provisions of California and local law.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. The recitals above are true and correct and incorporated herein by reference.

SECTION 2. Title 2 (Administration and Personnel) of the El Monte Municipal Code is hereby amended by the addition of a new Chapter 2.01 (By-District Electoral System) to read as follows:

Chapter 2.01 By-District Electoral System.

2.01.010 By-District Electoral System.

Beginning with the November 2022 General Municipal Election, the City Council shall consist of seven (7) members composed of one (1) Mayor elected at-large for a term of two years; and six (6) Councilmembers elected by-districts for staggered terms of four years each. The system of electing councilmembers by-district shall be conducted in accordance with California Government Code Section 34871, subdivision (c).

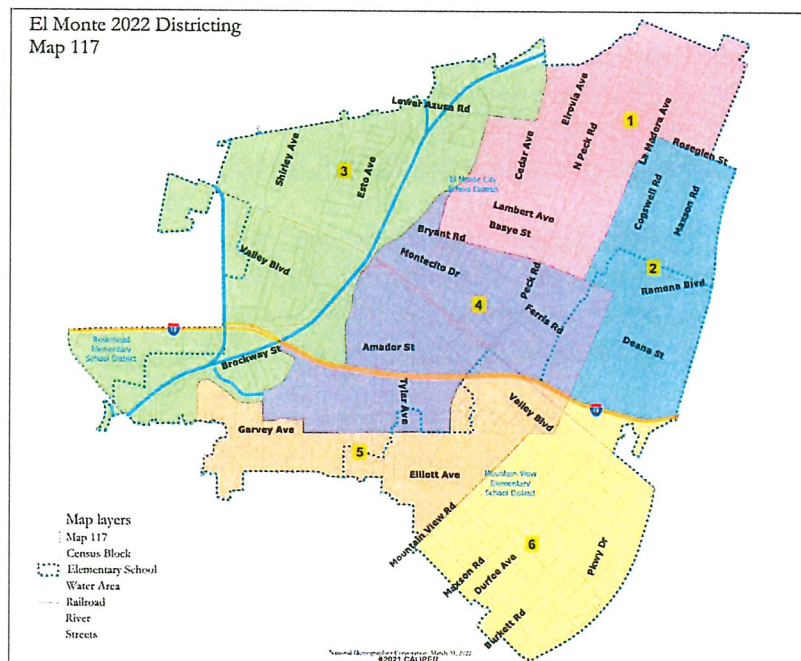
2.01.020 Establishment of City Council Electoral Districts.

A. Pursuant to Section 2.01.010 of this Chapter, the six (6) members of the City Council elected on a by-district basis, as that term is defined in California Government Code Section 34871, subdivision (c), shall be elected from the six (6) council districts described as follows, which shall continue in effect until they are amended or repealed in accordance with applicable law:

- 1. Council District 1 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).*

2. Council District 2 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).
 3. Council District 3 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).
 4. Council District 4 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).
 5. Council District 5 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).
 6. Council District 6 shall comprise all that portion of the City reflected in District Map 117 below (Figure 1).
- B. Except for the Mayor who shall be elected at-large from the entire jurisdiction of the City, members of the City Council shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.
- C. Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter to the contrary, once the ordinance that codifies this Chapter is fully phased-in, each member of the City Council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code Section 34882 and Elections Code Section 10227. Termination of residency in a district by a member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.
- D. Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the members of the City Council in office at the time the ordinance that codifies this Chapter 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 qualified. At the end of the term of each member of the City Council that member of the City Council's successor shall be elected on a by-district basis in the districts established in this Section and as provided in this Chapter.

Figure 1. (City Council Adopted District Map – Map No. 117)



2.01.030 Election Schedule.

- A. *Except as otherwise required by California Government Code Section 36512 and except as otherwise provided under this Section, elections for City Council districts 2, 3, 5 and 6 shall begin with the November 2022 General Municipal Election and shall be conducted every four years thereafter, as such City Council districts shall be amended. The foregoing sentence notwithstanding, the City Council member first elected to the district 5 seat at the General Municipal Election of November 2022 shall only serve for an initial term of two (2) years such that the district 5 seat will be up for election again in November 2024 and every four years thereafter. Except as otherwise required by California Government Code Section 36512 and except as otherwise provided under this Section, elections for City Council districts 1 and 4 shall begin with the November 2024 General Municipal Election and shall be conducted every four years thereafter, as such City Council districts shall be amended.*
- B. *Each City Council member's term, inclusive of the elected Mayor, shall begin, and the City Council member serving the new term shall be sworn in, at the first regularly-scheduled City Council meeting following the delivery by the County of Los Angeles of the certified statements of the results of the then-completed municipal election, election, pursuant to California Elections Code Section 15372(a), as may be subsequently amended. Such regular meeting date shall be the appointed date for the termination of expiring terms, and the beginning of any newly-elected term.*

SECTION 3. District Map 117 as similarly depicted under **Figure 1** of Section 2.01.020 of the City of El Monte Municipal Code is also attached hereto as **Exhibit "A"** and incorporated herein by reference.

SECTION 4. The title of Chapter 2.04 of Title 2 (Administration and Personnel) of the El Monte Municipal Code is hereby amended to state: "**City Council Meetings**" such that the Chapter may hereinafter be identified to as Chapter 2.04 (City Council Meetings).

SECTION 5. 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 Attorney, the City's demographer and the City Manager concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 6. The City Council finds that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061 (b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

SECTION 7. To the extent 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 8. In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

SECTION 9. 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, then such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares the Council 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 10. The Mayor shall sign, and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within fifteen (15) days after its adoption. This Ordinance shall become effective thirty (30) days after adoption. This Ordinance was introduced for first reading at a Special Meeting of the City Council held on the 29th day of March, 2022.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 5th day of April, 2022.



Jessica Ancona, Mayor
City of El Monte

ATTEST:



Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

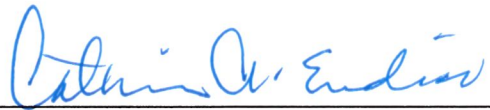
I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Ordinance No. 3010 was introduced for a first reading on the 29th day of March, 2022 and was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 5th day of April, 2022 and that said Ordinance was adopted by the following vote, to-wit:

AYES: Mayor Pro Tem Puente, Councilmembers Herrera and Dr. Morales

NOES: Mayor Ancona and Councilmember Martinez Muela

ABSTAIN: None

ABSENT: None

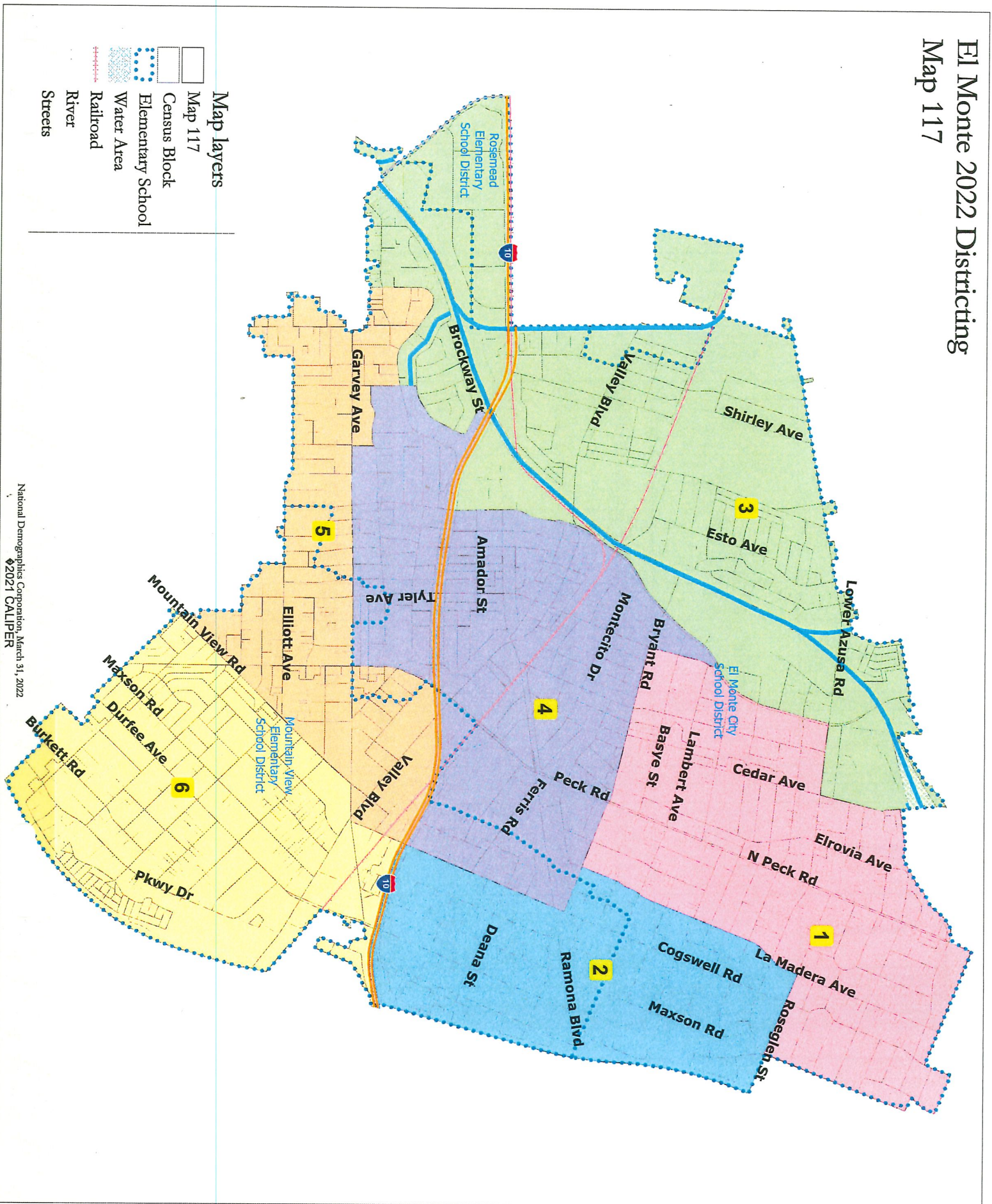


Catherine A. Eredia, City Clerk
City of El Monte

EXHIBIT "A"

[APPROVED DISTRICT MAP 117]

El Monte 2022 Districting
Map 117



- Map layers**
- Map 117
 - Census Block
 - Elementary School
 - Water Area
 - Railroad
 - River
 - Streets

National Demographics Corporation, March 31, 2022
2021 CALIPER

Map_117								
District		1	2	3	4	5	6	Total
	Total Pop	19,059	17,794	18,385	17,947	17,993	18,727	109,905
	Deviation from ideal	741	-524	67	-371	-325	409	1,265
	% Deviation	4.05%	-2.86%	0.37%	-2.03%	-1.77%	2.23%	6.91%
Total Pop	% Hisp	54.2%	61%	59%	63%	73%	79%	65%
	% NH White	6%	3%	4%	3%	2%	2%	3%
	% NH Black	1%	1%	1%	1%	1%	0%	1%
	% Asian-American	38%	35%	35%	32%	24%	18%	30%
Citizen Voting Age Pop	Total	12,149	9,715	10,804	10,468	8,180	8,902	60,218
	% Hisp	51%	54%	44%	56%	64%	73%	56%
	% NH White	10%	3%	7%	7%	3%	4%	6%
	% NH Black	1%	0%	0%	1%	1%	1%	1%
	% Asian/Pac.Isl.	38%	41%	49%	36%	31%	22%	37%
Voter Registration (Nov 2020)	Total	9,011	7,464	7,186	7,577	5,763	6,900	43,901
	% Latino est.	53%	57%	51%	62%	67%	78%	61%
	% Spanish-Surnamed	48%	51%	47%	57%	61%	71%	55%
	% Asian-Surnamed	30%	30%	34%	28%	25%	14%	27%
	% Filipino-Surnamed	2%	2%	2%	1%	1%	1%	1%
	% NH White est.	19%	12%	15%	10%	7%	10%	13%
	% NH Black	1%	1%	0%	2%	1%	1%	1%
Voter Turnout (Nov 2020)	Total	6,338	4,993	4,914	5,164	3,689	4,460	29,558
	% Latino est.	53%	55%	52%	64%	66%	78%	61%
	% Spanish-Surnamed	48%	50%	48%	58%	61%	71%	55%
	% Asian-Surnamed	29%	31%	32%	26%	26%	15%	27%
	% Filipino-Surnamed	2%	2%	2%	1%	1%	1%	1%
	% NH White est.	19%	12%	15%	10%	6%	9%	13%
	% NH Black	1%	1%	0%	1%	1%	1%	1%
Voter Turnout (Nov 2018)	Total	3,705	2,745	2,679	3,044	1,840	2,633	16,646
	% Latino est.	57%	61%	57%	69%	74%	83%	66%
	% Spanish-Surnamed	52%	58%	53%	64%	69%	77%	61%
	% Asian-Surnamed	22%	24%	25%	20%	19%	10%	20%
	% Filipino-Surnamed	1%	2%	2%	1%	1%	2%	2%
	% NH White est.	23%	13%	18%	10%	6%	9%	14%
	% NH Black est.	1%	1%	0%	1%	1%	0%	1%
ACS Pop. Est.	Total	20,045	18,170	18,904	19,668	19,376	19,617	115,779
Age	age0-19	22%	24%	24%	27%	28%	29%	26%
	age20-60	56%	58%	54%	54%	58%	56%	56%
	age60plus	22%	17%	22%	18%	14%	15%	18%
Immigration	immigrants	49%	53%	53%	46%	53%	48%	50%
	naturalized	58%	50%	55%	51%	41%	39%	49%
Language spoken at home	english	24%	16%	16%	15%	11%	13%	16%
	spanish	45%	52%	45%	59%	67%	71%	56%
	asian-lang	30%	32%	38%	24%	21%	16%	27%
	other lang	0%	0%	1%	2%	1%	0%	1%
Language Fluency	Speaks Eng. "Less than Very Well"	41%	44%	45%	41%	48%	42%	43%
Education (among those age 25+)	hs-grad	43%	43%	40%	40%	38%	41%	41%
	bachelor	12%	13%	11%	10%	7%	7%	10%
	graduatedegree	3%	3%	3%	3%	2%	1%	2%
Child in Household	child-under18	35%	41%	35%	41%	47%	46%	41%
Pct of Pop. Age 16+	employed	60%	63%	57%	58%	61%	66%	61%
Household Income	income 0-25k	18%	18%	32%	26%	28%	22%	24%
	income 25-50k	27%	28%	25%	26%	27%	30%	27%
	income 50-75k	20%	20%	17%	22%	21%	19%	20%
	income 75-200k	32%	31%	24%	24%	24%	27%	27%
	income 200k-plus	3%	3%	2%	2%	1%	2%	2%
Housing Stats	single family	80%	71%	64%	67%	67%	82%	72%
	multi-family	20%	29%	36%	33%	33%	18%	28%
	rented	50%	59%	61%	62%	70%	56%	60%
	owned	50%	41%	39%	38%	30%	44%	40%

Total population data from the 2020 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 2015-2019 American Community Survey and Special Tabulation 5-year data.