

ORDINANCE NO. 988 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA AMENDING SECTION 2-1.21 OF CHAPTER 1 OF TITLE II OF THE MADERA MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES

WHEREAS, the United States Census Bureau is required by Article I, Section 2, of the United States Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, California Elections Code § 21601 requires that following each decennial federal census, and using that census as a basis, the Council shall, by ordinance or resolution, adjust the boundaries of any or all of the Council election districts of the City so that the districts shall be substantially equal in population as required by the United States Constitution, California Constitution, and the Federal Voting Rights Act. In establishing the boundaries of the districts the Council must give consideration to the following factors in the following priority: (a) contiguity of districts, (b) respecting communities of interest, (c) drawing easily identifiable districts through use of natural or artificial boundaries, and (d) compactness of territory in districts; and

WHEREAS, the City of Madera electors adopted Ordinance No. 866 C.S. providing that the City be divided into six Council districts and that Council Members for those districts be elected by district, and said ordinance is codified in Title II, Chapter 1 of the Madera Municipal Code; and

WHEREAS, California Elections Code § 21602 requires that the Council adopt an ordinance amending Council districts no later than April 17, 2022; and

WHEREAS, on September 27, 2021, the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 66,627 residents for the City of Madera; and

WHEREAS, the City Council of the City of Madera ("City Council") held four public hearings on October 20, 2021, November 3, 2021, February 2, 2022, and March 2, 2022, where the Council received briefings from the City's demographic consultant relating to the redistricting process and state and federal redistricting criteria, including the California Elections Code, the Federal Voting Rights Act and the United States Constitution, heard public testimony, and directed staff and the City's demographic consultant to prepare draft Council district maps for consideration; and

WHEREAS, in addition, City staff conducted public outreach by way of print and digital advertisements and public workshops; and

WHEREAS, at the February 2, 2022 and March 2, 2022 public hearings, the Council

received a presentation of several draft maps prepared by the City's demographic consultant for compliance with applicable laws and standards and reviewed additional maps submitted by the public; and

WHEREAS, at the March 2, 2022 public hearing, the City Council agreed on Map 5, designating it as the preferred map and directed that it be presented to the Council for adoption by Ordinance; and

WHEREAS, at each of the public hearings on redistricting, the Council heard testimony relating to "communities of interest," which led the Council to reach the following determinations about communities of interest on the preferred map, as required under federal and state law:

- (1) The election districts are geographically contiguous. The districts are arrayed in a simple and logical form without any islands and with minimal intrusions from the area of one district into another;
- (2) To the extent practicable, the preferred map respects the geographic integrity of local neighborhoods and local communities of interest. The Council heard testimony about what constitutes communities of interest in the public's view.
- (3) The election districts are easily identifiable and understandable by residents. The districts in the preferred map form a relatively simple pattern.
- (4) To the extent practicable, the election districts are geographically compact. Their configurations for the most part are compact, simple shapes, with nearby populations included in the same districts.
- (5) The election districts are balanced in terms of total population and voting age population. The districts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws.
- (6) The election districts conform to concentration of minority voters. The preferred map creates six majority/minority voting districts.

WHEREAS, all information in the staff reports, maps, presentations, Council debate and public testimony referenced above is hereby incorporated into this decision and serves as evidentiary basis for these findings and legislative decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MADERA DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted following four noticed City Council public hearings as required by California Elections Code section 21607.1 and in compliance with the federal law,

the California Fair Maps Act, and the Madera Municipal Code.

SECTION 2. Amendment. Section 2-1.21 (Establishment of Council districts) of Chapter 1 (City Council) of Title II (Administration) of the Madera Municipal Code is hereby amended to read as follows:

§ 2-1.21 ESTABLISHMENT OF COUNCIL DISTRICTS.

(A) The voter-approved districting plan adopted by Ordinance 890 C.S. and establishing six Council districts shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the city. The adjusted boundaries and the number of each of the six electoral districts for City Council are set forth in subsection (C), including a map of the districts. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

(B) Effective for all by-district Council offices newly elected at the November 8, 2022, General Municipal Election and at each General Municipal Election thereafter, each Council district shall be assigned a district number, with districts numbered one through six as indicated in subsection (C). The Council members of the three even-numbered districts shall be elected by-district in November of 2024 and every four years thereafter for a term of four years. The Council members of the remaining three odd-numbered districts shall be elected by-district in November 2022 and every four years thereafter for a term of four years. Except as set forth in subsection (D) below, all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

(C) District Boundaries. The Council member districts of the City shall have the following legal boundaries:

1. District 1.

The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of the Madera city line and Ave 14, and proceeding northerly and westerly along the Madera city line to the Madera city line and Rd 23, and proceeding northerly and easterly along the Madera city line the Madera City line and Ave 17, and proceeding easterly and northerly along the Madera city line to the Madera city line and Schmidt Creek Wy, and proceeding easterly and southerly along the Madera city line to the Madera city line, and proceeding easterly along the Madera city line to the Madera city line and Arnold Wy and proceeding southerly along the Madera city line to the Madera city line and Sharon Blvd, and proceeding southerly along the Madera city line and Sharon Blvd to Ellis Street, and proceeding westerly along Ellis Street to Avenue 16, and proceeding southerly along N

Schnoor St to Foxglove Way, and proceeding westerly along Foxglove Way to N Granada Dr, and proceeding southerly along N Granada Dr to W Cleveland Ave, and proceeding easterly along W Cleveland Ave to N Schnoor St, and proceeding southerly along N Schnoor St to Sunset Ave, and proceeding easterly along Sunset Ave to N Pine St, and proceeding southerly along N Pine St to Howard Rd, and proceeding westerly along Howard Rd to Mainberry Dr, and proceeding northerly along Mainberry Dr to Sunset Ave, and proceeding westerly along Sunset Ave to Westberry Blvd, and proceeding southerly along Westberry Blvd to Westgate Dr, and proceeding westerly along Westgate Dr to Kent Dr, and proceeding southerly along Kent Dr to Winter Wy, and proceeding westerly along Winter Wy to Kent Dr, and proceeding southerly along Kent Dr to Ren Way, and proceeding easterly along Ren Way to Westberry Blvd, and proceeding southerly along Westberry Blvd to Ave 14, and proceeding westerly along Ave 14 to the Madera city line and northerly and westerly along the Madera city line to the point of beginning.

2. District 2.

The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: 1. Beginning at the point of intersection of Kent Dr and Ren Way, and proceeding northerly along Kent Dr to Winter Wy,, and proceeding easterly along Winter Wy, to Kent Dr, and proceeding northerly along Kent Dr to Westgate Dr, and proceeding easterly along Westgate Dr to Westberry Blvd, and proceeding northerly along Westberry Blvd to Sunset Ave, and proceeding easterly along Sunset Ave to Mainberry Dr, and proceeding southerly along Mainberry Dr to Howard Rd, and proceeding easterly along Howard Rd to W Olive Ave, and proceeding easterly along W Olive Ave to Olive Ave, and proceeding easterly along Olive Ave to W Olive Ave, and proceeding easterly along W Olive Ave to unnamed Ramp, and proceeding easterly along unnamed Ramp to W Olive Ave, and proceeding easterly along W Olive Ave to S Madera Ave, and proceeding southerly along S Madera Ave to the Parkwood/Madera census designated place/city line, and proceeding southerly along the Parkwood/Madera census designated place/city line to the Madera city line, and proceeding westerly along the Madera city line to Ave 14, and proceeding easterly along Ave 14 to Howard Rd, and proceeding northerly along Howard Rd to Westberry Blvd, and proceeding northerly along Westberry Blvd to Ren Way, and proceeding westerly along Ren Way to the point of beginning. 2. As well as all of the region bounded by the Madera city line. 3. Except for all of the region bounded by the Madera city line.

3. District 3.

The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of Foxglove Way and N Granada Dr, and proceeding easterly along Foxglove Way to N Schnoor St, and proceeding northerly along N Schnoor St to Ave 16, and proceeding westerly along Ave 16 to State Rte 99, and proceeding southerly along State Rte 99 to nonvisible boundary, and proceeding northerly along nonvisible boundary to unnamed Ramp, and proceeding southerly along unnamed Ramp to nonvisible boundary, and proceeding northerly along nonvisible boundary to the Madera city line, and proceeding easterly along the Madera

city line to Austin St, and proceeding southerly along Austin St to E Cleveland Ave, and proceeding easterly along E Cleveland Ave to N Lake St, and proceeding southerly along N Lake St to Fresno River, and proceeding westerly along Fresno River to N D St, and proceeding southerly along N D St to E 3rd St, and proceeding westerly along E 3rd St to W 3rd St, and proceeding westerly along W 3rd St to N H St, and proceeding northerly along N H St to Union Pacific RR, and proceeding westerly along Union Pacific RR to N I St, and proceeding northerly along N I St to Roberts Ave, and proceeding westerly along Roberts Ave to N Pine St, and proceeding southerly along N Pine St to N Park Dr, and proceeding easterly along N Park Dr to Foster Ave, and proceeding southerly along Foster Ave to Sunset Ave, and proceeding westerly along Sunset Ave to N Schnoor St, and proceeding northerly along N Schnoor St to W Cleveland Ave, and proceeding westerly along W Cleveland Ave to N Granada Dr, and proceeding northerly along N Granada Dr to the point of beginning.

4. District 4.

The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of Austin St and E Cleveland Ave, and proceeding northerly along Austin St to the Madera city line, and proceeding easterly/southerly along the Madera city line to Raymond Rd, and proceeding southerly along Raymond Rd to Tozer St, and proceeding easterly along Tozer St to Fresno River, and proceeding westerly along Fresno River to N Lake St, and proceeding northerly along N Lake St to E Cleveland Ave, and proceeding westerly along E Cleveland Ave to the point of beginning.

5. District 5.

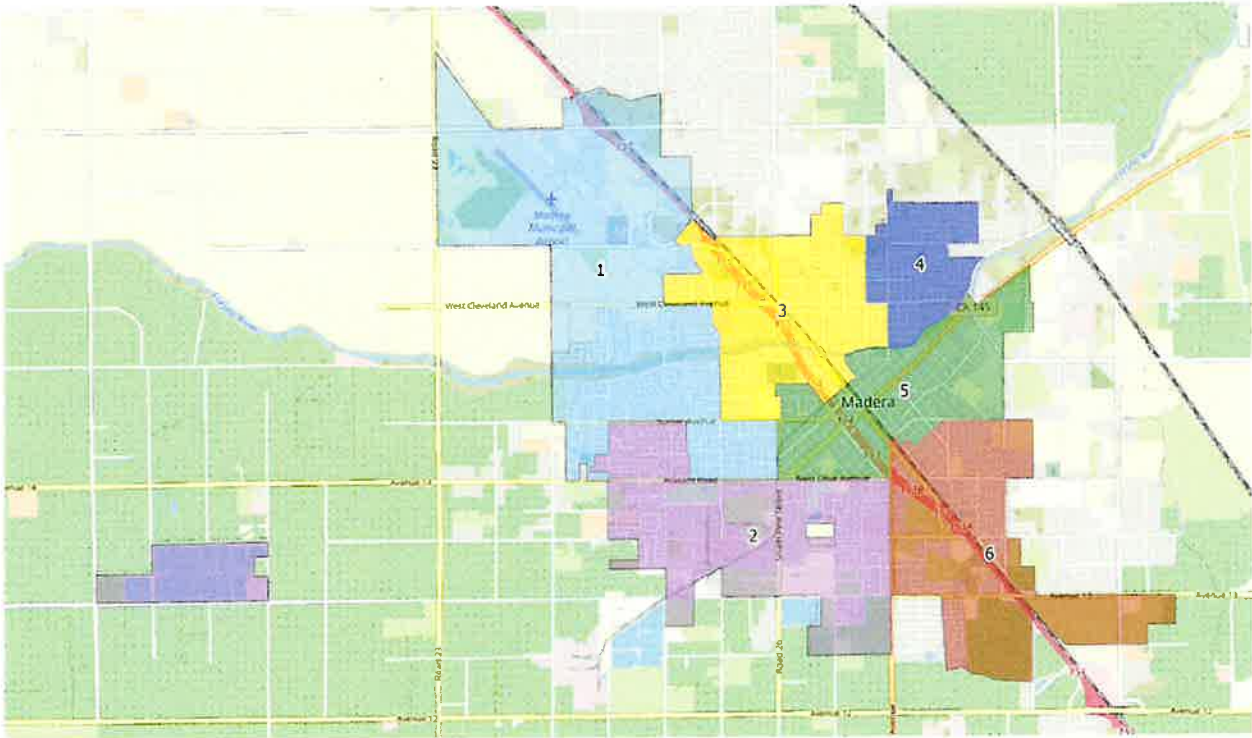
The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of Roberts Ave and N Pine St, and proceeding easterly along Roberts Ave to N I St, and proceeding southerly along N I St to Union Pacific RR, and proceeding easterly along Union Pacific RR to N H St, and proceeding southerly along N H St to W 3rd St, and proceeding easterly along W 3rd St to E 3rd St, and proceeding easterly along E 3rd St to N D St, and proceeding northerly along N D St to Fresno River, and proceeding easterly along Fresno River to Tozer St, and proceeding westerly along Tozer St to Raymond Rd, and proceeding northerly along Raymond Rd to the Madera city line, and proceeding easterly/southerly along the Madera city line to Sunrise Ave, and proceeding westerly along Sunrise Ave to E 11th St, and proceeding westerly along E 11th St to S D St, and proceeding northerly along S D St to E 10th St, and proceeding westerly along E 10th St to S E St, and proceeding northerly along S E St to E 9th St, and proceeding westerly along E 9th St to S Gateway Dr, and proceeding southerly along S Gateway Dr to S Madera Ave, and proceeding southerly along S Madera Ave to W Olive Ave, and proceeding westerly along W Olive Ave to unnamed Ramp, and proceeding westerly along unnamed Ramp to W Olive Ave, and proceeding westerly along W Olive Ave to Olive Ave, and proceeding westerly along Olive Ave to W Olive Ave, and proceeding westerly along W Olive Ave to N Pine St, and proceeding northerly along N Pine St to Sunset Ave, and proceeding easterly along Sunset

Ave to Foster Ave, and proceeding northerly along Foster Ave to N Park Dr, and proceeding westerly along N Park Dr to N Pine St, and proceeding northerly along N Pine St to the point of beginning.

6. District 6.

The region bounded and described as follows: All of that portion of Madera County bounded and described as follows: Beginning at the point of intersection of E 9th St and S Gateway Dr, and proceeding easterly along E 9th St to S E St, and proceeding southerly along S E St to E 10th St, and proceeding northerly along E 10th St to S D St, and proceeding southerly along S D St to E 11th St, and proceeding easterly along E 11th St to Sunrise Ave, and proceeding easterly along Sunrise Ave to Ave 14 1/2, and proceeding easterly along Ave 14 1/2 to the Madera city line, and proceeding easterly along the Madera city line to the Parksdale/Madera census designated place/city line, and proceeding westerly along the Parksdale/Madera census designated place/city line to the Madera city line, and proceeding southerly along the Madera city line to the Parkwood/Madera census designated place/city line, and proceeding westerly along the Parkwood/Madera census designated place/city line to S Madera Ave, and proceeding northerly along S Madera Ave to S Gateway Dr, and proceeding northerly along S Gateway Dr to the point of beginning.]

The foregoing district boundaries are depicted on the “City Council District Boundaries Map” in Ordinance ___ C.S. and on file in the City Clerk’s Office. These boundaries will remain in effect until amended by ordinance as set forth herein and required by law.



(D) Notwithstanding any other provision of this Section, and pursuant to California Elections Code § 21606 (a) and (b), each of the Council Members currently 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 regularly elected or appointed. Any vacancy in or recall election for a Council term currently in effect shall be filled based on the Council districts in effect at the time the current Council term was last regularly elected.

SECTION 3. Continuation of Council Elections by District. City Council elections shall continue to be conducted "by districts" in six districts as set forth herein, with a Mayor separately elected at-large. The term 'by district' shall mean election of members of the legislative body by voters of the district alone," as provided in Government Code § 34871(d).

SECTION 4. Conflicting Provisions. All ordinances and resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 5. Effectuation. The City Manager and City Clerk are directed to take all necessary steps to give effect to this Ordinance. If necessary to facilitate the implementation of this Ordinance, the City Clerk or his or her designee is authorized to make technical adjustments to the election 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 Manager and City Attorney 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. Transmittal to County. The City Clerk is hereby directed to provide a certified copy of this Ordinance to the Madera County Registrar of Voters and of the GIS Shapefile reflecting the adjusted boundaries for use in subsequent Madera City Council Elections.

SECTION 7. Compliance with California Environmental Quality Act. This activity is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines, (Cal. Code Regs., tit. 14, § 15000 et seq.) §§ 15061(b)(3), 15320, and 15378(b)(3). The redistricting process is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event the transition process does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) None of the exceptions to the exemptions found in State CEQA Guidelines, § 15300.2 apply.

SECTION 8. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part

thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 9. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 10. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Madera, pursuant to all legal requirements.

* * *

The foregoing Ordinance No. 988 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 16th day of March 2022 and adopted after a second reading at a regular meeting of the City Council held on 6th day of April 2022 by the following vote:

- AYES: Mayor Garcia, Councilmembers Gallegos, Rodriguez, Montes, Evans, Mejia and Villegas.
- NOES: None.
- ABSTENTIONS: None.
- ABSENT: None.

APPROVED:



SANTOS GARCIA, Mayor

ATTEST:



ALICIA GONZALES, City Clerk