ORDINANCE NO. 6360

AN ORDINANCE OF THE CITY OF ANAHEIM AMENDING TITLE 1 OF THE ANAHEIM MUNICIPAL CODE TO ADD CHAPTER 1.26 (ELECTION OF CITY COUNCIL MEMBERS AND ESTABLISHMENT OF COUNCIL MEMBER ELECTORAL DISTRICTS) TO ESTABLISH DISTRICTS FOR ELECTING MEMBERS OF THE ANAHEIM CITY COUNCIL "BY DISTRICTS" AND ELECTION DATES FOR COUNCIL DISTRICTS COMMENCING WITH THE NOVEMBER 8, 2016 GENERAL MUNICIPAL ELECTION [IMPLEMENTING DISTRICTING PLAN RECOMMENDED BY ADVISORY COMMITTEE ON ELECTORAL DISTRICTS]

WHEREAS, at the November 4, 2014 election the voters of the City of Anaheim approved Measure L, which amended the Anaheim City Charter to require, commencing with the November 2016 general municipal election, the election of City Council members (other than the Mayor) by single-member districts, rather than at-large. As a result, beginning with the November 2016 election, City Council members other than the Mayor must live in and be nominated and elected from a geographic district, only by voters of that district; and

WHEREAS, at the November 4, 2014 election the voters of the City of Anaheim approved Measure M, which amended the City Charter to require that, commencing with the November 2016 general municipal election, the size of the Council increase from four members to six members, plus a Mayor. Neither Measure L nor Measure M changed the method of electing the Mayor of Anaheim; the Mayor continues to be elected city-wide; and

WHEREAS, on April 7, 2015, the City Council adopted City Council Resolution No. 2015-147, which created the Advisory Committee on Electoral Districts, composed of five retired judges that served on the Orange County Superior Court ("Committee"); one of the judges selected for the Committee is an Anaheim resident and the remaining four judges were selected by random draw to serve on the Committee; and

WHEREAS, the City of Anaheim, the Anaheim City Council and the Committee actively sought participation from the City's voters, residents, community groups, businesses and other stakeholders in undertaking a process to create City Council district maps for use commencing with the November 2016 election. In furtherance of encouraging community participation, the City engaged in a robust outreach program that included: use of public service announcements transmitted by local television, cable, YouTube and print media outlets (in both English and Spanish); posting and publication of meeting agendas (English, Spanish, Vietnamese, Chinese and Korean); a dedicated City webpage with information regarding the districting process (with capability to be translated into multiple languages); community meetings and Committee meetings (with Spanish interpretation services provided at each meeting and other languages, upon request); multi-lingual flyers placed at all city libraries, community centers and city public counters as well as availability for distribution by community members, groups, and field staff; informational mailings in City utility bills and various City
WHEREAS, the Committee conducted a total of 10 meetings that were open to the public. These meetings provided the public the opportunity to address the Committee and to comment on those factors that the public thought were important for the Committee to consider in reviewing potential district boundaries. Committee meetings were held throughout the City at City Hall, the Brookhurst Community Center, the East Anaheim Community Center, the Ponderosa Resource Family Center, Western High School and Loara High School in order to encourage community-wide participation. As a result of these meetings and the City’s outreach efforts, approximately 712 participants attended these Committee meetings, with approximately 157 individuals giving testimony. Additionally, City staff presented information on the districting process to the four neighborhood councils in the month of July. A total of 5 draft sample map plans were prepared by the demographic consultant retained by the City and a total of 32 maps were submitted by members of the public for community input and the Committee’s consideration. During the process, the Committee directed the demographic consultant to make revisions to such maps, which were presented at later meetings. Members of the public that submitted maps were provided the opportunity to present their maps to the Committee; and

WHEREAS, following the described notice, inquiry and outreach process the Committee deliberated on a number of maps at meetings held on August 19, August 26 and September 8, 2015. At the August 19th Committee meeting, the Committee reviewed all maps submitted by the public and the draft maps of the consultant demographer. The Committee took the first step towards narrowing the number of maps and identified five maps for further focus and review. At the August 26th Committee meeting, the Committee further directed staff to return with three maps (originally submitted by members of the public and revised by both the public presenters and pursuant to Committee direction to staff) for further focused review and these maps were thereafter termed "Map 1", "Map 2" and "Map 3" in Committee materials. After considering these maps at the September 8th meeting as well as considering all public testimony on any submitted map, the Committee directed staff to prepare a Final Report recommending Map 3, termed therein and herein as "Recommended Plan (Map 3)" to the City Council for consideration and potential adoption; and

WHEREAS, at a duly called meeting on September 16, 2015 the Committee took the following action: The Committee unanimously adopted a Final Report recommending the City Council consider adopting the Recommended Plan (Map 3) as the districting map for the six City Council Districts. The Final Report provides analysis and other context for the Committee’s deliberations and recommendation and is part of the record for this matter; and

WHEREAS, the City of Anaheim is a charter city and, pursuant to Section 5(a) of Article XI of the California Constitution, the City has the power to make and enforce all ordinances and regulations with respect to municipal affairs, subject only to restrictions and limitations provided in the City Charter or the state Constitution; and

WHEREAS, Charter Section 400 gives the City the power to make and enforce all laws and regulations in respect to municipal affairs subject only to restrictions in the Charter and
the state Constitution. As stated in Section 5(b) of Article XI of the California Constitution, municipal affairs include, without limitation, the "plenary authority [over] . . . the manner in which . . . [and] the method by which . . . the several municipal officers . . . shall be elected or appointed"; and

WHEREAS, Charter Section 500 requires that, commencing with the November 2016 general municipal election, the election of Council members other than the Mayor shall be "by districts" and that there shall be six Council members, plus the Mayor. Further, Charter Section 500 specifies that those Council members in office at the time said section takes effect shall continue in office on an "at large" basis until the expiration of their respective terms and until their successors are elected and qualified. Charter Section 500 requires that a total of four Council district seats be placed on the November 2016 general municipal election ballot and establishes a framework to select one of those district seats elected in November 2016 to also stand for election in 2018, along with the remaining two City Council district seats; and

WHEREAS, Charter Section 500.1 establishes single member "Districts" (as defined in said Charter section) for the purpose of electing members of the City Council and obligates the City Council to adopt by ordinance or resolution the names and respective boundaries of such Districts along with a transition plan from at-large elections to District elections. Section 500.1 permits the City Council to specify permissible criteria for the creation of Districts; and

WHEREAS, Charter Sections 501 and 503 specify other criteria for the eligibility of Council members and the procedures under which vacancies on the City Council are filled; and

WHEREAS, Charter Section 505 vests all powers of the City in the City Council, except as otherwise provided in the Charter; and

WHEREAS, on October 6, 2015, the City Council received and filed the Final Report of the Committee along with its recommendations and heard a presentation from the Committee Chairman regarding the Final Report. The City Council also took public input from the community at that time during the public comment portion of the meeting agenda; and

WHEREAS, on October 20, 2015, November 17, 2015 and December 8, 2015 pursuant to previously published public notice, the City Council held public hearings during which public testimony was taken and City Council discussion occurred regarding district boundaries contained in the Recommended Plan (Map 3) and the sequencing of elections in such plan, such testimony and discussion being hereby expressly incorporated as part of the record for this Ordinance; and

WHEREAS, on January 12, 2016, following publication of notice in the Anaheim Bulletin (a newspaper of general circulation in the City of Anaheim) on December 31, 2015 and in the Orange County Register on December 30, 2015, and consistent with California Elections Code section 10010, the City Council held a public hearing to consider establishing the District boundaries and other matters related to said topic. Following this public hearing and based on, among other things, the Final Report prepared by the Committee, the record of proceedings
WHEREAS, on January 26, 2016, following publication of notice in the Anaheim Bulletin (a newspaper of general circulation in the City of Anaheim) on December 31, 2015 and in the Orange County Register on December 30, 2015, and consistent with California Elections Code section 10010, the City Council held a second public hearing to consider establishing the District boundaries and, after holding said hearing, introduced this Ordinance for adoption and approval at a subsequent meeting; and

WHEREAS, following the presentations and public hearings described in this Ordinance, the Council took into account the following criteria consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, in considering approval of Districts, which criteria address concerns and considerations important to the City:

- The boundaries of Council Districts shall be established so that Council Districts are equal in total population as defined by and required by both federal and California law;

- The boundaries of 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 Council Districts shall be established so that such 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 Council Districts will observe communities of interest including established neighborhoods, land uses, elementary school attendance areas, the Arabic business community in western Anaheim and anticipated future development in the Canyon Business Center, insofar as practicable;

- The boundaries of Council Districts will be compact, including considering obvious demarcation of east-west boundaries for Districts, for instance, using Euclid Street as a boundary between the two Districts in the west and other Districts and the use of Magnolia Avenue, East Street
and State College Boulevard as significant dividing lines for other central City Districts, insofar as practicable;

- The boundaries of Council Districts will be created to contain cohesive, contiguous territory, insofar as practicable;

- The boundaries of Council Districts should observe topography, geography and man-made geographical boundaries such as freeways, streets (as noted above), canals, railroad tracks, et cetera as natural divisions between Districts, insofar as practicable; and

- Such other factors as were discussed during the districting process and which the Council considers to be of importance, specifically, but without limitation, cohesion of the historic Anaheim Colony in one District and the dispersal of the Resort District and Platinum Triangle Specific Plan areas into multiple districts; and

WHEREAS, Section 2 of the federal Voting Rights Act 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

WHEREAS, the Fourteenth Amendment to the United States Constitution prohibits districting plans in which the predominant criterion is race, and in which traditional districting criteria are subordinated to considerations of race; and

WHEREAS, the Council believes that the Districts contained in the Recommended Plan (Map 3), incorporated herein, reflects the criteria discussed above and serve the interests of the City in light of the entire record of this matter; and

WHEREAS, on February 9, 2016, following publication of notice in the Anaheim Bulletin (a newspaper of general circulation in the City of Anaheim) on December 31, 2015 and in the Orange County Register on December 30, 2015, and consistent with California Elections Code section 10010, the Council held a final public hearing and considered all public comments relating to this Ordinance and the District boundaries hereby adopted in this Ordinance; and

WHEREAS, the City Council now desires to enact this Ordinance for the purpose of establishing Districts for the election of members of the Anaheim City Council (other than the Mayor), commencing with the November 8, 2016 general municipal election, and for such other purposes as addressed in this Ordinance. The City Council expressly finds and determines this Ordinance is not inconsistent with any express limitation or restriction in the City Charter.

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THE CITY COUNCIL OF THE CITY OF ANAHEIM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. TEXT OF CODIFIED ORDINANCE

That Title 1 of the Anaheim Municipal Code be amended to add Chapter 1.26, to read as follows:

"1.26 ELECTION OF CITY COUNCIL MEMBERS AND ESTABLISHMENT OF COUNCIL MEMBER ELECTORAL DISTRICTS

.010 Method of Election.

.010 City-wide Election of Mayor. The Mayor shall be elected in the manner and shall serve a term of office as provided in the City Charter.

.020 "By District" Election of City Council Members (Other than the 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 1.26.020.010 (as may be subsequently reapportioned as provided by the Charter and applicable law) and shall be nominated and elected only by the voters of his or her respective Council District. Only one member of the City Council shall be elected from each Council District by voters of that district.

.030 Eligibility for Office. Eligibility requirements for persons seeking and holding office as the Mayor or as a member of the City Council are provided in the City Charter.

.040 Transition Period; Change of District Boundaries. Notwithstanding anything in this Chapter 1.26, and as provided in Section 500 of the City Charter, the members of the City Council in office at the time this Chapter 1.26 takes effect (or any person selected by appointment or election to fill a vacancy created by a Council member elected prior to the effective date of this Chapter 1.26) shall continue in office until the expiration of their respective terms to which they were elected and until their respective successors are elected and qualified. No creation of a Council District or change in the boundary or location of any Council District shall abolish or terminate the term of office of any City Council member prior to the expiration of the term of office for which the member was elected, notwithstanding any other provision of this Chapter 1.26.

.020 Establishment of City Council Electoral Districts (Other than for the Office of Mayor) and Election Dates for Districts.
.010 Beginning with the November 2016 general municipal election, the members of the City Council (other than the Mayor) shall be nominated and elected on a "by district" basis as described in Section 1.26.010.020 from the Council Districts named and described as follows, which districts are hereby adopted:

**Council District 1:** All the land within the boundary beginning at the northwest corner of the intersection of Brookhurst Avenue and California Route 91 on the northern boundary of the City of Anaheim, proceeding southerly on Brookhurst Avenue to Crescent Avenue; then proceeding westerly on Crescent Avenue to Magnolia Avenue; then proceeding southerly on Magnolia Avenue to the southern boundary of the City of Anaheim; then proceeding westerly, northerly, and easterly on the boundary of the City of Anaheim to the point of origin.

**Council District 2:** All the land within the boundary beginning at the northwest corner of the intersection of Brookhurst Avenue and California Route 91 on the northern boundary of the City of Anaheim, proceeding southerly on Brookhurst Avenue to Crescent Avenue; then proceeding westerly on Crescent Avenue to Magnolia Avenue; then proceeding southerly on Magnolia Avenue to the southern boundary of the City of Anaheim; then proceeding easterly on the southern boundary of the City of Anaheim to the intersection of Katella Avenue and Euclid Street; then proceeding northerly on Euclid Street to the intersection of Euclid Street and California Route 91, which is the city boundary; then proceeding westerly on the boundary of the City of Anaheim to the point of origin.

**Council District 3:** All the land within the boundary beginning at the northwest corner of Raymond Avenue and the northern boundary of the City of Anaheim, proceeding southerly on Raymond Avenue, which becomes East Street, to South Street; then proceeding westerly on South Street to Interstate 5; then proceeding southerly on Interstate 5 to Ball Road; then proceeding westerly on Ball Road to Walnut Street; then proceeding northerly on Walnut Street to Crone Avenue; then proceeding westerly on Crone Avenue to Euclid Street; then proceeding northerly on Euclid Street to the intersection of Euclid Street and California Route 91, which is the city boundary; then proceeding easterly, northerly and then easterly on the boundary of the City of Anaheim to the point of origin.

**Council District 4:** All the land within the boundary beginning at the northwest corner of the intersection of Orangewood Avenue and Anaheim Way on the southern boundary of the City of Anaheim, proceeding northerly on Anaheim Way to Lewis Street; then proceeding northerly on Lewis Street to Ball Road; then proceeding easterly on Ball Road to State College Boulevard; then proceeding northerly on State College Boulevard to Santa Ana Street; then proceeding westerly on Santa
Ana Street to East Street; then proceeding southerly on East Street to South Street; then proceeding westerly on South Street to Interstate 5; then proceeding southerly on Interstate 5 to Ball Road; then proceeding westerly on Ball Road to Walnut Street; then proceeding northerly on Walnut Street to Crone Avenue; then proceeding westerly on Crone Avenue to Euclid Street; then proceeding southerly on Euclid Street to the intersection of Euclid Street and Katella Avenue, which is the city boundary; then proceeding easterly on the boundary of the City of Anaheim to the point of origin.

**Council District 5:** All the land within the boundary beginning at the intersection of Orangethorpe Avenue and the northern boundary of the City of Anaheim, proceeding southwesterly on Orangethorpe Avenue to Miller Street; then proceeding southeasterly on Miller Street to La Palma Avenue; then proceeding southwesterly on La Palma Avenue to Kraemer Boulevard; then proceeding southeasterly on Kraemer Boulevard, which becomes Glassell Street, to the southern boundary of the City of Anaheim; then proceeding westerly on the southern boundary of the City of Anaheim to the intersection of Orangewood Avenue and Anaheim Way; then proceeding northerly on Anaheim Way to Lewis Street; then proceeding northerly on Lewis Street to Ball Road; then proceeding easterly on Ball Road to State College Boulevard; then proceeding northerly on State College Boulevard to Santa Ana Street; then proceeding westerly on Santa Ana Street to East Street; then proceeding northerly on East Street, which becomes Burton Avenue, to the boundary of the City of Anaheim; then proceeding easterly on the boundary of the City of Anaheim to the point of origin.

**Council District 6:** All the land within the boundary beginning at the intersection of Orangethorpe Avenue and the northern boundary of the City of Anaheim, proceeding southwesterly on Orangethorpe Avenue to Miller Street; then proceeding southeasterly on Miller Street to La Palma Avenue; then proceeding southwesterly on La Palma Avenue to Kraemer Boulevard; then proceeding southeasterly on Kraemer Boulevard, which becomes Glassell Street, to the southern boundary of the City of Anaheim; then proceeding easterly, northerly, and westerly on the boundary of the City of Anaheim to the point of origin.

A map depicting these Council Districts is hereby adopted in the form and content attached to Ordinance No.6360 as Exhibit I and incorporated by this reference as if reprinted in full here. A true and correct copy of said map shall be kept in the Office of the City Clerk. To the extent there is a conflict between the descriptions contained in Council Districts 1 through 6 above and the map incorporated herein, the descriptions above shall prevail. If necessary to facilitate the implementation of this Chapter 1.26, the City Clerk is authorized and directed to make technical adjustments to the Council District boundaries that do not substantively affect
populations in the Council Districts, the shapes of the districts, the eligibility of candidates, or the residence of elected officials within any Council District. The Clerk shall advise the City Council of any such adjustments that are found to be required in the implementation of Council Districts. If any such action is taken, the City Clerk shall consult with the City Attorney, and report such technical adjustments to the City Council.

.020 Council members shall be elected in Council Districts 1, 3, 4 and 5 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 3 shall serve a term of office of two years and such Council District 3 shall be subject to the electoral cycle schedule described in Section 1.26.020.030 following the outcome of the random selection conducted as provided in the remainder of this subsection. At the City Council meeting where the persons elected to the Council Districts referenced in the prior sentence are sworn in, and promptly following such swearing in, the newly sworn City Council shall select, by casting of lots, one of the four Council members elected at the November 2016 general municipal election to hold office for a term of two years and until his or her successor qualifies. Upon the selection of the Council member to serve the two-year term of office, the Council District from which this person was elected shall automatically by operation of law be next up for election as provided in Section 1.26.020.030. The City Clerk is directed to and shall promptly take the ministerial action of inserting that Council District number in the first sentence of this subsection .020 (in the clause following the "colon") and in the last sentence of Section 1.26.020.030.

.030 Council members shall be elected in Council Districts 2 and 6 at the general municipal election in November 2018 and every four years thereafter. Council members elected in Council District 3 (whose member was elected at the November 2016 election and was thereafter randomly selected to serve a two-year term of office pursuant to Section 1.26.020.020) shall be elected at the general municipal election in November 2018 and every four years thereafter.

.040 The Council Districts specified in Section 1.26.020.010 shall continue in effect until they are repealed or amended as provided by law, including as provided in Charter Sections 500 and 501.1.

.050 Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefor, be added to an adjacent District or Districts in the manner provided by City Charter Section 500.1."
SECTION 2. COMPLIANCE WITH CEQA

The City Council finds that this Ordinance relates exclusively to the organizational or administrative activities of the City and will not result in direct or indirect changes in the environment. Therefore the City Council finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3. Further, and additionally, the City Council finds this Ordinance to be categorically exempt pursuant to Section 15320 of the CEQA Guidelines (Class 20, changes in organization of local government agencies) because the changes do not change the geographical area in which the previously existing powers of the City are exercised.

SECTION 3. CERTIFICATION; EFFECTIVE DATE OF ORDINANCE

The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be printed once within fifteen (15) days after its adoption in the Anaheim Bulletin, a newspaper of general circulation, published and circulated in the City of Anaheim, and thirty (30) days from and after its final passage, it shall take effect and be in full force.

SECTION 4. SEVERABILITY

The City Council of the City of Anaheim hereby declares that should any section, paragraph, sentence or word of this Ordinance of the Code, hereby adopted, be declared for any reason to be invalid, it is the intent of the Council that it would have passed all other portions of this Ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

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THE FOREGOING ORDINANCE was introduced at a regular meeting of the City Council of the City of Anaheim held on the 26th day of January, 2016, and thereafter passed and adopted at a regular meeting of said City Council held on the 9th day of February, 2016, by the following roll call vote:

AYES: Mayor Tait and Council Members Kring, Murray, Brandman, and Vanderbilt

NOES: None

ABSENT: None

ABSTAIN: None

CITY OF ANAHEIM

By: ____________________________
    MAYOR OF THE CITY OF ANAHEIM

ATTEST:

By: ____________________________
    CITY CLERK OF THE CITY OF ANAHEIM
Exhibit 1
Map Depiction of Council Districts

[Contained on following pages]
Committee Recommended Plan
City of Anaheim

Layers
- Landmark Area
- Special Areas
- River
- Recommended Plan
- Community Facilities
- High Schools
- Libraries

Map prepared 9/10/2015
by Justin Lewis
Committee Recommended Plan
Central and West Anaheim
CLERK'S CERTIFICATE

STATE OF CALIFORNIA                        )
COUNTY OF ORANGE                          ) ss.
CITY OF ANAHEIM                          )

I, LINDA ANDAL, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Ordinance No. 6360 introduced at a regular meeting of the City Council of the City of Anaheim, held on the 26th day of January, 2016, and that the same was duly passed and adopted at a regular meeting of said City Council held on the 9th day of February, 2016, by the following vote of the members thereof:

AYES: Mayor Tait and Council Members Kring, Murray, Brandman and Vanderbilt

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand this 9th day of February, 2016.

[Signature]
CITY CLERK OF THE CITY OF ANAHEIM

(SEAL)
CLERK'S CERTIFICATE

STATE OF CALIFORNIA )
COUNTY OF ORANGE ) ss.
CITY OF ANAHEIM )

I, LINDA ANDAL, City Clerk of the City of Anaheim, do hereby certify that the foregoing is the original Ordinance No. 6360 and was published in the Anaheim Bulletin on the 18th day of February, 2016.

CITY CLERK OF THE CITY OF ANAHEIM