

**CITY OF SAN MATEO
ORDINANCE NO. 2021-22**

Providing for the Election of Members of the City Council by Five Districts, Establishing the Boundaries and Identification Number of Each District, Establishing the Election Order of Each District, and Adding Chapter 2.05 “City Council District Elections” to Title 2 of the San Mateo Municipal Code

WHEREAS, the City of San Mateo uses an at-large method of election which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

WHEREAS, California Government Code Section 34886 permits the City Council to change the 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, in accordance with California Government Code Section 34871; and

WHEREAS, a by-district system can also be consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; 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 must hold 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 maps; and

WHEREAS, on June 21, 2021, the City Council adopted Resolution No. 69 (2021) that initiated the process of establishing a by-district election system and adopted a public hearing schedule; and

WHEREAS, on July 19, 2021, the City Council adopted Resolution No. 76 (2021) that approved a revised public hearing schedule in order to use updated 2020 Census data; and

WHEREAS, on August 23, 2021 and September 13, 2021, 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 of the City of San Mateo considered and discussed the same; and

WHEREAS, on September 30, 2021 and October 14, 2021, 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 and published at least seven (7) days before each meeting, and the proposed sequence of elections, and the City Council of the City of San Mateo considered and discussed the same; and

WHEREAS, at its meeting on October 14, 2021, the City Council directed staff to prepare an ordinance adopting a voting district map for the City Council’s consideration; and

WHEREAS, on November 1, 2021, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth, in this ordinance as Exhibit A, which was introduced for a first reading at the same regular meeting; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, including, but not limited to, community forums; 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 San Mateo by district in five single-member districts as reflected in the voting district map referred to as Map 3b and attached as Exhibit A to this ordinance, 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) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF SAN MATEO ORDAINS AS FOLLOWS:

Section 1. Chapter 2.05 of the San Mateo Municipal Code is added to Title 2 as follows:

Chapter 2.05
City Council District Elections

2.05.010 Declaration of Purpose.

The City Council hereby declares that the purpose of this ordinance is to change the method of electing members of this Council to a by-district method as defined in the California Voting Rights Act of 2001.

2.05.020 City Council Districts Established.

Five City Council districts are hereby established in the City of San Mateo. The boundaries and identifying number of each district shall be as described on the Council District Map as shown below.

[District Map attached hereto as Exhibit A and incorporated herein to be published in the Municipal Code]

2.05.030. 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 in the order established in Section 2.05.040 of this Code, members of the City Council shall be elected “by district” as defined in California Government Code Section 34871 or any successor statute. Any candidate for City Council must have been a resident and elector of the district in which he or she seeks election for at least thirty days before the time he or she files nominating papers or equivalent declaration of candidacy for such office, or such person’s appointment to fill a vacancy therein. 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. A vacancy in an office filled by at-large election shall be filled by appointment or election from the City at-large in accordance with the Charter.

(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) The terms of the office of each member elected to the City Council shall remain four (4) years.

2.05.040 Commencement of District Elections.

(a) Commencing on the general municipal election in 2022 and every four years thereafter, the voters in districts 1, 3, and 5 shall elect members of the City Council by district for full four (4) year terms. At the general municipal election in 2024 and every four years thereafter, the voters in districts 2, and 4 shall elect members of the City Council by district for full four (4) year terms.

(b) 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.

Section 2. Technical Adjustments and Metes-and-Bounds.

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 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. The City Clerk shall also direct the City's demographer to provide a metes-and-bounds description of each district as shown on the map attached as Exhibit A and incorporated herein by reference, which shall be submitted to the City Council at its next regular meeting and kept on file in the City Clerk's office for public review.

Section 3. Environmental Determination. Adoption of this ordinance is exempt from environmental review as the adoption of this ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act ("CEQA"), under Public Resource Code Section 21065 and CEQA Guidelines Sections 15061(b)(3), 15320, and 15378, as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 4. Severability. In the event any section, clause or provision of this ordinance shall be determined invalid or unconstitutional, such section, clause or provision shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 5. Publication. This ordinance shall be published in summary in a newspaper of general circulation, posted in the City Clerk's Office, and posted on the City's website, all in accord with Section 2.15 of the City Charter.

Section 6. Legislative History and Effective Date. This ordinance was introduced on November 1, 2021, and adopted on November 15, 2021, and shall be effective 30 days after its adoption.

Transition to District-Based Elections for Council Members

The foregoing ordinance was adopted by the City Council of the City of San Mateo, State of California by the following vote:

AYES: Council Members Rodriguez, Bonilla, Goethals, Lee and Papan

NOES: None

ABSENT: None

ATTEST:

Patrice M. Olds



Patrice M. Olds, City Clerk

Eric Rodriguez

Eric Rodriguez, Mayor

City of San Mateo

Final Plan with District Numbers

REDISTRICTING PARTNERS

