

ORDINANCE 25-___

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLOVIS ADDING CHAPTER 1.10 TO TITLE 1 OF THE CITY OF CLOVIS MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS FOR FIVE COUNCIL MEMBERS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING THE ORDER OF ELECTION FOR EACH DISTRICT

WHEREAS, the City of Clovis (“City”) currently elects the members of the City Council using an “at-large” system of elections, whereby electors from the entire City vote to elect each member of the City Council; and

WHEREAS, under the California Voting Rights Act (“CVRA”), at-large elections are permissible unless they result in racially polarized voting, defined as “voting in which there is a difference...in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate,” and further cause dilution of a protected class’s votes to a degree that it is denied the potential to elect its preferred candidate or influence the outcome of an election; and

WHEREAS, despite the City’s lawful use of at-large election system, on August 26, 2024, the City received a letter from the Southwest Voter Registration Education Project alleging violations of the CVRA, and demanding that the City transition to district-based elections where Council members are elected by only the voters residing within the election district in which the candidate resides (“CVRA Letter”); and

WHEREAS, while the Council strongly disagrees with the claims in the CVRA Letter and does not believe that the at-large elections in the City have resulted in racially polarized voting or diluted the votes of any protected class, it recognizes that defending against a legal challenge to the City’s election system would be prohibitively costly and would not be in the best interest of the City or its residents; and

WHEREAS, to avoid the unreasonable time and expense of litigation, at a regular meeting on October 7, 2024, the Council adopted Resolution 24-110, declaring its intent to transition from an “at-large” elections system to a district-based elections system beginning with the November 2026 City Council Election, with an estimated timeframe for doing so; and

WHEREAS, the City thereafter engaged an expert demographic firm to assist the City with the process of analyzing the City’s population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, in accordance with the requirements of Elections Code section 10010, the City Council held two (2) duly noticed public hearings prior to the drawing of draft maps of proposed boundaries of election districts on November 18, 2024, and December 16, 2024, respectively. During these meetings, City Council solicited public input regarding the composition of the district maps to provide to the demographer retained by City Council for use in drafting the proposed district maps and encouraged the public to submit draft maps using various map-drawing tools made available to the public on the City’s dedicated districting webpage on the City’s website (<https://cityofclovis.com/government/city-clerk/districts/>); and

WHEREAS, at the December 16, 2024, public hearing, the City Council directed the demographer and staff to utilize efforts to encourage and increase community engagement and participation and to solicit the submission of more draft district maps by members of the public using the various map-drawing tools made available by the City; and

WHEREAS, in accordance with Elections Code section 21130(b)(1), on December 16, 2024, the City posted on its districting webpage a report disclosing that it is not possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority single-member district, as set forth in *Thornburg v. Gingles* (1986) 478 U.S. 30; and

WHEREAS, in accordance with Elections Code section 10010, and based on direction the City Council provided during the December 16, 2024, public hearing, on January 14, 2025, the City posted on the its dedicated districting webpage nine (9) draft district maps (two (2) of which were submitted by members of the public), comprising five (5) maps for a four (4) district election system with an at-large elected mayor, and four (4) maps for a five (5) district election system, with proposed election sequencing for each map; and

WHEREAS, in accordance with the requirements of Elections Code section 10010 and following the drawing and publication of draft district maps, the City Council held a third duly noticed public hearing on January 21, 2025, during which the City Council solicited public input regarding the composition of the draft district maps and the proposed sequence of elections and directed staff to proceed with only draft maps for a five (5) district election system, thereby abandoning the option for an at-large elected mayor; and

WHEREAS, in accordance with Elections Code section 10010, on February 4, 2025, the City posted on its dedicated districting webpage one (1) additional draft map for five (5) election districts that was submitted by a member of the public; and

WHEREAS, in accordance with the requirements of Elections Code section 10010, the City Council held a fourth duly noticed public hearing on February 11, 2025, during which it considered a total of five (5) draft maps for a five (5) district election system and solicited public input regarding the composition of the draft maps and the proposed sequence of elections; and

WHEREAS, in accordance with Elections Code section 10010, on February 25, 2025, the City posted on its dedicated districting webpage three (3) additional draft maps for five (5) election districts, which were submitted by a member of the public for consideration by Council; and

WHEREAS, in accordance with Elections Code section 10010, on March 4, 2025, at a fifth duly noticed public hearing, and based upon public input and after deliberation and consideration of all draft district maps and proposed sequence of elections, City Council formally selected Map _____, which was developed in accordance with and in compliance with the criteria for election district boundaries set forth in Elections Code 21130(c). During that same public hearing, City Council chose the sequence of elections associated with Map _____; and

WHEREAS, throughout the public hearing process related to the City's transition from an at-large to a district-based election system, the City engaged in a significant amount of public outreach and engagement, including an extensive public awareness campaign

comprising news releases, social medial posts, multiple news interviews, flyers, community feedback forms, a community map drawing workshop, consistent updates to the City's districting webpage, and other public outreach efforts; and

WHEREAS, pursuant to Government Code section 34866 and in furtherance of the California Voting Rights Act of 2001 (Elec. Code, § 14025, et seq.) ("CVRA") and Section 7 of Article I and Section 2 of Article II of the California Constitution, the City Council is authorized and desires to adopt an ordinance changing the method of election from an "at large" to a "by-district" system of elections; and

WHEREAS, the City Council held a duly noticed public hearing on March 4, 2025, in which the City Council voted to introduce for a first reading and approval of this Ordinance to establish by-district elections in five (5) single-member districts, as reflected in **Exhibit A** to this Ordinance; and

WHEREAS, the City Council now desires to adopt this Ordinance.

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

SECTION 1. Title 1 General Provisions, Chapter 1.10 City Council Elections, is added to the City of Clovis Municipal Code to read as follows:

Section 1.10.01 – By-District Elections of Council Members.

Pursuant to Government Code section 34886, all five (5) members of the City Council of the City of Clovis shall be elected by-district in separate single-member districts.

1. Members of City Council shall be elected in the electoral districts established by Section 1.10.02 of this Chapter, as may be subsequently reapportioned as provided by State law. Elections shall take place "by-district" as that term is defined in California Government Code section 34871, meaning one Member of the City Council shall be elected from each district, by the voters of that district alone.
2. Except as provided in subdivision (3) of this section, the Council Member 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 Council Member 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.
3. Notwithstanding any other provision of this section, the Members of the City Council in office at the time the Ordinance codified in 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 Council Member that Member's successor shall be elected on a by-district basis in the districts established in Section 1.10.02.

Section 1.10.02 – City Council Districts and District Elections.

All five (5) Council members shall be elected on a “by-district” basis from the Council districts shown and numbered on the map titled “City of Clovis District Map”, attached hereto as **Exhibit A** and incorporated herein, a copy of which shall be on file in the City Clerk’s office. In 2026, and every four (4) years thereafter, the following three (3) City Council districts shall be elected by-district at the general municipal elections: District ____, District ____, and District _____. In 2028, and every four (4) years thereafter, the following two (2) City Council districts shall be elected by-district at the general municipal election: District ____ and District ____.

Section 1.10.03 – Adjustment of District Boundaries.

Pursuant to Elections Code section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law.

Section 1.10.04 – Vacancies

Any mid-term Council seat vacancy in a district shall be filled in accordance with State Law, only by an eligible resident of the district.

SECTION 2. This Ordinance shall be in full force and effect from and after thirty (30) days following its adoption in accordance with law.

SECTION 3. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Clovis hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, clauses or phrases be declared invalid

SECTION 4. The City Clerk is further directed to cause this ordinance or a summary of this ordinance, subject to the requirements required by law, to be published once in a newspaper of general circulation published and circulated within the City of Clovis, within fifteen (15) days after its adoption. If a summary of the ordinance is published, then the City Clerk shall cause a certified copy of the full text of the proposed ordinance to be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which the ordinance is adopted and again after the meeting at which the ordinance is adopted.

APPROVED: March 4, 2025

Mayor

City Clerk

* * * * *

The foregoing Ordinance was introduced and read at a regular meeting of the City Council held on March 4, 2025, and was adopted at a regular meeting of said Council held on _____, by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

DATED:

City Clerk