

ORDINANCE NO. 1949

AN ORDINANCE OF THE LODI CITY COUNCIL  
ESTABLISHING AND IMPLEMENTING BY-DISTRICT  
ELECTIONS AND AMENDING CHAPTER 1.12 OF THE  
LODI MUNICIPAL CODE TO PROVIDE FOR  
CITY COUNCIL ELECTIONS BY DISTRICTS

=====

WHEREAS, the City of Lodi supports the full participation of all citizens in electing members of the City Council; and

WHEREAS, the City of Lodi currently elects its five (5) members of the City Council using an at-large election system, 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, California Government Code Section 34886u 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, in accordance with the California Government Code section 34871(c); 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 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 map(s); and

WHEREAS, at a regular meeting of the City Council held on December 12, 2017, the City Council adopted Resolution No. 2017-223 that initiated the process of establishing a by-district election system and adopted the timeline for implementation; and

WHEREAS, thereafter, at regular meetings of the City Council held on December 20, 2017 and January 17, 2018, 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, at a regular meeting of the City Council held on December 20, 2017, the City Council adopted Resolution No. 2017-232 setting forth the mandatory and permissive criteria to be considered when drawing voting district maps; and

WHEREAS, thereafter at special and regular meetings of the City Council held on January 31, 2018 and February 7, 2018, respectively, 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, as well as the proposed sequence of elections, and the City Council considered and discussed the same; and

WHEREAS, at the special meeting of the City Council of the City of Lodi held on February 13, 2018, the City Council directed staff to draft an ordinance adopting the voting district map known as Map 119d and a sequence of elections whereby Council Districts D1, D2, and D3 seats will be placed on the 2018 ballot, and Council Districts D4 and D5 seats on the 2020 ballot; and

WHEREAS, at a regular meeting of the City Council held on February 21, 2018, 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, which was introduced for the first reading at the same regular meeting of the City Council; and

WHEREAS, at the regular meeting of the City Council held on March 7, 2018, the City Council conducted a second reading to adopt this Ordinance; 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 Lodi by-district in five single-member districts, as reflected in 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) and to implement the guarantees of Section 7 of Article 1 and of Section of Article II of the California Constitution.

NOW, THEREFORE BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The foregoing recitals are true and correct.

Section 2. The City of Lodi is hereby divided into five (5) Council districts and the boundaries of the districts are more particularly depicted in Exhibit A, which is attached hereto and incorporated by this reference.

Section 3. Chapter 1.12 of the Lodi Municipal Code is hereby amended by adding new Sections 1.12.040, 1.12.050, 1.12.060, and 1.12.070 to read as follows:

**1.12.040 By-District Electoral System.**

Pursuant to California Government Code Section 34886 and the schedule established in Section 1.12.060 of this Chapter, beginning in November 2018, members of the City Council shall be elected on a by-district basis from five (5) single-member Council Districts. The City's by-district electoral system shall be conducted in accordance with California Government Code Section 34871(c).

**1.12.050 Establishment of City Council Electoral Districts.**

A. Pursuant to Section 1.12.040 of this Chapter, members of the City Council shall be elected on a by-district basis, as that term is defined in California Government Code Section 34871(c), from the five Council Districts as established and amended from time to time by ordinance, and numerically designated as District 1, District 2, District 3, District 4, and District 5.

B. 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, once this Ordinance is fully phased in, the member of the City Council elected or (in the event of a vacancy filled by the City Council) appointed 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 provisions 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 of 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 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 Section 1.12.060 of this Chapter.

#### **1.12.060 Election Schedule.**

Except as otherwise required by California Government Code Section 36512, the members of the City Council shall be elected from Council Districts D1, D2, and D3 beginning at the General Municipal Election in November 2018, and every four years thereafter, as such Council Districts may be amended from time to time by ordinance of the City Council. Members of the City Council shall be elected from Council Districts D4 and D5 beginning at the General Municipal Election in November 2020, and every four years thereafter, as such Council Districts may be amended from time to time by ordinance of the City Council.

#### **1.12.070 Map of Council Districts.**

The City Clerk shall maintain a map of the city showing the current boundaries and numbers of each city council district as may be established and amended from time to time by ordinance of the City Council.

Section 4. 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 population 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 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrases of this Ordinance or any part thereof is for any reason held to be unconstitutional or 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 of the City of Lodi hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

Section 6. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 7. CEQA. This Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Government Code Section 15060(c)(2) (activity will not result in a direct or reasonable foreseeable indirect physical change in the environment),

Section 15060(c)(3) (the activity is not a project as defined in Section 15378), and Section 15061(b)(3) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for causing a significant effect on the environment.

Section 8. Conflict. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 9. Effective Date. This Ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect on April 7, 2018.

Approved this 7<sup>th</sup> day of March, 2018

  
ALAN NAKANISHI  
Mayor

Attest:

  
JENNIFER M. FERRAIOLO  
City Clerk

State of California  
County of San Joaquin, ss.

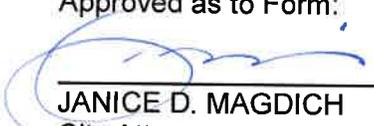
I, Jennifer M. Ferraiolo, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1949 was introduced at a regular meeting of the City Council of the City of Lodi held February 21, 2018, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held March 7, 2018, by the following vote:

AYES:	COUNCIL MEMBERS –	Chandler, Johnson, and Mayor Nakanishi
NOES:	COUNCIL MEMBERS –	Mounce
ABSENT:	COUNCIL MEMBERS –	Kuehne
ABSTAIN:	COUNCIL MEMBERS –	None

I further certify that Ordinance No. 1949 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
JENNIFER M. FERRAIOLO  
City Clerk

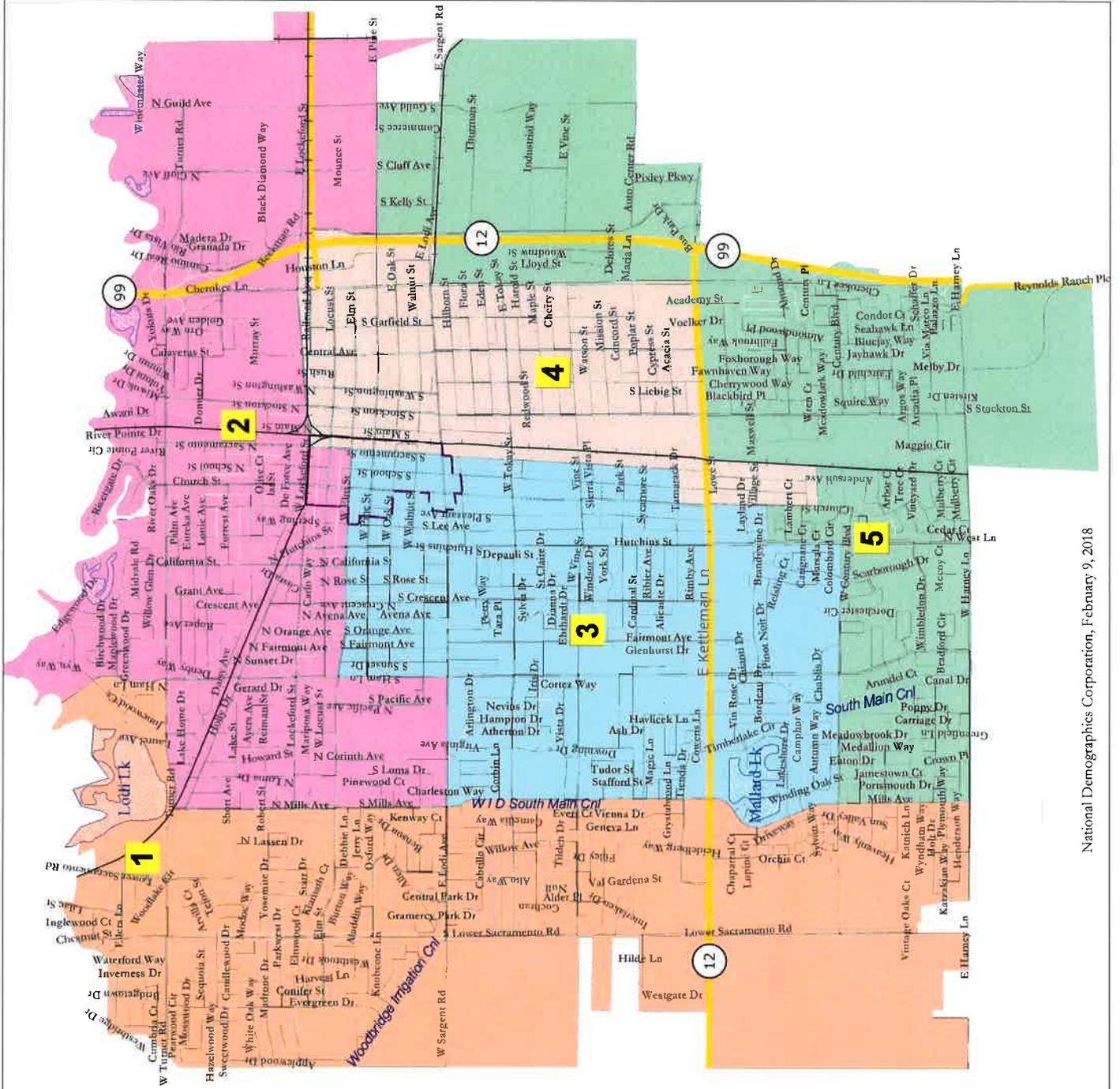
Approved as to Form:

  
JANICE D. MAGDICH  
City Attorney

# City of Lodi 2018 Districting

# Map 119d

- Map layers
- 119d
  - Census Block
  - Downtown
  - Water Area
  - Streets
  - Railroad
  - River



**City of Lodi - Adopted Map 119d**

District		1	2	3	4	5	Total
<b>Ideal</b>	Total Pop	12,602	12,311	12,398	12,525	12,298	62,134
12,427	Deviation from ideal	175	-116	-29	98	-129	304
	% Deviation	1.41%	-0.93%	-0.23%	0.79%	-1.04%	2.45%
Total Pop	% Hisp	17%	30%	24%	72%	39%	36%
	% NH White	73%	63%	67%	16%	48%	53%
	% NH Black	1%	1%	1%	1%	1%	1%
	% Asian-American	8%	4%	6%	10%	9%	7%
Citizen Voting Age Pop	Total	9,548	8,878	9,267	4,147	8,163	40,003
	% Hisp	17%	16%	14%	50.6%	25%	21%
	% NH White	73%	77%	75%	35%	62%	68%
	% NH Black	1%	1%	1%	2%	2%	1%
	% Asian/Pac.Isl.	8%	5%	9%	11%	9%	8%
	Total	8,317	6,844	7,286	2,920	5,761	31,128
	% Latino est.	13%	20%	17%	50%	30%	22%
	% Asian-Surnamed	4%	3%	3%	8%	7%	5%
Voter Registration (Nov 2016)	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	70%	75%	36%	55%	66%
	% NH Black	1%	1%	1%	1%	2%	1%
	Total	6,653	5,027	5,440	1,643	4,005	22,768
Voter Turnout (Nov 2016)	% Latino	12%	17%	15%	48%	27%	19%
	% Asian-Surnamed	4%	3%	3%	9%	6%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	76%	72%	78%	38%	58%	70%
	% NH Black	1%	1%	1%	1%	2%	1%
	Total	4,321	3,027	3,285	669	2,280	13,581
	% Latino	9%	11%	9%	38%	17%	12%
	% Asian-Surnamed	4%	3%	3%	6%	5%	4%
Voter Turnout (Nov 2014)	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	80%	80%	82%	47%	66%	77%
	% NH Black est.	0%	0%	1%	1%	3%	1%
	Total	13,165	12,481	12,899	11,985	12,904	63,434
ACS Pop. Est.	age0-19	26%	27%	26%	39%	32%	30%
	age20-60	49%	49%	50%	51%	54%	50%
	age60plus	25%	24%	25%	10%	14%	20%
Immigration	immigrants	13%	11%	12%	39%	23%	19%
	naturalized	64%	57%	59%	23%	48%	43%
Language spoken at home	english	79%	79%	80%	27%	59%	66%
	spanish	12%	15%	13%	62%	30%	25%
	asian-lang	4%	2%	2%	1%	4%	3%
	other lang	5%	4%	6%	11%	8%	7%
Language Fluency	Speaks Eng. "Less than Very Well"	9%	9%	8%	40%	20%	16%
Education (among those age 25+)	hs-grad	60%	70%	64%	49%	60%	62%
	bachelor	19%	11%	16%	4%	9%	12%
	graduatedegree	11%	6%	8%	1%	5%	7%
Child in Household	child-under18	31%	29%	28%	48%	44%	35%
Pct of Pop. Age 16+	employed	54%	55%	54%	50%	59%	54%
Household Income	income 0-25k	15%	25%	26%	43%	23%	25%
	income 25-50k	19%	26%	28%	32%	27%	26%
	income 50-75k	21%	22%	17%	13%	20%	19%
	income 75-200k	38%	24%	26%	12%	28%	27%
	income 200k-plus	7%	3%	3%	0%	2%	3%
Housing Stats	single family	84%	79%	74%	55%	69%	74%
	multi-family	16%	21%	26%	45%	31%	26%
	rented	30%	42%	44%	71%	50%	46%
	owned	70%	58%	56%	29%	50%	54%
Total population data from the 2010 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 2011-2015 American Community Survey and Special Tabulation 5-year data.							