

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANGER, CALIFORNIA AMENDING CHAPTER 2, ARTICLE II OF THE SANGER CITY CODE REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AS REQUIRED BY LAW

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 Sanger electors adopted Ordinance No. 1113 providing that the City be divided into four councilmember districts and that councilmembers for those districts be elected by district and said ordinance was codified in Chapter 2, Article II, Section 2-29 of the Sanger City 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, under Sanger City Code Section 2-29 (h), the City Council is required to adjust council district boundaries following each decennial federal census and in accordance with Elections Code Section 21600; and

WHEREAS, on September 27, 2021, the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 26,720 residents for the City of Sanger; and

WHEREAS, the City Council held public hearings on September 2, 2021, October 7, 2021, February 17, 2022, and March 3, 2022, where the Council received briefings from the City's demographic consultant and staff 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

WHEREAS, at the February 17, 2022, and the March 3, 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 received and reviewed additional maps submitted by the public; and

WHEREAS, at the March 3, 2022 public hearing, the City Council agreed on Map 202, designating it as the preferred map and thereby directing that it be presented to the Council for adoption by Ordinance at subsequent meetings as required by law; and

WHEREAS, during the public hearings, public comment was received on redistricting criteria, communities of interest, and draft maps; 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.
- (3) 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.

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 SANGER DOES ORDAIN AS FOLLOWS:

SECTION 1. The foregoing recitals and findings are true and correct and incorporated by reference.

SECTION 2. This Ordinance is adopted following four noticed City Council public hearings as required by California Elections Code section 21607.1 and two additional public hearings in compliance.

SECTION 3. Subsection 2-29 (d) of Section 2-29 f Chapter 2 (Administration), Article II (City Council) of the Sanger City Code is amended to read as follows:

Section 2-29 (d)

The boundaries of the four councilmember districts are described as follows:

District Election Boundaries

District 1

The region bounded and described as follows: Beginning at the point of intersection of Greenwood Ave and 9th St, and proceeding northerly along Greenwood Ave to 4th St, and proceeding easterly along 4th St to West Ave, and proceeding northerly along West Ave to 3rd Street, and proceeding westerly along 3rd Street to Greenwood Ave, and proceeding northerly along Greenwood Ave to Oak Ave, and proceeding westerly along Oak Ave to Fairbanks Ave, and proceeding northerly along Fairbanks Ave to the City northern border, and proceeding clockwise along the City border to Rainbow Ave, and proceeding westerly along Rainbow Ave and 8th St to K St, and proceeding southerly along K St to 9th St, and proceeding westerly along 9th St to the point of beginning.

District 2

The region bounded and described as follows: Beginning at the point of intersection of Rainbow Ave and the City's eastern border, proceeding westerly along Rainbow Ave and 8th St to K St, and proceeding southerly along K St to 9th St, and proceeding westerly along 9th St to O St, and proceeding southerly along O St to 14th St, and proceeding westerly along 14th St to Park Ave, and proceeding southerly along Park Ave to Cherry Ave, and proceeding westerly along Cherry Ave to De Witt Ave, and proceeding southerly along De Witt Ave to North Ave, and proceeding easterly along North Ave to Swan Ave, and proceeding southerly along Swan Ave to the City border, and proceeding counter-clockwise along the City border to the point of beginning.

District 3

The region bounded and described as follows: Beginning at the point of intersection of Jensen Ave and Greenwood Avenue, and proceeding northerly along Greenwood Ave to 4th St, and proceeding easterly along 4th St to West Ave, and proceeding northerly along West Ave to 3rd Street, and proceeding westerly along 3rd Street to Greenwood Ave, and proceeding northerly along Greenwood Ave to Oak Ave, and proceeding westerly along Oak Ave to Fairbanks Ave, and proceeding northerly along Fairbanks Ave to the City northern border, and proceeding counter-clockwise along the City border to the Jensen Ave, and proceeding easterly along Jensen Ave to the point of beginning.

District 4

The region bounded and described as follows: Beginning at the point of intersection of Greenwood Ave and Jensen Ave, and proceeding southerly along Greenwood Ave to 9th St, and proceeding easterly along 9th St to O St, and proceeding southerly along O St to 14th St, and proceeding westerly along 14th St to Park Ave, and proceeding southerly along Park Ave to Cherry Ave, and proceeding westerly along Cherry Ave to De Witt Ave, and proceeding southerly along De Witt Ave to E North Ave, and proceeding easterly along North Ave to Swan Ave, and proceeding southerly along Swan Ave to the City border, and proceeding clockwise along the City border to Jensen Ave, and proceeding easterly along Jensen Ave to the point of beginning.

The foregoing district boundaries are depicted on the “City Council District Boundaries Map” in Exhibit “A” of Ordinance No. 2022-03 and on file in the City Clerk’s Office which is hereby adopted and incorporated by this reference. These boundaries will remain in effect until amended by ordinance as required by law.

SECTION 4. City Council elections shall continue to be conducted "by districts" in four districts as set forth in Section 2-29 as amended herein.

SECTION 5. All ordinances and resolutions, or parts thereof, in conflict with this Ordinance are hereby repealed.

SECTION 6. 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 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 7. The City Clerk is hereby directed to provide a certified copy of this Ordinance and a copy of the GIS shapefile reflecting the adjusted council district boundaries to the Fresno County Registrar of Voters for use in subsequent Sanger City Council Elections.

SECTION 8. 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 9. 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 10. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

SECTION 11. 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 Sanger, pursuant to all legal requirements.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Sanger held on March 17, 2022 and was passed and adopted at a regular meeting of the City Council held on _____ by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

Rebeca P. Ramirez, City Clerk
City of Sanger

Eli Ontiveros, Mayor
City of Sanger