

**ORDINANCE NO. 2017-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HESPERIA, CALIFORNIA, ADDING A NEW CHAPTER 1.09 TO THE HESPERIA MUNICIPAL CODE TO CHANGE THE SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY COUNCIL FROM AN AT-LARGE SYSTEM TO A BY-DISTRICT SYSTEM AND ADOPT A MAP DESCRIBING THE BOUNDARIES AND IDENTIFYING NUMBER FOR EACH ELECTORAL DISTRICT**

**WHEREAS**, the City of Hesperia ("City") currently elects the members of the City Council using an at-large system of elections; and

**WHEREAS**, pursuant to Government Code section 34886, the City Council has the authority to adopt an ordinance changing the system of elections in the City from an at-large elections system to a by-district elections system; and

**WHEREAS**, the City Council of the City now desires to adopt an ordinance changing the system of elections in the City from an at-large system of elections to a by-district elections system; and

**WHEREAS**, the change in method for electing members of the City Council is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code section 14025, *et seq.*); and

**WHEREAS**, pursuant to the requirements of Elections Code section 10010, the City Council held public hearings on March 7, 2017 and March 21, 2017 in order to receive testimony regarding the potential composition of City Council districts; and

**WHEREAS**, also pursuant to the requirements of Elections Code section 10010, the City Council held public hearings regarding proposed draft maps on April 18, 2017 and May 2, 2017, and received proposed draft maps from members of the public; and

**WHEREAS**, on May 16, 2017 the City Council selected one of the proposed district maps to establish the City Council electoral districts in the City, which is attached hereto as Exhibit "A"; and

**WHEREAS**, also on May 16, 2017 the City Council held a duly noticed public hearing after which the City Council voted to introduce this Ordinance for a first reading; and

**WHEREAS**, the City Council now desires to adopt this Ordinance to establish by-district elections in five single-member districts in the City, and to adopt the map describing the boundaries and identifying number of the five City Council districts in the City.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HESPERIA DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The above recitals are true and correct and incorporated herein by this reference.

**SECTION 2.** A new Chapter 1.09 "City Council Elections By-District" is hereby added to the Hesperia Municipal Code to read in its entirety as follows:

**"CHAPTER 1.09 CITY COUNCIL ELECTIONS BY-DISTRICT**

- 1.09.010 Declaration of Purpose
- 1.09.020 By-District Elections for City Council
- 1.09.030 City Council Districts Established
- 1.09.040 Commencement of By-District Elections

**1.09.010 Declaration of Purpose**

The city council of the city hereby declares the purpose of this Chapter is to further the purposes of the California Voting Rights Act of 2001 (Elections Code section 14025, *et seq.*), as amended.

**1.09.020 By-District Elections for City Council**

A. Pursuant to Government Code section 34886, members of the city council shall be elected by-district in five single-member districts. Members of the city council shall be elected by-district, as that term is defined in Government Code section 34871(a), as amended, meaning one member of the city council shall be elected from each district by the voters of that district alone. Each member of the city council shall serve a four-year term until his or her successor is qualified.

B. Pursuant to Government Code section 34882, the city 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 reside 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 Elections Code section 10227.

**1.09.030 City Council Districts Established**

A. The boundaries and identifying number of each of the five city council districts shall be as described on the City Council District Map attached hereto as Exhibit "A", and incorporated by this reference.

B. The city council districts described in subsection A, above, shall continue in effect until they are amended or repealed in accordance with law. The boundaries of the

city council districts shall be reapportioned from time to time as required by the Elections Code, or any other applicable law.

**1.09.040 Implementation of By-District Elections**

A. The by-district system of elections shall be implemented, beginning at the general municipal election held in November 2018, as follows:

1. Members of the city council shall be elected in districts Two, Three and Four beginning at the general municipal election in November 2018, and every four years thereafter; and

2. Members of the city council shall be elected in districts One and Five beginning at the general municipal election in November 2020, and every four years thereafter.

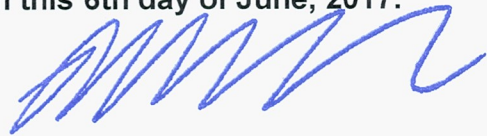
B. No term of any member of the city council that commenced prior to the effective date of this Chapter shall be affected by the adoption of this Chapter.”

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

**SECTION 4.** This Ordinance shall be effective commencing on the thirtieth (30th) day after its adoption.

**SECTION 5.** The City Clerk shall certify to the adoption of this Ordinance and shall cause a copy of the same to be published in a manner prescribed by law.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Hesperia, California, at a regular meeting held on this 6th day of June, 2017.



\_\_\_\_\_  
Paul Russ, Mayor

ATTEST:  
  
\_\_\_\_\_  
Melinda Sayre, City Clerk

APPROVED AS TO FORM

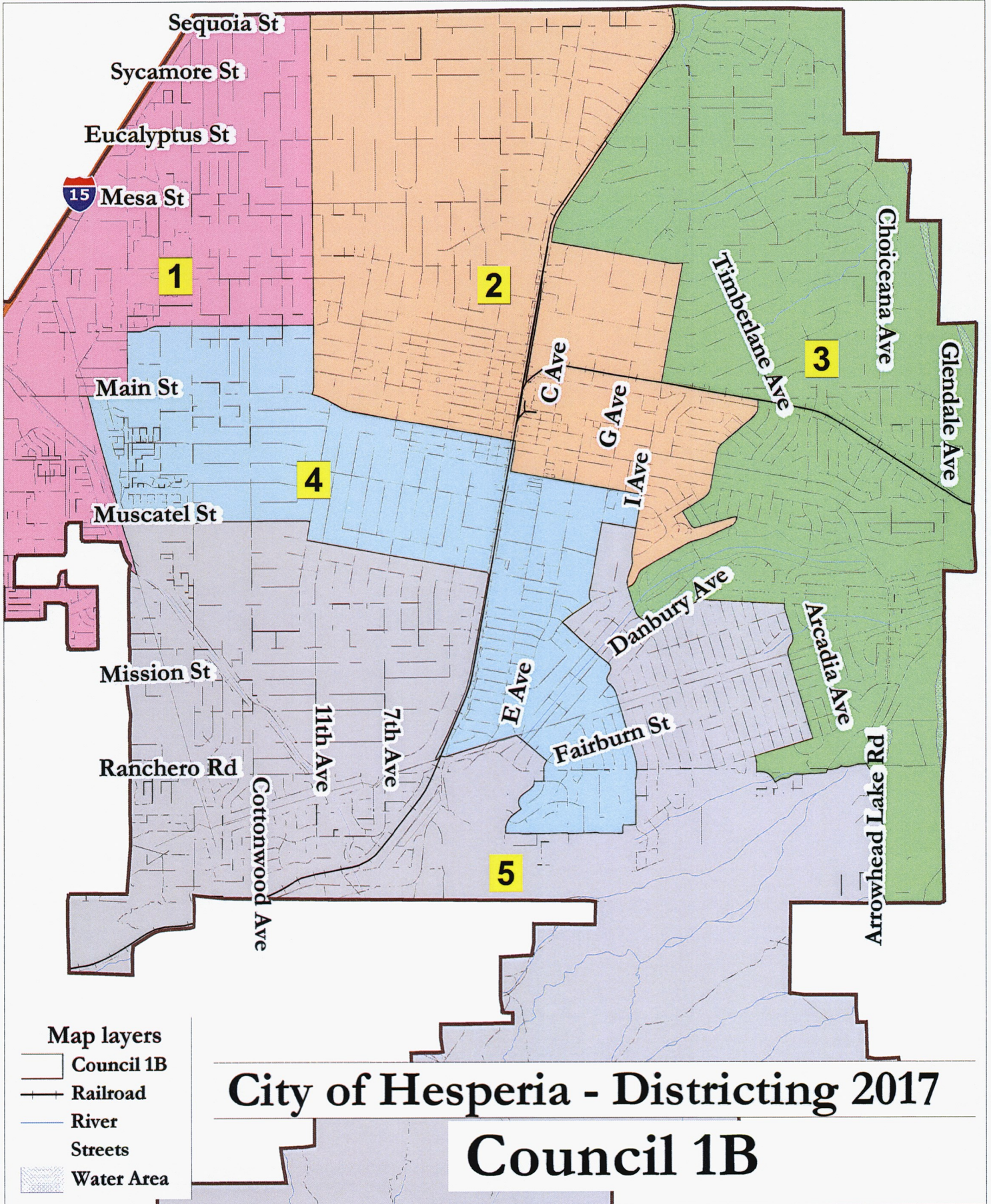
---

Eric L. Dunn, City Attorney

EXHIBIT "A"

**DISTRICT MAP**

**[Attached behind this page]**



City of Hesperia - Council 1B							
District		1	2	3	4	5	Total
	Total Pop	18,225	18,046	18,006	18,239	17,657	90,173
	Deviation from ideal	190	11	-29	204	-378	582
	% Deviation	1.05%	0.06%	-0.16%	1.13%	-2.10%	3.23%
Total Pop	% Hisp	56%	58%	41%	48%	41%	49%
	% NH White	31%	32%	51%	40%	52%	41%
	% NH Black	7%	7%	4%	8%	3%	6%
	% Asian-American	4%	2%	2%	3%	2%	2%
Voting Age Pop	Total	11,780	12,045	12,748	12,052	12,392	61,017
	% Hisp	52%	52%	35%	43%	36%	43%
	% NH White	36%	38%	56%	45%	58%	47%
	% NH Black	7%	6%	4%	6%	3%	5%
	% Asian-American	4%	2%	2%	3%	2%	2%
Citizen Voting Age Pop	Total	11,288	11,169	11,524	11,173	11,819	56,973
	% Hisp	53%	50%	33%	37%	38%	42%
	% NH White	34%	38%	60%	48%	57%	48%
	% NH Black	10%	7%	4%	10%	3%	7%
	% Asian/Pac.Isl.	3%	4%	3%	3%	2%	2%
Voter Registration (Nov 2014)	Total	6,915	6,270	8,340	7,042	8,464	37,031
	% Latino	43%	44%	29%	34%	30%	35%
	% Asian-Surnamed	2%	1%	1%	1%	1%	1%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
Voter Turnout (Nov 2014)	Total	1,780	1,776	3,022	2,040	3,092	11,709
	% Latino	30%	28%	20%	22%	20%	23%
	% Asian-Surnamed	2%	0%	1%	1%	1%	1%
	% Filipino-Surnamed	1%	1%	1%	0%	0%	1%
Voter Turnout (Nov 2012)	Total	4,069	3,620	5,560	4,402	5,777	23,428
	% Latino	37%	36%	24%	28%	25%	29%
	% Asian-Surnamed	1%	0%	1%	1%	1%	1%
	% Filipino-Surnamed	1%	1%	1%	0%	0%	1%
ACS Pop. Est.	Total	19,097	18,898	17,436	18,944	17,921	92,296
Age	age0-19	34%	36%	30%	36%	32%	34%
	age20-60	52%	51%	52%	49%	52%	51%
	age60plus	14%	13%	18%	15%	16%	15%
Immigration	immigrants	18%	19%	11%	14%	13%	15%
	naturalized	50%	44%	43%	46%	50%	47%
Language spoken at home	english	64%	59%	77%	71%	75%	69%
	spanish	35%	39%	22%	26%	23%	29%
	asian-lang	1%	1%	0%	2%	1%	1%
	other lang	1%	1%	1%	1%	1%	1%
Language Fluency	Speaks Eng. "Less than Very Well"	13%	14%	8%	12%	8%	11%
Education (among those age 25+)	hs-grad	66%	64%	70%	67%	70%	67%
	bachelor	8%	4%	5%	7%	6%	6%
	graduatedegree	4%	2%	3%	4%	5%	3%
Child in Household	child-under18	38%	42%	31%	40%	40%	38%
Work (percent of pop age 16+)	employed	48%	45%	45%	45%	49%	46%
	Commute on Public Transit	1%	1%	1%	1%	0%	1%
Household Income	income 0-25k	21%	32%	28%	34%	20%	27%
	income 25-50k	23%	32%	26%	29%	27%	27%
	income 50-75k	22%	18%	19%	17%	20%	19%
	income 75-200k	31%	17%	25%	19%	30%	24%
	income 200k-plus	2%	1%	1%	1%	2%	2%
Housing Stats	single family	91%	78%	98%	73%	95%	87%
	multi-family	9%	22%	2%	27%	5%	13%
	vacant	9%	8%	8%	10%	8%	9%
	occupied	91%	92%	92%	90%	92%	91%
	rented	35%	47%	30%	49%	28%	38%
	owned	65%	53%	70%	51%	72%	62%
Total and Voting Age population data from the 2010 Decennial Census.							
Voter Registration and Turnout data from the California Statewide Database.							
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 American Community Survey 5-year data.							

STATE OF CALIFORNIA )  
COUNTY OF SAN BERNARDINO )  
CITY OF HESPERIA )

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2017-09 was introduced at a Regular Meeting of the City of Hesperia City Council held on the 16<sup>th</sup> day of May, 2017 by the following vote to wit:

AYES: Swanson, Russ, Blewett, and Holland  
NOES: Bird  
ABSTAIN: None  
ABSENT: None

Melinda Sayre  
City Clerk



Seal

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that Ordinance No. 2017-09 was duly and regularly adopted at a Regular Meeting of the City of Hesperia City Council held on the 6<sup>th</sup> day of June, 2017 by the following vote to wit:

AYES: Bird, Swanson, Russ, Blewett, and Holland  
NOES: None  
ABSTAIN: None  
ABSENT: None

Melinda Sayre  
City Clerk



Seal

I, Melinda Sayre, City Clerk of the City of Hesperia, California, do hereby certify that the foregoing Ordinance No. 2017-09 is a full, true and correct copy of that now in file in this office.

**IN WITNESS WHEREOF**, I HAVE HEREUNTO SET MY HAND AND AFFIXED THE SEAL OF THE City of Hesperia, California, this \_\_\_\_\_ day of \_\_\_\_\_.



Melinda Sayre  
City Clerk

Seal