

# CITY OF SOLANA BEACH

SOLANA BEACH CITY COUNCIL, SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY,  
PUBLIC FINANCING AUTHORITY, & HOUSING AUTHORITY



## AGENDA

Joint SPECIAL Meeting

Tuesday, June 26, 2018 \* 6:00 p.m.

City Hall / Council Chambers, 635 S. Highway 101, Solana Beach, California

- City Council meetings are video recorded and archived as a permanent record. The video recording captures the complete proceedings of the meeting and is available for viewing on the City's website.
- Posted Reports & Supplemental Docs contain records up to the cut off time prior to meetings for processing new submittals. Complete records containing meeting handouts, PowerPoints, etc. can be obtained through a [Records Request](#).

### PUBLIC MEETING ACCESS

The Regular Meetings of the City Council are scheduled for the 2nd and 4th Wednesdays and are broadcast live on Cox Communications-Channel 19, Spectrum(Time Warner)-Channel 24, and AT&T U-verse Channel 99. The video taping of meetings are maintained as a permanent record and contain a detailed account of the proceedings. Council meeting tapings are archived and available for viewing on the City's website.

### AGENDA MATERIALS

A full City Council agenda packet including relative supporting documentation is available at City Hall, the Solana Beach Branch Library (157 Stevens Ave.), La Colonia Community Ctr., and online [www.cityofsolanabeach.org](http://www.cityofsolanabeach.org). Agendas are posted at least 72 hours prior to regular meetings and at least 24 hours prior to special meetings. Writings and documents regarding an agenda of an open session meeting, received after the official posting, and distributed to the Council for consideration, will be made available for public viewing at the same time. In addition, items received at least 1 hour 30 minutes prior to the meeting time will be uploaded online with the courtesy agenda posting. Materials submitted for consideration should be forwarded to the City Clerk's department 858-720-2400. The designated location for viewing public documents is the City Clerk's office at City Hall during normal business hours.

### SPEAKERS

Please submit a speaker slip to the City Clerk prior to the meeting, or the announcement of the Section/Item, to provide public comment. Allotted times for speaking are outlined on the speaker's slip for each agenda section: Oral Communications, Consent, Public Hearings and Staff Reports.

### AMERICAN DISABILITIES ACT TITLE 2

In compliance with the Americans with Disabilities Act of 1990, persons with a disability may request an agenda in appropriate alternative formats as required by Section 202. Any person with a disability who requires a modification or accommodation in order to participate in a meeting should direct such request to the City Clerk's office (858) 720-2400 at least 72 hours prior to the meeting.

As a courtesy to all meeting attendees, please set cellular phones and pagers to silent mode and engage in conversations outside the Council Chambers.

### CITY COUNCILMEMBERS

David A. Zito, Deputy Mayor

Jewel Edson, Councilmember

Judy Hegenauer, Councilmember

Lesa Heebner, Councilmember

Peter Zahn, Councilmember

Gregory Wade  
City Manager

Johanna Canlas  
City Attorney

Angela Ivey  
City Clerk

**SPEAKERS:**

Please submit your speaker slip to the City Clerk prior to the meeting or the announcement of the Item. Allotted times for speaking are outlined on the speaker's slip for Oral Communications, Consent, Public Hearings and Staff Reports.

**READING OF ORDINANCES AND RESOLUTIONS:**

Pursuant to Solana Beach Municipal Code Section 2.04.460, at the time of introduction or adoption of an ordinance or adoption of a resolution, the same shall not be read in full unless after the reading of the title, further reading is requested by a member of the Council. If any Councilmember so requests, the ordinance or resolution shall be read in full. In the absence of such a request, this section shall constitute a waiver by the council of such reading.

**CALL TO ORDER AND ROLL CALL:**

**CLOSED SESSION REPORT:** (when applicable)

**FLAG SALUTE:**

**APPROVAL OF AGENDA:**

**ORAL COMMUNICATIONS:**

This portion of the agenda provides an opportunity for members of the public to address the City Council on items relating to City business and not appearing on today's agenda by submitting a speaker slip (located on the back table) to the City Clerk. Comments relating to items on this evening's agenda are taken at the time the items are heard. Pursuant to the Brown Act, no action shall be taken by the City Council on public comment items. Council may refer items to the City Manager for placement on a future agenda. The maximum time allotted for each presentation is THREE MINUTES (SBMC 2.04.190). Please be aware of the timer light on the Council Dais.

**COUNCIL COMMUNITY ANNOUNCEMENTS / COMMENTARY:**

*An opportunity for City Council to make brief announcements or report on their activities. These items are not agendized for official City business with no action or substantive discussion.*

**NOTE: The City Council shall not begin a new agenda item after 10:30 p.m. unless approved by a unanimous vote of all members present. (SBMC 2.04.070)**

**B. PUBLIC HEARINGS:** (B.1.)

This portion of the agenda provides citizens an opportunity to express their views on a specific issue as required by law after proper noticing by submitting a speaker slip (located on the back table) to the City Clerk. After considering all of the evidence, including written materials and oral testimony, the City Council must make a decision supported by findings and the findings must be supported by substantial evidence in the record. An applicant or designees for a private development/business project, for which the public hearing is being held, is allotted a total of fifteen minutes to speak, as per SBMC 2.04.210. A portion of the fifteen minutes may be saved to respond to those who speak in opposition. All other speakers have three minutes each. Please be aware of the timer light on the Council Dais.

**B.1. Public Hearing: District-Based Elections / Content of Draft Maps, Sequence of Elections – Receive Input From the Community and Council Consideration of Introducing (1<sup>st</sup> Reading) Ordinance 488 to Adopt District Boundary Maps and Sequence of Elections Pursuant to Elections Code § 10010.** (File 0430-60)

Recommendation: That the City Council

1. Open the public hearing and invite members of the public to provide feedback on the initial draft maps, Focus Maps, and potential election sequencing presented; and
2. Close the public hearing and select a preferred map and set the sequence of elections; and
3. Introduce (1<sup>st</sup> Reading) **Ordinance 488**, an Ordinance of the City of Solana Beach, California, Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.

**Item B.1. Report (click here)**

[District Election Maps – Focus Maps & Election Sequencing webpage](#) link here as well as in Staff Report  
*Posted Reports & Supplemental Docs contain records up to the cut off time, prior to the start of the meeting, for processing new submittals.  
The final official record containing handouts, PowerPoints, etc. can be obtained through a Records Request to the City Clerk's Office.*

**WORK PLAN COMMENTS:**

*Adopted June 14, 2017*

**COMPENSATION & REIMBURSEMENT DISCLOSURE:**

GC: Article 2.3. Compensation: 53232.3. (a) Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel. 53232.3 (d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

**COUNCIL COMMITTEE REPORTS:**

**REGIONAL COMMITTEES: (outside agencies, appointed by this Council)**

- a. City Selection Committee (meets twice a year) Primary-Edson, Alternate-Zito
- b. County Service Area 17: Primary-Zahn, Alternate-Hegenauer
- c. Escondido Creek Watershed Authority: Zahn /Staff (no alternate).
- d. League of Ca. Cities’ San Diego County Executive Committee: Primary-Edson, Alternate-Heebner and any subcommittees.
- e. League of Ca. Cities’ Local Legislative Committee: Primary-Edson, Alternate-Heebner
- f. League of Ca. Cities’ Coastal Cities Issues Group (CCIG): Primary-Edson, Alternate-Heebner
- g. North County Dispatch JPA: Primary-Heebner, Alternate-Edson
- h. North County Transit District: Primary-Edson, Alternate-Heebner
- i. Regional Solid Waste Association (RSWA): Primary-Hegenauer, Alternate-Heebner
- j. SANDAG: Primary-Zito, Alternate-Edson, 2<sup>nd</sup> Alternate-Heebner, and any subcommittees.
- k. SANDAG Shoreline Preservation Committee: Primary-Zito, Alternate-Hegenauer
- l. San Dieguito River Valley JPA: Primary-Hegenauer, Alternate-Heebner
- m. San Elijo JPA: Primary-Zito, Primary-Zahn, Alternate-City Manager
- n. 22<sup>nd</sup> Agricultural District Association Community Relations Committee: Primary-Heebner, Alternate-Edson

**STANDING COMMITTEES: (All Primary Members) (Permanent Committees)**

- a. Business Liaison Committee – Zito, Edson.
- b. Fire Dept. Management Governance & Organizational Evaluation – Edson, Hegenauer
- c. Highway 101 / Cedros Ave. Development Committee – Edson, Heebner
- d. I-5 Construction Committee – Zito, Edson.
- e. Parks and Recreation Committee – Zito. Edson
- f. Public Arts Committee – Hegenauer, Heebner
- g. School Relations Committee – Hegenauer, Zahn
- h. Solana Beach-Del Mar Relations Committee – Zito, Heebner

**ADJOURN:**

**AFFIDAVIT OF POSTING**

STATE OF CALIFORNIA  
 COUNTY OF SAN DIEGO  
 CITY OF SOLANA BEACH } §

I, Angela Ivey, City Clerk of the City of Solana Beach, do hereby certify that this Agenda for the June 26, 2018 Council Meeting was called by City Council, Successor Agency to the Redevelopment Agency, Public Financing Authority, and the Housing Authority of the City of Solana Beach, California, was provided and posted on June 20, 2018 at 11:30 p.m. on the City Bulletin Board at the entrance to the City Council Chambers. Said meeting is held at 6:00 p.m., June 26, 2018, in the Council Chambers, at City Hall, 635 S. Highway 101, Solana Beach, California.

Angela Ivey, City Clerk  
 City of Solana Beach, CA



# STAFF REPORT CITY OF SOLANA BEACH

**TO:** Honorable Mayor and City Councilmembers  
**FROM:** Gregory Wade, City Manager  
**MEETING DATE:** June 26, 2018  
**ORIGINATING DEPT:** City Attorney's Office  
**SUBJECT:** District-Based Elections / Content of Draft Maps, Sequence of Elections – Receive Input From the Community and Council Consideration of Introducing (1<sup>st</sup> Reading) Ordinance 488 to Adopt District Boundary Maps and Sequence of Elections Pursuant to Elections Code § 10010.

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## **BACKGROUND:**

On April 11, 2018, the City Council adopted Resolution 2018-042 declaring the City of Solana Beach's intent to transition from an at-large Councilmember election system to a district-based Councilmember election system, outlining specific steps to be undertaken to facilitate the transition and estimating a time frame for action pursuant to Elections Code § 10010. Section 10010 requires a minimum of five public hearings in connection with the establishment of electoral districts. The City published notice of all five Public Hearings required under Section 10010 on May 13, 2018.

The first two (2) of five (5) public hearings pursuant to Elections Code § 10010 were held on May 14 and 15, 2018. These allowed for the Council and community to comment on the composition of the districts. Thereafter, members of the public submitted draft voting district maps, as did the City's demographic consultant. All draft maps were published and made publicly available on May 23, 2018, along with a proposal for sequencing elections in the proposed districts of each draft map. On May 29<sup>th</sup> and 30<sup>th</sup>, revisions to two maps drawn by members of the public were submitted by the demographer to the City Clerk and made available to the City Council and to the public.

The third public hearing, held on May 30, 2018, provided the public an opportunity to offer input regarding the content of the draft maps and the proposed sequence of elections. At the close of the public hearing, the City Council determined to proceed

**COUNCIL ACTION:**

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**AGENDA ITEM B.1.**

with draft maps providing for four Council districts and an elective office of Mayor, and provided instruction to its demographic consultant for revisions to the draft maps. These maps are known as the "Focus Maps". The five Focus Maps —Maps 404b, 404c, 410c, 410d, 410e, and a proposed sequence of election in each, were published on June 6, 2018 on the City's District Elections webpage: [https://www.ci.solana-beach.ca.us/index.asp?SEC=56737889-4955-493D-8FBF-D9F2F8A9BC7A&DE=AC0A0B28-4797-4B86-A194-1DED681A8DAD&Type=8\\_BASIC](https://www.ci.solana-beach.ca.us/index.asp?SEC=56737889-4955-493D-8FBF-D9F2F8A9BC7A&DE=AC0A0B28-4797-4B86-A194-1DED681A8DAD&Type=8_BASIC)

A subsequent Focus Map, Map 410f, was prepared. It was published on the City's District Elections website on June 19, 2018 along with the corresponding revised sequencing of elections.

At the Council's June 26, 2018 meeting, which is also the fourth public hearing, the Council will hear public comment on the Focus Maps and may introduce an ordinance establishing district-based elections and the elective office of Mayor. At the fifth and final public hearing on July 11, 2018, the Council may vote to consider final adoption of an ordinance establishing district-based elections.

### **DISCUSSION:**

Maps 404b, 404c, 410c, 410d, and 410e all provide for district-based elections of four Councilmembers and an elective office of Mayor. The first elections using the new council districts would occur in 2020. The transition to district-based elections would be complete in 2022 under all maps proposed. However, in the interim between the elections, in the year 2021, the council district boundaries would be reviewed and possibly adjusted as required by law after receipt of the 2020 Census results.

Maps 404b and 410d provide for the election sequencing in 2020 of two Council Members one each representing District 1, District 2, or District 3, and the office of Mayor. In 2022, elections for the remaining two districts would be held. If the City Council were to select this map, the Council would also need to specify the election sequencing.

Map 404c provides for the election sequencing in 2020 of two Council Members one each representing District 1, District 2, or District 4, and the office of Mayor. In 2022, elections for the remaining two districts would be held. If the City Council were to select this map, the Council would also need to specify the election sequencing.

Maps 410c and 410e provide for the election sequencing in 2020 of District 1 and District 3, and the office of Mayor. In 2022, elections for District 2 and District 4 would be held.

The purpose of the June 26, 2018 public hearing and council meeting is to allow the public to provide input regarding the content of the Focus Maps and sequence of elections, and possibly to select a final map for adoption with a final sequence of elections. Assuming selection of such a map, the Council is also being asked to introduce an ordinance that would incorporate the selected map and election sequence.

The City is proceeding under Elections Code section 10010 in order to take advantage of its “safe harbor” provisions, which protect the City from litigation under the California Voting Rights Act, and places a cap on the City’s exposure to attorneys’ fees.

Should the Council select a map and introduce an ordinance, the City Council will discuss the duties of the separately-elected Mayor for incorporation to the Municipal Code at a later date.

**CEQA COMPLIANCE STATEMENT:**

California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

**FISCAL IMPACT:**

While there are no significant fiscal impacts associated with the holding of this public hearing, Staff estimated previously the costs of transitioning to district-based elections to be in excess of \$150,000.

**WORK PLAN:**

Fiscal Sustainability (D)(1): Transition from At-large to District-Based Councilmember Elections

**OPTIONS:**

- Consider Ordinance 488 Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.
- Determine not to introduce Ordinance 488 and not institute by-district elections, and defend against a California Voter Rights Act (CVRA) lawsuit, if one is filed.

**DEPARTMENT RECOMMENDATION:**

Staff recommends that the City Council:

1. Open the public hearing and invite members of the public to provide feedback on the initial draft maps, Focus Maps, and potential election sequencing presented; and
2. Close the public hearing and select a preferred map and set the sequence of elections; and
3. Introduce (1<sup>st</sup> Reading) Ordinance 488, an Ordinance of the City of Solana Beach, California, Establishing a By-District Election Process in Four Council

3. Introduce (1<sup>st</sup> Reading) Ordinance 488, an Ordinance of the City of Solana Beach, California, Establishing a By-District Election Process in Four Council Districts With an Elective Office of Mayor Pursuant to California Elections Code § 10010 & California Government Code §§ 34871(C) & 34886, incorporating the adopted map and sequence of elections.

**CITY MANAGER'S RECOMMENDATION:**

Approve Department Recommendation.



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Gregory Wade, City Manager

**Attachments:**

1. Ordinance 488

## ORDINANCE 488

### AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOLANA BEACH, CALIFORNIA, ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FOUR COUNCIL DISTRICTS WITH AND ELECTIVE OFFICE OF MAYOR PURSUANT TO CALIFORNIA ELECTIONS CODE § 10010 & CALIFORNIA GOVERNMENT CODE §§ 34871(C) & 34886

**WHEREAS**, the City of Solana Beach currently elects its five City Councilmembers using an at-large election system, and the City Council selects a Mayor and Deputy Mayor from among its members; and

**WHEREAS**, in the at-large election system, candidates may reside in any part of the City and each City Councilmember is elected by the voters of the entire City; and

**WHEREAS**, the City's current electoral system observes the guarantees of Section 7 of Article I and Section 2 of Article II of the California Constitution, the Equal Protection Clause of the United States Constitution, and the federal Voting Rights Act; and

**WHEREAS**, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

**WHEREAS**, on February 20, 2018, the City received a letter from an attorney, Kevin Shenkman, asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

**WHEREAS**, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high, even if the City is successful, and at this time such an expensive defense would severely burden the City's budget and curtail the City's ability to provide needed services to its residents; and

**WHEREAS**, under the provisions of California Government Code sections 34870-34884, a proposal to adopt a by-district method of election in a general law city must ordinarily be submitted to the voters of the city; and

**WHEREAS**, California Government Code section 34886 permits the City Council, to change the City's method of election by ordinance, with certain formalities, to a "by-district" system; and

**WHEREAS**, California Government Code section 34886, as amended effective January 1, 2017, provides:

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in

subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made 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

**WHEREAS**, California Government Code section 34871(c) provides for the election of members of the legislative body of a city by districts in four districts, with a separately elected mayor; and

**WHEREAS**, the City wishes to avoid litigation and take advantage of the provisions of Government Code section 34886, and therefore, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council of the City Solana Beach made by this Ordinance also implements the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act, and

**WHEREAS**, at its regular meeting on April 11, 2018, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to Elections Code section 10010, Resolution No. 2018-042; and

**WHEREAS**, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

**WHEREAS**, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on May 14, 2018, and May 15, 2018, at which time input from the public on the proposed composition of the districts was invited and heard; and

**WHEREAS**, on May 23, 2018, consistent with the provisions of California Elections Code section 10010, the City published and made available for public review, thirty (30) draft maps for consideration by the Council, two of which were prepared by the City's demographic consultant, and the rest of which were submitted by members of the public; and

**WHEREAS**, the potential sequence of elections for each map was also published; and

**WHEREAS**, between May 29 and May 30, 2018, the City published four revisions to draft maps submitted by the public and already published on May 23, 2018; and

**WHEREAS**, as required by California Elections Code section 10010, the City held a third public hearing on May 30, 2018, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

**WHEREAS**, after the close of the public hearings on May 30, the City Council provided instruction to the City's demographic consultant about revisions to draft maps 404 and 410, which had been submitted by members of the public; and

**WHEREAS**, the revised maps were published as "Focus Maps" and made available for public review on June 6, 2018, and the potential sequence of elections for those maps was published as well; and

**WHEREAS**, as required by California Elections Code section 10010, the City held a fourth public hearing on June 26, 2018, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

**WHEREAS**, it is the considered view of the City Council that revised draft map \_\_\_\_\_, attached hereto as Exhibit A and incorporated into this Ordinance by reference, will serve the best interests of the City of Solana Beach; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of Solana Beach by-district in four single-member districts, and a separately elected office of Mayor.

**NOW, THEREFORE**, the City Council of the City of Solana Beach, California, does ordain as follows:

Section 1: Article IA is hereby added to Chapter 2.24 of the Solana Beach Municipal Code as provided below in Sections 2 through 10.

Section 2: SBMC SECTION 2.24.016, ADDED

Section 2.24.016 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

**2.24.016. Four City Councilmembers and Elective Mayor.**

Pursuant to California Government Code sections 34886 and 34871(c), commencing with the November 2020 general municipal election, the members of the Solana Beach City Council shall be elected by-districts in four (4) single-member districts with an elective Mayor. Each Councilmember shall serve a term of four years. The Mayor shall be elected by the people of Solana Beach and shall serve a term of four years.

**Section 3: SBMC SECTION 2.24.017, ADDED**

Section 2.24.017 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

**2.24.017. By-District Electoral System for Four City Councilmembers.**

A. Beginning with the general municipal election in November 2020, Councilmembers shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto, which is incorporated herein by this reference, and as subsequently reapportioned as provided by law. Elections shall take place on a by-district basis 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, except for the Mayor, who shall be elected citywide. In accordance with section 2.24.016, each Councilmember shall serve a four-year term until his or her successor has qualified.

B. Except as provided in subdivision (C) hereof, the Councilmember 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, 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 Councilmember shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within 30 days after the termination of residency.

(3) Notwithstanding any other provision of this section, each of the Councilmembers in office at the time this article 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. Vacancies in Councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each Councilmember, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as subsequently reapportioned as provided by law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

**Section 4: SBMC SECTION 2.24.018, ADDED**

Section 2.24.018 of the Solana Beach Municipal Code is hereby added to Article 1A as follows:

**2.24.018. Election Schedule for Councilmembers Elected By-District.**

A. Consistent with Sections 2.24.016 and 2.24.017, the Mayor and Councilmembers from Council Districts \_\_\_ and \_\_\_ shall be elected beginning at the General Municipal Election in November 2020, and every four years thereafter.

B. Consistent with Section 2.24.017, the Councilmembers from Council Districts \_\_\_ and \_\_\_ shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

#### Section 5: IMPLEMENTATION

If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee 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 Manager shall consult with the 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 6: ENVIRONMENTAL REVIEW

The City Council finds that the proposed amendments to the Solana Beach Municipal Code are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

#### Section 7: SEVERABILITY

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. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Solana Beach hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

#### Section 8: INCONSISTENCIES

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

#### Section 9: INTERPRETATION

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

Section 10: SUNSET PROVISIONS

This Ordinance shall be of no further force and effect if the California Voting Rights Act, Elections Code sections 14025 through 14032, as it now exists or may hereafter be amended, is repealed, or declared by a court of competent jurisdiction to be facially unconstitutional, in whole or in part, or unconstitutional, in whole or in part, as applied to the City of Solana Beach, or is amended such that its provisions no longer apply to the City of Solana Beach. In the event this Ordinance is of no further force and effect pursuant to this section, the City Council shall immediately consider an ordinance repealing Article 1A of Chapter 2.24 of Title 2 of the Municipal Code of the City of Solana Beach. In the event this Ordinance is of no further force and effect pursuant to this section, the incumbent Councilmembers elected pursuant to the provisions of this Ordinance shall complete their terms of office until their successors are qualified, and their successors shall be elected at-large in the order in which the terms of the then-incumbent Councilmembers expire and in accordance with all other provisions of law, until such time as the voters of the City of Solana Beach shall approve a different method of election City Councilmembers in accordance with Government Code section 34871, et seq.

**EFFECTIVE DATE:** This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Solana Beach shall cause this Ordinance to be published pursuant to the provisions of Government Code § 36933.

**INTRODUCED AND FIRST READ** at a regular meeting of the City Council of the City of Solana Beach, California on the 26<sup>th</sup> day of June 2018; and

**THEREAFTER ADOPTED** at a regular meeting of the City Council of the City of Solana Beach, California on the 11<sup>th</sup> day of July, 2018, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
DAVID A. ZITO, Deputy Mayor

APPROVED AS TO FORM:

ATTEST

\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

\_\_\_\_\_  
ANGELA IVEY, City Clerk