

ORDINANCE NO. 871 C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MADERA, CALIFORNIA, REPEALING ORDINANCE NUMBER 866 AND SECTIONS 2-1.20, 2-1.21 AND 2-1.22 OF CHAPTER 1 TITLE II OF THE MADERA MUNICIPAL CODE AND AMENDING CHAPTER 1 OF TITLE II OF THE MADERA MUNICIPAL CODE TO ESTABLISH ELECTORAL DISTRICTS FOR ELECTION OF MEMBERS OF THE CITY COUNCIL BY DISTRICTS AND ELECTION OF THE MAYOR OF MADERA AT LARGE, SUBJECT TO APPROVAL BY A VOTE OF THE PEOPLE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MADERA AS FOLLOWS:

SECTION 1. Ordinance Number 866 and SECTIONS 2-1.20, 2-1.21, 2-1.22 of Chapter 1 of Title II of the Madera Municipal Code are hereby repealed in their entirety.

SECTION 2. Chapter 1 of Title II of the Madera Municipal Code is hereby amended to add the following:

SECTION 2-1.20. ENUMERATION OF OFFICERS AND TERMS.

The elective officers of the City of Madera shall be a Mayor and six (6) Council members. The Council shall consist of the Mayor and six (6) Council members, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council. The term of office of the Mayor shall be four (4) years, and the term of office of each Council member shall be four (4) years.

SECTION 2-1.21. ESTABLISHMENT OF COUNCIL DISTRICTS.

(a) The districting plan establishing six Council districts shall be approved by the voters of the city at large. The districting plan shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the City. The boundaries and the number of each of the six (6) electoral districts for City Council are set forth in Exhibit A, including a map of the districts, which is incorporated herein by reference. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

(b) Each Council district shall be assigned a district number, with districts numbered one through six as indicated in Exhibit A. The districting plan adjusted for census data shall include boundaries for each of the six (6) Council member election districts for use in the November 2012 and November 2014 regular municipal elections. The Council members of the three even-numbered districts shall be elected by-district in November of 2012 for a term of four (4) years. The Council members of the remaining

three odd-numbered districts shall be elected by-district in November 2014 for a term of four (4) years. After the approval of this ordinance at the regular municipal election of November 2010 all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

(c) A period of transition from At-Large elections to District elections will occur from the time of adoption of the first districting plan to the time that the by-district elections are held for all Council member districts. During this period of transition, each Council member elected at-large in the regular municipal election of November 2010 will be designated by the Council as the councilmember representing one of Districts One, Three or Five in the districting plan whether or not that Council member resides in the district. The first by-district elections for Districts Two, Four and Six shall occur during the regular municipal election in November 2012. The first by-district elections for Districts One, Three and Five shall occur during the regular municipal election in November 2014. Nothing contained herein shall prevent an incumbent Council member at the time of the effective date of this ordinance from running for a Council district in which that Council member resides other than the district for which that member currently holds office, if the councilmember is otherwise eligible to run in that district and vacates the office of Council member for the district of non-residency if elected. No Council member may hold office in more than one district. Each incumbent Council member elected at-large shall be allowed to complete the term for which they were elected regardless of the district of residency, so long as they otherwise remain eligible to hold the office and have not been removed for cause or elected to another office. For purposes of this section "by-district" shall mean that the Council member shall reside within the district and be elected by the voters of that district only.

SECTION 2-1.22. METHOD OF ELECTION.

(a) Mayor. The Mayor shall be elected at the regular municipal election in November of 2012 and every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. The Mayor shall be elected by the voters of the City at-large.

(b) District Council members. One member of the City Council shall reside in each of the six (6) electoral districts established by this ordinance and shall be elected by a vote of the voters of that district only. Each district shall elect one Council member. Except as provided in Section 2-1.21(c), a Council member of each district must live in that district and must be a registered voter in that district to be eligible to hold the office of Council member for that district, and a candidate for any district must live in that district and must be a registered voter in that district to be eligible to run for the office of Council member for that district. Only voters who live in a district shall be eligible to vote in the election for Council member of that district. Each Council member must reside within the district for the full term of office; termination of residency within the district shall create an immediate vacancy for that Council district unless a substitute

residence within the district is established within thirty (30) days of termination of residency.

(c) The members of the Council in office at the time this ordinance takes effect shall continue in office until the expiration of their terms and until their successors are elected and qualified. If a tie vote makes it impossible to determine which of two or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. No candidate shall file for more than one (1) elective office. Any member of the Council may run for the office of Mayor, and upon election as Mayor shall forfeit the office of Council member of any district.

SECTION 2. If any section, subsection, sentence, clause, or phrase 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 portions of this ordinance. The City Council declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage by the City Council, and following the affirmative vote of a majority of the electors at-large of the City of Madera voting on the measure.

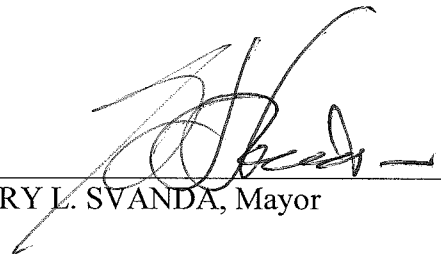
The foregoing Ordinance No. 871 C.S. was introduced and given its first reading at a regular meeting of the City Council of the City of Madera held on the 5th day of May, 2010 and adopted after a second reading at a regular meeting of the City Council held on the 19th day of May, 2010 by the following vote:

AYES: Council Members Svanda, Poythress, Mindt, Bomprezzi, Armentrout.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.


GARY L. SVANDA, Mayor

ATTEST:


SONIA ALVAREZ, City Clerk

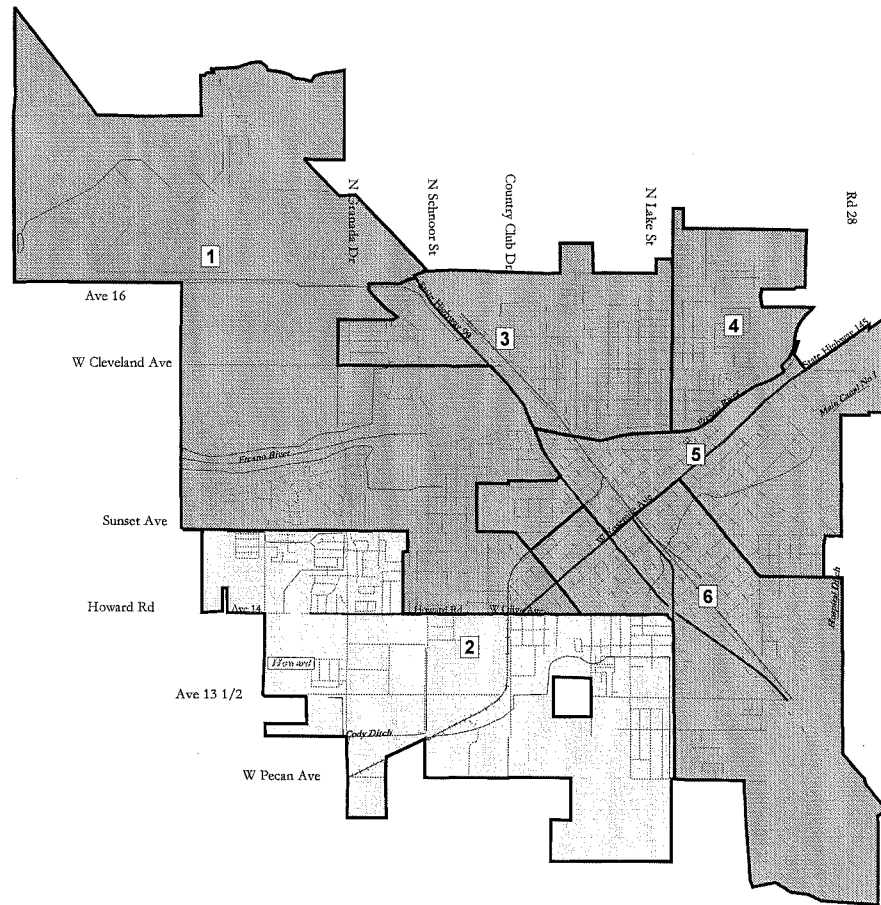


APPROVED AS TO FORM:
CITY ATTORNEY


By: RICHARD K. DENHALTER

5/24/10

EXHIBIT A



District 1 The region bounded and described as follows:

Beginning at the intersection of W. Olive Avenue and S. N Street, thence proceeding westerly along W. Olive Avenue until W. Olive Avenue becomes Howard Road, thence continuing westerly along Howard Road to the intersection of Howard Road and Shannon Avenue, thence proceeding northerly along Shannon Avenue to the intersection of Shannon Avenue and National Avenue, thence proceeding easterly along National Avenue to the intersection of National Avenue and Shannon Avenue, thence proceeding northerly along Shannon Avenue to the intersection of Shannon Avenue and Sunset Avenue, thence proceeding westerly along Sunset Avenue to the intersection of Sunset Avenue and the City border, thence proceeding along the City border northerly, westerly, northerly, southeasterly, easterly, northerly, easterly, southerly, westerly, southeasterly to the intersection of the City border and Adell Street, thence proceeding southwestly across Highway 99 to the intersection of Highway 99 and Kennedy Street (AKA Avenue 16), thence proceeding westerly along Kennedy Street to the intersection of Kennedy Street and N. Schnoor Avenue, thence proceeding southerly and southeasterly along N. Schnoor Avenue to the intersection of N. Schnoor Avenue and Foxglove Way, thence proceeding westerly along Foxglove Way to the intersection of Foxglove Way and N. Granada Drive, thence proceeding southerly along N. Granada Drive to the intersection of N. Granada Drive and

W. Cleveland Avenue, thence proceeding easterly along W. Cleveland Avenue to the intersection of W. Cleveland Avenue and Highway 99, thence proceeding southeasterly along Highway 99 to the extrapolated intersection of Highway 99 and W. Roberts Avenue, thence southwest between two parcels currently known as APN 006-190-048 and APN 006-190-049, thence proceeding to the intersection of Roberts Avenue and I Street, thence proceeding westerly along W. Roberts Avenue to the intersection of W. Roberts Avenue and Pine Street, thence proceeding southerly along Pine Street to the intersection of Pine Street and W. Roberts Avenue, thence proceeding westerly along W. Roberts Avenue to the intersection of W. Roberts Avenue and Willis Avenue, thence proceeding southerly along Willis Avenue to the intersection of Willis Avenue and Sunset Avenue, thence proceeding easterly along Sunset Avenue to the intersection of Sunset Avenue and N. N Street, thence proceeding southeasterly along N. N Street and S. N Street to the point of beginning.

District 2 **The region bounded and described as follows:**

Beginning at the intersection of W. Olive Avenue and Highway 145, thence proceeding westerly along W. Olive Avenue until W. Olive Avenue becomes Howard Road, thence continuing westerly along Howard Road to the intersection of Howard Road and Shannon Avenue, thence proceeding northerly along Shannon Avenue to the intersection of Shannon Avenue and National Avenue, thence proceeding easterly along National Avenue to the intersection of National Avenue and Shannon Avenue, thence proceeding northerly along Shannon Avenue to the intersection of Shannon Avenue and Sunset Avenue, thence proceeding westerly along Sunset Avenue to the intersection of Sunset Avenue and the City border, thence proceeding along the City border southerly, easterly, northerly, easterly, southerly, easterly, southerly, easterly, southerly, westerly, southerly, easterly, southerly, easterly, northerly, northeasterly, southerly, easterly, southerly, westerly, southerly and easterly to the intersection of the City border and Highway 145, thence northerly along Highway 145 to the point of beginning. District 2 also includes the non-contiguous portion of the city to the west of Madera.

District 3 **The region bounded and described as follows:**

Beginning at the City border at the intersection Sharon Avenue and Adell Street, thence proceeding southwesterly across Highway 99 to the intersection of Highway 99 and Kennedy Street, thence proceeding westerly along Kennedy Street to the intersection of Kennedy Street and N. Schnoor Avenue, thence proceeding southerly and southeasterly along N. Schnoor Avenue to the intersection of N. Schnoor Avenue and Foxglove Way, thence proceeding westerly along Foxglove Way to the intersection of Foxglove Way and N. Granada Drive, thence proceeding southerly along N. Granada Drive to the intersection of N. Granada Drive and W. Cleveland Avenue, thence proceeding easterly along W. Cleveland Avenue to the intersection of W. Cleveland Avenue and Highway 99, thence proceeding southeasterly along Highway 99 to the intersection of Highway 99 and the Fresno River, thence proceeding easterly along the Fresno River to the intersection of the Fresno River and N. Lake Street, thence proceeding northerly along N. Lake Street to the intersection of N. Lake Street and the City border, thence proceeding westerly, southerly, westerly, northerly, westerly, southerly and westerly along the City border to the point of beginning.

District 4 **The region bounded and described as follows:**

Beginning at the intersection of the Fresno River and N. Lake Street, thence proceeding northerly along N. Lake Street to the intersection of N. Lake Street and the City border, thence proceeding along the City border northerly, easterly, southerly, easterly, southerly, westerly, southerly and easterly to the intersection of the City border and Raymond Road, thence proceeding southwesterly along Raymond Road to the intersection of Raymond Road and Cleveland Avenue, thence proceeding southeasterly along Cleveland Avenue to the Fresno River, thence proceeding westerly along the Fresno River to the point of beginning.

District 5 **The region bounded and described as follows:**

Beginning at the intersection of the City border and Raymond Road, approximately 500 feet northeast of the intersection of Raymond Road and Cleveland Avenue, thence proceeding southwesterly along Raymond Road to the intersection of Raymond Road and Cleveland Avenue, thence proceeding southeasterly along Cleveland Avenue to the Fresno River, thence proceeding westerly along the Fresno River to the intersection of the Fresno River and Highway 99, thence proceeding southeasterly along Highway 99 to the extrapolated intersection of Highway 99 and W. Roberts Avenue, thence proceeding southwest between two parcels currently known as APN 006-190-048 and APN 006-190-049, thence to the intersection of Roberts Avenue and I Street, thence proceeding westerly along W. Roberts Avenue to the intersection of W. Roberts Avenue and Pine Street, thence proceeding southerly along Pine Street to the intersection of Pine Street and W. Roberts Avenue, thence proceeding westerly along W. Roberts Avenue to the intersection of W. Roberts Avenue and Willis Avenue, thence proceeding southerly along Willis Avenue to the intersection of Willis Avenue and Sunset Avenue, thence proceeding easterly along Sunset Avenue to the intersection of Sunset Avenue and N. N Street, thence proceeding southeasterly along N. N Street to the intersection of N. N Street and the Union Pacific Railroad line, thence proceeding northeasterly along the Union Pacific Railroad line to Highway 99, thence proceeding southeasterly along Highway 99 to the intersection of Highway 99 and Yosemite Avenue, thence proceeding northeasterly along Yosemite Avenue to the intersection of Yosemite Avenue and S. A Street, thence proceeding southeasterly and easterly along S. A Street to the intersection of S. A Street and the City border, thence proceeding northerly, easterly, northerly, easterly, northerly, southwesterly and northwesterly along the City border to the point of beginning.

District 6 **The region bounded and described as follows:**

Beginning at the intersection of N. N Street and the Union Pacific Railroad line, thence proceeding northeasterly along the Union Pacific Railroad line to Highway 99, thence proceeding southeasterly along Highway 99 to the intersection of Highway 99 and Yosemite Avenue, thence proceeding northeasterly along Yosemite Avenue to the intersection of Yosemite Avenue and S. A Street, thence proceeding southeasterly and easterly along S. A Street to the intersection of S. A Street and the City border, thence proceeding southerly, southeasterly, southwesterly, southerly, westerly, northerly and westerly along the City border to the intersection of the City border and Highway 145, thence northerly along Highway 145 to the intersection of Highway 145 and Olive Avenue, thence proceeding

westerly along Olive Avenue to the intersection of Olive Avenue and S. N Street, thence proceeding northwesterly along N Street to the point of beginning.