

ORDINANCE NO. 1406

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING SECTION 2.38.040 OF THE PALM DESERT MUNICIPAL CODE RELATED TO BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES ORDAIN AS FOLLOWS:

Section 1. Recitals

A. The City of Palm Desert currently elects five Councilmembers using a by-district election system comprised of two districts.

B. The City Council has determined that it is in the best interest of the City to shift from its current two-district election system to a five-district by-district election system.

C. 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 in which each Councilmember is elected only by the voters in the district in which the candidate resides, or a "by-district" system with an at-large, elected Mayor.

D. Pursuant to California Government Code section 34886, it is declared that the purpose of the change in the method of electing members of the City Council of the City of Palm Desert made by this Ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code.

E. The City engaged an expert demographic firm to assist the City with the process of analyzing the City's population, developing draft maps, and gathering input from residents on the possible maps.

F. In accordance with Elections Code section 21100 *et seq.* and Elections Code section 21620 *et seq.*, the City Council held two "pre-map" public hearings to obtain input on any proposed district boundaries on September 14, 2023, and September 28, 2023.

G. A. On September 6, 2023, November 29, 2023, and December 6, 2023, the City conducted Community Workshops to provide the public with information on the redistricting process, to solicit input, and begin reviewing the proposed maps.

H. On November 16, 2023, December 14, 2023, and January 11, 2024, the City Council held three "post-map" hearings to review the proposed maps and solicit input and comment from the public.

I. On January 11, 2024, the City Council selected a map for adoption and introduced, read by title, and waived further reading of this Ordinance.

J. 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 Palm Desert by-district in five single-member districts as reflected in Exhibit A to this Ordinance.

Section 2. Amendment to Code Section 2.38.040 of the Palm Desert Municipal Code is amended in its entirety to read as follows:

“2.38.040 – ELECTION OF CITY COUNCIL

(A) By-District Elections. Pursuant to California Government Code section 34886, Members of the City Council of the City of Palm Desert shall be elected by-district in five (5) single-member districts.

1. Members of the City Council shall be elected in the electoral districts established by subdivision (B) of this Section and subsequently reapportioned as provided by State law. Elections shall take place “by-district” as that term is defined in California Government Code section 34871, meaning one Councilmember shall be elected from each district, by the voters of that district alone.
2. A Councilmember elected or 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 reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued.
3. Termination of residency in a district by a Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.
4. Notwithstanding any other provision of this Section, the Councilmembers in office at the time this Section takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy

occurs in District 1 before the expiration of the term of a Councilmember in office at the time this Section takes effect, a person who is appointed or elected by special election to fill such vacancy must reside within the boundaries of District 1 as constituted when the Councilmember creating the vacancy was elected. In the event a vacancy occurs in District 2 before the expiration of the term of a Councilmember in office at the time this Section takes effect, a person who is appointed or elected by special election to fill such vacancy must reside within the boundaries of District 2 as constituted when the Council Member creating the vacancy was elected. A person(s) appointed or elected to fill such a vacancy(ies) shall hold the office in accordance with State law.

- (B) City Council Districts and District Elections. All five Councilmembers shall be elected on a “by-district” basis from the Council districts shown and numbered on the map titled ‘City of Palm Desert District Map – Map 109 Renumbered B’ attached as Exhibit A, a copy of which shall be on file in the City Clerk’s office. In 2024, and every four years thereafter, the following three City Council districts shall be elected by-district: District 1; District 2; and District 3. In 2026, and every four years thereafter, the following two City Council districts shall be elected by-district: District 4 and District 5.
- (C) Amendment of District Boundaries. Pursuant to Elections Code section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law.”

Section 3. Technical District Changes. 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 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 4. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this Ordinance or any part thereof. The City Council of the City of Palm Desert hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 5. Effective Date. This Ordinance shall take effect thirty (30) days after the date of its passage; and prior to fifteen (15) days after its passage, the City Clerk shall cause a copy of this Ordinance to be published in accordance with the provisions of the law. The City Clerk shall certify the adoption of this Ordinance.

ADOPTED ON JANUARY 25, 2024.


KARINA QUINTANILLA
MAYOR

ATTEST:


ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1406 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on January 11, 2024, and adopted at a regular meeting of the City Council held on January 25, 2024, by the following vote:

AYES: HARNIK, KELLY, NESTANDE, TRUBEE, AND QUINTANILLA
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on January 26, 2024.



ANTHONY J. MEJIA
CITY CLERK

EXHIBIT A

City of Palm Desert District Map - Map 109 Renumbered B

