

**CITY OF PALMDALE  
COUNTY OF LOS ANGELES, CALIFORNIA  
ORDINANCE NO. 1478**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALMDALE, CALIFORNIA ADDING NEW CHAPTER 4.11 TO TITLE 4 "MUNICIPAL ELECTIONS" OF THE PALMDALE MUNICIPAL CODE ESTABLISHING AND STAGGERING THE TERMS OF THE COUNCIL MEMBERS ELECTED AT THE GENERAL MUNICIPAL ELECTION IN NOVEMBER 2016.**

**WHEREAS**, the City was sued in April of 2012 in the Los Angeles County Superior Court in a case alleging that the City was in violation of the California Voting Rights Act of 2001 ("CVRA") by, among other things, maintaining an "at-large" system for electing members of the City Council ("Lawsuit"); and

**WHEREAS**, the City denied all the material substantive allegations of the complaint and denied any liability thereunder or that the plaintiffs were entitled to relief under the CVRA; and

**WHEREAS**, the Lawsuit was tried in the Los Angeles County Superior Court where the trial court issued a Statement of Decision and a Judgment ("Judgment") that found the City liable for violation of the CVRA and subsequently determined the remedies for the violation, including preliminarily enjoining certification of the City's November 2013 general municipal election ("preliminary injunction"), and granted the plaintiffs, as the prevailing party, a substantial award of attorney fees; and

**WHEREAS**, the preliminary injunction, Judgment and attorney fees award were respectively appealed to the California Court of Appeal, which affirmed issuance of the preliminary injunction. The California Supreme Court declined to hear the matter. Thereafter, plaintiffs filed for an additional award of attorney fees, which the trial court granted, including for plaintiffs' unsuccessful attempt to hold the City Council members in contempt for not vacating their elective offices in accordance with the Judgment. This latter award was also subject to appeal; and

**WHEREAS**, to avoid the further expenditure of public funds and further protracted litigation, and based on a desire to achieve finality and certainty on issues of public importance relating to the system of election for members of the City Council and the City's electoral process, the City entered into a Settlement Agreement with plaintiff's; and

**WHEREAS**, the Court of Appeal, in accordance with the Settlement Agreement, ordered that the Judgment be modified, and on June 19, 2015, in accordance with the remittitur of the Court of Appeal, the trial court entered an amended Judgment providing, in part, for the Office of Mayor to be separately elected at-large, and the four council members to be elected by-districts as specifically described in the amended Judgment; and

**WHEREAS**, on July 1, 2015 in accordance with the amended Judgment, the City Council adopted Ordinance No. 1471 amending Palmdale Municipal Code Chapter 2.08 "City Council" to maintain election of the separate Office of Mayor on a citywide basis and change the method of election of the four City Council Members to be elected by four designated electoral districts; and

**WHEREAS**, on July 1, 2015 in accordance with the amended Judgment, the City Council also adopted Ordinance No. 1470 moving the date of the City's General Municipal Election from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday following the first Monday in November of even-numbered years beginning in November 2016, and adjusting the terms of office of sitting City Council members such that the terms of all council members will continue in their offices until certification of the results and administration of oaths of office after the November 2016 general municipal election; and

**WHEREAS**, on September 29, 2015, the Los Angeles County Board of Supervisors approved the change of the City's municipal election date and ordered that the City's general municipal election be consolidated with the County election; and

**WHEREAS**, in accordance with the Settlement Agreement and Elections Code section 10010, on August 12, 2015, August 15, 2015, August 26, 2015, and September 2, 2015, the City Council held public hearings in each of the proposed districts specifically delineated in the amended Judgment; and

**WHEREAS**, the amended Judgment orders the City Council to implement the electoral districts set forth therein until the next decennial redistricting cycle in 2021, at which time the electoral district boundaries may be changed in any manner consistent with law; and

**WHEREAS**, on September 2, 2015, in accordance with the amended Judgment, the City Council adopted Ordinance No. 1474 establishing the district boundaries and numbers for its four electoral districts; and

**WHEREAS**, the amended Judgment requires all four Palmdale City Council positions shall be up for election in November 2016 and the City may establish a method of staggering terms for its City Council following the November 2016 election, consistent with applicable law; and

**WHEREAS**, the City Council determined to stagger the terms for members of the City Council by the drawing of lots according to the following process: 1) the numbers of the four districts shall be placed each in one of four blank envelopes, 2) the four envelopes shall be placed into a container, 3) a disinterested person shall draw the envelopes out of the container one-by-one, opening each envelope when drawn, and 4) the first two district numbers drawn shall have an initial four-year term, and the remaining two district numbers shall have a two-year term; and,

**WHEREAS**, at its meeting on October 7, 2015, the drawing of lots occurred as set forth in the immediately preceding paragraph; and

**WHEREAS**, first two district numbers drawn were District One (1) and District Two (2), whose Council members, upon qualification for office, shall have an initial term of office of four years; and

**WHEREAS**, the Council members for the other two districts, District Three (3) and District Four (4), upon qualification for office, shall have an initial two-year term of office; and

**WHEREAS** after the initial terms of office as set forth above, the term of office of members of the legislative body of the City elected pursuant to the provisions of this article shall be four years, and until a successor is qualified.

**THE CITY COUNCIL OF THE CITY OF PALMDALE DOES ORDAIN AS FOLLOWS:**

**SECTION 1.** Recitals. The foregoing recitals are true.

**SECTION 2.** Term of Office for Districts One and Two. The term of office of the Council Members elected to represent District One and District Two at the November 8, 2016 General Municipal Election shall be four years, and until a successor is qualified.

**SECTION 3. Term of Office for Districts Three and Four.** The term of office of the Council Members elected to represent District Three and District Four at the November 8, 2016 General Municipal Election shall be two years, and until a successor is qualified.

**SECTION 4. Subsequent Terms of Office.** After the initial terms of office as set forth in Section 2 and Section 3 of this Ordinance, the term of office of members of the City Council of the City of Palmdale elected pursuant to the provisions of this article shall be four years, and until a successor is qualified.

**SECTION 5. Environmental Review.** The City Council finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c) (2) and 15061(c) (3), i.e. respectively, that the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment and it does not have the potential to cause a significant effect on the environment (CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3).

**SECTION 6. Effective Date.** Pursuant to Elections Code section 9235, this ordinance is effective 30 days from and after its final passage.

**SECTION 7. Settlement of Lawsuit.** This ordinance is being considered pursuant to a negotiated settlement of the Lawsuit, which settlement was approved by the California Court of Appeal and ordered by the Los Angeles County Superior Court in the amended Judgment.

**SECTION 8. Publication and Notice to County.** The City Clerk shall certify to the passage and adoption of this ordinance, and cause the same to be published according to law and provide notice of this ordinance to the County of Los Angeles.

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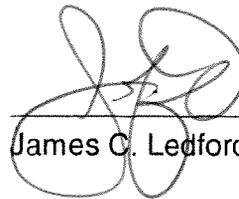
**SECTION 9. Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, or invalid, or ineffective, provided the basic purposes of this Ordinance and the benefits to the City and the public are not substantially impaired.

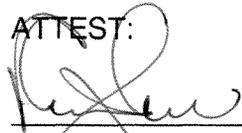
**PASSED, APPROVED and ADOPTED** this 4th day of November 2015, by the following vote of the Palmdale City Council:

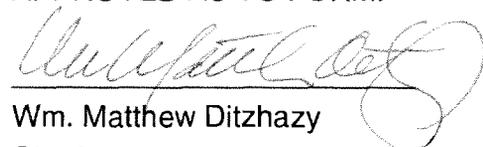
AYES: Ledford, Dispenza, Hofbauer, Thompson, and Martinez

NOES: None

ABSTAIN: None ABSENT: None

  
James C. Ledford, Jr., Mayor

ATTEST:  
  
Rebecca J. Smith  
City Clerk

APPROVED AS TO FORM:  
  
Wm. Matthew Ditzhazy  
City Attorney