

FILED

JUL 10 2020

RESOLUTION NO. 2020 – 43R

FRESNO COUNTY CLERK  
By *Cheryl S. Babcock*  
DEPUTY

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**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SELMA CALLING AND GIVING NOTICE OF THE SUBMISSION TO THE ELECTORS OF THE CITY OF SELMA AT THE GENERAL MUNICIPAL ELECTION TO BE HELD NOVEMBER 3, 2020, A BALLOT MEASURE PROVIDING FOR THE ELECTION OF MEMBERS OF THE LEGISLATIVE BODY OF THE CITY OF SELMA BY DISTRICTS OF FIVE DISTRICTS AND REPEALING ORDINANCE NO. 2019-8 ADOPTED BY THE CITY COUNCIL PROVIDING FOR THE ELECTION OF MEMBERS OF THE LEGISLATIVE BODY BY DISTRICTS OF FOUR DISTRICTS WITH AN ELECTED MAYOR TO BE ELECTED ON A CITY-WIDE BASIS BY THE VOTERS OF THE ENTIRE CITY**

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**WHEREAS**, Government Code §34871 allows the legislative body of a city at any municipal election to submit to the registered voters an ordinance providing for the election of members of the legislative body in alternative ways including by elections by districts of five districts and, as used therein, the term “by districts” means and refers to the election of members of the legislative body by voters of the district alone of members of the legislative body who are residents of the district from which they are elected by the voters;

**WHEREAS**, on December 2, 2019, the legislative body, the City Council of the City of Selma adopted Ordinance No. 2019-8 which requires the members of the legislative body to be elected by district of four districts with an elected mayor to be elected on a city-wide basis by the voters of the entire city; and

**WHEREAS**, Elections Code §9200 provides that ordinances may enacted by or for an incorporated city pursuant to the provisions of Article 1 of Chapter 3 of Division 9 of that Code and §9222 of the Elections Code allows the legislative body of the City to submit to the voters, a proposition for the repeal, amendment or enactment of any ordinance to be voted on at any succeeding regular or special City election and if the proposition submitted receives a majority of the votes cast at the election, the ordinance shall be repealed, amended or enacted accordingly. Such propositions must be submitted to the Fresno County Clerk Registrar of Voters by ordinance or by resolution and the election thereon is to be held not less than eighty-eight (88) days prior to the date of the election; and

**WHEREAS**, when an ordinance for election of councilmembers is submitted to the voters pursuant to Government Code §39871 is to be submitted to the voters on the ballots in substantially the form in which it appears in §34876.5. If a majority of the voters voting on the proposed ordinance vote in favor of it, members of the legislative body shall be elected in the manner approved by the voters beginning at the first election following approval of the district boundaries. When the ordinance is passed by the voters pursuant to §34876.5, the legislative body shall, after the election prepare and adopt a map that describes the boundaries and numbers of districts for the legislative body; and

**WHEREAS**, the City Council desires to allow the voters to decide whether the legislative



body, the City Council of the City of Selma shall be elected by district of five districts; or, whether election of members of the legislative body shall be by districts of four districts with an elective mayor to be elected on a City-wide basis by the voters of the entire City.

**NOW, THEREFORE, BE IT RESOLVED**, as follows:

**Section 1**      Incorporation of Recitals.

The forgoing recitals are true and correct and are incorporated by reference.

**Section 2**      Calling Municipal Election. Pursuant to California Elections Code §9222 and Government Code §34871 the City Council of the City of Selma hereby orders and calls a Municipal Election to be held in the City of Selma on Tuesday, November 3, 2020 for the purpose of submitting the Proposed Ordinance No. 2020-\_\_\_\_ attached as Exhibit A to this Resolution and incorporated by this reference to the qualified electors of the City, with said election to be held and consolidated with the Presidential Election on Tuesday, November 3, 2020. The full text of the Ordinance No. 2020-\_\_\_\_, attached to this Resolution as Exhibit A shall be made available to the voters upon request made to the City Clerk. The measure to be submitted to the voters shall appear and be printed on the ballot as follows:

5	Proposition ____; <u>City of Selma By-District Election Measure</u>	
9	Shall Ordinance No. 2019-8, providing for the legislative body of the City of Selma to be elected by districts in four districts with an elective mayor to be elected by the voters of the entire City be repealed and replaced by an ordinance requiring the members of the legislative body of the City of Selma be elected by five districts?	YES _____
11		
13		
10		NO _____
10		
3		

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**Section 3**      Introduction/Adoption of Ordinance. The City Council approved the introduction of Ordinance 2020-\_\_, an ordinance amending Chapter 11 (Elections) of Title 1 (Administrative) of the City of Selma Municipal Code to establish election of members of the City Council by five districts on June 15, 2020. The City conducted a duly noticed public hearing on Ordinance No. 2020-\_\_ on July 6, 2020, voted, by majority, to waive the Second Reading and adopt said Ordinance on July 6, 2020. The said ordinance provides and it shall not take effect unless and until approved by a vote of at least a majority of the voters voting on the question at the General Municipal Election on November 3, 2020.

**Section 4**      Impartial Analysis. The City Attorney is hereby directed to prepare an impartial analysis of the measure pursuant to Elections Code §9280.

**Section 5**      Requesting Fresno County to Render Election Services: The Board of Supervisors of Fresno County is hereby requested to permit the County Registrar of Voters to render services to the City of Parlier related to the conduct of the November 3, 2020, General Municipal

Election as follows:

- A. Distribute and file all papers submitted in connection with the proposed ordinance.
- B. Make all required publications.
- C. Prepare, print and mail to the qualified electors of the City of Parlier sample ballots and voter pamphlets. Full text of the ballot measure will be made available upon request at the Parlier City Clerk's Office.
- D. Provide vote by mail ballots for said municipal election for use by the qualified electors who may be entitled to vote by mail ballots in the matter provided by law.
- E. Order consolidation of precincts, appoint precinct boards, designate polling places and instruct election officers concerning their duties.
- F. Conduct and canvas the returns of the election and certify the votes cast for the proposed measure.
- G. Receive and process vote by mail voter applications.
- H. Prepare, print and deliver to the polling place supplies, including the official ballots and a receipt for said supplies.
- I. Recount votes, if requested in accordance with State law.
- J. Conduct all election duties in accordance with the Voters' Rights Act of 1975.
- K. Perform all other pertinent services required to perform said election other than requirements of the Fair Political Practices Commission; said Fair Political Practices Commission requirements to be performed by the City Clerk.


**Section 6** Miscellaneous. The Fresno County Registrar of Voters is requested to consolidate the special election with the election of any other jurisdiction. The City of Selma agrees to and shall pay the bill for the services performed by the Registrar of Voters of Fresno County. The City Manager or Acting City Manager is authorized to make changes to the language of this resolution, the measure, and the attached ordinance to conform to any requirement of the Fresno County Registrar of Voters, that does not alter the substantive terms of those enactments.

The City Clerk is hereby authorized and directed to transmit certified copies of this resolution to the Board of Supervisors and to the County Registrar of Voters. The City Clerk and City Attorney are hereby authorized to correct or revise the language of this Resolution and the attached Ordinance to correct any typographical, grammatical or other errors contained herein.

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The foregoing resolution was duly approved by the Selma City Council at a regular meeting held on the 6th day of July 2020 by the following vote, to wit:

AYES: 5 COUNCIL MEMBERS: Avalos, Guerra, Trujillo, Robertson, Franco  
NOES: 0 COUNCIL MEMBERS: None  
ABSTAIN: 0 COUNCIL MEMBERS: None  
ABSENT: 0 COUNCIL MEMBERS: None

  
Louis Franco, Mayor

ATTEST:

  
Reyna Rivera, City Clerk



ORDINANCE NO. 2020 – 4

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**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SELMA, CALIFORNIA, CONTINGENT UPON SUBMISSIONS TO AND APPROVAL OF THE ELECTORS, AMENDING CHAPTER 11 (ELECTIONS) OF TITLE 1 (ADMINISTRATIVE) OF THE CITY OF SELMA MUNICIPAL CODE, TO ESTABLISH THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS**

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**WHEREAS**, the City formerly elected its five (5) City Councilmembers using an at-large election system, whereby candidates may reside in any part of the City, and each City Councilmember is elected by the voters of the entire City; and

**WHEREAS**, California Government Code Section 34886 permits the City Council of a city to change its method of election by ordinance to, among others, a “by-district” system consisting of four districts in which four of the members of the City Council are elected only by the voters in the district in which the candidate resides and an elective Mayor of the City of Selma is elected on a city-wide basis by the voters of the entire City and the City Council has adopted an Ordinance, No. 2019-8, providing for the election of City Councilmembers by four districts with an at-large elective Mayor and the election on November 3, 2020, will be for election of an elective Mayor at-large and two by-district City Council members; and

**WHEREAS**, the City Council desires to allow the voters of the City to determine whether the City Council members shall continue to be elected from four districts and the Mayor of the City of Selma elected on a city-wide basis the voters of the entire City; or whether the Ordinance No. 2019-8, should be repealed and replaced with an ordinance requiring all five members of the City Council to be elected by a by-district system in which each member of the City Council is elected only by the voters in the district in which the candidate resides beginning with the election on November 2022; and

**WHEREAS**, this Ordinance shall be effective if, but only if a majority of the voters voting on the proposed Ordinance at a General Election vote in its favor.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SELMA DOES ORDAIN, SUBJECT TO THE APPROVAL OF A MAJORITY OF THE VOTERS VOTING IN FAVOR OF THIS PROPOSED ORDINANCE AS FOLLOWS:**

**SECTION 1.** The facts set forth in the foregoing recitals are true and correct and incorporated herein by reference.

**SECTION 2. Amendment of Municipal Code.** If approved by the voters, Chapter 11 (Elections) of Title 1 (Administrative) of the City of Selma Municipal Code is hereby amended to read in its entirety as follows:

“1-11-1 City Council Elections. The general election laws of the State shall be made applicable and shall be observed in all Municipal elections, general or special, held in the City.

“1-11-2 Declaration of Purpose. The City Council of the City of Selma hereby declares that the change of method of electing members of this Council hereby enacted is being made in furtherance of the California Voting Rights Act of 2001.

“1-11-3 City Council Districts Established. Five City Council districts are hereby established in the City of Selma. The boundaries and identifying number of each district shall be as described in a Council District Map to be approved by the City Council in accordance with Elections Code §10010.

“1-11-4 Election of Members of the City Council by District.

“a. Following the effective date of this ordinance and upon the commencement of “by district” elections in the order established in Section 1-11-5 of this Code, Members of the City Council shall be elected “by District” as defined in California Government Code Section 34871 or any successor statute. No term of any Member of the City Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance.

“b. Registered voters signing nomination papers or voting for a Member of the City Council shall be residents of the geographical area making up the district from which the Member is to be elected.

“c. The terms of the office of each Member elected to the City council shall remain four (4) years.

“1-11-5 Commencement of District Elections. Commencing with the general municipal election in November of 2022 and thereafter, the voters in three districts as defined and identified by the Council District Map adopted by the City Council shall elect Members of the City Council by district for full four (4) year terms. At the general municipal election in November 8, 2024, and thereafter, the voters in two such districts shall elect Members of the City Council by district for full four (4) year terms.

“Pursuant to Elections Code Section 21606, the term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.”



**Section 3. Clerical Errors.** The City Council directs the City Clerk to correct any clerical errors found in this Ordinance including, but not limited to, typographical errors, irregular number and incorrect section references.


**Section 4. Severability.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Selma hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

**Section 5. Effective Date.** Pursuant to the provisions of Government Code Section 36937(a), this Ordinance shall take effect immediately upon its adoption.

**Section 6. Publication.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause this ordinance to be published and posted as required by law.

**PASSED, APPROVED AND ADOPTED** this 6<sup>th</sup> day of July 2020, by the following vote:

AYES: 5 COUNCIL MEMBERS: Avalos, Guerra, Trujillo, Robertson, Franco  
NOES: 0 COUNCIL MEMBERS: None  
ABSTAIN: 0 COUNCIL MEMBERS: None  
ABSENT: 0 COUNCIL MEMBERS: None

  
Louis Franco, Mayor

ATTEST:



Reyna Rivera, City Clerk