

ORDINANCE NO. 1715-NS

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF THOUSAND OAKS, CALIFORNIA, AMENDING TITLE 1, "GENERAL PROVISIONS," BY ADDING CHAPTER 16, "DISTRICT-BASED ELECTIONS," OF THE THOUSAND OAKS MUNICIPAL CODE TO ESTABLISH A DISTRICT-BASED ELECTORAL SYSTEM, ADOPT A MAP DESCRIBING THE BOUNDARIES OF EACH DISTRICT, AND IDENTIFY THE DISTRICTS TO HOLD A DISTRICT-BASED ELECTION IN 2024 AND 2026 TO IMPLEMENT DISTRICT-BASED ELECTIONS (ELECTIONS CODE § 10010)

WHEREAS, the City of Thousand Oaks supports the full participation of all citizens in electing Members of the City Council; and

WHEREAS, the City of Thousand Oaks currently elects its five (5) Members of the City Council using an at-large election system, where candidates may reside in any part of the City and each Member of the City Council is elected by the voters of the entire City; and

WHEREAS, on March 15, 2023, the City received a letter from the law firm of Radcliff Mayes, LLP alleging the City's at-large method of electing members of City Council violates the California Voting Rights Act (CVRA/the Act). The letter demanded the City transition to district-based elections or face litigation under the CVRA; and

WHEREAS, under the provisions of California Elections Code Section 10010, a city that changes from an at-large City Council method of election to a district-based City Council method of election requires a total of four public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

WHEREAS, the council finds the most suitable by-district method of electing councilmembers is to divide the city into five districts and have the residents of each district elect a resident who resides in their district to the council; and

WHEREAS, at a regular meeting of the City Council of the City of Thousand Oaks held on April 25, 2023, the City Council adopted Resolution No. 2023-011 that initiated the process of establishing a district-based election system and adopting the schedule therefore; and

WHEREAS, thereafter, at a regular meeting of the City Council of the City of Thousand Oaks held on May 9, 2023, and May 16, 2023, respectively, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn, and the City Council of the City of Thousand Oaks considered and discussed the same; and

WHEREAS, thereafter, at a regular meeting of the City Council of the City of Thousand Oaks held on June 20, 2023, and July 11, 2023, respectively, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven days before the meetings of June 20, 2023, and July 11, 2023, and the proposed sequence of elections, and the City Council of the City of Thousand Oaks considered and discussed the same; and

WHEREAS, at the regular meeting of the City Council of the City of Thousand Oaks held on July 11, 2023, the City Council held the final public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district map known as the "Map 106B", (attached hereto as Exhibit A), and selected Council District Nos. 4 and 5 seats for the 2024 ballot, and Council District Nos. 1, 2, and 3 seats for the 2026 ballot, incorporated in, and set forth in this Ordinance, which was introduced for a first reading at the same regular meeting of the City Council of the City of Thousand Oaks; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010, but not limited to, public workshops held on May 11, 2023; June 3, 2023; June 22, 2023; and June 24, 2023; and a pop-up event held on June 23, 2023; and

WHEREAS, the purpose of this Ordinance is to enact provision providing for the election of Members of the City Council of the City of Thousand Oaks on a district-based system for single-member districts as reflected in Exhibit A to this Ordinance, in furtherance of the purposes of the California Voting Rights Act of 2001, Elections Code Section 14025 et seq., and to implement the guarantees of Section 7 of Article I and of Article II of the California Constitution.

NOW, THEREFORE, the Council of the City of Thousand Oaks does hereby ordain as follows:

Part 1

Section 1. RECITALS. The foregoing recitals are true and correct.

Part 2

Section 2. AMENDMENT OF CODE. Title 1, "General Provisions," of the City of Thousand Oaks Municipal Code is hereby amended to read as follows:

Chapter 16  
District-based Elections

Sections:

1-16.01 Purpose.  
1-16.02 District-Based Electoral System.  
1-16.03 Establishment of City Council Electoral Districts.  
1-16.04 Election Schedule.

1-16.01 Purpose.

The City's at-large voting system used to elect members of the City Council was challenged under the California Voting Rights Act. In response, the City Council voted to voluntarily transition from at-large elections to district-based elections. The purpose of this Chapter is to establish the respective districts; set forth the schedule for district elections; and set forth the other procedures applicable to the City's transition from at-large elections to district-based elections.

1-16.02 District-Based Electoral System.

Pursuant to California Government Code Section 34886 and the schedule established in Section 1-16.03 of this Chapter, beginning in November 2024, Members of the City Council shall be elected on a district-based electoral system from five (5) single-member City Council Districts. For purposes of this Chapter, the term 'district-based electoral system' shall mean the election of Members of the City Council by the voters of the district alone. The City's district-based electoral system shall be conducted in accordance with California Government Code Section 34871, subdivision (a).

1-16.03 Establishment of City Council Electoral Districts.

- (a) Pursuant to Section 1-16.02 of this Chapter, Members of the City Council shall be elected on a district-based electoral system, from the five City Council Districts described as follows, which shall continue in effect until they are amended or repealed in accordance with law:
  - (1) City Council District 1 shall comprise all that portion of the City reflected in Exhibit A.
  - (2) City Council District 2 shall comprise all that portion of the City reflected in Exhibit A.
  - (3) City Council District 3 shall comprise all that portion of the City reflected in Exhibit A.
  - (4) City Council District 4 shall comprise all that portion of the City reflected in Exhibit A.
  - (5) City Council District 5 shall comprise all that portion of the City reflected in Exhibit A.
- (b) Members of the City Council shall be elected in the electoral districts established by this Section and subsequently reapportioned pursuant to applicable State and federal law.
- (c) Except as provided in subdivision D herein and notwithstanding any other provision of this Chapter, once this Ordinance is fully phased in, the Member of the City Council 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 in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to Elections Code Section 10227. Termination of residency in a district by a Member of the City Council shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.
- (d) Notwithstanding any other provision of this Section, and consistent with the requirements of California Government Code Section 36512, the Members of the City Council in office at the time the Ordinance codified in this Chapter 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. At the end of the term of each Member of the City Council, that Member of the City Council's

successor shall be elected on a district-based system in the districts established in Section 1-16.02 of this Chapter.

1-16.04 Election Schedule.

Except as otherwise required by California Government Code Section 36512, the Members of the City Council shall be elected in Council Districts Nos. 4 and 5 beginning at the General Municipal Election in November, 2024, and every four years thereafter, as such Council Districts shall be amended. Members of the City Council shall be elected from Council Districts Nos. 1, 2, and 3 beginning at the General Municipal Election in November, 2026, and every four years thereafter, as such Council Districts shall be amended."

Section 3. MAP. A map showing the districts described in this Ordinance and codified in Section 1-16.03 of the City of Thousand Oaks Municipal Code is attached hereto as Exhibit A and incorporated herein by reference.

Section 4. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed 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 5. TECHNICAL ADJUSTMENTS. 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 6. CONFLICTING TERMS. 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.

Part 3  
(Uncodified)  
Severability

If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being hereby expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Part 4  
(Uncodified)  
Effective Date

The Ordinance shall take effect immediately pursuant to California Government Code section 36937(a).

PASSED AND ADOPTED this 18th day of July, 2023, by the following vote:

Ayes: Councilmembers Engler, Taylor, Adam, and Mayor McNamee

Noes: Councilmember Newman

Absent: None

DocuSigned by:

*Kevin McNamee*

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Kevin McNamee, Mayor  
City of Thousand Oaks, California

ATTEST/CERTIFY:

DocuSigned by:

*S. B. Maguire*

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Laura B. Maguire, City Clerk

Date Attested: 7/26/2023

APPROVED AS TO FORM  
Office of the City Attorney

DocuSigned by:  
  
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Tracy M. Noonan, City Attorney

APPROVED AS TO ADMINISTRATION:

DocuSigned by:  
  
3062472D3E6C49D...  
Andrew P. Powers, City Manager

Introduced: July 11, 2023  
Published: July 13, 2023, and July 25, 2023  
Ordinance No.: 1715-NS

*The presence of electronic signature certifies that the foregoing is a true and correct copy as approved by the City of Thousand Oaks City Council on the date cited above.*



EXHIBIT A

Map 106B  
Adopted July 18, 2023

