

ORDINANCE NO. 2022 - 626

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WOODSIDE REPEALING SUBSECTION 30.02, RESIDENCY OF COUNCIL MEMBERS IN DISTRICTS OF REPRESENTATION, TITLE III, ADMINISTRATION, CHAPTER 30, TOWN COUNCIL, OF THE WOODSIDE MUNICIPAL CODE AND ADDING SUBSECTION 30.02, ELECTION OF MEMBERS OF THE TOWN COUNCIL BY DISTRICT TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE TOWN COUNCIL BY FIVE DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378(b)(5), 15601(b)(3)

WHEREAS, the Town of Woodside has historically used a “from district” method of electing members to the Town Council, which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

WHEREAS, California Government Code Section 34886 permits the Town Council to change the method of election by ordinance to a “by-district” system in which each member of the Town Council is elected only by the voters in the district in which the candidate resides, in accordance with California Government Code Section 34871; and

WHEREAS, a by-district system can also be consistent with the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

WHEREAS, on March 23, 2021, the Town Council adopted Resolution Number 2021-7398 that initiated the process of establishing a by-district election system; and

WHEREAS, under the provisions of California Elections Code Section 100100, a town that changes from an at-large method of electing councilmembers to a by-district method of electing councilmembers must hold a total of five 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 maps; and

WHEREAS, on November 16, 2021 and December 9, 2021, pursuant to California Elections Code Section 10010(a)(1), the Town Council held public hearings where the public was invited to provide input regarding the composition of the Town’s voting districts before any draft maps were drawn, and the Town Council of the Town of Woodside considered and discussed the same; and

WHEREAS, on February 28, 2022 and March 15, 2022, pursuant to California Elections Code Section 10010(a)(2), the Town Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released and published at least seven (7) days before each meeting, and the proposed sequence of the elections, and the Town Council of the Town of Woodside considered and discussed the same; and

WHEREAS, at its meeting on March 15, 2022, the Town Council directed staff to prepare a proposed ordinance adopting a voting district map for the Town Council’s consideration; and

WHEREAS, on April 5, 2022, the Town Council held a final public hearing on the proposal to establish district boundaries, reviewed and considered additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth, in this Ordinance as Exhibit A, which was introduced for a first reading at the same meeting; and

WHEREAS, throughout the foregoing process, the Town 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; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of members of the Town Council of the Town of Woodside by district in five single-member districts as reflected in the voting district map attached as Exhibit A to this Ordinance, in furtherance of the California Voting Rights Act of 2001 (Chapter 1.5 [commencing with Section 14025] of Division 14 of the Elections Code) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

IT IS HEREBY ORDAINED by the Town Council of the Town of Woodside as follows:

SECTION ONE: The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

SECTION TWO: Chapter 30, Town Council, of Title III, Administration, of the Woodside Municipal Code is hereby amended to repeal Section 30.02, Residency of Council Members in districts of representation, in its entirety.

SECTION THREE: A new Section 30.02, Election of members of the Town Council by district, is added to Chapter 30, Town Council of Title III, Administration, of the Woodside Municipal Code to read as follows:

Section 30.02 Election of members of the Town Council by district.

- (A) *Districts Established.* Five Town Council districts are hereby established in the Town of Woodside. The boundaries and identifying numbers of each district shall be as described and shown on the Council District Map attached as Exhibit A, and incorporated by reference.
- (B) *Election of members of the Town Council by-district.*
 - (1) Following the effective date of this Ordinance and upon the commencement of “by-district” elections in the order established by this Code Section, members of the Town Council shall be elected “by-district” as defined in the California Government Code Section 34871 or any successor statute. Any candidate for Town Council must have been a resident and elector of the

district in which they seek election by the time they pull nomination papers for such office, or such person's appointment to fill a vacancy therein. No term of any member of the Town Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance. Should a vacancy occur in an office elected for a term scheduled to terminate after the November 2024 election prior to the scheduled end of that term, the Council may fill that vacancy for the remainder of that term pursuant to regular process of filling Council vacancies and, if by special election, that special election shall be "from district."

- (2) Registered voters voting for a member of the Town Council shall be residents of the geographical area making up the district from which the member is to be elected.
- (3) The terms of the office of each member elected to the Town Council shall remain four (4) years.

(C) *Commencement of district elections.*

- (1) Commencing on the General Municipal Election in 2022 and every four years thereafter the voters in districts 2 and 3, shall elect members of the Town Council by district for four (4) year terms. At the General Municipal Election in 2024, and every four years thereafter, the voters in districts 1, 4, and 5, shall elect members of the Town Council by district for four (4) year terms.
- (2) The term of office of any councilmember 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 they were elected.

SECTION FOUR: Technical Adjustments and Metes-and-Bounds. If necessary to facilitate the implementation of this Ordinance, the Town 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 Town Clerk shall consult with the Town Manager and Town Attorney concerning any technical adjustments deemed necessary and shall advise the Town Council of any such adjustments required in the implementation of the districts. The Town Clerk shall also direct the Town's demographer to provide a metes-and-bounds description of each district as shown on the map attached as Exhibit A and incorporated herein by reference, which shall be submitted to the Town Council at its next regular meeting and kept on file in the Town Clerk's office for public review.

SECTION FIVE: CEQA Determination. This Ordinance is not subject to the California Environmental Quality Act (CEQA) because it is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, since there is no potential of the Ordinance to result in direct or indirect physical change to the environment. In addition, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility the Ordinance may have a significant effect on the environment.

SECTION SIX: If any section, subsection, subdivision, paragraph, sentence, clause or phrase of 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 the Ordinance or any part thereof. The Town 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 or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

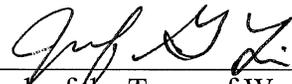
SECTION SEVEN: Pursuant to Section 36937(a) of the Government Code of the State of California, the Ordinance shall take effect immediately upon its passage.

SECTION EIGHT: The Town Clerk shall cause this Ordinance to be published in accordance with the requirements of Section 36933 of the Government Code of the State of California.

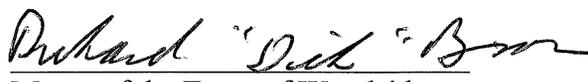
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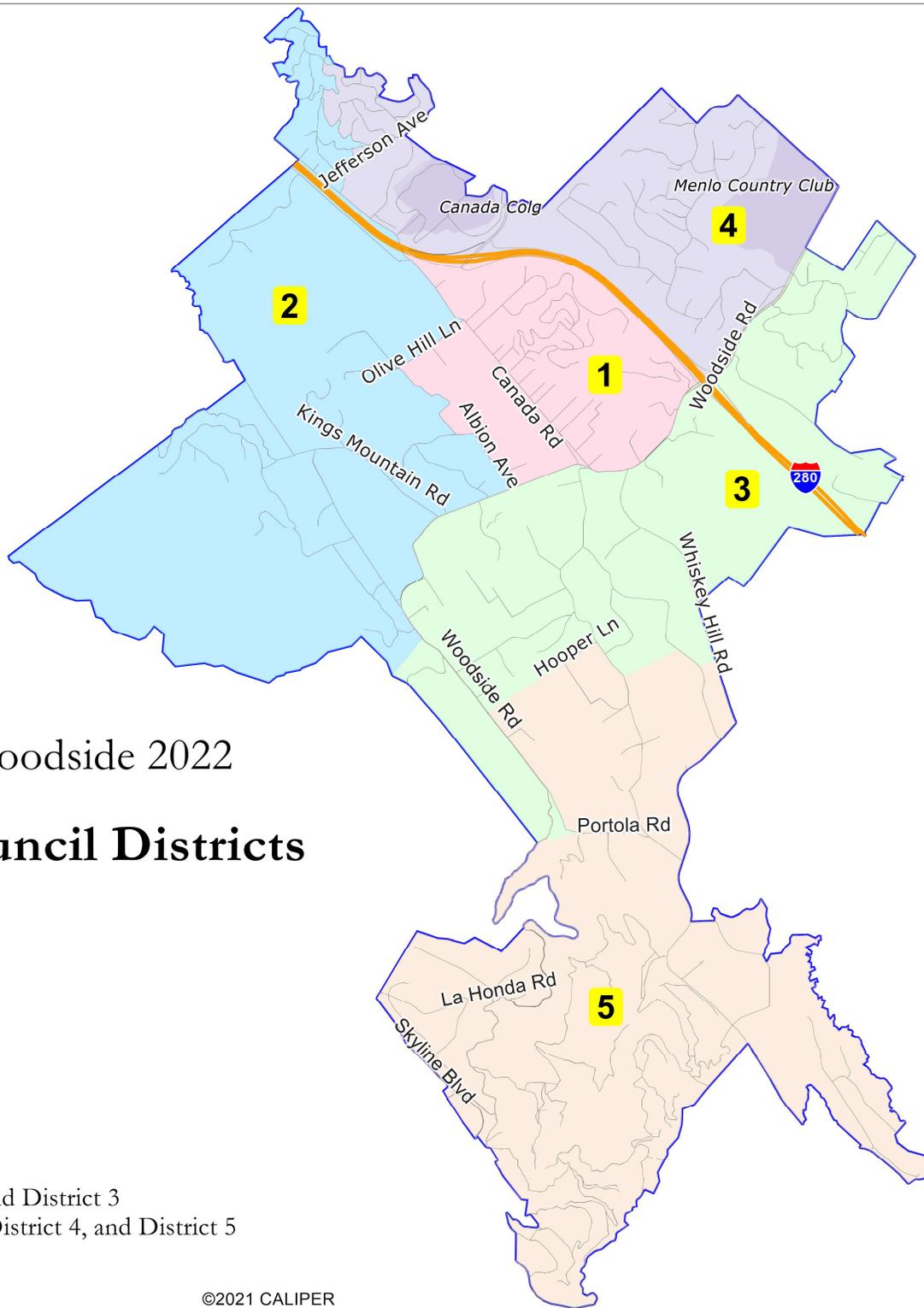
I, the undersigned, hereby certify that the foregoing Ordinance is a full, true and correct copy of Ordinance No. 2022-626 of the Town of Woodside entitled as above; that it was introduced on the 5th day of April, 2022 and was passed and adopted by the Town Council on the 12th day of April of, 2022, by the following vote:

AYES, Councilmembers:	Carvell, Dombkowski, Shaw, and Mayor Brown
NOES, Councilmembers:	Fluet
ABSENT, Councilmembers:	Scott and Wall
ABSTAIN, Councilmembers:	


Clerk of the Town of Woodside

APPROVED:


Mayor of the Town of Woodside



Town of Woodside 2022
Adopted Council Districts

2022 Elections: District 2 and District 3
 2024 Elections: District 1, District 4, and District 5

Public 101 Revised							
District		1	2	3	4	5	Total
	Total Pop	1,047	1,085	1,031	1,074	1,076	5,313
	Deviation from ideal	-16	22	-32	11	13	54
	% Deviation	-1.51%	2.07%	-3.01%	1.03%	1.22%	5.08%
Total Pop	% Hisp	6.1%	7%	6%	5%	13%	8%
	% NH White	82%	79%	78%	73%	72%	77%
	% NH Black	1%	1%	1%	1%	1%	1%
	% Asian-American	9%	9%	10%	18%	10%	11%
Citizen Voting Age Pop	Total	756	705	822	898	849	4,030
	% Hisp	4%	7%	3%	4%	10%	6%
	% NH White	90%	85%	85%	78%	85%	84%
	% NH Black	0%	0%	3%	3%	0%	1%
	% Asian/Pac.Isl.	6%	8%	9%	15%	6%	9%
Voter Registration (Nov 2020)	Total	857	828	881	910	798	4,274
	% Latino est.	4%	3%	5%	2%	4%	3%
	% Spanish-Surnamed	4%	3%	5%	2%	4%	3%
	% Asian-Surnamed	4%	4%	6%	7%	6%	6%
	% Filipino-Surnamed	0%	0%	1%	0%	0%	0%
	% NH White est.	91%	93%	86%	89%	88%	89%
	% NH Black	0%	0%	2%	1%	0%	1%
Voter Turnout (Nov 2020)	Total	774	713	773	803	692	3,755
	% Latino est.	4%	3%	4%	2%	3%	3%
	% Spanish-Surnamed	4%	3%	4%	2%	3%	3%
	% Asian-Surnamed	4%	4%	6%	8%	7%	6%
	% Filipino-Surnamed	0%	0%	1%	0%	0%	0%
	% NH White est.	91%	93%	86%	88%	88%	89%
	% NH Black	0%	0%	2%	1%	0%	1%
Voter Turnout (Nov 2018)	Total	642	663	589	665	625	3,184
	% Latino est.	4%	2%	4%	2%	3%	3%
	% Spanish-Surnamed	4%	2%	4%	2%	3%	3%
	% Asian-Surnamed	4%	4%	4%	5%	4%	4%
	% Filipino-Surnamed	0%	0%	0%	0%	0%	0%
	% NH White est.	92%	93%	88%	91%	91%	91%
	% NH Black est.	0%	0%	3%	1%	0%	1%
ACS Pop. Est.	Total	1,148	1,018	1,073	1,142	1,177	5,559
Age	age0-19	33%	25%	24%	22%	22%	25%
	age20-60	47%	41%	42%	38%	54%	45%
	age60plus	21%	34%	34%	40%	24%	30%
Immigration	immigrants	18%	18%	17%	18%	15%	17%
	naturalized	78%	67%	69%	79%	62%	71%
Language spoken at home	english	85%	83%	84%	83%	84%	84%
	spanish	7%	4%	4%	4%	7%	5%
	asian-lang	4%	4%	3%	3%	4%	3%
	other lang	5%	9%	10%	10%	6%	8%
Language Fluency	Speaks Eng. "Less than Very Well"	0%	5%	3%	5%	5%	4%
Education (among those age 25+)	hs-grad	20%	14%	16%	16%	12%	16%
	bachelor	32%	31%	35%	31%	32%	32%
	graduatedegree	41%	45%	41%	47%	48%	45%
Child in Household	child-under18	47%	29%	29%	25%	36%	33%
Pct of Pop. Age 16+	employed	53%	58%	54%	56%	72%	59%
Household Income	income 0-25k	10%	5%	7%	3%	6%	6%
	income 25-50k	6%	5%	6%	7%	10%	7%
	income 50-75k	7%	3%	4%	3%	5%	4%
	income 75-200k	25%	27%	25%	17%	21%	23%
	income 200k-plus	52%	61%	57%	71%	58%	60%
Housing Stats	single family	100%	96%	98%	100%	100%	99%
	multi-family	0%	4%	2%	0%	0%	1%
	rented	13%	12%	14%	1%	17%	11%
	owned	87%	88%	86%	99%	83%	89%

Total population data from the 2020 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.