

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE
CITY OF HAYWARD

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HAYWARD ADDING ARTICLE 16
TO CHAPTER 2 OF THE HAYWARD MUNICIPAL CODE, ESTABLISHING DISTRICT-BASED
CITY COUNCIL ELECTIONS; AND FINDING THAT THE ACTION IS EXEMPT FROM CEQA
REVIEW

Section 1. Article 16 is added to Chapter 2 of the Hayward Municipal Code to read in full as
follows:

ARTICLE 16
BY-DISTRICT CITY COUNCIL ELECTIONS

SECTION 2-16.00 – Purpose. The City Council 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.

SECTION 2-16.10 – Establishment of City Council Districts.

- (a) Six (6) City Council districts are hereby established in the City of Hayward. The
boundaries and identifying number of each district shall be as described on the
City Council District Map located at [hyperlink to map to be inserted here] and
incorporated herein. To the extent there is a conflict between the descriptions
contained in the Ordinance codified in this Article and the map incorporated
herein, the map shall prevail.
- (b) If necessary to facilitate the implementation of this Ordinance, the City Manager
or his or her designee is authorized to make technical adjustments to the district
boundaries that do not substantively affect the populations in the districts or the
eligibility of candidates. The City Manager shall consult with the 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.
- (c) Elections shall take place, and Councilmembers shall be elected, “by-districts” as
that term is defined in California Government Code Section 34871, meaning one
member of the City Council shall be elected from each district, by the voters of that
district alone.
- (d) The districts specified in subdivision (a) shall continue in effect until they are
amended or repealed in accordance with law.

SECTION 2-16.20 – By-District Electoral System.

- (a) Pursuant to California Government Code Sections 34886 and 34871(c), Councilmembers shall be elected by-districts in six (6) single-member districts.
- (b) Except as provided in subdivision (c) hereof, the Councilmember elected to represent a district must live 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 California Government Code Section 34882 and Elections Code Section 10227.
- (c) A Councilmember in office at the time this Article takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified.
- (d) Upon expiration of the full term of each Councilmember elected at-large, that Councilmember’s successor shall be elected on a by-district basis in the districts established in Section 2-16.10 and as provided in Section 2-16.30. A vacancy in a Councilmember office elected by-district shall be filled according to law by a person qualified to hold the office, who lives in the district.
- (e) The terms of office of each Councilmember elected to the City Council pursuant to this Ordinance shall remain four (4) years as specified in the City Charter.
- (f) The method of electing the office of the Mayor at-large shall not be affected by the provisions of this Ordinance.

SECTION 2-16.30 – Sequence of District Elections.

- (a) Councilmembers from Districts 1 and 6 shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter.
- (b) Councilmembers from Districts 2, 3, 4, and 5 shall be elected beginning at the General Municipal Election in November 2028, and every four years thereafter.

Section 2. California Environmental Quality Act. Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to the California Environmental Quality Act (“CEQA”), under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b) (3) as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

Section 3. If any section, subsection, paragraph, or sentence of this Ordinance, or any part thereof, is for any reason found to be unconstitutional, invalid, or beyond the authority of the City of Hayward by a court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance.

Section 4. The effective date of this Article shall be thirty (30) days after its adoption by the City Council.

Introduced at a regular meeting of the City Council of the City of Hayward, held the 1st day of October 2024, by Council Member Bonilla Jr.

This Ordinance will be considered for adoption at the regular meeting of the Hayward City Council, to be held on the 8th day of October 2024, at 7:00 p.m. Please note the City Council will hold a hybrid meeting which will allow for participation in the Council Chamber and virtually via the Zoom platform. The full text of this Ordinance is available for examination by the public by contacting the City Clerk's office at cityclerk@hayward-ca.gov or (510) 583-4400.

Dated: October 4, 2024
Miriam Lens, City Clerk
City of Hayward