

ORDINANCE NO. 24-_____

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

WHEREAS, the City of Hayward currently elects its Mayor and City Councilmembers using an at-large election system; and

WHEREAS, in the at-large election system, candidates may live in any part of the City and the Mayor and each Councilmember is elected by the voters of the entire City; and

WHEREAS, in a by-district election system, a candidate for City Council must live in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of the members of the City Council of the City of Hayward by district in six (6) single-member districts; and

WHEREAS, 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; and

WHEREAS, the accompanying October 1, 2024 City Council staff report and attachments and exhibits thereto are hereby incorporated by reference as though fully set forth herein.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

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.

ATTACHMENT II

- (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 ___ and ___ shall be elected beginning at the General Municipal Election in November 2026, and every four years thereafter.
- (b) Councilmembers from Districts ___, ___ and ___ 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.

ATTACHMENT II

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of __, 2024, by Council Member _____,

ADOPTED at a regular meeting of the City Council of the City of Hayward, held the ___ day of _____, 2024, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward