

NOTICE OF INTENT TO CIRCULATE PETITION

AN INITIATIVE MEASURE TO REPEAL THE CITY COUNCIL DISTRICT-ELECTION PROVISIONS ADOPTED BY ORDINANCE NO. 889 AND RESTORE AT-LARGE ELECTIONS FOR CITY COUNCIL MEMBERS

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of Ojai for the purpose of repealing the City Council District-Election provisions adopted by Ordinance No. 889 and restoring at-large elections for City Council members.

A statement of the reasons of the proposed action as contemplated in the petition is as follows:

The People of the City of Ojai desire to restore at-large elections for the four members of the City Council while leaving unchanged the separately elected at-large Mayor.

Proponent 1

Printed Name: _____

Signature: _____

Residence Address: _____

Date: _____

Proponent 2

Printed Name: _____

Signature: _____

Residence Address: _____

Date: _____

Proponent 3

Printed Name: _____

Signature: _____

Residence Address: _____

Date: _____

The People of the City of Ojai do ordain as follows:

THE OJAI AT-LARGE ELECTIONS RESTORATION ACT

SECTION 1. Title.

This measure shall be known and may be cited as the “Ojai At-Large Elections Restoration Act” (the “Act”).

SECTION 2. Purpose and Intent.

In enacting this measure, the People of the City of Ojai find and declare as follows:

(A) The purpose of this Act is to restore the right of every registered voter in the City of Ojai to vote for every member of the City Council, ensuring equal participation for all residents in their local government by repealing the City Council by-district election provisions added by Ordinance No. 889 and restoring at-large elections for the four members of the City Council, while leaving the separately elected Mayor provision unchanged.

(B) Ordinance No. 889 was adopted on December 11, 2018, under threat of litigation and without a vote of the people, and changed the method of electing City Council members from at-large to by-district elections. Since that time, the legal, demographic, and practical circumstances facing the City have changed substantially.

(C) In November 2022, Ojai voters expressed support for restoring citywide elections through Measure M, and this initiative allows the voters of Ojai to decide directly whether all voters should once again be permitted to vote for all City Council seats.

(D) The City's commissioned 2026 demographic study concluded that district elections have not improved the ability of Latino voters to elect candidates of their choice, and that Ojai's Latino population is too geographically dispersed to form a majority — or even a near-majority — in any district, meaning the system is not accomplishing the purpose for which it was adopted.

(E) The people of Ojai find that restoring at-large elections will promote unity, broaden representation, increase accountability, and ensure that every voter has an equal voice in selecting every member of the City Council.

(F) Of California's 262 cities with populations under 35,000, approximately 197 -- about 75% -- use at-large elections. At-large voting therefore remains the most common form of local representation among California's smaller cities.

(G) Ojai is a small and interconnected community whose residents share common interests, public services, schools, businesses, parks, and civic institutions, and citywide elections encourage elected officials to consider the needs of the entire community, promote civic engagement, and strengthen accountability to all voters.

SECTION 3. Municipal Code Amendments

(A) Repeal of Ordinance No. 889 as to City Council District Elections. The City of Ojai's District Elections Provisions (Ojai Municipal Code Sections 2-6.101 through 2-6.108, as added by Ordinance No. 889) are hereby repealed, as indicated herein by strikethrough text.

Title 2. Administration

Chapter 6. ELECTIONS

~~Article 1. City Council Members Elected By District~~

~~Section 2-6.101. Purpose~~

~~The City Council declares that this change in method of electing members of the City of Ojai City Council is enacted in furtherance of the California Voting Rights Act of 2001. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.102. By District Elections~~

~~Beginning with the municipal election in November 2020, the four members of the City Council shall be elected in the electoral districts established by Section 2-6.103 and subsequently reapportioned as provided by State law. Elections shall take place by district 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. Each member of the City Council shall serve a four-year term. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.103. District Maps~~

~~Members of the City Council shall be elected on a by-district basis from the four (4) City Council districts hereby established. The boundaries and identifying number of each district shall be as described on the City Council District Map attached hereto as "Exhibit A" and incorporated by reference. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.104. Election Sequence~~

~~Commencing with the general municipal election in November 2020 and every four years thereafter the voters in District 4 shall elect a member of the City Council by district for a full four (4) year term. At the general municipal election in November 2022 and every four years thereafter, the voters in Districts 1, 2, and 3 shall elect members of the City Council by district for full four (4) year terms. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.105. City Council Residency~~

~~Each member of the City Council elected by district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside 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 Government Code Section 34882 and Elections Code Section 10227. It is the intent of the City Council that no term of any member of the City Council that commenced on the same day as or before the effective date of this ordinance shall be affected by this Chapter. Any sitting City Council member elected at large may reside anywhere within the City during the pendency of his or her term in effect on the effective date of the ordinance codified by this Chapter. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.106. Voter Residency~~

~~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 candidate is to be elected. (Section 2, Ord. 889, eff. December 11, 2018)~~

~~Section 2-6.107. Termination of Residency~~

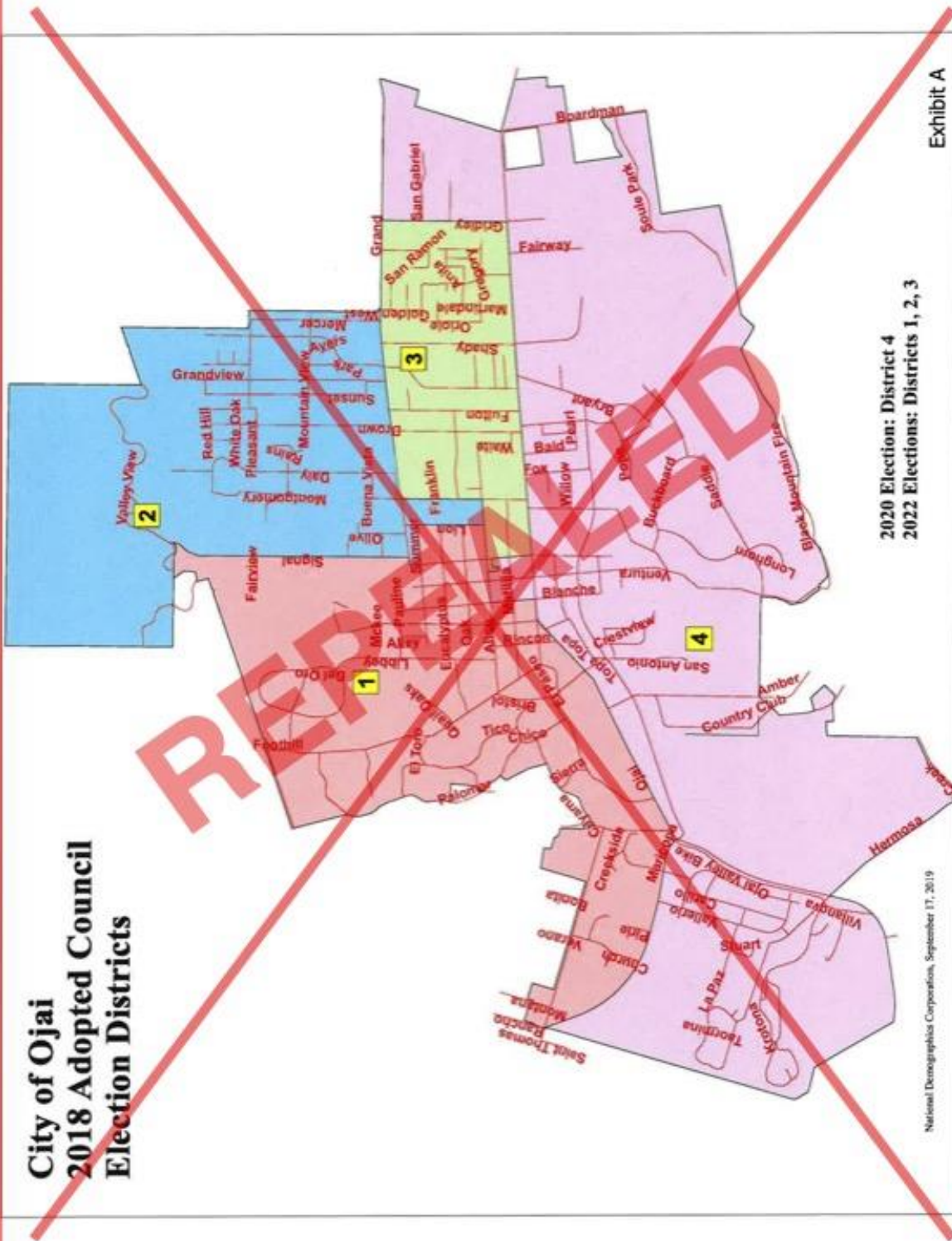
~~(a) Termination of residency in a district by a member of the City Council elected by district shall create a vacancy for that City Council District unless a substitute residence within the district is immediately declared and established within (30) days after the termination of residency. In the event that a vacancy is created as a result of termination of residency as provided herein, such vacancy shall be filled pursuant to the provisions of the Elections Code.~~

~~(b) For purposes of this article, for the duration of their term, a sitting City Council member elected by district does not terminate their residency in the district from which they were elected by moving outside the district, if: the City Council member continues to reside in the City of Ojai; the move either was not due to any fault of the City Council member or was involuntary; and the City Council member maintains the intention to remain in that district. COVID-19 shutdown under Executive Order N-33-20. (Section 2, Ord. 889, eff. December 11, 2018, as amended by Ord. No. 959, eff. 10/10/24))~~

~~Section 2-6.108. Technical Amendments.~~

~~If necessary to facilitate the implementation of this Article, 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 2, Ord. 889, eff. December 11, 2018)~~

**City of Ojai
2018 Adopted Council
Election Districts**



**2020 Election: District 4
2022 Elections: Districts 1, 2, 3**

National Demographics Corporation, September 17, 2019

City of Ojai – Draft Map 101b

District		1	2	3	4	Total
Ideal	Total Pop	1,919	1,863	1,817	1,862	7,461
1,865	Deviation from ideal	54	-2	-48	-3	403
	% Deviation	2.90%	-0.11%	-2.57%	-0.16%	5.47%
Total Pop	% Hisp	14%	13%	28%	16%	18%
	% NH White	81%	82%	67%	78%	77%
	% NH Black	1%	0%	0%	1%	1%
	% Asian American	3%	2%	2%	3%	3%
Citizen Voting Age Pop	Total	1,464	1,541	1,254	1,390	5,650
	% Hisp	11%/0	12%	21%	8%	13%
	% NH White	84%	87%	75%	88%	84%
	% NH Black	0%	0%	0%	2%	1%
	% Asian/Pac-Is.	4%	1%	3%	0%	2%
Voter Registration (Nov 2016)	Total	1,249	1,326	1,112	1,343	5,030
	% Latino est.	9%	12%	13%	11%	11%
	% Spanish Surnamed	8%	11%	11%	10%	10%
	% Asian Surnamed	1%	1%	1%	2%	1%
	% Filipino Surnamed	1%	0%	0%	1%	0%
	% NH White est.	81%	87%	86%	79%	83%
	% NH Black	0%	0%	0%	2%	1%
Voter Turnout (Nov 2016)	Total	1,082	1,098	926	1,129	4,235
	% Latino est.	8%	10%	11%	10%	10%
	% Spanish Surnamed	7%	9%	10%	9%	9%
	% Asian Surnamed	1%	1%	1%	2%	1%
	% Filipino Surnamed	1%	0%	0%	0%	0%
	% NH White est.	81%	88%	88%	80%	84%
	% NH Black	0%	0%	0%	2%	1%
Voter Turnout (Nov 2014)	Total	732	937	378	758	2,812
	% Latino est.	5%	7%	7%	7%	6%
	% Spanish Surnamed	4%	6%	6%	6%	6%
	% Asian Surnamed	1%	1%	1%	1%	1%
	% Filipino Surnamed	0%	0%	0%	0%	0%
	% NH White est.	86%	92%	92%	86%	89%
	% NH Black est.	0%	0%	0%	0%	0%
ACS Pop. Est.	Total	1,881	1,807	1,755	1,829	7,272
Age	age0-19	20%	21%	21%	20%	21%
	age20-60	43%	51%	54%	48%	49%
	age60plus	37%	29%	25%	31%	31%
Immigration	immigrants	14%	15%	15%	10%	13%
	naturalized	71%	56%	50%	43%	56%
Language spoken at home	english	84%	84%	84%	83%	84%
	spanish	8%	10%	11%	13%	10%
	asian lang	1%	1%	2%	0%	1%
	other lang	7%	5%	4%	4%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	3%	5%	6%	6%	5%
Education among those age(25+)	hs grad	41%	44%	44%	49%	45%
	bachelor	27%	27%	27%	23%	26%
	graduate degree	22%	20%	18%	18%	19%
Child in Household	child under 18	21%	24%	27%	17%	22%
Pct of Pop. Age 16+	employed	48%	55%	58%	55%	54%
Household Income	income 0-25k	19%	17%	16%	24%	19%
	income 25-50k	19%	17%	16%	15%	17%
	income 50-75k	16%	18%	20%	14%	17%
	income 75-200k	33%	33%	33%	31%	32%
	income 200k plus	13%	15%	16%	16%	15%

Housing	single family	77%	82%	86%	89%	83%
	multi-family	23%	18%	14%	11%	17%
	rented	41%	42%	42%	35%	40%
	Owned	59%	58%	58%	65%	60%

Total population data from the 2010 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 2012-2016 American Community Survey and Special Tabulation 5-year data.

Exhibit A

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(B) Adoption of At-Large Election of City Council Members. Section 2-6.100 is hereby added to the Ojai Municipal Code, as indicated herein in italicized text. and provides as follows:

Section 2-6.100. Adoption of At-Large Election of City Council Members.

(a) Commencing with the first general municipal election following the effective date of this Act, and for each general municipal election thereafter as the seats come up for election, each member of the City Council shall be elected at-large by the registered voters of the entire City.

(b) Each voter may vote for each City Council seat to be filled at that election.

(c) Each candidate for City Council may reside anywhere within the incorporated boundaries of the City, subject to otherwise applicable law.

(d) This Act shall not affect the term of any sitting City Council member in office at the time this Act takes effect. Each sitting Council member shall serve out his or her then-current term. The at-large election system restored by this Act shall apply to all seats as they come up for election.

(e) Nothing in this Act shall affect the office of Mayor or Ojai Municipal Code Section 2-6.201, which shall remain in effect, with the Mayor continuing to be elected at-large and separately from members of the City Council.

SECTION 4. Amendment and Repeal.

(a) This Act may be amended or repealed only by a vote of the People of the City of Ojai at a duly noticed municipal election, or as otherwise permitted under California law.

(b) Notwithstanding subsection (a) above, the City Council may amend this Act's Municipal Code sections by ordinance passed by two-thirds of the membership of the City Council, provided that any such ordinance is consistent with, and furthers the purpose of, this Act.

(c) Notwithstanding subsection (a) above, the City Council may amend this Act's Municipal Code sections by ordinance passed by a majority of the membership of the City Council, if an amendment is required to cure a legal or constitutional infirmity specifically identified in a final adjudication issued by a court of competent jurisdiction.

SECTION 5. Effective Date.

This Act shall take effect ten (10) days after the City Council certifies the election results.

SECTION 6. Severability.

If any section, subsection, paragraph, sentence, clause, or phrase (collectively, "portion") of this Act is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity or enforceability of the remaining portions of this Act. The People of the City of Ojai declare that they would have independently adopted each portion of this Act, irrespective of the fact that any one or more portions might be declared invalid or unenforceable.

SECTION 7. Municipal Affair.

The people of the City of Ojai hereby declare that this act and its Municipal Code sections constitute a municipal affair.

SECTION 8. Liberal Construction.

This Act is an exercise of the initiative power of the people of the City of Ojai and shall be liberally construed to effectuate its purpose and intent.

SECTION 9. Conflicting Measures.

The People of the City of Ojai hereby declare that the provisions of this Act and its Municipal Code sections relating to restoring at-large elections for City Council members may conflict with one or more provisions of other initiative measures being voted on at the same election. If this Act receives a greater number of affirmative votes than any conflicting measures at the same election, this Act shall prevail in its entirety over any such conflicting measures.

SECTION 10. Legal Defense.

The purpose of this section is to ensure that the People's precious right of initiative cannot be improperly annulled by politicians who refuse to defend the will of the voters. Therefore, if this Act is approved by the voters of the City of Ojai and thereafter subjected to a legal challenge which attempts to limit the scope or application of this Act in any way, or alleges this Act violates any local, state, or federal law in whole or in part, and the City refuses to defend this Act, then the following actions shall be taken:

(a) Notwithstanding any laws to the contrary contained in the California Government Code, the Ojai Municipal Code, or any other rule or regulation of the City of Ojai, the Ojai City Attorney

shall appoint independent counsel to defend this Act faithfully and vigorously on behalf of the City of Ojai.

(b) Before appointing or thereafter substituting independent counsel, the Ojai City Attorney shall exercise due diligence in determining the qualifications of independent counsel and shall obtain written affirmation from independent counsel that they will defend this Act faithfully and vigorously. The written affirmation shall be made publicly available upon request.

(c) In order to support the defense of this Act in instances where the City of Ojai fails to do so despite the will of the voters, a continuous appropriation is hereby made from the General Fund of the City, without regard to fiscal years, in an amount necessary to cover the costs of retaining independent counsel to defend this Act faithfully and vigorously.

