

## ORDINANCE NO. 5366

### AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, AMENDING CHAPTER 1.04 OF THE MONTEREY COUNTY CODE RELATING TO SUPERVISORIAL DISTRICTS

#### County Counsel Summary

*This ordinance amends Chapter 1.04 of the Monterey County Code to authorize the Board of Supervisors of the County of Monterey to adopt, amend, or modify the boundaries of the supervisorial districts of the county by resolution rather than by ordinance.*

The Board of Supervisors of the County of Monterey ordains as follows:

#### SECTION 1. FINDINGS AND DECLARATIONS

A. The United States Census Bureau is required by Article I, Section 2 of the United States Constitution to conduct an accurate count of the population every ten years, and the census data are used to determine how many seats each state will have in the United States House of Representatives and to adjust the districts for state legislatures, county boards of supervisors, and city councils.

B. On April 26, 2021, the Census Bureau delivered 2020 Census state population counts that will be used for reapportionment, and on August 16, 2021, the Census Bureau released redistricting counts to all 50 states.

C. On September 20, 2021, the State of California released adjusted redistricting counts that will be used to redraw legislative districts based on population changes.

D. California Elections Code Section 21500(a) provides, in pertinent part, "...following each federal decennial census for a county whose board is already elected using district-based elections, the board shall, by ordinance or resolution, adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution," and "[p]opulation equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census."

E. In order to comply with the requirement to adjust district boundaries, counties are required to adopt Redistricting Plans, and state law allows for Redistricting Plans to be approved either by ordinance or resolution.

F. Historically, supervisorial district boundaries have been adopted by the Monterey County Board of Supervisors by ordinance codified in Chapter 1.04 of the Monterey County Code.

G. Due to the timing of Census state population counts used for reapportionment and determining population equality for each supervisorial district, as well as the quick turn-around time and date for approval by the Board of Supervisors of the final Redistricting Plan, the purpose of this ordinance is to amend the Monterey County Code to allow for approval of supervisorial district boundaries by resolution because there is insufficient time for the introduction, adoption and effective date of a due course ordinance amending the County Code.

**SECTION 2.** Section 1.04.010 of the Monterey County Code is amended to read as follows:

**1.04.010 - Generally.**

The boundaries of the supervisorial districts of the County of Monterey may be adopted, amended, or modified by resolution adopted by majority vote of the Board of Supervisors. The supervisorial district boundaries so adopted, amended, or modified shall consist of the territories depicted in Exhibits A through E, referenced in sections 1.04.020 through 1.04.060 respectively, of this Chapter.

**SECTION 3. SEVERABILITY.**

If any subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance, which shall remain in full force and effect. The Board of Supervisors hereby declares that it would have adopted this Ordinance and each and every subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the article would be subsequently declared invalid or unconstitutional. The courts are hereby authorized to reform the provisions of this Chapter in order to preserve the maximum permissible effect of each subsection herein.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect on the thirty-first day following its adoption.

**PASSED AND ADOPTED** this 2<sup>nd</sup> day of November 2021, by the following vote:

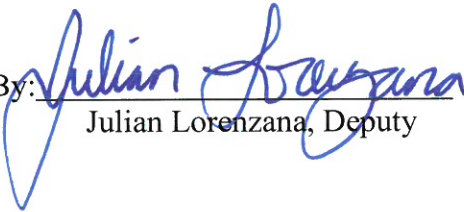
AYES: Supervisors Alejo, Phillips, Lopez, Askew and Adams

NOES: None

ABSENT: None

  
\_\_\_\_\_  
Wendy Root Askew  
Chair, Monterey County Board of Supervisors

A T T E S T:  
VALERIE RALPH  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_  
Julian Lorenzana, Deputy

APPROVED AS TO FORM

/s/ Leslie J Girard

Leslie J. Girard  
County Counsel