



CITY OF
BIG BEAR LAKE *California*

ORDINANCE NO. 2022-502

ORDINANCE AMENDING SUBSECTION 1.12.050(B) OF THE BIG BEAR LAKE MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS TO ADJUST THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND TO CONFIRM SUCH REVISED COUNCIL DISTRICT BOUNDARIES

WHEREAS, 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

WHEREAS, California Elections Code Section 21601 requires that following each decennial federal census, and using that census as a basis, the Council shall, by ordinance or resolution, adjust the boundaries of any or all of the City's Council election districts to be substantially equal in population as required by the United States Constitution, California Constitution, and the Federal Voting Rights Act. In establishing the boundaries of the districts the Council must give consideration to the following factors in the following priority: (a) contiguity of districts, (b) communities of interest, (c) easy identification of districts through use of natural or artificial boundaries and (d) district compactness; and

WHEREAS, California Elections Code Section 21602 requires that the Council adopt an ordinance establishing Council districts by April 17, 2022; and

WHEREAS, on September 27, 2021, the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 5,061 residents for the City of Big Bear Lake; and

WHEREAS, the City Council of the City of Big Bear Lake ("City Council") held four public hearings on October 4, 2021, November 1, 2021, February 7, 2022, and March 7, 2022 where the Council received briefings from the City's demographic consultant relating to the redistricting process and state and federal redistricting criteria, including the California Elections Code, the Federal Voting Rights Act and the United States Constitution, heard public testimony, and directed staff and the City's redistricting consultant to prepare draft Council district maps for consideration; and

WHEREAS, in addition, City staff conducted public outreach by way of print and digital advertisements, which led to public hearings with public comment on redistricting criteria and communities of interest; and

WHEREAS, at the February 7, 2022 and March 7, 2022 public hearings, the Council received a presentation of draft maps prepared by the City's demographic consultant for compliance with applicable laws and standards and reviewed additional maps submitted by the public; and

WHEREAS, at the March 7, 2022 public hearing, the City Council agreed on Map 1, designating it as the preferred map and directed that it be presented to the Council for adoption by Ordinance; and

WHEREAS, at each of the public hearings on redistricting, the Council heard testimony relating to “communities of interest,” which led the Council to reach the following determinations about communities of interest on the preferred map, as required under federal and state law:

- (1) The election districts are geographically contiguous, i.e., they are arrayed in a simple and logical form without any islands and with minimal intrusions from the area of one district into another;
- (2) To the extent practicable, the preferred map respects the geographic integrity of local neighborhoods and local communities of interest as determined by the Council based on testimony about what constitutes communities of interest in the public’s view;
- (3) The election districts are easily identifiable and understandable by residents and form a relatively simple pattern;
- (4) To the extent practicable, the election districts are geographically compact, with configurations that are for the most part compact, simple shapes, with nearby populations included in the same districts;
- (5) The election districts are balanced in terms of total population and voting age population and are well within the one-person/one-vote deviations permitted under federal and state voting rights laws; and
- (6) Although the above criteria could not be met within any election district with a minority-majority district (i.e., a voting district where one distinct minority population is the majority population), the election districts do represent where possible an aggregation in single districts of substantial minority population blocks to enhance the potency of that minority voting voice.

WHEREAS, all information in the staff reports, maps, presentations, Council debate and public testimony referenced above is hereby incorporated into this decision and serves as evidentiary basis for these findings and legislative decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE DOES ORDAIN AS FOLLOWS:

SECTION 1. This Ordinance is adopted following four noticed City Council public hearings as required by California Elections Code section 21607.1.

SECTION 2. Subsection 1.12.050(B) (City Council Districts and District Elections) of the Big Bear Lake Municipal Code is hereby amended as provided in Exhibit A.

SECTION 3. City Council elections shall continue to be conducted "by districts" in five districts as set forth in Exhibit A. The term “by district” shall mean election of members of the legislative body by voters of the district alone, as provided in Government Code § 34871(d).

SECTION 4. All ordinances and resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

SECTION 5. The City Manager is directed to take all necessary steps to give effect to this Ordinance. 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 election 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 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.

SECTION 6. The City Clerk is hereby directed to provide a certified copy of this Ordinance to the San Bernardino County Registrar of Voters for use in subsequent City of Big Bear Lake City Council Elections.

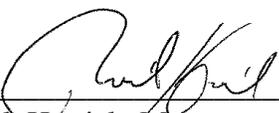
SECTION 7. Compliance with California Environmental Quality Act. This activity is exempt from environmental review under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines, (Cal. Code Regs., tit. 14, § 15000 et seq.) §§ 15061(b)(3), 15320, and 15378(b)(3). The redistricting process is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event the transition process does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) None of the exceptions to the exemptions found in State CEQA Guidelines, § 15300.2 apply.

SECTION 8. Severability. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 9. Effective Date. This ordinance shall become effective thirty (30) days following its adoption.

SECTION 10. Publication. The City Clerk shall certify to the adoption of this Ordinance and have a summary of this ordinance published in a newspaper of general circulation within 15 days after its adoption.

PASSED, APPROVED AND ADOPTED THIS 4th day of April, 2022.



Rick Herrick, Mayor

ATTEST:

Erica Stephenson
Erica Stephenson, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF BIG BEAR LAKE)

I, Erica Stephenson, City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of the said City is five; that the foregoing Ordinance No. 2022-502 is a full, true and correct original of Ordinance No. 2022-502 of the City of Big Bear Lake entitled:

ORDINANCE AMENDING SUBSECTION 1.12.050(B) OF THE BIG BEAR LAKE MUNICIPAL CODE REGARDING BY-DISTRICT ELECTIONS TO ADJUST THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND TO CONFIRM SUCH REVISED COUNCIL DISTRICT BOUNDARIES

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the Clerk of Said City, all at a regular meeting of the said Council on the 4th day of April 2022, and that the same was so passed and adopted by the following vote:

AYES: Putz, Melnick, Herrick
NOES: Mote, Lee
ABSTAIN: None
ABSENT: None

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California that the foregoing Ordinance No. 2022-502 was duly and regularly published according to law and the order of the City Council and circulated within the said City.

Erica Stephenson
Erica Stephenson, City Clerk

EXHIBIT A
City Council Amendment to Subsection 1.12.050(B)

B. City Council Districts and District Elections. All five Councilmembers shall be elected on a "by-district" basis from the council districts shown and numbered on the map titled City of Big Bear Lake District Map attached as Exhibit A, a copy of which shall be on file in the City Clerk's office. In 2018, and every four years thereafter, the following three city council districts shall be elected by-district: District 2; District 3; and District 4. In 2020, and every four years thereafter, the following two city council districts shall be elected by-district: District 1 and District 5.

