

ORDINANCE NO. 2017-XXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, ADDING SECTION 1.12.050 TO CHAPTER 1.12 OF TITLE 1 OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS

WHEREAS, the City of Big Bear Lake currently elects five Councilmembers using an at-large election system; and

WHEREAS, in response to threatened litigation regarding alleged non-compliance with the California Voting Rights Act (“CVRA”), the City Council has determined that it is in the best interest of the City to shift from its current at large election system to a by-district election system; and

WHEREAS, on November 6, 2017, the City Council adopted Resolution No. 2017-33, a Resolution declaring the City’s intention to transition from at-large to district-based elections pursuant to Elections Code Section 10010; and

WHEREAS, California Government Code section 34886 permits the City Council to change the City’s method of election by Ordinance, with certain formalities, to a “by-district” system in which each Councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, pursuant to California Government Code section 34886, it is declared that the purpose of the change in the method of electing members of the City Council of the City of Big Bear Lake made by this Ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Sections 14025 through 14032 of the California Elections Code; and

WHEREAS, the City Attorney engaged an expert demographic firm to assist the City with the process of analyzing the City’s population, developing draft maps, and gathering input from residents on the possible maps; and

WHEREAS, in accordance with Elections Code section 10010, the City Council held two public hearings to obtain input on any proposed district boundaries on November 13 and November 16, 2017; and

WHEREAS, on December 4, 2017, the City made two maps prepared by the demographer available on its website for public review; and

WHEREAS, on December 11 and December 14, 2017, the City Council held two further public hearings at which the public was invited to provide input regarding the content of the draft maps and the sequence of elections; and

WHEREAS, at its December 14, 2017 meeting, the City Council provided direction to staff to bring back this Ordinance for the consideration of the City Council; and

WHEREAS, on January 8, 2018, the City Council introduced, read by title, and waived further reading of this Ordinance; 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 Big Bear Lake by-district in five single-member districts as reflected in Exhibit A to this Ordinance.

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

SECTION 1. Incorporation of Recitals. The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2. By-District Elections. Section 1.12.050 is hereby added to Chapter 1.12 of Title 1 of the City of Big Bear Lake Municipal Code to read as follows:

“1.12.050 – By-District Elections.

A. By-District Elections. Pursuant to California Government Code section 34886, Members of the City Council of the City of Big Bear Lake shall be elected by-district in five (5) single-member districts.

1. Members of the City Council shall be elected in the electoral districts established by subdivision B of this Section 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 Councilmember shall be elected from each district, by the voters of that district alone.
2. A Councilmember elected or appointed to represent a 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.
3. Termination of residency in a district by a Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency.
4. Notwithstanding any other provision of this Section, the Councilmembers in office at the time this Section takes effect shall continue in office until the expiration of the term to which he or she was elected. In the event a vacancy occurs before the expiration of

the term of a Councilmember in office at the time this Section takes effect, a person who is appointed or elected by special election to fill such vacancy may reside anywhere within the corporate boundaries of the City. A person appointed or elected to fill such a vacancy shall hold the office in accordance with the City Charter and applicable provisions of the City of Big Bear Lake Municipal Code.

- 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.
- C. Amendment of District Boundaries. Pursuant to Elections Code section 21601, as it may be amended from time to time, the City Council shall adjust the boundaries of any or all of the districts following each decennial federal census to ensure that the districts are in compliance with all applicable provisions of law.”

SECTION 3. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that a transition from at-large to by-district elections 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.) sections 15061(b)(3), 15320, and 15378(b)(3). Adoption of this Ordinance 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 adoption of this Ordinance 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.) Further, none of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the San Bernardino County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

SECTION 4. Severability. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. Effective Date. This Ordinance shall become effective thirty (30) days following its adoption.

SECTION 6. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall cause a summary of the same to be published in the official newspaper of the City of Big Bear Lake within fifteen (15) days following its adoption.

PASSED, APPROVED AND ADOPTED this 22nd day of January, 2018, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Rick Herrick
Mayor

ATTEST:

Kathleen Smith
COO/City Clerk

APPROVED AS TO FORM:

Stephen P. Deitsch
City Attorney

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

I, Kathleen Smith, Acting City Clerk of the City of Big Bear Lake, California, do hereby certify that the whole number of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 2017-XXX is a full, true and correct original of Ordinance No. 2017-XXX of the City of Big Bear Lake, California, entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, CALIFORNIA, ADDING SECTION 1.12.050 TO CHAPTER 1.12 OF TITLE 1 OF THE CITY OF BIG BEAR LAKE MUNICIPAL CODE ESTABLISHING BY-DISTRICT ELECTIONS, DEFINING DISTRICT BOUNDARIES, AND SCHEDULING ELECTIONS WITHIN THE DISTRICTS

was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the ___ day of January, 2018, and that the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

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. 2017-XXX was duly and regularly published according to law and the order of the City Council and circulated within said City.

Kathleen Smith
COO/City Clerk

EXHIBIT A

[MAP ATTACHED BEHIND THIS PAGE]