



City of Big Bear Lake



**CITY OF BIG BEAR LAKE
CITY COUNCIL
MEETING AGENDA
November 6, 2017**

Closed Session - 3:00 p.m. - Executive Conference Room
Special Workshop Meeting - 5:00 p.m. - Training Room

COUNCILMEMBERS

**MAYOR BILL JAHN
MAYOR PRO TEM RICK HERRICK
COUNCILMEMBER DAVID CARETTO
COUNCILMEMBER BOB JACKOWSKI
COUNCILMEMBER RANDALL PUTZ**

CITY STAFF

**CITY MANAGER JEFF MATHIEU
CITY ATTORNEY STEVE DEITSCH
COO CITY CLERK KATHLEEN SMITH
DEPUTY CITY CLERK SARAH M. SIEP**

SPECIAL WORKSHOP MEETING NOTICE & AGENDA

To:

Mayor Bill Jahn
Mayor Pro Tem Rick Herrick
Councilmember David Caretto
Councilmember Bob Jackowski
Councilmember Randall Putz

City Manager
City Attorney
Division Managers
Local Media

NOTICE

NOTICE IS HEREBY GIVEN, that the City Council will conduct a Special Workshop Meeting on Monday, November 6, 2017 at 3:00 p.m., at 39707 Big Bear Boulevard, Big Bear Lake, California; said meeting being called pursuant to Section 54957 of the Government Code of the State of California for the purpose of considering the following matters:

OPEN SESSION

PUBLIC COMMUNICATIONS

(Any member of the public is entitled to speak only on items listed on the agenda).

CLOSED SESSION

1. ANTICIPATED LITIGATION pursuant to Government Code Section 54956.9(d)(2)

Number of cases: 2

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: Vacant Lot, APN 0308-181-19-0000

City Negotiator: City Manager

Negotiating Party: Cynthia Thorin LAFH Trust 12-15-14

Under Negotiation: Price & Terms of Payment

3. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: Vacant Lot 38501 Big Bear Blvd., APN 0306-011-02

City Negotiator: City Manager

Negotiating Party: Phillip RAfson

Under Negotiation: Price & Terms of Payment

4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS pursuant to Government Code Section 54956.8

Property: Vacant Lot, APN 2328-472-01

City Negotiator: City Manger

Negotiating Party: County of San Bernardino

Under Negotiation: Price & Terms of Payment

OPEN SESSION

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMUNICATIONS

(Any member of the public is entitled to speak only on items listed on the agenda).

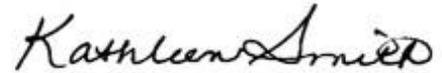
DISCUSSION/ACTION ITEMS**RESOLUTION OF INTENTION – DISTRICT ELECTIONS**

Council discussion and possible action regarding discuss moving from at-large to by-district elections and if the Council chooses to move forward with district elections, it is recommended that they adopt the attached Resolution and authorize the City Attorney to retain a demographer to assist the City in drafting a district map, with the cost of such services not to exceed \$35,000.

[Agenda Report - Resolution of Intention District Elections.pdf](#)

ADJOURNMENT

I hereby certify under penalty of perjury, under the laws of the State of California, that the foregoing agenda was posted in accordance with the applicable legal requirements. Dated this 3rd day of November, 2017.



Kathleen Smith, Acting City Clerk

The City of Big Bear Lake wishes to make all of its public meetings accessible to the public. If you need special assistance to participate in this meeting, please contact the City Clerk's Office at (909) 866-5831. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.



AGENDA REPORT

MEETING DATE: November 6, 2017

TO: Honorable Mayor and Members of the City Council

FROM: Jeff Mathieu, City Manager

REVIEWED BY: Kathleen Smith, Chief Operations Officer/Acting City Clerk

PREPARED BY: Sarah M. Siep, Deputy City Clerk

SUBJECT: **RESOLUTION OF INTENTION – DISTRICT BASED ELECTIONS**

BACKGROUND & DISCUSSION:

In 2003 the California Voting Rights Act (CVRA) became law. In an attempt to prevent the disenfranchisement of protected classes of voters, the CVRA establishes potential plaintiff and attorney rights to seek out cities and other public entities and request they convert from at-large to by-district elections. A number of public agencies throughout the state have been sued under the CVRA, and in turn some agencies have litigated against changing to by-district elections. Although we are not party to any litigation, the city along with many public agencies are in the process of considering by-district elections.

In 2016, AB 350 was established and adopted. Under AB 350, the Elections Code Section 10010 was amended to cap the attorneys' fees a prospective plaintiff may recover if a public agency is successfully challenged or changes to a by-district system under threat of litigation. Per A 350, following the adoption of a Resolution of Intention, the city will have 90 days to complete the transition process to district based elections. During this time the public will have a minimum of five opportunities to comment on the proposal and draft maps created for the potential voting districts within the city. If the City Council chooses to move forward with district elections, the City Attorney will need to retain the use of a demographer experienced and qualified to assist the city in drafting a district map consistent with the CVRA and the Federal Voting Rights Act.

RECOMMENDATION:

It is recommended that the Council discuss moving from at-large to by-district elections and if the Council chooses to move forward with district elections, it is recommended that they adopt the attached Resolution and authorize the City Attorney to retain a demographer to assist the City in drafting a district map, with the cost of such services not to exceed \$35,000.

Attachment: Resolution No. 2017-XX

RESOLUTION NO. 2017-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010(e)(3)(A), AND FINDING THIS TRANSITION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15061(b)(3), 15320, AND 15378(b)(5)

WHEREAS, the City Council of the City of Big Bear Lake is an elected legislative and deliberative public body serving the citizens of the City of Big Bear Lake; and

WHEREAS, in 2003, the California Voting Rights Act (“CVRA”) became law, and the CVRA, in an attempt to prevent the disenfranchisement of protected classes of persons, establishes a low bar for attorneys seeking to force cities and other public entities to convert from at-large to by-district elections; and

WHEREAS, last year, the California legislature adopted AB 350 amending Elections Code section 10010 to cap the attorneys’ fees a prospective plaintiff may recover if a public agency adopts a resolution of intention to change to a by-district system of elections within 45 days of the receipt of a letter from that prospective plaintiff alleging a CVRA violation; and

WHEREAS, a number of public agencies throughout the state have been sued under the CVRA, and Plaintiffs challenging at-large elections of legislative bodies have prevailed in court; and

WHEREAS, many public agencies have been or are in the process of considering by-district elections; and

WHEREAS, the City Council desires to avoid the high costs and legal risks associated with a CVRA lawsuit; and

WHEREAS, the City Council has determined that it is in furtherance of the purposes of the CVRA to transition from at-large to district-based elections; and

WHEREAS, the City Council desires to declare its intention to adopt an ordinance pursuant to Government Code section 34886 transitioning from at-large to district-based elections for the next general municipal election, establish specific steps it will undertake to facilitate this transition, and establish an estimated time frame for doing so.

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

SECTION 1. Incorporation of Recitals. The City Council finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 2. CEQA. Based upon the whole of the administrative record before it, the City Council hereby finds that a transition from at-large to district-based 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 Resolution 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 Resolution 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 Resolution.

SECTION 3. Intention to Transition to District-Based Election System. The City Council intends to adopt an ordinance, pursuant to Government Code section 34886, to transition the election of its City Council Members from an at-large electoral system to a district-based system.

SECTION 4. Instructions Related to Transition. As close as possible to 90 days following the effective date of this Resolution, taking into consideration the time required for public outreach and input, and the timeframes established by Elections Code section 10010, the following actions shall be taken by the City and the City Council in accordance with Elections Code section 10010 (a):

(i) Conduct public outreach, including to non-English-speaking communities, to explain the districting process and to encourage public participation;

(ii) Before drawing a draft map or maps of the proposed district boundaries, hold at least two public hearings at which the public is invited to provide input regarding the composition of the districts and to consider district boundaries as provided in Elections Code Section 10010;

(iii) After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the district elections, and hold at least two public hearings at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and

(iv) Hold a public hearing at which the City Council will consider and adopt an ordinance establishing district elections, including the adoption of a district boundary map and the sequence of the district elections.

SECTION 5. Severability. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon adoption.

SECTION 7. Certification. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this ___ day of November, 2017.

AYES:
NOES:
ABSTAIN:
ABSENT:

W. E. Jahn, Mayor

ATTEST:

Kathleen Smith, COO/City Clerk

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 the said City is five; that the foregoing Resolution, being Resolution No. 2017-XX was duly passed and adopted by the said City Council and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the ___ day of November, 2017, and that the same was so passed and adopted by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Kathleen Smith, COO/City Clerk