

ORDINANCE NO. 1909

AN ORDINANCE OF THE CITY COUNCIL TO ESTABLISH BY-DISTRICT ELECTION OF FOUR COUNCIL MEMBERS AND ESTABLISHING THE BOUNDARIES OF EACH COUNCIL DISTRICT

THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Findings.

A. The City of Upland ("City") is a general law city, which is currently governed by a Mayor and four (4) council members, who are all elected by all voters in the City in an at-large voting system; and

B. Pursuant to section 34886 of the Government Code, the City Council may adopt an ordinance that requires the members of the city council to be elected by district with an elective mayor, without being required to submit the ordinance to the voters for approval.

C. Under the California Voting Rights Act of 2001, district-based elections are required if it can be shown that an at-large election system prevents minority voters from electing their chosen candidate or influencing elections; and

D. Pursuant to an amended Settlement Agreement entered into between the City and Southwest Voter Registration and Education Project (SVREP), the City agreed to either submit the question to voters whether to elect its council members by district or to adopt an ordinance establishing the by-district election of its council members; and

E. In accordance with the amended Settlement Agreement and California Elections Code section 10010, the City Council held two (2) public hearings in addition to several community meetings prior to the public hearing to select the final district map; and

F. The change from an at-large method of election to a by-district method of election of members of the Upland City Council is being made in furtherance of the purposes of the California Voting Rights Act of 2001.

Section 2. The City Council finds and declares that the above Findings are true and correct.

Section 3. Chapter 2.02 (City Council) of Title 2 (Administration and Personnel) of the Upland Municipal Code is hereby amended with the addition of the following Chapter 2.02.100: 2.02.100 By-District Elections.

A. City Council; Mayor. The elective officers of the City shall constitute a city council consisting of four (4) members elected by district at the times and in the manner provided in this Chapter, in a sequence to be determined by ordinance or resolution, and a directly elected mayor, each of whom shall serve a term of four (4) years and until their respective successors qualify.

B. Residency in Districts. Except for the directly elected mayor, each member of the city council must be a resident of the council district from which the member is nominated at the time the member is nominated, elected and throughout that member's

term of office. In the event any member of the city council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the manner provided by section 36512 of the Government Code, as may be amended from time to time. If a member of the city council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries as provided herein, the member shall not lose office during that term by reason of such change. The Mayor, at the time of nomination and election, may reside in any district within the City and shall be elected by the voters city-wide.

C. Council Districts. The City is hereby divided into four (4) districts, as set forth herein. Candidates for council seats in each district shall be nominated and elected only by the voters of that district and shall reside in that district.

D. District Boundaries. The council member districts of the City shall have the following legal boundaries:

District 1.

The region bounded and described as follows: Beginning at the point of intersection of City Boundary and W. Foothill Blvd, and proceeding northerly along City Boundary to N. San Antonio Ave., and proceeding southerly along N. San Antonio Ave. to W. Foothill Blvd., and proceeding westerly along W. Foothill Blvd. to the point of beginning.

District 2.

The region bounded and described as follows: Beginning at the point of intersection of City Boundary and N. San Antonio Ave., and proceeding easterly along City Boundary to N. Grove Ave., and proceeding northerly along N. Grove Ave. to E. Anita St., and proceeding westerly along E. Anita St. to N. Alta Ave., and proceeding northerly along N. Alta Ave. to E. 13th St., and proceeding westerly along E. 13th St. to N. Crawford Ave., and proceeding northerly along N. Crawford Ave. to E. Eddington St., and proceeding westerly along E. Eddington St. to Edgefield Ave., and proceeding northerly along Edgefield Ave. to E. 14th St., and proceeding westerly along E. 14th St. to N. Euclid Ave., and proceeding southerly along N. Euclid Ave. to W. 11th St., and proceeding westerly along W. 11th St. to the alley between N. Laurel Ave. and N. Palm Ave., and proceeding southerly along said alley to the northern boundary of the parcel adjacent to the west side of alley and north side of W. Arrow Hwy., and proceeding westerly along northern boundary of said parcel and continuing along northern boundary of parcels adjacent to north side of W. Arrow Hwy. to the western boundary of parcel at northwest corner of N. Palm Ave. and W. Arrow Hwy., and proceeding southerly along western boundary of said parcel to W. Arrow Hwy., and proceeding westerly along W. Arrow Hwy. to N. San Antonio Ave., and proceeding northerly along N. San Antonio Ave. to the point of beginning.

District 3.

The region bounded and described as follows: Beginning at the point of intersection of N. San Antonio Ave. and W. Foothill Blvd., and proceeding southerly along N. San Antonio Ave. to Burlington Northern Santa Fe Rlwy., and proceeding easterly along Burlington Northern Santa Fe Rlwy. to Metrolink (b N S F) Rlwy., and proceeding easterly along Metrolink (b N S F) Rlwy. to western boundary of parcel at southwest corner of Metrolink (b N S F) Rlwy. and S. Euclid Ave., and proceeding southerly long western boundary of said parcel, and continuing along western boundary of parcels adjacent to west side of S. Euclid

Ave. to W. 7th St., and proceeding easterly along W. 7th St. to S. Euclid Ave., and proceeding southerly along S. Euclid Ave. to City Boundary, and proceeding westerly along City Boundary to W. Foothill Blvd., and proceeding easterly along W. Foothill Blvd. to the point of beginning.

District 4.

The region bounded and described as follows: Beginning at the point of intersection of E. 14th St and N. Euclid Ave, and proceeding easterly along E. 14th St. to Edgefield Ave., and proceeding southerly along Edgefield Ave. to E. Eddington St., and proceeding easterly along E. Eddington St. to N. Crawford Ave., and proceeding southerly along N. Crawford Ave. to E. 13th St., and proceeding easterly along E. 13th St. to N. Alta Ave., and proceeding southerly along N. Alta Ave. to E. Anita St., and proceeding easterly along E. Anita St. to N. Grove Ave., and proceeding southerly along N. Grove Ave. to City Boundary, and proceeding southerly along City Boundary to S. Euclid Ave., and proceeding northerly along S. Euclid Ave. to W. 7th St., and proceeding westerly along W. 7th St. to the western boundary of parcel at northwest corner of W. 7th St. and S. Euclid Ave., and proceeding northerly along said parcel boundary and continuing along western boundary of parcels adjacent to west side of S. Euclid Ave. to Metrolink (b N S F) Rlwy., and proceeding westerly along Metrolink (b N S F) Rlwy. to Burlington Northern Santa Fe Rlwy., and proceeding westerly along Burlington Northern Santa Fe Rlwy. to N. San Antonio Ave., and proceeding northerly along N. San Antonio Ave. to W. Arrow Hwy., and proceeding easterly along W. Arrow Hwy. to western boundary of parcel at northwest corner of N. Palm Ave. and W. Arrow Hwy., and proceeding northerly along said parcel boundary and continuing along northern boundary of parcels adjacent to north side of W. Arrow Hwy. to the alley between N. Palm Ave. and N. Laurel Ave., and proceeding northerly along said alley to W. 11th St., and proceeding easterly along W. 11th St. to N. Euclid Ave., and proceeding northerly along N. Euclid Ave. to the point of beginning..

These district boundaries are depicted on a boundary map attached hereto as Exhibit A and incorporated herein by this reference. These boundaries will remain in effect until amended by ordinance as set forth herein.

E. Changes in Boundaries. The boundaries of said city council districts, but not the number thereof, may be changed by ordinance adopted by the city council by three-fifths (3/5) vote of all its members; provided that districts established by the city council shall be as nearly equal in population and as geographically compact as possible. Boundaries shall be evaluated and adjusted, if necessary, before the first day of November of the year following the year in which each decennial census is taken, and as provided in Elections Code sections 21601, 21602 and 21607. However, the city council shall not change the boundaries of districts more than once in any two (2) year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to City boundaries. After city council has exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by city council.

F. Current Officeholders. The five (5) members of the city council in office at the time this section takes effect shall continue in office until their terms expire.

Section 4. Compliance with California Environmental Quality Act. The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct of

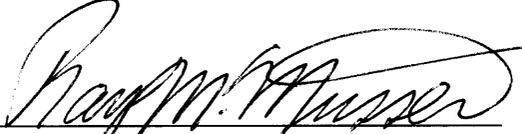
reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the State CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly. Further, if the activity is deemed a project this City Council finds that this Ordinance is exempt pursuant to Section 15061(b) (3) of the State CEQA Guidelines in that the Ordinance is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. It can be seen with certainty that there is no possibility that this Ordinance will have a significant effect on the environment and therefore the activity is not subject to CEQA.

Section 5. 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 of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 7. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Upland, pursuant to all legal requirements.

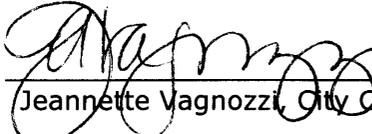
PASSED, APPROVED, AND ADOPTED this 8th day of August, 2016.



Ray M. Musser, Mayor

I, Jeannette Vagnozzi, City Clerk of the City of Upland, California, do hereby certify that the foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Upland held on the 25th day of July, 2016, and was adopted at a regular meeting of the City Council of the City of Upland on the 8th day of August, 2016, by the following roll call vote:

AYES: Mayor Musser, Councilmembers Bozar, Filippi, Stone, Timm
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST: 

Jeannette Vagnozzi, City Clerk

