

**ORDINANCE NO. 862-19**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY AMENDING CHAPTER 2.04 OF THE MUNICIPAL CODE, "CITY COUNCIL",  
TO ESTABLISH A DISTRICT-BASED ELECTION SYSTEM**

**WHEREAS**, members of the City Council of the City of Union City ("City") are currently elected in "at-large" elections, in which each of the four City councilmembers, as well as mayor, is elected by the registered voters of the entire City; and

**WHEREAS**, the City received a certified letter on March 15, 2019 from the Mexican American Legal Defense and Education Fund ("MALDEF") alleging that the City's at-large councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing councilmembers; and

**WHEREAS**, the City Council for the City of Union City reflects the broad diversity of Union City's residents; and

**WHEREAS**, the City is committed to diversity and inclusion and denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its elections; and

**WHEREAS**, furthermore the letter from MALDEF was not accompanied by any evidence to support the claim of a CVRA violation; and

**WHEREAS**, to avoid the extremely high costs associated with defending a lawsuit based on the CVRA, on April 11, 2018, the City Council adopted a resolution declaring the City's intent to transition from at-large elections to district-based councilmember elections pursuant to Elections Code section 10010; and

**WHEREAS**, pursuant to Government Code sections 34886 and 34871, the City has the authority to adopt an ordinance requiring members of the City Council to be elected by district with an elective mayor system; and

**WHEREAS**, Government Code section 34886 requires any such ordinance to include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001; and

**WHEREAS**, pursuant to Elections Code section 10010, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on June 25, 2019, and July 13, 2019, to receive public input regarding the composition of district maps; and

**WHEREAS**, on August 6, 2019, consistent with the provisions of Elections Code section 10010, the City published and made available for release, a potential sequence of elections and seven draft maps for consideration by the City Council; and

**WHEREAS**, the City Council held a public hearing on August 13, 2019, to receive public input regarding the proposed district maps and sequence of elections and selected two maps for further consideration, and directed that additional maps be prepared that slightly modified one of the selected maps; and

**WHEREAS**, on August 30, 2019, consistent with the provisions of Elections Code section 10010, the City published and made available for release, a potential sequence of elections and nine draft maps, including the seven previously published draft maps, for consideration by the City Council; and

**WHEREAS**, the City Council held a public hearing on September 9, 2019, to receive public input and selected a preferred district map, with specific modifications to be incorporated, and sequence of elections; and

**WHEREAS**, on September 11, 2019, consistent with the provisions of Elections Code section 10010, the City published and made available for release a potential sequence of elections and ten draft maps, including the nine previously published draft maps, for consideration by the City Council; and

**WHEREAS**, also pursuant to Elections Code section 10010, the City Council held a public hearing on September 24, 2019 to receive public input and introduce this Ordinance to adopt the selected map and sequence of elections; and

**WHEREAS**, throughout the foregoing process, the City engaged in a public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010; and

**WHEREAS**, in order to further the purposes of the California Voting Rights Act of 2001 ,the City Council now wishes to adopt an ordinance providing that the members of the City Council shall be elected by-district in four districts with an elective mayor system beginning at the November 2020 general election; and

**WHEREAS**, the four City Council electoral districts to be established are described further in this Ordinance and shown on the district map, attached hereto as Exhibit "A" to this Ordinance.

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Recitals.** The above recitals are true and correct and made a part of this Ordinance.

**SECTION 2. Amendments**

Chapter 2.06 of the Union City Municipal Code, "City Council", is hereby amended to add Article XII, "District-Based Elections", to read as follows:

**"Article XII. District Based Elections**

**Section 2.06.500 District-Based Electoral System**

Members of the city council, except for the mayor, shall be elected on a district-based electoral system from four (4) single-member city council districts pursuant to Government Code Sections 34886 and 34871. For purposes of this section, the term "district-based electoral system" shall mean the election of city councilmembers by the voters of the district alone. The mayor shall be elected by the voters of the entire city.

**Section 2.06.510 District-Based Electoral System**

(a) Members of the city council, except for the mayor, shall be elected on a district-based electoral system, from the four city council districts reflected in Exhibit A. The mayor shall be elected by voters of the entire city.

(b) Except as provided in subsection (c), each member of the city council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for city council must live in, and be a registered voter in, the city council district in which that candidate is seeking election at the time nomination papers are issued to that candidate pursuant to Government Code Section 34882 and Elections Code Section 10227. Termination of residency in a district by a member of the city council shall create an immediate vacancy for that city council district unless a substitute residence within the district is established within thirty (30) days after that termination of residency.

(c) Notwithstanding any other provision of this section, the members of city council in office at the time this ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified.

(d) The city council districts described in this section shall be adjusted following each decennial federal census, as required by California Elections Code section 21600, *et seq.*, or by other law.

#### **Section 2.06.520          Election Schedule**

Members of the City Council shall be elected from City Council District 1 at the November 2020 general municipal election, and every four years thereafter. Members of the City Council shall be elected from City Council Districts 2, 3, and 4 at the November 2022 general municipal election, and every four years thereafter.”

#### **SECTION 3.   Map**

A map showing the districts described in this Ordinance and codified in Chapter 2.06 of the Union City Municipal Code is attached hereto as Exhibit A and incorporated herein by reference.

#### **SECTION 4.   Technical Adjustments**

If necessary to facilitate the implementation of this Ordinance, the City Manager is authorized to make technical adjustments to the 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 5.   CEQA.** Approval of the amendments is exempt from further environmental review under the general rule in California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) that CEQA only applies to projects that have the potential for causing a significant effect on the environment. As a series of text amendments and additions, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

**SECTION 6.   Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase hereof

irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be held unconstitutional, invalid, or unenforceable.

**SECTION 7. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on October 8, 2019, by the following vote:

AYES: Councilmembers Duncan, Gacoscos, Patiño, Vice Mayor Singh, Mayor Dutra Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

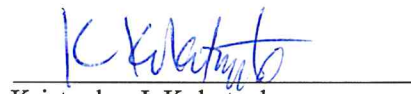
APPROVED:

  
Carol Dutra-Vernaci  
Mayor

ATTEST:

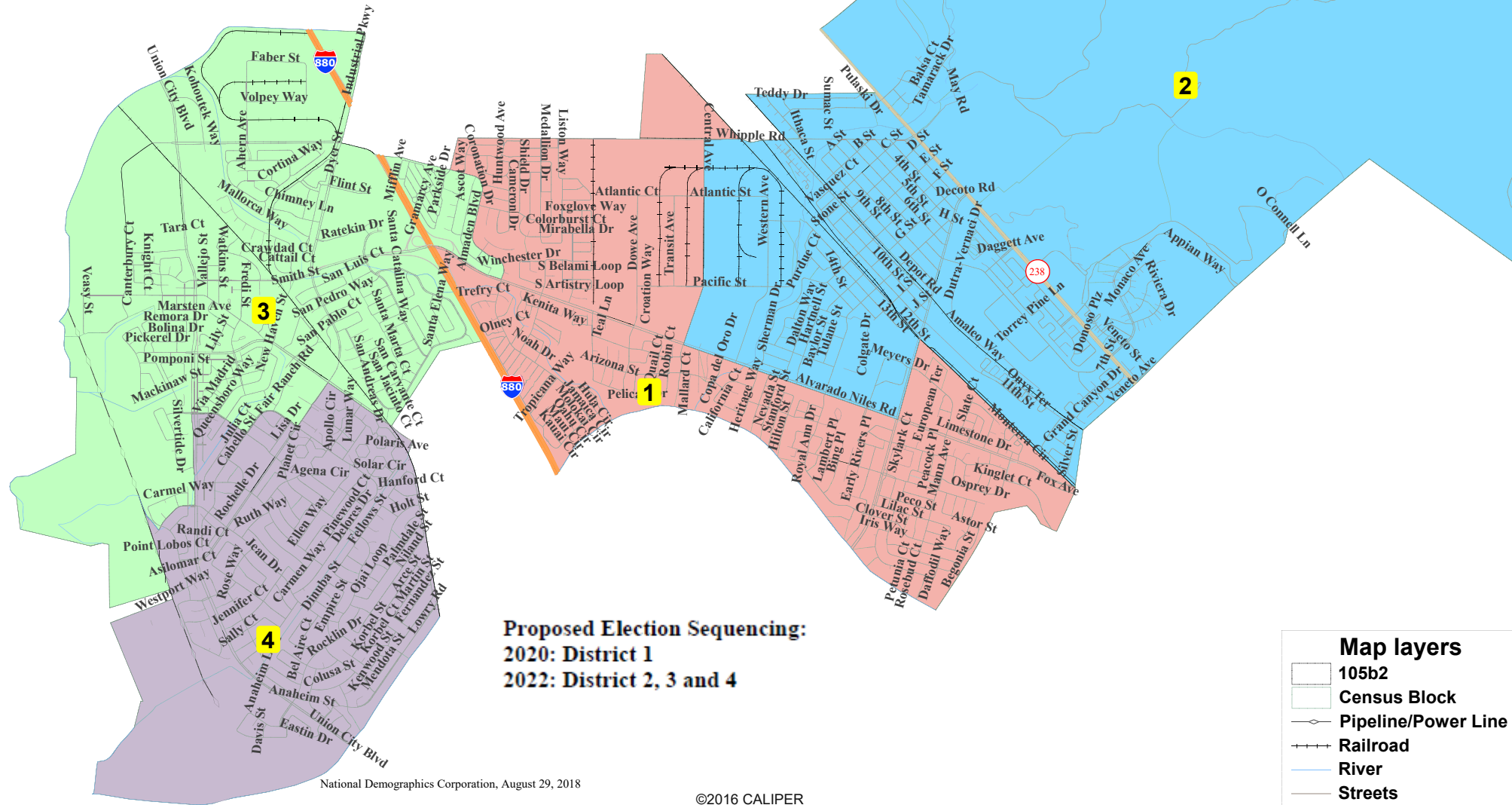
  
Anna Brown  
City Clerk

APPROVED AS TO FORM:

  
Kristopher J. Kokotaylo  
City Attorney

# Union City 2019 Districting

## 105b2



Union City - Map 105b2						
District		1	2	3	4	Total
<u>Ideal</u>	Total Pop	18,295	17,745	16,778	16,698	69,516
17,379	Deviation from ideal	916	366	-601	-681	1,597
	% Deviation	5.27%	2.11%	-3.46%	-3.92%	9.19%
Total Pop	% Hisp	22%	43%	15%	10%	23%
	% NH White	19%	13%	13%	12%	14%
	% NH Black	7%	5%	6%	7%	6%
	% Asian-American	48%	37%	61%	66%	53%
Citizen Voting Age Pop	Total	11,574	10,678	12,275	12,504	47,032
	% Hisp	20%	36%	12%	9%	19%
	% NH White	26%	20%	18%	14%	19%
	% NH Black	7%	5%	7%	6%	6%
	% Asian/Pac.Isl.	46%	38%	60%	71%	54%
Voter Registration (Nov 2018)	Total	9,212	8,412	8,555	9,332	35,511
	% Latino est.	27%	41%	25%	21%	28%
	% Spanish-Surnamed	24%	37%	23%	18%	25%
	% Asian-Surnamed	24%	20%	27%	32%	26%
	% Filipino-Surnamed	7%	5%	12%	11%	9%
	% NH White est.	35%	26%	27%	27%	29%
	% NH Black	7%	6%	8%	9%	8%
Voter Turnout (Nov 2018)	Total	5,390	4,709	4,845	5,553	20,497
	% Latino est.	27%	40%	25%	20%	28%
	% Spanish-Surnamed	24%	36%	23%	18%	25%
	% Asian-Surnamed	22%	20%	26%	31%	25%
	% Filipino-Surnamed	6%	5%	11%	10%	8%
	% NH White est.	37%	27%	28%	29%	30%
	% NH Black	7%	6%	9%	9%	8%
Voter Turnout (Nov 2016)	Total	6,884	6,022	6,084	6,754	25,744
	% Latino est.	28%	41%	26%	21%	29%
	% Spanish-Surnamed	25%	37%	23%	19%	26%
	% Asian-Surnamed	22%	19%	25%	30%	24%
	% Filipino-Surnamed	6%	4%	11%	11%	8%
	% NH White est.	35%	27%	27%	28%	29%
	% NH Black est.	8%	6%	8%	10%	8%
ACS Pop. Est.	Total	18,092	17,191	18,184	17,989	71,456
Age	age0-19	20%	23%	22%	22%	22%
	age20-60	57%	59%	58%	56%	57%
	age60plus	23%	18%	20%	22%	21%
Immigration	immigrants	45%	41%	48%	47%	45%
	naturalized	58%	57%	71%	75%	66%
Language spoken at home	english	42%	38%	36%	37%	38%
	spanish	14%	26%	8%	6%	13%
	asian-lang	25%	20%	42%	38%	32%
	other lang	19%	16%	14%	19%	17%
Language Fluency	Speaks Eng. "Less than Very Well"	20%	21%	20%	22%	21%
Education (among those age 25+)	hs-grad	57%	55%	55%	52%	55%
	bachelor	22%	19%	25%	27%	24%
	graduatedegree	12%	12%	10%	14%	12%
Child in Household	child-under18	29%	34%	34%	37%	33%
Pct of Pop. Age 16+	employed	58%	60%	61%	61%	60%
Household Income	income 0-25k	12%	10%	9%	8%	10%
	income 25-50k	18%	16%	12%	9%	14%
	income 50-75k	15%	20%	13%	12%	15%
	income 75-200k	42%	44%	50%	52%	47%
	income 200k-plus	12%	11%	17%	19%	15%
Housing Stats	single family	73%	67%	88%	94%	80%
	multi-family	27%	33%	12%	6%	20%
	rented	37%	48%	26%	21%	33%
	owned	63%	52%	74%	79%	67%
Total population data from the 2010 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.						