

ORDINANCE NO. 1958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UPLAND AMENDING UPLAND MUNICIPAL CODE SECTION 2.02.100(D) REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

WHEREAS, on July 25, 2016 the City Council of the City of Upland ("City Council") held a final public hearing on establishing Council election district boundaries, received additional public input, and formally selected the voting district map, set forth in Ordinance No. 1909 which established the current Upland City Council election districts codified at Upland Municipal Code section 2.02.100(D), which have been utilized to date in City Council elections; and

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 § 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 Council election districts of the City so that the districts shall 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) respecting communities of interest, (c) drawing easily identifiable districts through use of natural or artificial boundaries and (d) compactness of territory in districts; and

WHEREAS, California Elections Code § 21602 requires that the Council adopt an ordinance or pass a resolution amending Council districts no later than 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 79,040 residents for the City of Upland; and

WHEREAS, the City Council held four public hearings on September 13, 2021, October 25, 2021, January 10 and February 14, 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 demographic 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. During the public hearings, public comment was received on redistricting criteria and communities of interest; and

WHEREAS, at the January 10, 2022 and February 14, 2022 public hearings, the Council received a presentation of several 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 February 14, 2022 public hearing, the City Council agreed on Map Plan 111, 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. The districts 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. The Council heard testimony about what constitutes communities of interest in the public's view.
- (3) The election districts are easily identifiable and understandable by residents. The districts in the preferred map form a relatively simple pattern.
- (4) To the extent practicable, the election districts are geographically compact. Their configurations for the most part are 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. The districts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws.
- (6) The election districts conform to concentration of minority voters. The preferred map creates two majority/minority voting districts.

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 UPLAND 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 (D) of Section 2.02.100 (By-District Elections) of Chapter 2.02 (City Council) of Title 2 (Administration and Personnel) of the Upland Municipal Code is hereby amended as provided in attached Exhibit A.

Section 3. City Council elections shall continue to be conducted "by districts" in four districts as set forth in Exhibit A, with a Mayor separately elected at-large. 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 Upland 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.) sections 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 section 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 from its adoption.

Section 10. 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 28th day of February, 2022.



Bill Velto, Mayor

I, Keri Johnson, 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 14th day of February, 2022, and was adopted at a regular meeting of the City Council of the City of Upland on the 28th day of February, 2022, by the following roll call vote:

AYES: Mayor Velto, Councilmembers Maust, Elliott, Garcia
NOES: None
ABSENT: Councilmember Zuniga
ABSTAINED: None

ATTEST:



Keri Johnson, City Clerk

Exhibit "A"

Text Amendment to Section 2.02.100(D)

Effective for all by-district Council offices newly elected at the November 8, 2022 General Municipal Election and at each General Municipal Election thereafter, Subsection (D) or Section 2.02.100 (By-District Elections) of Chapter 2.02 (City Council) of Title 2 (Administration and Personnel) of the Upland Municipal Code is hereby amended as follows:

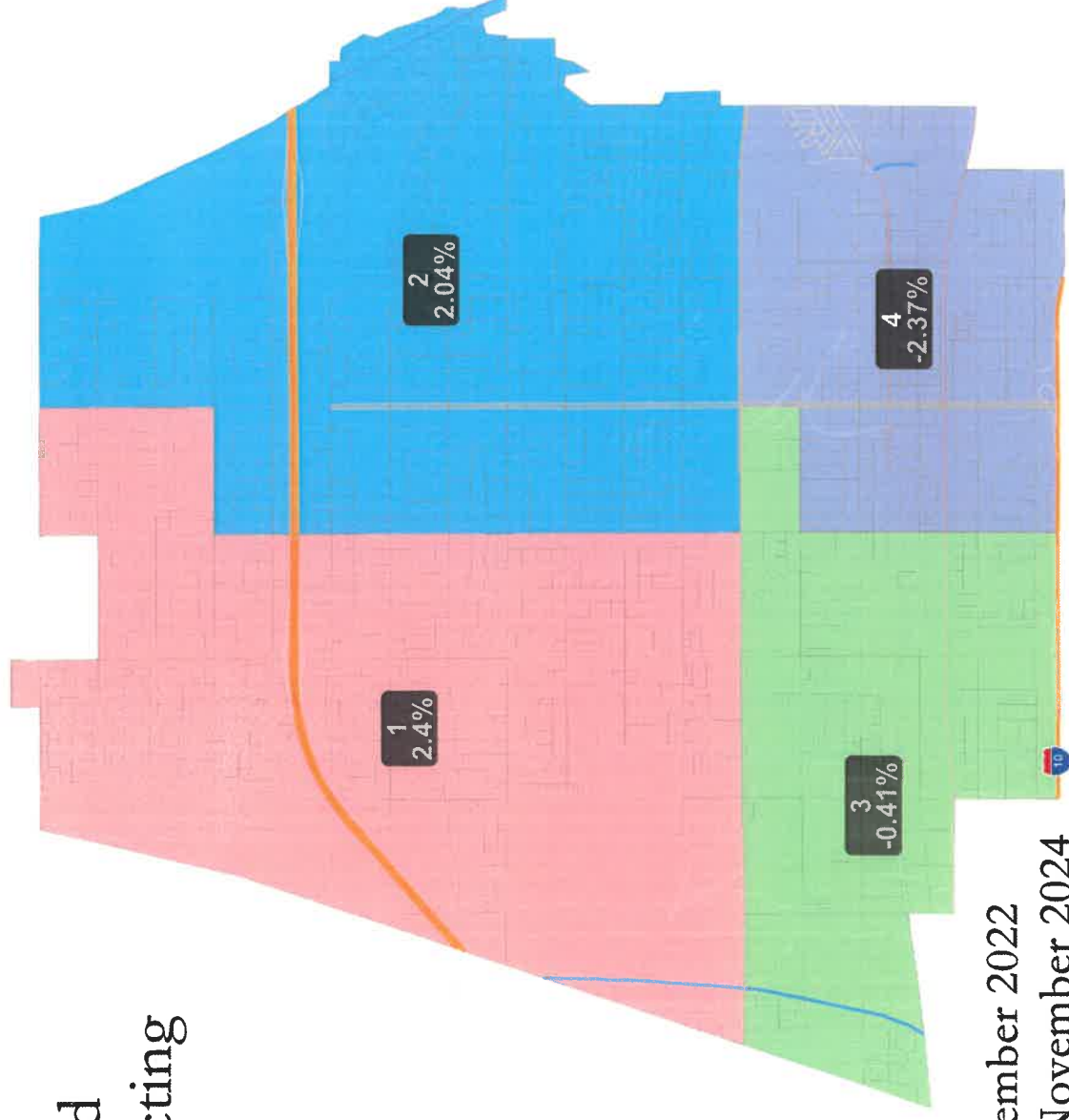
"2.02.100 By-district elections.

- D. District Boundaries.

City of Upland 2021 Redistricting

Plan 111

- Map layers
- Existing Districts
 - Railroad
 - River
 - Streets



Election Sequence:
Districts 2, 3 & 4: November 2022
Mayor and District 1: November 2024

Plan 111 Total Population Demographics										
District	Total Population	Deviation	% Deviation	Hispanic Origin	% Hispanic Origin	NH White	% NH White	NH Black	% NH Black	% NH Asian
1	20,235	475	2.40%	6,600	32.62%	9,528	47.09%	1,022	5.05%	12.38%
2	20,164	404	2.04%	6,932	34.38%	9,174	45.50%	862	4.27%	13.00%
3	19,678	-82	-0.42%	10,742	54.59%	4,336	22.03%	2,047	10.40%	10.26%
4	19,292	-468	-2.37%	11,080	57.43%	4,764	24.69%	1,400	7.26%	7.80%
Total	79,369		4.77%	35,354		27,802		5,331		8,651

Plan 111 CVAP Demographics										
District	Total CVAP	Hispanic CVAP	% Hisp CVAP	NH White CVAP	% NH White CVAP	NH Black CVAP	% NH Black CVAP	NH Asian CVAP	% NH Asian CVAP	
1	15,200	4,171	27.44%	8,500	55.92%	689	4.53%	1,583	10.41%	
2	14,502	4,252	29.32%	8,031	55.38%	625	4.31%	1,509	10.41%	
3	12,176	5,648	46.39%	3,868	31.77%	1,414	11.62%	921	7.56%	
4	12,466	6,004	48.16%	4,644	37.25%	1,050	8.42%	639	5.12%	
Total	54,344	20,075		25,043		3,779		4,652		

Notwithstanding any other provision of this Section, and pursuant to California Elections Code § 21606 (a) and (b), each of the Council Members currently 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 regularly elected or appointed. Any vacancy in or recall election for a Council term currently in effect shall be filled based on the Council districts in effect at the time the current Council term was last regularly elected."