

**CITY OF ONTARIO
SPECIAL MEETING
CITY COUNCIL AND HOUSING AUTHORITY
AGENDA
FEBRUARY 27, 2020 AT 4:30 P.M.**

Paul S. Leon
Mayor

Debra Dorst-Porada
Mayor pro Tem

Alan D. Wapner
Council Member

Jim W. Bowman
Council Member

Ruben Valencia
Council Member



Scott Ochoa
City Manager

Scott E. Huber
City Attorney

Sheila Mautz
City Clerk

James R. Milhiser
Treasurer

WELCOME to a meeting of the Ontario City Council.

- All documents for public review are on file with the Records Management/City Clerk's Department located at 303 East B Street, Ontario, CA 91764.
- Anyone wishing to speak during public comment or on a particular item will be required to fill out a blue slip. Blue slips must be turned in prior to public comment beginning or before an agenda item is taken up. The Clerk will not accept blue slips after that time.
- Comments will be limited to 3 minutes. Speakers will be alerted when they have 1 minute remaining and when their time is up. Speakers are then to return to their seats and no further comments will be permitted.
- In accordance with State Law, remarks during public comment are to be limited to subjects within Council's jurisdiction. Remarks on other agenda items will be limited to those items.
- Remarks from those seated or standing in the back of chambers will not be permitted. All those wishing to speak including Council and Staff need to be recognized by the Chair before speaking.

ORDER OF BUSINESS The Special City Council and Housing Authority meeting begins with Closed Session and Closed Session Comment at 4:30 p.m., Public Comment at 4:30 p.m. immediately followed by the Regular Meeting and Public Hearings. No agenda item will be introduced for consideration after 10:00 p.m. except by majority vote of the City Council.

(EQUIPMENT FOR THE HEARING IMPAIRED AVAILABLE IN THE RECORDS MANAGEMENT OFFICE)

CALL TO ORDER (*OPEN SESSION*)

4:30 p.m.

ROLL CALL

Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

CLOSED SESSION PUBLIC COMMENT The Closed Session Public Comment portion of the Council/Housing Authority meeting is limited to a maximum of 3 minutes for each speaker and comments will be limited to matters appearing on the Closed Session. Additional opportunities for further Public Comment will be given during and at the end of the meeting.

CLOSED SESSION

- GC 54956.9 (d)(2) and (e)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case* (a letter demanding the City transition to by-district elections was received on January 13, 2020, a copy of which is on file with the City Clerk's office).

In attendance: Dorst-Porada, Wapner, Bowman, Valencia, Mayor/Chairman Leon

PLEDGE OF ALLEGIANCE

Council Member Bowman

REPORT ON CLOSED SESSION

City Attorney

PUBLIC COMMENTS

4:30 p.m.

The Public Comment portion of the Council/Housing Authority meeting is limited to 30 minutes with each speaker given a maximum of 3 minutes. An opportunity for further Public Comment may be given at the end of the meeting. Under provisions of the Brown Act, Council is prohibited from taking action on oral requests.

As previously noted -- if you wish to address the Council, fill out one of the blue slips at the rear of the chambers and give it to the City Clerk.

AGENDA REVIEW/ANNOUNCEMENTS The City Manager will go over all updated materials and correspondence received after the Agenda was distributed to ensure Council Members have received them. He will also make any necessary recommendations regarding Agenda modifications or announcements regarding Agenda items to be considered.

ADMINISTRATIVE REPORTS/DISCUSSION/ACTION

I. A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010, TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR COUNCIL MEMBERS

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010, TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR COUNCIL MEMBERS

STAFF MATTERS

City Manager Ochoa

COUNCIL MATTERS

Mayor Leon
Mayor pro Tem Dorst-Porada
Council Member Wapner
Council Member Bowman
Council Member Valencia

ADJOURNMENT

**CITY OF ONTARIO
CLOSED SESSION REPORT**
City Council // Housing Authority // Other // (GC 54957.1)
February 27, 2020

ROLL CALL: Dorst-Porada_, Wapner _, Bowman _, Valencia _, Mayor / Chairman Leon _.

STAFF: City Manager / Executive Director __, City Attorney __

In attendance: Dorst-Porada _, Wapner _, Bowman _, Valencia _, Mayor / Chairman Leon _.

- GC 54956.9 (d)(2) and (e)(2), CONFERENCE WITH LEGAL COUNSEL, ANTICIPATED LITIGATION: *One case* (a letter demanding the City transition to by-district elections was received on January 13, 2020, a copy of which is on file with the City Clerk's office).

No Reportable Action	Continue	Approved
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Disposition: _____

Reported by:

City Attorney / City Manager / Executive Director

CITY OF ONTARIO

Agenda Report
February 27, 2020

SECTION:
ADMINISTRATIVE REPORTS/
DISCUSSION/ACTION

SUBJECT: A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010, TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR COUNCIL MEMBERS

RECOMMENDATION: That the City Council consider and adopt a resolution expressing the City Council's intention, pursuant to Elections Code Section 10010, to initiate procedures for establishing and implementing by-district elections for City Council.

COUNCIL GOALS: Focus Resources in Ontario's Commercial and Residential Neighborhoods

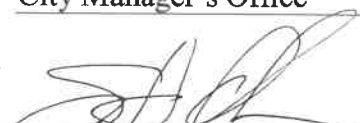
FISCAL IMPACT: This action will not result in any direct fiscal impact; however, there will be future undetermined costs incurred as a result of and based upon the direction given.

BACKGROUND: On January 13, 2020 the City of Ontario received a letter, dated January 8, 2020, from Scott J. Rafferty entitled "Petition to Comply with the Voting Rights Act of 1965 and the California Voting Rights Act (CVRA)". The letter states that attorney Rafferty represents an Ontario resident client, and the City believes the content of the letter constitutes a threat of litigation.

Accordingly, the City Council is meeting to discuss, consider, and give direction to the City Attorney and staff on the matter including adoption of a resolution expressing the City Council's intention to initiate procedures for establishing and implementing by-district elections for the City Council.

The City Council caused to be analyzed precinct-level voter preferences in the prior two election cycles for Mayor and City Council Members (2016 and 2018). The City will, based upon that analysis, work with a demographer to prepare single-member district election map options for the City Council's consideration and will hold multiple public meetings to receive community input on the subject district maps as well as a range of local governance topics that may include: (1) the number of City Council Members that should be elected to represent the public; (2) whether the position of Mayor should be a separately elected position; (3) whether the City should institute term limits for City Council Members

STAFF MEMBER PRESENTING: Scott Ochoa, City Manager

Prepared by: Scott Ochoa
Department: City Manager's Office
City Manager Approval: 

Submitted to Council/O.H.A. 02/27/2020
Approved: _____
Continued to: _____
Denied: _____

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and the Mayor, and what form such a proposal should take; and (4) whether the City should become a charter city. In determining the outcome of these matters, the City Council will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the potential districts.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ONTARIO, CALIFORNIA, EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010, TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR COUNCIL MEMBERS.

WHEREAS, four Council Members of the City of Ontario are currently elected in at-large elections, in which each Council Member is elected by all registered voters of the entire City; and

WHEREAS, the Mayor is directly elected by the voters of the City; and

WHEREAS, at-large election systems, such as that presently employed by the City to elect four Council Members, are subject to challenge under the California Voting Rights Act of 2001, codified at sections 14025, et seq., of the California Elections Code ("CVRA"); and

WHEREAS, district-based electoral systems, whereby only voters residing within a specific council district vote for the Council Member representing that council district, are not similarly vulnerable to challenge under the CVRA; and

WHEREAS, according to the 2010 Census, nearly 70 percent of the residents in the City of Ontario are of Latino origin; and

WHEREAS, according to the most recent estimates from the Census Bureau's American Community Survey (2018), the population of the City has increased by over 10 percent and the percent that is of Latino origin has also increased; and

WHEREAS, estimates from the Census Bureau's American Community Survey also reflect that a significant majority of the eligible voters in the City are of Latino origin, over 60 percent; and

WHEREAS, the City Council caused to be analyzed precinct-level voter preferences in the prior two election cycles for Mayor and City Council Members in 2018 and City Council Members in 2016; and

WHEREAS, the Mayor, who is of Latino origin, appears to be the preferred candidate of Latino voters and also the preferred candidate of non-Latino voters; and

WHEREAS, one of the City Council Members elected in 2018 appears to be the preferred candidate of Latino voters and also the preferred candidate of non-Latino voters, and the second City Council Member elected in 2018 was elected with significant Latino and non-Latino support; and

WHEREAS, one of the City Council Members elected in 2016, who is Latino, appears to be a preferred candidate of Latino voters and also supported by non-Latino voters, and the second City Council Member elected in 2016 was elected with significant Latino and non-Latino support; and

WHEREAS, the City Council will receive the Census results in 2021, which will establish the actual number of residents in the City with greater certainty than is currently known under the American Community Survey five-year estimates; and

WHEREAS, the City Council will hold multiple public hearings to receive community input on by-district elections as well as a range of local governance topics; and

WHEREAS, at present, there is insufficient time to allow for a full and robust public input to ascertain the desires of the public related to these issues and the issue of by-district elections prior to the 2020 elections; and

WHEREAS, there may be reasons unrelated to the protection of minority voting rights for the institution of by-district elections in the City including Ontario's growth projections and development patterns in the coming five to ten years; and

WHEREAS, the City Council determines that it is in the best interest of the City to move from its current at-large electoral system to by-district elections for members of the City Council following receipt of the Census in 2021 and a robust public process to be effective for the 2022 election cycle; and

WHEREAS, the City Council will work with a qualified demographer in 2021 to prepare single-member district election map options for the City Council's consideration; and

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, pursuant to Section 10010 of the Elections Code, the City will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

WHEREAS, the City will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections shown; and

WHEREAS, once the draft map has been published for at least seven (7) days, the City will hold at least two (2) additional public hearings, over no more than forty-five (45) days, at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the City Council adopts a map; and

WHEREAS, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven (7) days before the City chooses to adopt it; and

WHEREAS, in determining the final sequence of staggered district elections, the City Council will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the districts.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ONTARIO AS FOLLOWS:

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

SECTION 2. The City Council hereby resolves, pursuant to Elections Code section 10010, to adopt a by-district election system by ordinance as authorized by the California Government Code, for use in the City's General Municipal Election for Council Members in the 2022 election cycle.

SECTION 3. The City Manager is hereby authorized to retain a qualified demographer to assist the City in the establishment of a by-district election system, and is instructed to retain a demographer forthwith and report back to the City Council at its meeting on or about April 21, 2020.

SECTION 4. The City Manager shall place on the agenda an informational report to the City Council concerning the current demographics of the City to be presented by its retained demographer on or before the City Council's meeting on or about August 18, 2020.

SECTION 5. The City Manager shall immediately report to the City Council upon receipt of the 2020 Census results for the City.

SECTION 6. The City Manager is hereby instructed to retain such other consultants as necessary to advise the City with regard to other proposals for the restructuring of its system of governance as set forth above and to advise it with regard to effective methods to encourage participation in City governance.

SECTION 7. The City Manager is instructed to propose to the City Council on or before its meeting on September 15, 2020 a schedule of public meetings and hearings as contemplated in this Resolution on the question of establishing by-district elections, and the other governance issues set forth above.

SECTION 8. The City Manager is authorized to take any and all other necessary actions to give effect to this Resolution.

SECTION 9. This Resolution shall become effective immediately upon its adoption.

The City Clerk of the City of Ontario shall certify as to the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED this 27th day of February, 2020.

PAUL S. LEON, MAYOR

ATTEST:

SHEILA MAUTZ, CITY CLERK

APPROVED AS TO FORM:

COLE HUBER, LLP
CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO)
CITY OF ONTARIO)

I, SHEILA MAUTZ, City Clerk of the City of Ontario, DO HEREBY CERTIFY that foregoing Resolution No. 2020- was duly passed and adopted by the City Council of the City of Ontario at their special meeting held February 27, 2020 by the following roll call vote, to wit:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

SHEILA MAUTZ, CITY CLERK

(SEAL)

The foregoing is the original of Resolution No. 2020- duly passed and adopted by the Ontario City Council at their special meeting held February 27, 2020.

SHEILA MAUTZ, CITY CLERK

(SEAL)