

**ONTARIO CITY COUNCIL/  
ONTARIO HOUSING AUTHORITY  
MINUTES  
February 27, 2020**

**JOINT MEETINGS**

Special meetings of the Ontario City Council/Ontario Housing Authority were held on Thursday, February 27, 2020, at the Ontario City Hall, 303 East B Street, Ontario, California.

**CALL TO ORDER – OPEN SESSION**

Mayor Leon called the City Council and Housing Authority Meetings to order at 4:32 p.m.

**PRESENT:** Mayor/Chairman: Paul S. Leon  
Mayor pro Tem/Vice Chairman: Debra Dorst-Porada  
Council/Authority Members: Alan D. Wapner, Jim W. Bowman and Ruben Valencia

**ABSENT:** None.

Also present were City Manager/Executive Director Scott Ochoa, City Attorney/Legal Counsel Scott E. Huber, Assistant City Manager/Deputy City Clerk Al C. Boling and Deputy City Clerk/Deputy Secretary Karen M. Morrison.

The Pledge of Allegiance was led by Council Member Bowman.

**CLOSED SESSION PUBLIC COMMENT**

Mayor Leon announced the matters for discussion, as listed on the agenda, and inquired whether persons were present who wished to speak to the Closed Session item. Four members of the public requested to speak to the closed session item.

*Dr. Chris Kueng*, shared his view of the City as fiscally responsible, cohesive in governing, and representing all members of the community. He expressed his concern that dividing the City into districts would be detrimental and diminish the City's effective governance with goals and budgets being split between districts. He stated that each Council Member represents all residents so they see the larger picture, but that would all change. He expressed concerns that resource allocation would be diverted to smaller population groups and would take away attention and funds from the City's Master Plans. He questioned why this would be a good change for the City.

*Scott J. Rafferty, Attorney*, indicated that he represents resident Chris Robles who was unable to attend the meeting. He stated that the City is in violation of the Brown Act since the special meeting was not noticed on the website as required by state law. He commented that the City had been given the opportunity to comply with state and federal

laws, and that the Safe Harbor Law does not apply the violations he is challenging. He stressed that his client could have gone to court 45 days ago but chose not to so as to implement changes expeditiously and in a way that reflects the desires of the community. He commented that Ontario is the second largest city in California and is not divided into districts. He discussed racially polarized voting and requested to see the study that the City had done. He spoke to the ethnic breakdown of the city being 70% Latino, with 62% of those being ineligible voters. He claimed that votes are diluted in violation of federal law. He called upon the City Council to begin the process of drawing maps to be implemented before the 2020 election. He also requested that his letter be posted and made available to the public.

Mayor Leon asked City Manager Ochoa if there was any validity to Mr. Rafferty's accusations of the Brown Act violation. Mr. Ochoa explained that the Brown Act requires posting meeting notices at three city locations, and that was completed in the early afternoon to meet notice requirements. Ochoa further stated that there were some issues with the city website that created a short timing delay in posting; however, that is not a violation of the law. The law requires that we post the agenda at the location of the meeting and that was done.

*Marianne Perumean*, spoke against the city moving to districts and asked the city to fight back when the State makes arbitrary demands. She stated that Ontario has a history of taking care of its entire population. As an example, she shared that public meetings are held at different locations throughout the City to allow all members of the public to give input and make sure voters are informed. She offered her opinion that districts would create more polarization of voters, create pockets, and there would be less focus on the entire city as compared to now where everyone gets to vote for every member on the Council.

*Dr. Irene Cervantes Chisholm*, expressed her concerns that the shift to districts is being portrayed as a race issue and stated that districts are not the solution. She spoke of neighborhoods having specific needs, and that this should be a wake-up call for the City Council to address all parts of the City. She further stated that as the City grows, so will the needs and wants of the residents with more focus on services in South Ontario. She explained that changing to district voting forces her to give up her voting power and giving it to others since she currently votes for all Council members but would be limited to just the one in her district. She said that as a Latino, she strongly objects to districts and wants to see the statistics on proposed districts. She questioned if this demand is coming from someone who just did not get voted into office. She said does not want to be forced to go into districts.

Closed Session Public Comment ended at 4:46 p.m.

## **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).

Mayor Leon announced the Closed Session topic above.

The Meeting recessed to Closed Session at 4:46 p.m.

The Meeting reconvened to Public Comments at 6:03 p.m.

Mayor Leon asked City Attorney Scott Huber to give a report on the Closed Session.

## **REPORT ON CLOSED SESSION**

City Attorney Huber advised that the City Council directed staff to bring forth a resolution for Council to transition to by-district elections in 2022, following receipt of the 2020 Census data. The resolution to be considered at this meeting was made available to the public at the meeting and it is to be posted electronically as soon as staff can upload to the City website. Copies were distributed for the City Council's consideration.

## **PUBLIC COMMENTS**

*Scott Rafferty*, stated that the City had not provided enough time for input from the public and should change to districts before the 2020 election. He expressed his concerns that the City will be in court due to the violation of federal law and the Voting Rights Act of 1965. He said that the City did not post his letter, sat on the document for 45 days, did not record a special Council meeting, did not post the agenda on the City's website until the last minute, and only had a few people show up for the meeting. He asked for the City's study of voting history where Council Members Wapner and Bowman were the candidates of Latino choice. He recalled that Ontario is 70% Latino, and there have only been three or four Latinos in its history serving on the City Council. Rafferty stated that Mayor Leon was initially appointed to the City Council, that some members have been on the Council since the 1980s, and that it is a different city now that needs undiluted votes to elect those that all voters will favor.

Mayor Leon then called the next speaker, *Mr. Rick Caughman*, who had left the meeting, and so the Mayor ended the public comments portion of the meeting.

## **ADMINISTRATIVE REPORTS/DISCUSSION/ACTION**

Mayor Leon requested the reading of the Resolution by Assistant City Manager/Deputy City Clerk Al C. Boling.

### **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.**

Mayor Leon requested discussion by the Council Members.

Council Member Wapner thanked Mr. Rafferty for making the trip from Northern California to represent the residents of Ontario and expressed his concern why Mr. Rafferty's client, Mr. Robles was not at the meeting. Mr. Wapner questioned portions of Mr. Rafferty's letter such as where Wapner lived within the City and that Wapner was elected in 1986, but was actually 1994. Mr. Wapner stated that he always receives a majority of the Hispanic vote and more votes than the Hispanic candidates that run against him. Wapner added that there is a threat of a lawsuit, and attorney fees to be paid, to drive decisions that should be made by the residents of Ontario regardless of ethnicity. Mr. Wapner stated he would support changing to districts but only for the right reasons and if it truly represented the will of the residents. He added that the City should not be forced to based upon threatened litigation; and he hopes this process ultimately brings equity and equality in getting everyone in the community the representation that they need.

Mayor Leon stated that much of the documentation submitted by Mr. Rafferty is inaccurate, and he pointed to the statement that "The residents of Ballou and Champagne may finally have a neighbor on the Council." Mayor Leon questioned if anybody in the City of Ontario actually knew what that means. Mayor Leon clarified that he was indeed appointed to the City Council in 1998 and has been successfully re-elected by a large margin of voters every single time. Mayor Leon questioned the validity of Rafferty's letter and the desire of those he represents. He added that the resolution was written with due diligence to follow the law.

The Mayor called for a motion on the Resolution

**MOTION:** Moved by Council Member Bowman, seconded by Mayor pro Tem Dorst-Porada and carried by unanimous vote, to adopt Resolution No. 2020-014.

- 1. 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. 2020-014** 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.

#### **STAFF MATTERS**

City Manager Ochoa had no comments.

#### **COUNCIL MATTERS**

There were no additional City Council comments.

#### **ADJOURNMENT**

Mayor Leon adjourned the meetings of the Joint Agencies at 6:17 p.m.

Respectfully submitted,




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KAREN M. MORRISON, DEPUTY CITY CLERK/DEPUTY SECRETARY

APPROVED:




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PAUL S. LEON, MAYOR/CHAIRMAN