

RESOLUTION NO. 2017-011

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, EXPRESSING THE CITY COUNCIL'S INTENTION, PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS.

WHEREAS, the City of Fontana, California ("City") is a general law city, duly organized under the constitution and laws of the State of California; and

WHEREAS, four of the members of the Fontana City Council are currently elected in at-large elections, in which each City Council member is elected by all registered voters of the entire City, with the mayor being separately elected by all registered voters of the entire City, pursuant to California Government Code sections 34871 and 34900 et seq.; and

WHEREAS, on September 28, 2016, Governor Jerry Brown signed Assembly Bill 2220 ("SB 2220"), which becomes effective January 1, 2017 and contains a provision authorizing any city, regardless of population size, to change to a by-district system or by-district system with an elective mayor without the need to put such a change to voters; and

WHEREAS, on September 28, 2016, Governor Brown also signed Assembly Bill 350 ("AB 350"), which amends California Government Code section 34886 to read, "Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval."; and

WHEREAS, the City Council has determined that it is in the best interest of the City to move from its current at-large electoral system to a by-district election for members of the City Council, with an elective mayor pursuant to California Government Code section 34886 and in furtherance of the purposes of CVRA; and

WHEREAS, the City moves to make this transition from an at-large system to a by-district system with an elective mayor in accordance with the new procedural rules outlined in SB 2220 and AB 350; and

WHEREAS, the City will begin by working with an experienced demographer to assist the City in establishing maps for a by-district electoral system; and

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, 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

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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 publicized 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 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; and

WHEREAS, the City Council now wishes to adopt criteria to guide the establishment of electoral districts consistent with legal requirements, while still maintaining an elective mayor, including reasonable equal population and section 2 of the federal Voting Rights Act, as well as other concerns and considerations important to the City.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA 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(e)(3)(A), to adopt a by-district election system by ordinance as authorized by California Government Code section 34886 for use in the City's General Municipal Election for City Council Members.

Section 3. The City Council hereby resolves to continue having an elective mayor in which the Mayor of the City is elected by all registered voters in the City, pursuant to the statutory authority granted in California Government Code sections 34886 and 34871.

Section 4. The City Council further resolves to retain a qualified demographer, hold at least five (5) public hearings and publish at least one (1) draft map and staggering sequence, all prior to July of 2017.

Section 5. The City's redistricting/ demographic consulting firm, acting under the supervision of the City Manager, is hereby authorized to direct and formulate one or

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more electoral district scenarios for review by the public and City Council at two or more public hearings if necessary, in accordance with the City's proposed timeline.

Section 6. Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas and other materials regarding by-district elections and to establish means of communication to answer questions from the public.

Section 7. All public hearings shall be noticed as follows: posting on the City website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the City.

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.

APPROVED AND ADOPTED this 14th day of February, 2017.

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:



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City Attorney

I, Tonia Lewis, City Clerk and Ex-Officio Clerk of the City of Fontana, California, do hereby certify that the foregoing Resolution is the actual Resolution duly and regularly adopted by the City Council at a regular meeting of said City Council on the 14th day of February, 2017, by the following to-wit:

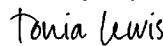
AYES: Mayor Warren, Council Members Roberts, Tahan and Armendarez

NOES: Mayor Pro Tem Sandoval

ABSENT:

ABSTAIN:

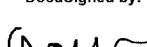
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City Clerk of the City of Fontana

DocuSigned by:



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Mayor of the City of Fontana

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ATTEST:

DocuSigned by:

Tonia Lewis

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City Clerk

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Acquanetta Warren



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awarren@fontana.org

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Tonia Lewis

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tlewis@fontana.org

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City Clerk

City of Fontana

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Electronic Record and Signature Disclosure:

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In Person Signer Events

Signature

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Editor Delivery Events

Status

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Status

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Notary Events

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Envelope Summary Events

Timestamps

Envelope Sent

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Certified Delivered

3/10/2017 7:19:23 AM

Signing Complete

3/10/2017 7:19:23 AM

Completed

3/10/2017 7:19:23 AM

Status

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Security Checked
Security Checked
Security Checked

Payment Events

Timestamps

Electronic Record and Signature Disclosure

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You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: ctejeda@fontana.org

To advise City of Fontana of your new e-mail address

To let us know of a change in your e-mail address where we should send notices and disclosures electronically to you, you must send an email message to us at ctejeda@fontana.org and in the body of such request you must state: your previous e-mail address, your new e-mail address. We do not require any other information from you to change your email address..

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To withdraw your consent with City of Fontana

To inform us that you no longer want to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your DocuSign account, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an e-mail to ctejeda@fontana.org and in the body of such request you must state your e-mail, full name, IS Postal Address, telephone number, and account number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

Operating Systems:	Windows2000? or WindowsXP?
Browsers (for SENDERs):	Internet Explorer 6.0? or above
Browsers (for SIGNERS):	Internet Explorer 6.0?, Mozilla FireFox 1.0, NetScape 7.2 (or above)
Email:	Access to a valid email account
Screen Resolution:	800 x 600 minimum
Enabled Security Settings:	<ul style="list-style-type: none">•Allow per session cookies•Users accessing the internet behind a Proxy Server must enable HTTP 1.1 settings via proxy connection

** These minimum requirements are subject to change. If these requirements change, we will provide you with an email message at the email address we have on file for you at that time providing you with the revised hardware and software requirements, at which time you will have the right to withdraw your consent.

Acknowledging your access and consent to receive materials electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please verify that you were able to read this electronic disclosure and that you also were able to print on paper or electronically save this page for your future reference and access or that you were able to e-mail this disclosure and consent to an address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format on the terms and conditions described above, please let us know by clicking the 'I agree' button below.

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- Until or unless I notify City of Fontana as described above, I consent to receive from exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to me by City of Fontana during the course of my relationship with you.