

RESOLUTION NO. 2017-012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, CONFIRMING INITIATION PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS AND ADOPTING TIMELINE (GOV. CODE § 34886 & ELEC. CODE §10010).

WHEREAS, members of the City Council of the City of Fontana (“City”) are currently elected in “at-large” elections, in which four of the City Council members are elected by the registered voters of the entire city, and the mayor of the City is elected by all registered voters in the City pursuant to California Government Code sections 34886 and 34871; and

WHEREAS, California Government Code section 34886, effective January 1, 2017, permits the City Council to change the City’s method of election by ordinance, with certain formalities, to a “by-district” system with an elective mayor, in which each City Council member is elected only by the voters in the district in which the candidate resides and the mayor is elected by all registered voters in the City; and

WHEREAS, in August 2016, the City received a letter asserting the City’s at-large electoral system violates the California Voting Rights Act and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the risks involved with engaging in litigation indicate that the public interest would be better served by moving to a by-district electoral system under California Government Code section 34886; and

WHEREAS, California Elections Code section 10010 requires a total of five public hearings before a proposal to establish district boundaries for a by-district electoral system is approved; and

WHEREAS, the City has retained an experienced demographer to assist the City in establishing a by-district electoral system.

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.

Section 2. The City Council has previously resolved to adopt a by-district election system, including continuing to have an elective mayor in which the mayor of the City is elected by all registered voters in the City, as authorized by Government Code section 34886, for use in the City’s General Municipal Election in November 2018.

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Section 3. The City Council has approved a tentative timeline for conducting a public process to solicit public input and testimony on proposed by-district electoral plans before adopting any such plan.

Section 4. The adopted tentative timeline is be subject to adjustment by the City Council as it deems necessary, provided that such adjustments shall not prevent the City from meeting its goal of finalizing the change to by-district elections in time for the November 2018 elections.

Section 5. The City Council does hereby adopt the following criteria to guide the establishment of districts for council elections:

a) Each Council District shall contain a nearly equal number of inhabitants; and

b) Council District borders shall be drawn in a manner that complies with the Federal Voting Rights Act; and

c) Council districts shall consist of contiguous territory in as compact form as possible; and

d) In accordance with California Government Code section 34884(a)(1), Council districts shall respect communities of interest as much as possible; and

e) In accordance with California Government Code section 34884(a)(1), Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible; and

f) District borders shall respect the previous choices of city voters by avoiding the creation of head-to-head contests between Councilmembers previously elected by the voters of the City, insofar as this does not conflict with Federal or State Law; and

g) In accordance with California Government Code section 34884(a)(1), In establishing the boundaries of the districts, the City Council will also consider geography and cohesiveness, contiguity, integrity, and compactness of territory.

Section 6. The City Manager shall consult with the City Attorney to resolve all legal issues and take any and all other actions necessary to give effect to this Resolution.

Section 7. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fontana, California, at a regular meeting of the City Council held on the 28th day of February, 2017.

Resolution No. 2017-012

READ AND APPROVED AS TO LEGAL FORM:

DocuSigned by:
Jeff Ballinger
9656A1483C6E407...

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 28th 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:**

DocuSigned by:
Tonia Lewis
EBCDCFDA17754F5...

City Clerk of the City of Fontana

DocuSigned by:
Aquanetta Warren
9B478DADB90D46B...

Mayor of the City of Fontana

ATTEST:
DocuSigned by:
Tonia Lewis
EBCDCFDA17754F5...

City Clerk

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Tonia Lewis

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City Clerk

City of Fontana

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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 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.

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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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