

ORDINANCE NO. 1225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BREA ESTABLISHING A BY-DISTRICT SYSTEM FOR CITY COUNCIL ELECTIONS, AMENDING THE BREA CITY CODE, AND MAKING A DETERMINATION OF EXEMPTION PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

THE CITY COUNCIL OF THE CITY OF BREA DOES ORDAIN AS FOLLOWS:

A. RECITALS:

(i) On May 6, 2019, the City received a claim alleging that the City's at-large election system violates the California Voting Rights Act (Elections Code Section 14025 et seq.).

(ii) On June 20, 2019, the City Council adopted Resolution 2019-049 declaring its intent to transition from at-large elections for City Council to by-district elections for City Council after receipt of the 2020 Census results.

(iii) Upon receipt of the 2020 Census results, in accordance with Elections Code Section 10010, the City held two public hearings before the drawing of potential voting district maps (on September 27, 2021 and October 27, 2021) and two public hearings after the drawing of potential voting district maps (on February 1, 2022, and February 23, 2022).

(iv) The City exceeded state law requirements by also holding two district mapping workshops (on January 12, 2022 and February 12, 2022).

(v) The Council District Map set forth in the attached Exhibit A is compliant with the criteria specified in Elections Code Section 21601.

(vi) This Ordinance's change in the method of electing City Council Members is being made in furtherance of the purposes of the California Voting Rights Act.

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B. ORDINANCE:

SECTION 1. Code Amendment. Title 2 (Administration and Personnel) of the Brea City

Code is amended by adding a new Chapter 2.32 to read as follows:

“CHAPTER 2.32: CITY COUNCIL DISTRICTS

Section

2.32.010	Voting Districts Established.
2.32.020	Election of City Council Members by District.
2.32.030	Commencement of District Elections.
2.32.040	Redistricting.

§ 2.32.010 VOTING DISTRICTS ESTABLISHED. Five City Council voting districts are established in the City of Brea. The boundaries and identifying number of each voting district shall be as described on the official “Council District Map” on file in the Office of the City Clerk.

§ 2.32.020 ELECTION OF CITY COUNCILMEMBERS BY DISTRICT.

A. City Council Members shall be elected “by district” as defined in Government Code Section 34871. A person shall not be eligible to be elected to hold office as a City Council Member unless he or she satisfies all of the following criteria: (i) is otherwise qualified as required by law; (ii) resides in the geographical area making up the voting district from which he or she is nominated to be elected; and (iii) is a registered voter of the City at the time nomination papers are issued to him or her as provided in Elections Code Section 10227.

B. Registered voters signing nomination papers or voting for a City Council candidate shall be residents of the geographical area making up the voting district from which the City Council Member is to be elected.

§ 2.32.030 COMMENCEMENT OF DISTRICT ELECTIONS.

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A. Commencing with the general municipal election in November 2022, the voters in Council District Nos. [REDACTED], [REDACTED], and [REDACTED] shall elect City Council Members by district for full four year terms.

B. Commencing with the general municipal election in November 2024, the voters in Council District Nos. ___ and ___ shall elect City Council Members by district for full four year terms.

C. No City Council Member term of office that commenced prior to the effective date of this Chapter shall be affected.

§ 2.32.040 REDISTRICTING.

The City Council shall adjust the boundaries of the City Council voting districts based on annexations and decennial federal census results in accordance with Elections Code Section 21601 et seq.”

SECTION 2. Map Adoption. The Official Council District Map set forth in the attached Exhibit A is adopted and incorporated herein by reference. The Official Council District Map shall be kept on file in the Office of the City Clerk.

SECTION 3. Technical Adjustments. If necessary to facilitate the implementation of this Ordinance, the City Manager is authorized to make technical adjustments to the Official Council District Map that do not substantively affect the populations in the voting districts, the eligibility of candidates, or the residence of elected officials within any voting 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 for the implementation of the voting districts.

SECTION 4. CEQA. The City Council finds that adoption of this Ordinance is exempt from California Environmental Quality Act (“CEQA”) review because it is not a “project” pursuant to Title 14, Section 15378(b) of the California Code of Regulations. The Council further finds that adoption of this Ordinance is exempt from CEQA review pursuant to Title 14, Section 15061(b)(3) of the California Code of Regulations because it can be seen with certainty that this Ordinance will not have any potentially significant adverse impact on the environment.

SECTION 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The City Council declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

SECTION 6. Certification. The City Clerk shall certify to the adoption of this Ordinance.

APPROVED AND ADOPTED this ____ day of March, 2022.

Cecilia Hupp, Mayor

ATTEST: _____
Lillian Harris-Neal, City Clerk

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I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Ordinance was introduced at a special meeting of the City Council of the City of Brea held on the 23rd day of February, 2022, and was finally passed at a regular meeting of the City Council of the City of Brea held on the ____ day of March, 2022, by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

DATED: _____, 2022

Lillian Harris-Neal, City Clerk

EXHIBIT A
OFFICIAL COUNCIL DISTRICT MAP
(ATTACHED)