



AGENDA OF A SPECIAL MEETING
NATIONAL CITY COUNCIL
ONLINE ONLY MEETING
<https://www.nationalcityca.gov/webcast>

LIVE WEBCAST
COUNCIL CHAMBERS
CIVIC CENTER
1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, APRIL 12, 2022 – 4:00 PM

ALEJANDRA SOTELO-SOLIS
Mayor

MARCUS BUSH
Vice Mayor

RON MORRISON
Councilmember

MONA RIOS
Councilmember

JOSE RODRIGUEZ
Councilmember

NOTICE: The health and well-being of National City residents, visitors, and employees during the COVID-19 outbreak remains our top priority. The City of National City is coordinating with the County of San Diego Health Human Services Agency, and other agencies to take measures to monitor and reduce the spread of the novel coronavirus (COVID-19). **The World Health Organization has declared the outbreak a global pandemic and local and state emergencies have been declared providing reprieve from certain public meeting laws such as the Brown Act.**

As a result, the City Council Meeting will occur only online to ensure the safety of City residents, employees and the communities we serve. A live webcast of the meeting may be viewed on the city's website at www.nationalcityca.gov. **For Public Comments see "PUBLIC COMMENTS" section below.**

ORDER OF BUSINESS: Public sessions of all Regular Meetings of the City Council / Community Development Commission - Housing Authority (hereafter referred to as Elected Body) begin at 6:00 p.m. on the first and third Tuesday of each month. Public Hearings begin at 6:00 p.m. unless otherwise noted. Closed Meetings begin in Open Session at 5:00 p.m. or such other time as noted, and after announcing closed session items, convenes into a Closed Meeting. If a workshop is scheduled, the subject and time of the workshop will appear on the agenda. The Mayor and Council members also sit as the Chairperson and Members of the Board of the Community Development Commission (CDC).

REPORTS: All open session agenda items and reports as well as all documents and writings distributed to the Elected Body less than 72 hours prior to the meeting, are available for review on the City's website at www.nationalcityca.gov. Regular Meetings of the Elected Body are webcast and archived on the City's website at www.nationalcityca.gov.

PUBLIC COMMENTS: There are multiple ways you can make sure your opinions are heard and considered by our City Council as outlined below:

Submit your public comment prior to the meeting: To submit a comment in writing, email PublicComment@nationalcityca.gov, provide the agenda item number and title of the item in the subject line of your email. Public comments or testimony is limited to up to three (3) minutes. If the comment is not related to a specific agenda item,

1243 National City Blvd.
National City, CA 91950
619-336-4240

Meeting agendas and
minutes available on the
City's website at
WWW.NATIONALCITYCA.GOV

indicate General Public Comment in the subject line. All email comments received by 2:00 p.m. on the day of the meeting will be emailed to the City Council Members and made a part of the official record.

Register online and participate in live public comment during the meeting: To provide live public comment during the meeting, you must pre-register on the City's website at <https://www.nationalcityca.gov/publiccomment> by 2:00 p.m. on the day of the regular meeting to join the City Council Meeting.

***Please note that you do not need to pre-register to watch the meeting online, but you must pre-register if you wish to speak.

Once registered, you will receive an email with a link from Zoom to join the live meeting. You can participate by phone or by computer. Please allow yourself time to log into Zoom before the start of the meeting to ensure you do not encounter any last-minute technical difficulties.

***Please note that members of the public will not be shown on video; they will be able to watch and listen and speak when called upon. Public microphones will be muted until it is your turn to comment.

Each speaker is allowed up to three (3) minutes to address the City Council. Please be aware that the Mayor may limit the comments' length due to the number of persons wishing to speak or if comments become repetitious or unrelated.

All comments are subject to the same rules as would otherwise govern speaker comments at the meeting. Speakers are asked to be respectful and courteous. Please address your comments to the City Council as a whole and avoid personal attacks against members of the public, City Council, and city staff.

Questions about public comment or City Council protocols? Please contact the City Clerk's Office at (619) 336-4228 or via email at Clerk@nationalcityca.gov.

INTERPRETATION SERVICES: To use the Zoom interpretation feature you must first Pre-Register on Zoom. Once logged into Zoom to use the interpretation feature, please scroll to the bottom of the Zoom screen (where the meeting controls are), click on the interpretation icon (world), and select English as your language. If you are joining using the Zoom mobile app (cell phone, tablet, etc.), please press the ellipsis (...), then Interpretation, and then choose your language.

WRITTEN AGENDA: With limited exceptions, the Elected Body may take action only upon items appearing on the written agenda. Items not appearing on the agenda must be brought back on a subsequent agenda unless they are of a demonstrated emergency or urgent nature, and the need to take action on such items arose after the agenda was posted.

CONSENT CALENDAR: Consent calendar items involve matters which are of a routine or noncontroversial nature. All consent items are adopted by approval of a single motion by the City Council. Prior to such approval, any item may be removed from the consent portion of the agenda and separately considered, upon request of a Councilmember, a staff member, or a member of the public.

Upon request, this agenda can be made available in appropriate alternative formats to persons with a disability in compliance with the Americans with Disabilities Act. Please contact

the City Clerk's Office at (619) 336-4228 to request a disability-related modification or accommodation. Notification 24-hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.

AVISO: La salud y el bienestar de los residentes, visitantes y empleados de National City durante el brote de COVID-19 sigue siendo nuestra máxima prioridad. El Ayuntamiento de la Ciudad de National City se está coordinando con la Agencia de Salud y Servicios Humanos del Condado de San Diego y otras agencias para tomar medidas con el fin de monitorear y reducir la propagación del nuevo coronavirus (COVID-19). La Organización Mundial de la Salud declaró el brote como una pandemia global y se han manifestado emergencias locales y estatales que resultan en la suspensión de ciertas leyes de reuniones públicas, tal como la Ley Brown.

Como resultado de ello, la junta del Concejo Municipal del Ayuntamiento se llevará a cabo solamente en línea para garantizar la seguridad de los residentes, empleados y comunidades locales que atendemos. Se podrá ver una transmisión en vivo de la junta en el sitio web del Ayuntamiento en www.nationalcityca.gov. **Para comentarios públicos, vea la sección "COMENTARIOS PÚBLICOS" más adelante.**

ORDEN DEL DÍA: Las sesiones públicas de todas las juntas ordinarias del Concejo Municipal/Comisión de Desarrollo Comunitario - Autoridad de Vivienda (en lo sucesivo denominado Órgano Electo) inician a las 6:00 p.m. el primer y tercer martes de cada mes. Las audiencias públicas inician a las 6:00 p.m., a menos que se indique lo contrario. Las juntas cerradas inician en sesión abierta a las 5:00 p.m. o en cualquier otro momento que se indique, y tras anunciar los temas de la sesión cerrada, la junta se realiza como sesión cerrada. Si se programa una reunión de discusión y análisis, el tema y la hora de la misma aparecerán en la agenda. La Alcaldesa y los Concejales se reúnen por igual que el Presidente y los integrantes del Consejo de la Comisión de Desarrollo Comunitario.

INFORMES: Todos los temas e informes de la agenda de la sesión abierta, así como todos los documentos y escritos entregados al Órgano Electo menos de 72 horas antes de la sesión, aparecerán en el sitio web del Ayuntamiento. Las juntas ordinarias del Órgano Electo se transmiten por Internet y se archivan en el sitio web del Ayuntamiento en www.nationalcityca.gov.

COMENTARIOS PÚBLICOS: Hay varias formas en las que puede asegurarse de que sus opiniones sean escuchadas y consideradas por nuestro Concejo Municipal como se describe a continuación:

Envíe su comentario público antes de la sesión: Para enviar un comentario por escrito, envíe un correo electrónico a PublicComment@nationalcityca.gov, proporcione el número del tema o asunto de la agenda y el título del tema o asunto en la línea de asunto de su correo electrónico. Los comentarios o testimonios públicos se limitan a tres (3) minutos. Si el comentario no se relaciona con un tema o asunto específico de la agenda, indique Comentario Público General en la línea de asunto. Todos los comentarios por correo electrónico recibidos antes de las 2:00 p.m. del día de la sesión se enviarán por correo electrónico a los miembros del Concejo Municipal y formarán parte del acta oficial.

Regístrese en línea y participe en los comentarios públicos en vivo durante la sesión: Para proporcionar comentarios públicos en vivo durante la sesión, debe registrarse previamente en el sitio web del Ayuntamiento en

<https://www.nationalcityca.gov/publiccomment> **antes de las 2:00 p.m.** del día de la junta ordinaria para incorporarse a la sesión del Concejo Municipal.

***Tenga presente que no necesita registrarse previamente para ver la sesión en línea, pero debe registrarse previamente si desea hablar.

Una vez registrado, recibirá un correo electrónico con un enlace de Zoom para integrarse a la sesión en vivo. Puede participar por teléfono o por computadora. Tómese el tiempo necesario para iniciar la reunión en Zoom antes del inicio de la sesión para asegurarse de no encontrar dificultades técnicas de último momento.

***Tenga presente que las personas del público no se mostrarán en vídeo; podrán observar, escuchar y hablar cuando se les solicite. Los micrófonos públicos se silenciarán hasta que sea su turno de comentar.

Cada orador tiene hasta tres (3) minutos para dirigirse al Concejo Municipal. Tenga en cuenta que la Alcaldesa puede limitar la extensión de los comentarios debido a la cantidad de personas que deseen hablar o si los comentarios se vuelven repetitivos o no relacionados.

Todos los comentarios están sujetos a las mismas reglas que de otro modo regirían los comentarios de los oradores en la sesión. Se pide a los oradores que sean respetuosos y corteses. Dirija sus comentarios al Concejo Municipal en su conjunto y evite ataques personales contra personas del público, el Concejo Municipal y el personal del Ayuntamiento.

¿**Preguntas sobre comentarios públicos o protocolos del Concejo Municipal?** Comuníquese con la Oficina de la Secretaria del Ayuntamiento al teléfono (619) 336-4228, o por correo electrónico a Clerk@nationalcityca.gov.

SERVICIO DE INTERPRETACIÓN: Para utilizar la función de interpretación zoom primero debe registrarse previamente en el sitio web de Zoom. Una vez que haya iniciado sesión en zoom para utilizar la función de interpretación, favor de desplazarse a la parte inferior de la pantalla de Zoom (donde aparecen los controles). Haga clic en el ícono de interpretación (globo terráqueo), y seleccione "Spanish" (español). Si está utilizando la aplicación móvil de Zoom (celular, tableta, etc.), presione los puntos suspensivos (...), luego "interpretation" y luego el idioma.

AGENDA ESCRITA: Con contadas excepciones, el Órgano Electo puede tomar medidas únicamente sobre los temas que aparecen en la agenda escrita. Los temas que no aparezcan en la agenda deben aparecer en una agenda subsecuente, a menos que sean de emergencia o urgencia demostrada, y la necesidad de tomar medidas sobre esos temas haya surgido después de haber sido publicada la agenda.

CALENDARIO DE CONSENTIMIENTO: Los temas del calendario de consentimiento implican cuestiones de naturaleza rutinaria o no controvertida. Todos los temas de consentimiento se adoptan mediante la aprobación de una sola moción del Concejo Municipal. Antes de la aprobación, cualquier tema puede eliminarse de la parte de consentimiento de la agenda y considerarse aparte, a petición de un concejal, individuo del personal del Ayuntamiento o persona del público.

Previa solicitud, esta agenda puede estar disponible en formatos alternativos apropiados para personas con discapacidades, en observancia de la Ley de Estadounidenses con

Discapacidades. Llame al teléfono (619) 336-4228 de la Oficina del Secretario del Ayuntamiento para solicitar una modificación o adaptación de acceso relativa a la discapacidad. Notificar 24 horas antes de la sesión permitirá al Ayuntamiento hacer arreglos razonables para garantizar la accesibilidad a esta junta.

OPEN TO THE PUBLIC

OPEN SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT: (Public Comment will be restricted to Agenda Items only)

PUBLIC HEARING: ORDINANCES AND RESOLUTIONS

1. Continued Public Hearing to Determine Sequencing of Map for By-District Elections. (City Clerk)
2. An Urgency Ordinance of the City Council of the City of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections within those Boundaries, and Adding Chapter 2.77 ("By-District Elections") of Title 2 ("Administration") to the National City Municipal Code to Change the City's Electoral System from At-Large to By-District with Respect to Electing Members of the City Council. (City Attorney)

ADJOURNMENT

Next Regular City Council Meeting: Tuesday, April 19, 2022, 6:00 p.m., City Council Chambers, Civic Center – National City, California.



NOTICE OF SPECIAL MEETING

**NATIONAL CITY COUNCIL
ONLINE ONLY MEETING
<https://www.nationalcityca.gov/webcast>
LIVE WEBCAST**

**COUNCIL CHAMBERS
CIVIC CENTER, 1243 NATIONAL CITY BOULEVARD
NATIONAL CITY, CALIFORNIA
TUESDAY, APRIL 12, 2022 – 4:00 PM**

NOTICE IS HEREBY GIVEN, that the City Council of the City of National City will hold a Special Meeting on **Tuesday, April 12, 2022, at 4:00 p.m.**, or as soon thereafter as the matter may be considered, in the Council Chambers at the Civic Center, 1243 National City Boulevard, National City, California, 91950. The business to be transacted at said meeting will be for the City Council to consider the following:

OPEN TO THE PUBLIC

OPEN SESSION

CALL TO ORDER

ROLL CALL

PUBLIC COMMENT: (Public Comment will be restricted to Agenda Items only)

PUBLIC HEARING: ORDINANCES AND RESOLUTIONS

1. Continued Public Hearing to Determine Sequencing of Map for By-District Elections. (City Clerk)
2. An Urgency Ordinance of the City Council of the City of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections within those Boundaries, and Adding Chapter 2.77 ("By-District Elections") of Title 2 ("Administration") to the National City Municipal Code to Change the City's Electoral System from At-Large to By-District with Respect to Electing Members of the City Council. (City Attorney)

ADJOURNMENT

Next Regular City Council Meeting: Tuesday, April 19, 2022, 6:00 p.m., City Council Chambers, Civic Center – National City, California.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: April 12, 2022

AGENDA ITEM NO. | 1

ITEM TITLE:

Continued Public Hearing to Determine Sequencing of Map for By-District Elections (City Clerk)

PREPARED BY: Shelley Chapel, Deputy City Clerk

DEPARTMENT: City Clerk's Office

PHONE: 619-336-4228

APPROVED BY: *Shelley Chapel*

EXPLANATION:

On Tuesday, March 15, 2022, the City Council voted 4-1 to adopt map for By-District Elections.

On Tuesday, March 21, 2022, the City Council voted 3-2 to select the map scenario starting with the westside and numbering the quadrants 1-4 in a clockwise manner (See attached map).

At that same meeting, the City Council voted 4-1 that quadrants 1 & 3 would be considered first when discussing sequencing at the April 12 City Council meeting. City Council also agreed unanimously to continue the Public Hearing to April 12, 2022 to determine the sequencing and adopt the Ordinance.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO. |

APPROVED: _____ **MIS**

|This report does not reflect financial any changes to the budget at this time. |

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2)

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

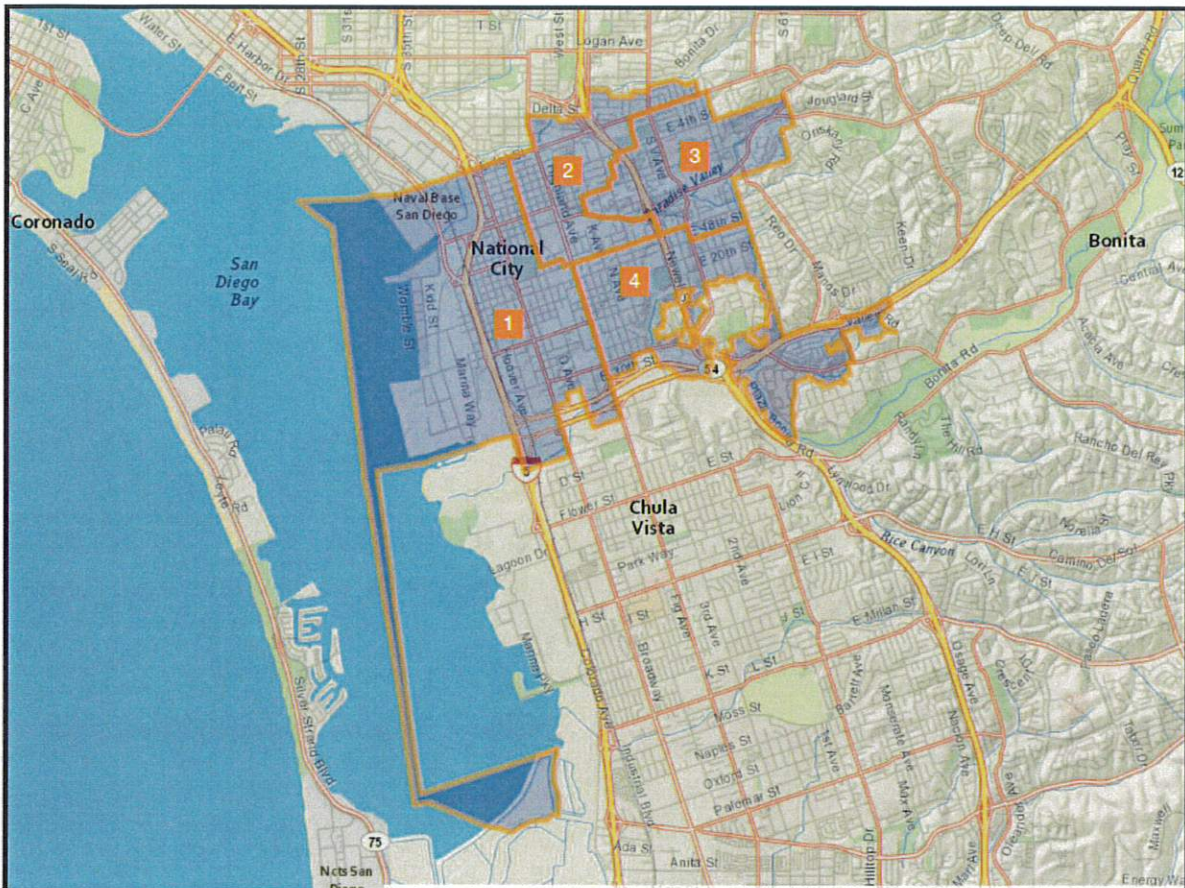
|Hold the Public Hearing, receive public comment, and determine sequencing, and direct City Clerk to file Ordinance and District Map with the San Diego County Registrar of Voters to be included on the November 2022 Ballot. |

BOARD / COMMISSION RECOMMENDATION:

|None. |

ATTACHMENTS:

Exhibit 1 – District Map



Determination on Sequencing to be decided on which districts will be included in the 2022 Election and the 2024 Election.

**CITY OF NATIONAL CITY, CALIFORNIA
COUNCIL AGENDA STATEMENT**

MEETING DATE: 4/12/2022

AGENDA ITEM NO. | 2

ITEM TITLE:

Urgency Ordinance of the City Council of the City of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections within those Boundaries, and Adding Chapter 2.77 ("By-District Elections") of Title 2 ("Administration") to the National City Municipal Code to Change the City's Electoral System from At-Large to By-District with Respect to Electing Members of the City Council.

PREPARED BY Charles E. Bell, Jr., City Attorney

DEPARTMENT: City Attorney's Office

PHONE: Ext. 4222

APPROVED BY: *Charles Bell Jr.*

EXPLANATION:

See attached Staff Report.

FINANCIAL STATEMENT:

APPROVED: _____ **Finance**

ACCOUNT NO.

APPROVED: _____ **MIS**

There are no costs associated with adopting a City Council election district map.

ENVIRONMENTAL REVIEW:

This action does not constitute a project under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(2).

ORDINANCE: INTRODUCTION: FINAL ADOPTION:

STAFF RECOMMENDATION:

Recommends Adopting the Urgency Ordinance of the City Council of the City of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections within those Boundaries, and Adding Chapter 2.77 ("By-District Elections") of Title 2 ("Administration") to the National City Municipal Code
BOARD / COMMISSION RECOMMENDATION:

ATTACHMENTS:

- Staff Report
- Urgency Ordinance



CITY OF NATIONAL CITY STAFF REPORT

DATE: April 12, 2022

TO: Mayor and City Council

FROM: Charles E. Bell, Jr., City Attorney
Aleks R. Giragosian, Colantuono, Highsmith & Whatley, PC
Shelley Chapel, Deputy City Clerk/Elections Official

SUBJECT: Urgency Ordinance of the City Council of the City of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections within Those Boundaries, and Adding Chapter 2.77 (“By-District Elections”) of Title 2 (“Administration”) to the National City Municipal Code to Change the City’s Electoral System from At-Large to By-District with Respect to Electing Members of the City Council.

Staff Recommendation:

Approve An Urgency Ordinance Of The City Council Of The City Of National City, California, Establishing City Council Election District Boundaries, Sequencing Elections Within Those Boundaries, And Adding Chapter 2.77 (“By-District Elections”) Of Title 2 (“Administration”) To The National City Municipal Code To Change The City’s Electoral System From At-Large To By-District With Respect To Electing Members Of The City Council.

Background:

On November 8, 2021, the City of National City received a letter via certified mail from attorney Audie J. de Castro of de Castro, P.C. claiming to represent members of the City’s Filipino/API community. The letter contains unsubstantiated allegations that the City’s at-large elections system prevents members of National City’s Filipino/API community from electing their preferred candidate(s) and violates the California Voting Rights Act (“CVRA”). The letter demands that the City transition from an at-large to a by-district election system to remedy this alleged violation.

Resolution of Intention to Transition to Districts:

Unlike the Federal Voting Rights Act, the CVRA makes it easier to challenge a city’s electoral system if there is any evidence of racially polarized voting. Due to the highly technical nature of such litigation,

the cost of defending a challenge under the CVRA can exceed several hundred thousand dollars. To date, no city has successfully defended against a CVRA lawsuit. A loss bears the additional risk of a potential award of attorneys' fees to plaintiffs.

In 2014, the State Legislature adopted safe harbor provisions to provide some relief to cities facing expensive CVRA litigation. Elections Code section 10010 states that a potential litigant may not commence an action under the CVRA within 45 days of the City's receipt of the written notice. (Elec. Code§10010(e)(2).) During that 45-day period, the City "may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so." (Elec. Code§10010(e)(3)(A).)

On December 21, 2021, the City Council approved Resolution No. 2021- 201, declaring its intent to transition from at-large to by-district elections under the safe harbor provisions of Elections Code section 10010. The City contracted with Redistricting Insights, Inc. to draw draft election district maps for the City Council's consideration and to make a map drawing software available to its residents. The City contracted with Falcon Strategies LLC to assist in its public outreach efforts and encourage residents' participation in the process.

Public Hearings and Maps:

The City held the statutorily required number of public hearings and workshops. Before drawing draft maps of the proposed boundaries of the districts, the City held public hearings on February 3, 2022 and February 22, 2022 and a community workshop on February 5, 2022, to invite the public to provide input regarding the composition of the districts and communities of interest. After the draft maps were drawn, the City held additional public hearings on March 5, March 15, and March 21, 2022, to invite the public to provide input regarding the draft maps, the district's numbering and the proposed sequence of elections.

The deadline to adopt a draft map is 90 days from the December 21, 2021 adoption of the Resolution of Intention. The 90 days expired on March 21, 2022. In total, the City received thirteen (13) maps — ten (10) were drawn by members of the public and three (3) were drawn by the City's demographer. At its March 5, 2022 special meeting, the City Council narrowed its consideration of draft maps to Public Submission 1, Public Submission 1 (adjusted) and Public Submission 4. At its March 15, 2022, special meeting, the City Council adopted Public Submission 4.

At its March 15, 2022 special meeting, staff recommended that the City Council adopt an ordinance approving a draft map and a method to sequence elections for the approved map. The map and numbering order were finalized, with the final steps of determining the sequencing and adoption of the Urgency Ordinance to be completed at the Special Meeting of April 12, 2022.

Included as Attachment B is the Urgency Ordinance. An urgency ordinance is necessary given the San Diego County Registrar of Voters requirement that all information be provided to it by April 17, 2022. Unlike a regular ordinance, an urgency ordinance can be introduced and adopted after first reading and takes effect immediately.

Upon adoption, the City must submit a copy of the Urgency Ordinance and the demographer's related shape files to the San Diego County Registrar of Voters by April 17, 2022. The adopted election district map will be used for the November 2022 General Municipal Election.

URGENCY ORDINANCE NO. 2022 -

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ESTABLISHING CITY COUNCIL ELECTION DISTRICT BOUNDARIES, SEQUENCING ELECTIONS WITHIN THOSE BOUNDARIES, AND ADDING CHAPTER 2.77 (“BY-DISTRICT ELECTIONS”) OF TITLE 2 (“ADMINISTRATION”) TO THE NATIONAL CITY MUNICIPAL CODE TO CHANGE THE CITY’S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT WITH RESPECT TO ELECTING MEMBERS OF THE CITY COUNCIL

CITY ATTORNEY SUMMARY

This Ordinance changing the City’s Electoral System from At-Large to By-District with Respect to Electing Members of the City Council

WHEREAS, the Mayor and four members of the City Council of the City of National City (“City”) are currently elected in “at-large” elections, in which the Mayor and each City Councilmember are elected by the registered voters of the entire City; and

WHEREAS, Government Code section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an “at-large” system to a “by-district” system in which each Councilmember is elected only by the voters in the district in which the Councilmember resides; and

WHEREAS, the City received a letter dated November 8, 2021 containing unsubstantiated allegations that the City’s at-large electoral system prevents members of National City’s Filipino/API community from electing their preferred candidate and violates the California Voting Rights Act (“CVRA”) and threatening litigation if the City declined to adopt a district-based electoral system; and

WHEREAS, the City Attorney has advised that given the CVRA’s elimination of two elements of the U.S. Supreme Court’s requirements to establish a federal Voting Rights Act challenge under *Thornburg v. Gingles* (1986) 478 U.S. 30, a CVRA challenge is more easily made on the basis of an argument that “racially polarized voting” exists, regardless of whether racial minorities have successfully elected preferred candidates in the past under an at-large electoral system or whether there is an absence of historical racial discrimination in the electoral system based on the totality of the circumstances; and

WHEREAS, the cost of defending a challenge under the CVRA can exceed several hundred thousand dollars, no City has ever prevailed to date in defending a CVRA lawsuit challenging at-large electoral systems, and the risk of losing such a challenge includes the possible award of attorneys’ fees to the plaintiffs by a court; and

WHEREAS, the City Council has concluded, on the advice of the City Attorney, that the public interest would be better served by considering a transition to a district-based electoral system pursuant to the “safe harbor” provisions of Elections Code section 10010; and

WHEREAS, pursuant to Elections Code Section 10010, Subdivision (e)(3)(A), the City Council adopted Resolution No. 2021-201 on December 21, 2021, declaring its intent to transition from an at-large to a district-based elections system; and

WHEREAS, the City contracted with Redistricting Insights, Inc. to draw draft election district maps for the City Council’s consideration and to make a map drawing software available to its residents; and

WHEREAS, pursuant to Elections Code Section 10010, Subdivision (a)(1), the City contracted with Falcon Strategies LLC to publicize the public hearings and workshop by City website, City Social Media (Facebook, Twitter, Instagram), El Latino Newspaper, Filipino Press Newspaper, The Star News Newspaper, posting notices on bulletin boards located outside City Hall, participating in interviews with Radio Latina and CBS, and distributing flyers translated into Spanish and Tagalog; and

WHEREAS, pursuant to Elections Code Section 10010, Subdivision (a)(1), before drawing draft maps of the proposed boundaries of the districts, the City held public hearings on February 3 and 22, 2022 and a community workshop on February 5, 2022, to invite the public to provide input regarding the composition of the districts and communities of interest; and

WHEREAS, pursuant to Elections Code Section 10010, Subdivision (a)(2), after the draft maps were drawn, the City held public hearings on March 5, 2022, March 15, 2022, and March 21, 2022, and April 12, 2022, to invite the public to provide input regarding the content of the draft maps and the proposed sequence of elections; and

WHEREAS, pursuant to Elections Code Section 10010, Subdivision (a)(2), the draft maps were published at least seven days before consideration at each public hearing; and

WHEREAS, the adoption of a district-based electoral system will not affect the terms of any sitting Councilmember or Mayor in office at the time of the adoption of an ordinance instituting a district-based voting system, each of whom will serve out his or her current term.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

Section 1. Recitals. The Recitals above are true and correct and incorporated herein by reference.

Section 2. Addition. Chapter 2.77 (“By-District Elections”) of Title 2 (“Administration”) is added to the National City Municipal Code to read as follows:

“Chapter 2.77 – By-District Elections

2.77.010 – Purpose.

The city council declares that this change in method of electing members of the city council is enacted in furtherance of the California Voting Rights Act of 2001.

2.77.020 – By-district elections

Commencing with the general election in November 2022, the four members of the city council shall be elected in the electoral districts established by 2.77.030 and subsequently reapportioned as provided by state law. Elections shall take place by-district as that term is defined in California Government Code Section 34871, meaning one member of the city council shall be elected from each district by the voters of that district alone.

2.77.030 – District boundaries.

Members of the city council shall be elected on a by-district basis from the four city council districts, the boundaries of which shall be identified in the City Council District Map.

2.77.040 – Term and election sequence.

Members of the city council shall be elected to a four year term in accordance with the election sequence identified in the City Council District Map.

2.77.050 – City council residency

Each member of or candidate for the city council must reside in the district and be a registered voter in the district in which he or she seeks election at the time nomination papers are issued pursuant to Government Code Section 34882 and Elections Code Section 10227. Any sitting city councilmember elected at-large may reside anywhere within the city during the pendency of his or her term.

2.77.060 – Termination of residency

Termination of residency in a district by a member of the city council elected by-district shall create a vacancy for that city council district unless a substitute residence within the district is immediately declared and established within thirty days after the termination of residency. In the event that a vacancy is created as a result of termination of residence as provided herein, such vacancy shall be filled pursuant to the provisions of the Elections Code.

2.77.090 – Mayor elected at-large

The office of the mayor shall be elected at-large under Government Code section 34900.”

Section 3. City Council District Map. City Clerk is directed to post a copy of the adopted City Council District Map, included in this Ordinance as Attachment A, to the City’s website.

Section 4. District Boundaries. The City Clerk is directed to request the demographer provide a list of the census tracts and/or blocks for each district and to attach that list to this Ordinance as Attachment B.

Section 5. Controlling Authority. If there is a discrepancy between the adopted map in Attachment A and the list in Attachment B, the adopted map in Attachment A shall control.

Section 6. Urgency Findings. This Ordinance should be passed immediately by a four-fifths vote under Government Code section 36934 as an “Urgency Ordinance” to accommodate the San Diego County Registrar of Voters’ deadline for the submission of city council district maps for the November 2022 General Municipal Election, and to preserve the public fisc, peace, and welfare by organizing timely elections.

Section 7. Transmittal to County. The City Clerk is directed to provide a signed original of this Ordinance to the San Diego County Registrar of Voters.

Section 8. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 9. Effective Date. This Urgency Ordinance shall take effect immediately after its passage and adoption pursuant to California Government Code Section 36937; it or a summary of it shall be published once, with the names of the members of the City Council voting for and against the same in the Star News, a newspaper of general circulation published in the County of San Diego, California.

PASSED and ADOPTED this 12th day of April, 2022.

Alejandra Sotelo-Solis, Mayor

ATTEST:

Luz Molina, City Clerk

APPROVED AS TO FORM:

Charles E. Bell, Jr., City Attorney