

ORDINANCE NO. 775

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, ADDING SECTION 1.20.040 TO CHAPTER 1.20 OF TITLE 1 OF THE LOMA LINDA MUNICIPAL CODE ESTABLISHING CITY COUNCIL ELECTION DISTRICT BOUNDARIES AND SEQUENCING ELECTIONS WITHIN THOSE BOUNDARIES TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT WITH RESPECT TO ELECTING MEMBERS OF THE CITY COUNCIL

RECITALS

WHEREAS, the five members of the City Council of the City of Loma Linda ("City") are currently elected in "at-large" elections, in which each City Councilmember is 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 on May 31, 2022 from Kevin Shenkman, Esq. on behalf of his client, the Southwest Voter Registration Education Project, containing unsubstantiated allegations that the City's at-large electoral system prevents members of Loma Linda's Asian and Latino communities from electing their preferred candidate(s) and violates the California Voting Rights Act ("CVRA"); and

WHEREAS, despite Mr. Shenkman's claims, the City has a history of inclusionary voting and supports the rights of all members of the Loma Linda community, including minority community members to elect the candidates of their choice, and denies that its at-large election system violates the CVRA or any other provision of law; and

WHEREAS, even with the City's inclusionary voting and election record, 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 Council Bill No. R-2022-35 on July 12, 2022, declaring its intent to transition from an at-large to a district-based elections system; and

WHEREAS, the City contracted with National Demographics Corporation 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 publicized the districting process by mailing postcards to each address in the City, creating a dedicated website to the process with links to the City’s homepage, contacting community groups, contacting the City’s various committees, and publishing the notice of the public hearings in English and Spanish in the Sun Newspaper; 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 August 9, 2022 and September 6, 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 October 11, 2022 and October 25, 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 in office at the time of the adoption of an ordinance instituting a district-based voting system, each of whom will serve out his current term.

**THE CITY COUNCIL OF THE CITY OF LOMA LINDA, CALIFORNIA, DOES
ORDAIN AS FOLLOWS:**

Section 1. Recitals. The Recitals above are true and correct and incorporated herein by reference as though set forth fully within the body of this Ordinance.

Section 2. Amendment to Code. Section 1.20.040 of Chapter 1.20 is hereby added to Title 1 of the Loma Linda Municipal Code as follows:

1.20.040 By-District Elections

A. City Council. The elective officers of the city shall constitute a city council consisting of five members elected by district at the times and in the manner provided in this chapter, in a sequence to be determined as provided herein, each of whom shall serve a term of four years and until their respective successors qualify.

B. Residence in Districts. Each member of the city council must be and remain a resident of the council district from which the member is elected at least 30 days prior to the time the member is elected and throughout that member's term of office. In the event any member of the city council ceases to be a resident of the district from which the member was elected or, in the case of an appointee, the member ceases to be a resident of the district the member was appointed to represent, the office shall immediately become vacant and shall be filled in the manner provided by Section 36512 of the Government Code, as may be amended from time to time. Notwithstanding the above, if a member of the city council ceases to be a resident of the district solely because of a change in the boundaries, the member shall not lose office during that term by reason of such change.

C. Council Districts. The city is hereby divided into five districts, as set forth herein. Candidates for council seats in each district shall be elected only by the voters of that district and shall reside in that district.

D. District Map and Boundaries. Effective for all by-district Council offices newly elected at the 2024 General Municipal Election and at each General Municipal Election thereafter, the District Map and Boundaries shall be as set forth in Attachment A and B, respectively. 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. Notwithstanding any other provision of this Section, and pursuant to California Elections Code Section 21606(a) and (b), each member of the Council currently in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which he or she was regularly elected or appointed.

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

Section 6. 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 7. Effective Date. This Ordinance shall be in full force and effective a minimum of thirty (30) days after passage.

Section 8. Certification. The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code section 36933.


The Ordinance was introduced at a regular meeting of the City Council of the City of Loma Linda, California, held on the 25th day of October, 2022, and was adopted on the 8th day of November, 2022, by the following vote to wit:

Ayes: Dupper, Dailey, Rigsby, Lenart, Jindal

Noes: None


Abstain: None

Absent: None



Phillip Dupper, Mayor

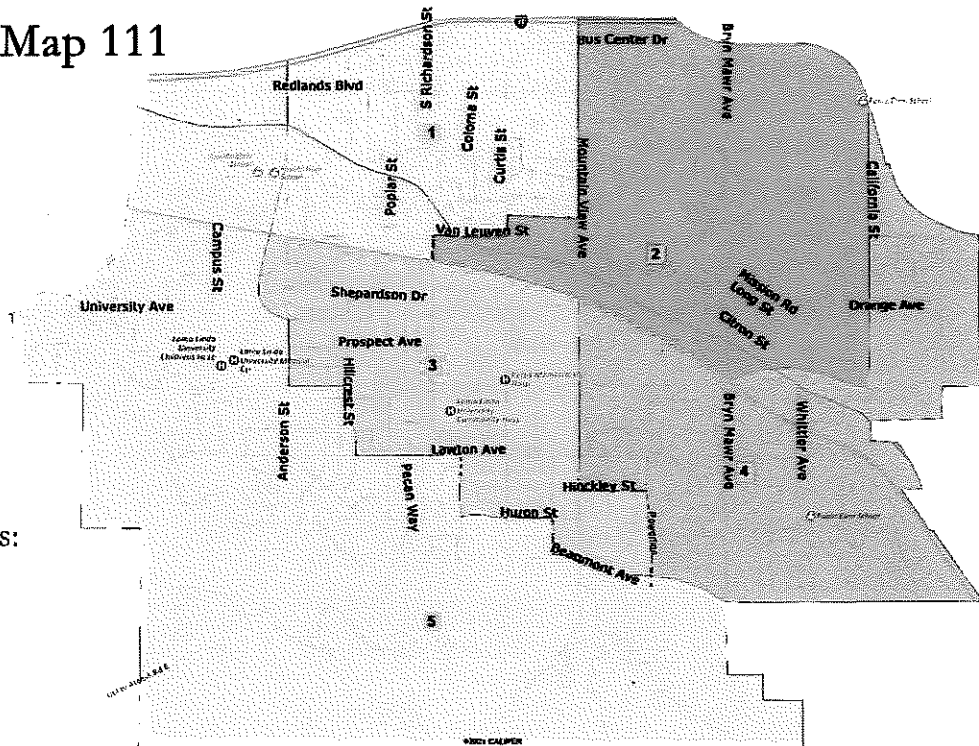
ATTEST:



Lynette Arreola, City Clerk

Map 111

Map 111



Sequence of Elections:

- D1 – 2024
- D2 – 2026
- D3 – 2026
- D4 – 2024
- D5 – 2024



Map 111							
District		1	2	3	4	5	Total
	Total Pop	5,007	5,125	4,940	4,906	4,677	24,855
	Deviation from Ideal	36	154	-31	-65	-94	248
	% Deviation	0.72%	3.10%	-0.62%	-1.31%	-1.89%	4.99%
Total Pop	% Hisp	43.0%	29%	25%	19%	24%	28%
	% NH White	20%	26%	34%	29%	35%	29%
	% NH Black	12%	9%	13%	6%	11%	10%
	% Asian-American	21%	33%	24%	42%	26%	29%
Citizen Voting Age Pop	Total	3,168	3,692	3,788	3,049	3,637	17,534
	% Hisp	37%	24%	20%	12%	19%	22%
	% NH White	41%	38%	43%	32%	42%	39%
	% NH Black	3%	9%	9%	10%	13%	9%
	% Asian/Pac.Isl.	18%	28%	27%	46%	25%	28%
Voter Registration (Nov 2020)	Total	2,176	2,810	2,460	3,104	2,833	13,383
	% Latino est.	38%	27%	22%	19%	20%	24%
	% Spanish-Surnamed	34%	24%	20%	18%	18%	22%
	% Asian-Surnamed	4%	10%	8%	14%	8%	9%
	% Filipino-Surnamed	4%	5%	3%	6%	3%	4%
	% NH White est.	45%	42%	54%	45%	60%	49%
	% NH Black	11%	17%	14%	15%	9%	13%
Voter Turnout (Nov 2020)	Total	1,545	2,212	1,883	2,643	2,262	10,545
	% Latino est.	36%	25%	20%	19%	18%	23%
	% Spanish-Surnamed	33%	23%	19%	18%	17%	21%
	% Asian-Surnamed	4%	10%	8%	13%	8%	9%
	% Filipino-Surnamed	4%	5%	3%	6%	3%	4%
	% NH White est.	46%	43%	54%	46%	62%	50%
	% NH Black	11%	17%	14%	15%	9%	14%
Voter Turnout (Nov 2018)	Total	853	1,223	1,196	1,603	1,553	6,428
	% Latino est.	34%	22%	18%	20%	15%	21%
	% Spanish-Surnamed	32%	21%	17%	16%	15%	20%
	% Asian-Surnamed	3%	7%	7%	12%	6%	8%
	% Filipino-Surnamed	5%	5%	3%	5%	2%	4%
	% NH White est.	48%	46%	56%	47%	64%	53%
	% NH Black est.	10%	18%	14%	15%	10%	14%
ACS Pop. Est.	Total	4,682	5,589	4,866	4,543	5,001	24,681
Age	age0-19	23%	24%	17%	16%	16%	20%
	age20-60	56%	58%	57%	59%	55%	57%
	age60plus	21%	19%	26%	23%	29%	23%
Immigration	immigrants	29%	25%	28%	37%	23%	28%
	naturalized	82%	54%	56%	58%	57%	57%
Language spoken at home	english	47%	50%	62%	57%	63%	56%
	spanish	28%	23%	14%	4%	18%	18%
	asian-lang	16%	19%	19%	23%	14%	18%
	other lang	8%	8%	4%	16%	5%	8%
Language Fluency	Speaks Eng. "Less than Very Well"	21%	16%	10%	10%	12%	14%
Education (among those age 25+)	hs-grad	54%	46%	44%	36%	37%	43%
	bachelor	19%	26%	26%	32%	27%	26%
	graduatedegree	8%	18%	25%	26%	26%	21%
Child in Household	child-under18	37%	31%	19%	26%	16%	25%
Pct of Pop. Age 16+	employed	56%	59%	50%	58%	41%	53%
Household Income	income 0-25k	25%	12%	17%	10%	22%	17%
	income 25-50k	30%	25%	23%	18%	34%	26%
	income 50-75k	13%	21%	16%	17%	15%	16%
	income 75-200k	28%	34%	38%	45%	25%	34%
	income 200k-plus	5%	8%	6%	10%	3%	6%
Housing Stats	single family	52%	63%	55%	73%	43%	57%
	multi-family	46%	37%	45%	27%	57%	43%
	rented	73%	54%	64%	40%	73%	61%
	owned	27%	46%	36%	60%	27%	39%

Total population data from the 2020 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.