CITY OF COLTON
PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA 92324

REGULAR MEETING – Tuesday, July 10, 2018 – 5:30 P.M.

Formal Agenda

Documents:

COLTON PC AGENDA_ JULY 10, 2018.PDF

A. CALL TO ORDER

B. ROLL CALL

C. PLEDGE OF ALLEGIANCE

D. PUBLIC COMMENTS

E. PUBLIC HEARING

Documents:

COLTON - PLANNING COMMISSION STAFF REPORT RE ELECTION CODE
REDUCTION OF ...-C2.PDF

E-1 Resolution R-20-18

Documents:

COLTON - PC RESOLUTION MAKING FINDINGS FOR ELECTORAL
REDISTRICTING MAPS-C2.PDF

. E1 - PC RESOLUTION R-20-18

Documents:

COLTON - PC RESOLUTION MAKING FINDINGS FOR ELECTORAL
REDISTRICTING MAPS-C2.PDF

CITY OF COLTON PLANNING COMMISSION AGENDA

COUNCIL CHAMBERS, 650 NORTH LA CADENA DRIVE, COLTON, CA 92324 REGULAR MEETING – Tuesday, July 10, 2018 – 5:30 P.M. - (Meeting will start at the conclusion of the joint City Council/Planning Commission Meeting)

A.   CALL TO ORDER

B.   ROLL CALL

C.   PLEDGE OF ALLEGIANCE

D.   PUBLIC COMMENTS

Commissioners:
Linda Tripp, District 1
Richard Prieto, District 2 (Chair)
Angel Delgado, District 3 (Vice Chair)
Gary Grossich, District 4
Josh R. Pirestani, District 5
Thomas Archuleta, District 6
Rosa Granado-Dominguez, At Large

E.   PUBLIC HEARING

1. Ballot Measure Amendment to the Colton Municipal Code to reduce the number of City Council districts from six (6) to four (4) while retaining an at-large elected Mayor.

APPLICANT: City of Colton

REQUEST: (1) EXAMINE THE BOUNDARIES OF THE PROPOSED REVISED CITY COUNCIL ELECTORAL DISTRICTS;

(2)   CONDUCT PUBLIC HEARING; AND

(3)   ADOPT A RESOLUTION NO. R-20-18 MAKING CERTAIN FINDINGS WITH RESPECT TO THE DEFINITENESS AND CERTAINTY OF PROPOSED CITY COUNCIL ELECTORAL DISTRICT MAPS, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 34874.

ENVIRONMENTAL DETERMINATION: Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because the Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act.

F.   ADJOURNMENT

Next Scheduled Meeting: **Tuesday, July 24, 2018 at 5:30 p.m.**

Documents Related to Open Session Agendas (SB 343). *Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection Monday through Thursday 7:30 am to 5:00 p.m. at the City of Colton Development Services Department located at the Civic Center Annex (across the street from City Hall) at 659 N. La Cadena Drive, Colton, CA 92324.*

Appeal of Planning Commission Action. *If you challenge in court any action of the Planning Commission related to a public hearing item, you may be limited to raising only those issues you or someone else has raised at the public hearing described in this notice, or in written correspondence delivered to the City at, or prior to, the public hearing. A decision of the Planning Commission may be appealed to the City Council. An appeal must be filed within ten (10) days following the appellant's receipt of notice of the action.*

ADA Compliance. *In compliance with the American with Disabilities Act, if you need special assistance to participate in a Planning Commission Meeting, please contact the Planning Division at 909-370-5079. Notification forty-eight (48) hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.*

Planning Commission Staff Report

City of Colton
Development Services Department

MEETING DATE:	July 10, 2018
FILE INDEX NUMBER:	N/A
REQUEST:	(1) EXAMINE THE BOUNDARIES OF THE PROPOSED REVISED CITY COUNCIL ELECTORAL DISTRICTS;
	(2) CONDUCT PUBLIC HEARING; AND
	(3) ADOPT A RESOLUTION MAKING CERTAIN FINDINGS WITH RESPECT TO THE DEFINITENESS AND CERTAINTY OF PROPOSED CITY COUNCIL ELECTORAL DISTRICT MAPS, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 34874
APPLICANT:	City-initiated

BACKGROUND

Recently, the City Council has discussed amendments to the City's governance structure that would reduce the number of City Council electoral districts. Pursuant to Colton Municipal Code Chapter 2.02, the Colton City Council currently consists of six (6) members who are elected by-districts with an at-large elected Mayor.

At their meetings of March 20 and May 1, 2018, the City Council directed staff to prepare an amendment to the Colton Municipal Code to reduce the number of City Council districts from six (6) to four (4) while retaining an at-large elected Mayor.

Such a change would require approval by a majority vote of the qualified electors of the City of Colton voting at a municipal election. However, before the measure can be submitted to a vote, California Government Code Section 34874 requires that:

> "*No amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.*"

As a result, the Planning Commission must examine the proposed boundaries of the revised districts and determine that they are both definite and certain.

DISCUSSION

To assist the City in determining appropriate and balanced electoral district boundaries, it retained the services of National Demographics Corporation (NDC) to prepare draft electoral district maps adjusting the boundaries of the districts to thereby reduce the number of electoral districts within the City from six (6) to four (4). NDC has prepared two (2) map options for consideration and selection by the City Council and review by the Planning Commission:[1]

Downtown Split Map

The first, "Downtown Split," radically departs from the current districts and is designed to have all four districts include a part of downtown Colton.

Current Match Map

The second, "Current Match" is designed to match the existing districts as much as possible.

Joint Workshop with City Council

The joint workshop preceding this meeting will focus on a discussion of both map options, culminating in the City Council selecting one map for consideration by the Planning Commission. Once the City Council determines the appropriate map to place before the voters, it can be considered by the Planning Commission for an examination as to the definiteness and certainty of the boundaries of the districts proposed. Specifically, California Government Code Sections 34875 and 34876 provide that:

"*The amendatory ordinance [adopting the electoral map] shall not be submitted to the voters if:*

A.   one or more of the legislative districts do not close;
B.   one or more entire legislative districts are eliminated prior to the termination of the term of office of the council member of or from the district,
C.   the effect is that a greater number of council members will be qualified to hold office concurrently than are authorized by this article or the amendatory ordinance."

Related to the above, the Planning Commission will need to hold a public hearing on the boundaries selected and make required findings and statements as outlined below:

A. The draft map considered by the Planning Commission provides for four distinct electoral districts with clearly defined boundaries that encompass the entire territory assigned to each district. The map is incorporated by reference into the amendatory ordinance. The map leaves no undefined boundaries between districts or "orphan" parcels that are not assigned to a district. In other words, the map permits one to ascertain with certainty which

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[1]   Note that the City Council determines the appropriate map boundaries to be considered by the voters. The Planning Commission's only role is determine whether the boundaries selected are "definite and certain." (California Government Code, Section 34874.)

territory within the City of Colton is assigned to which electoral district. As such, all four districts shown in the map "close".

       B. The amendatory ordinance provides for the "phasing in" of the change from six (6) to four (4) electoral districts. Terms of Councilmembers elected in November, 2016 and November, 2018 will not be affected – they will continue to serve full four-year terms. In November, 2020, the amendatory ordinance shortens certain City Council terms from four years to two years (expiring in 2022). As a result, at the November, 2022 general municipal election, when the six existing districts will be reduced to four, all Councilmember terms will have terminated and all four new electoral districts will elect representatives.   The amendatory ordinance subsequently shortens certain other City Council terms from four years to two years in order to resume staggered elections for these offices per the City's standard practice.

       C. As a result of the "phasing in" as described above, the City Council will consist of six members from six districts (with an at-large Mayor) until the November, 2022 general municipal election.   On and after the November, 2022 general municipal election, the six current districts will be reduced to four and the number of City Council seats up for election will, correspondingly, be reduced to four (with an at-large Mayor).   At no time will a different number of Councilmembers be authorized to serve on the City Council.

These statements/findings are also contained in the Resolution to be adopted by the Planning Commission (attached).

FISCAL IMPACTS

None.

ENVIRONMENTAL IMPACTS

Staff recommends that this action be determined Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15378(b)(5) because the Ordinance relates to organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment, and therefore is not a project within the meaning of the California Environmental Quality Act.

ALTERNATIVES

1. Provide alternative direction to staff.

_____   _____
Prepared By: Reviewed By:
Marco A. Martinez   Mark R. Tomich, AICP, Director

ATTACHMENTS

Attachment 1 – Planning Commission Resolution
Attachment 2 - Draft Ordinance & Maps

RESOLUTION NO. R-20-18

A RESOLUTION OF THE CITY OF COLTON PLANNING COMMISSION MAKING CERTAIN FINDINGS WITH RESPECT TO THE DEFINITENESS AND CERTAINTY OF PROPOSED CITY COUNCIL ELECTORAL DISTRICT MAPS, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 34874.

WHEREAS, pursuant to Colton Municipal Code Chapter 2.02, the Colton City Council currently consists of six (6) members who are elected by-districts with an at-large elected Mayor; and

WHEREAS, Colton Municipal Code Chapter 2.02 defines the boundaries of the City's current six (6) electoral districts by which Colton City Councilmembers are elected; and

WHEREAS, the City Council is exploring an amendment to the Colton Municipal Code which would reduce the number of City Council members from six (6) to four (4) while retaining an at-large elected Mayor; and

WHEREAS, consistent with the above, the City Council is also exploring an amendment to the Colton Municipal Code which would establish new boundaries for City Council electoral districts, thereby reducing the number of electoral districts within the City from six (6) to four (4); and

WHEREAS, pursuant to California Government Code Section 34871, this reduction in the number of City Council members and the corresponding reduction in the number of electoral districts within the City must be approved by a majority vote of the qualified electors of Colton voting at a municipal election; and

WHEREAS, the City Council is currently exploring placing a local measure/ordinance on the ballot at a municipal election to accomplish the local election changes set forth above; and

WHEREAS, to that end, the City of Colton has retained the services of National Demographics Corporation to prepare draft electoral district maps adjusting the boundaries of the districts to thereby reduce the number of electoral districts within the City from six (6) to four (4); and

WHEREAS, the City Attorney's Office has also prepared a measure/ordinance for submission to Colton voters which amends Chapter 2.02 of the Colton Municipal Code in the following ways: (i) reduces the number of City Councilmembers and City Council electoral districts within the City from six (6) to four (4), (ii) legally defines the boundaries of four new electoral districts, and (iii) temporarily shortens future City Council terms (from 4 years to 2 years) to provide for "phasing in" of the new electoral district system (See, attached Exhibit "A"); and

WHEREAS, pursuant to California Government Code Sections 34874-34876, no amendatory ordinance altering the boundaries of legislative/electoral districts may be submitted to the voters until it has been submitted to the City's Planning Commission for an examination as to

the definiteness and certainty of the boundaries of the districts proposed, and the Planning Commission makes certain required findings; and

WHEREAS, the City of Colton Planning Commission conducted a noticed public hearing on July 10, 2018 at which time it reviewed the amendatory ordinance and examined the boundary map(s) for proposed legislative/electoral districts; and

WHEREAS, at said public hearing the Planning Commission considered all testimony and other evidence offered by the public, as well as the draft map(s) and staff report prepared for the Commission's consideration; and

WHEREAS, all other prerequisites to the adoption of this resolution have been completed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Findings – Recitals. The Planning Commission finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the Planning Commission as if fully set forth herein.

SECTION 2. Findings – Draft Map and Amendatory Ordinance. The Planning Commission hereby makes the following findings as required by California Government Code Sections 34875 and 34876 which state as follows:

"*The amendatory ordinance shall not be submitted to the voters if:*

A.   one or more of the legislative districts do not close;

The draft map considered by the Planning Commission provides for four distinct electoral districts with clearly defined boundaries that encompass the entire territory assigned to each district. The map is incorporated by reference into the amendatory ordinance. The map leaves no undefined boundaries between districts or "orphan" parcels that are not assigned to a district. In other words, the map permits one to ascertain with certainty which territory within the City of Colton is assigned to which electoral district. As such, all four districts shown in the map "close".

B.   one or more entire legislative districts are eliminated prior to the termination of the term of office of the council member of or from the district,

The amendatory ordinance provides for the "phasing in" of the change from six (6) to four (4) electoral districts. Terms of Councilmembers elected in November, 2016 and November, 2018 will not be affected – they will continue to serve full four-year terms. In November, 2020, the amendatory ordinance shortens certain City Council terms from four years to two years (expiring in 2022). As a result, at the November, 2022 general municipal election, when the six existing districts will be reduced to four, all Councilmember terms will have terminated and all four new electoral districts will elect representatives.   The amendatory ordinance subsequently shortens

certain other City Council terms from four years to two years in order to resume staggered elections for these offices per the City's standard practice.

        C.   the effect is that a greater number of council members will be qualified to hold office concurrently than are authorized by this article or the amendatory ordinance.

        As a result of the "phasing in" as described above, the City Council will consist of six members from six districts (with an at-large Mayor) until the November, 2022 general municipal election. On and after the November, 2022 general municipal election, the six current districts will be reduced to four and the number of City Council seats up for election will, correspondingly, be reduced to four (with an at-large Mayor). At no time will a different number of Councilmembers be authorized to serve on the City Council.

        The "article" referenced above is to California Government Code Sections 34871 et. seq., pertaining to City electoral systems. Government Code Section 34871 authorizes cities to establish by-district electoral systems consisting of either four, six or eight Councilmembers elected by districts, with an at-large elected Mayor. Because the amendatory ordinance proposes a change to four Councilmembers elected by districts, no more Councilmembers will be authorized to serve than as authorized by State law – the "article".

        <u>SECTION 3</u>. Conclusion re Definiteness. Based upon the above, the Planning Commission hereby determines that, pursuant to California Government Code Section 34874, the boundaries set forth in the draft map are sufficiently definite and certain to properly identify the location of the legislative/electoral districts proposed in the amendatory ordinance.

        <u>SECTION 4.</u> The Planning Secretary shall certify the adoption of this Resolution.

PASSED AND ADOPTED this 10th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chairman
Planning Commission
City of Colton

ATTEST:

_____
Planning Secretary
City of Colton

APPROVED AS TO FORM

_____
Best Best & Krieger LLP

EXHIBIT "A"

RESOLUTION CALLING PROPOSED MEASURE REDUCING THE NUMBER OF CITY COUNCIL MEMBERS AND ESTABLISHING NEW CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES

<div align="center">

RESOLUTION NO. R-20-18

</div>

A RESOLUTION OF THE CITY OF COLTON PLANNING COMMISSION MAKING CERTAIN FINDINGS WITH RESPECT TO THE DEFINITENESS AND CERTAINTY OF PROPOSED CITY COUNCIL ELECTORAL DISTRICT MAPS, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 34874.

WHEREAS, pursuant to Colton Municipal Code Chapter 2.02, the Colton City Council currently consists of six (6) members who are elected by-districts with an at-large elected Mayor; and

WHEREAS, Colton Municipal Code Chapter 2.02 defines the boundaries of the City's current six (6) electoral districts by which Colton City Councilmembers are elected; and

WHEREAS, the City Council is exploring an amendment to the Colton Municipal Code which would reduce the number of City Council members from six (6) to four (4) while retaining an at-large elected Mayor; and

WHEREAS, consistent with the above, the City Council is also exploring an amendment to the Colton Municipal Code which would establish new boundaries for City Council electoral districts, thereby reducing the number of electoral districts within the City from six (6) to four (4); and

WHEREAS, pursuant to California Government Code Section 34871, this reduction in the number of City Council members and the corresponding reduction in the number of electoral districts within the City must be approved by a majority vote of the qualified electors of Colton voting at a municipal election; and

WHEREAS, the City Council is currently exploring placing a local measure/ordinance on the ballot at a municipal election to accomplish the local election changes set forth above; and

WHEREAS, to that end, the City of Colton has retained the services of National Demographics Corporation to prepare draft electoral district maps adjusting the boundaries of the districts to thereby reduce the number of electoral districts within the City from six (6) to four (4); and

WHEREAS, the City Attorney's Office has also prepared a measure/ordinance for submission to Colton voters which amends Chapter 2.02 of the Colton Municipal Code in the following ways: (i) reduces the number of City Councilmembers and City Council electoral districts within the City from six (6) to four (4), (ii) legally defines the boundaries of four new electoral districts, and (iii) temporarily shortens future City Council terms (from 4 years to 2 years) to provide for "phasing in" of the new electoral district system (See, attached Exhibit "A"); and

WHEREAS, pursuant to California Government Code Sections 34874-34876, no amendatory ordinance altering the boundaries of legislative/electoral districts may be submitted to the voters until it has been submitted to the City's Planning Commission for an examination as to

the definiteness and certainty of the boundaries of the districts proposed, and the Planning Commission makes certain required findings; and

WHEREAS, the City of Colton Planning Commission conducted a noticed public hearing on July 10, 2018 at which time it reviewed the amendatory ordinance and examined the boundary map(s) for proposed legislative/electoral districts; and

WHEREAS, at said public hearing the Planning Commission considered all testimony and other evidence offered by the public, as well as the draft map(s) and staff report prepared for the Commission's consideration; and

WHEREAS, all other prerequisites to the adoption of this resolution have been completed.

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF COLTON, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. Findings – Recitals. The Planning Commission finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the Planning Commission as if fully set forth herein.

SECTION 2. Findings – Draft Map and Amendatory Ordinance. The Planning Commission hereby makes the following findings as required by California Government Code Sections 34875 and 34876 which state as follows:

"*The amendatory ordinance shall not be submitted to the voters if:*

A.   one or more of the legislative districts do not close;

The draft map considered by the Planning Commission provides for four distinct electoral districts with clearly defined boundaries that encompass the entire territory assigned to each district. The map is incorporated by reference into the amendatory ordinance. The map leaves no undefined boundaries between districts or "orphan" parcels that are not assigned to a district. In other words, the map permits one to ascertain with certainty which territory within the City of Colton is assigned to which electoral district. As such, all four districts shown in the map "close".

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certain other City Council terms from four years to two years in order to resume staggered elections for these offices per the City's standard practice.

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        <u>SECTION 3</u>. Conclusion re Definiteness. Based upon the above, the Planning Commission hereby determines that, pursuant to California Government Code Section 34874, the boundaries set forth in the draft map are sufficiently definite and certain to properly identify the location of the legislative/electoral districts proposed in the amendatory ordinance.

        <u>SECTION 4.</u> The Planning Secretary shall certify the adoption of this Resolution.

PASSED AND ADOPTED this 10th day of July, 2018, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
Chairman
Planning Commission
City of Colton

ATTEST:

_____
Planning Secretary
City of Colton

APPROVED AS TO FORM

_____
Best Best & Krieger LLP

EXHIBIT "A"

**RESOLUTION CALLING PROPOSED MEASURE REDUCING THE
NUMBER OF CITY COUNCIL MEMBERS AND ESTABLISHING
NEW CITY COUNCIL ELECTORAL DISTRICT BOUNDARIES**