

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
UNION CITY ADOPTING THE FINAL MAP OF DISTRICT BOUNDARIES FOR  
DISTRICT-BASED ELECTIONS OF COUNCILMEMBERS IN ACCORDANCE WITH  
THE REDISTRICTING PROCESS FOR THE 2020 FEDERAL DECENNIAL CENSUS,  
AND AMENDING UNION CITY MUNICIPAL CODE SECTION 2.04.510**

**WHEREAS**, on October 8, 2019, the City of Union City (“City”) adopted Ordinance No. 862.19 amending Chapter 2.04 of the Municipal Code and changing the City from an at-large to a district-based voting system, adopting boundaries for the City’s four voting districts and establishing an implementation schedule for conversion to district-based voting during the 2020 and 2022 election cycles; and

**WHEREAS**, the City Council (“Council”) is the governing body of the City, and the Council is comprised of five members, including the directly elected Mayor and four Councilmembers; and

**WHEREAS**, pursuant to Elections Code section 21601(a), the City is required to update (“redistrict”) its district boundaries every ten years, following the receipt of updated population data from each Federal Decennial Census; and

**WHEREAS**, since the City has district-based elections for four Councilmembers, the City is required to redistrict the district boundaries prior to the next election of Councilmembers in 2022. Councilmember District 1 was on the ballot on November 3, 2020, and Councilmember Districts 2, 3, and 4 will be on the ballot in November 2022; and

**WHEREAS**, while the City recently established the district boundaries on October 8, 2019, the boundaries are based on the 2010 Federal Census, and the City must now update the boundaries through the redistricting process based on the 2020 Federal Census; and

**WHEREAS**, in 2019, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (“FAIR MAPS”) Act (AB 849) amended the process and criteria by which the City must evaluate and adjust its voting district boundaries; and

**WHEREAS**, on November 9, 2021, the City Council held its first Public Hearing prior to drawing a draft map or maps consistent with Elections Code section 21607.1(a)(1) to receive public input regarding communities of interest and the composition of council districts; and

**WHEREAS**, following the November 9, 2021 Public Hearing, the City made public mapping tools available and engaged in significant public outreach consistent with the requirements of the FAIR MAPS Act to invite the public to provide input and proposed maps for Council consideration; and

**WHEREAS**, on January 25, 2022, consistent with California Elections Code section 21627.1, the City Council held its second Public Hearing to review drawn draft maps and to receive public input regarding communities of interest and the composition of council districts. The City Council

provided direction to the City's demographer, National Demographics Corporation, regarding the drawn maps and preparing a further map for evaluation; and

**WHEREAS**, at its regular meeting on February 22, 2022, the City Council held its third public hearing to review the drawn draft map and to receive public input regarding communities of interest and the composition of council districts. and consider a proposed ordinance adopting the final map of district boundaries for district-based elections of Councilmembers in accordance with the redistricting process for the 2020 Federal Decennial Census, as required by California Elections Code sections 21601 and 21607.1; and the Council introduced this ordinance to adopt the district boundary map (consistent with what is documented in this ordinance on Exhibit A); and

**WHEREAS**, prior to final adoption, at its regular meeting on March 8, 2022, the City Council held its fourth public hearing to review the drawn draft map and to receive public input regarding communities of interest and the composition of council districts, and consider a proposed ordinance adopting the final map of district boundaries for district-based elections of Councilmembers in accordance with the redistricting process for the 2020 Federal Decennial Census, as required by California Elections Code sections 21601 and 21607.1; and to adopt this ordinance to adopt the district boundary map (consistent with what is documented in this ordinance on Exhibit A); and

**WHEREAS**, the City has complied with all requirements of California Elections Code sections 21600 – 21609; and

**WHEREAS**, the District Boundary Map adopted as a part of this Ordinance (attached hereto as Exhibit A and incorporated herein by reference) complies with the legal criteria and order of priority established by California Government Code Section 21601; and

**WHEREAS**, this Ordinance is intended to provide for the district-based election of four Councilmembers of the City of Union City by-district in four single-member districts, retaining a directly elected office of Mayor; and

**WHEREAS**, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the requirements of the FAIR MAPS Act; and

**WHEREAS**, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, and as published on the City's redistricting webpage (<https://www.unioncity.org/414/By-District-Elections>), including any supporting reports by City staff, and any information provided during public meetings.

**THE CITY COUNCIL OF THE CITY OF UNION CITY DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings and determinations.** The City Council hereby finds and determines that the facts set forth in the recitals to this Ordinance are true and correct, and establish the factual bases for the City Council's adoption of this Ordinance.

**SECTION 2. District Boundary Map.** The City Council hereby approves and adopts as its “final map” (as that phrase is used in California Elections Code Sections 21607.1) the District Boundary Map for the District-Based election system for four Councilmembers, identifying the district boundaries for each of the four districts, as set forth on Exhibit A, attached hereto and incorporated herein by reference. The District Boundary Map shall be published on the City’s webpage (<https://www.unioncity.org/414/By-District-Elections>) and is hereby adopted as Exhibit A in Section 2.04.510(A) of the Union City Municipal Code and incorporated herein by this reference.

**SECTION 3. Implementation.** If necessary to facilitate the implementation of this Ordinance, the City Council hereby authorizes the City Manager, or designee, to make technical adjustments to the district boundaries adopted in this Ordinance that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any 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 in the implementation of the districts.

**SECTION 4. CEQA.** The City Council finds that the actions authorized by this Ordinance are not subject to the requirements of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) since the actions will not result in a direct or reasonably foreseeable indirect physical change in the environment.

**SECTION 5. Severability.** If any section, sub-section, subdivision, paragraph, clause or phrase in this Ordinance, or any part thereof, is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining sections or portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, sub- section, subdivision, paragraph, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more sections, sub-sections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION 6. Publication and effective date.** Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on \_\_\_\_\_, 2022, by the following vote:

AYES:	COUNCILMEMBERS:
NOES:	COUNCILMEMBERS:
ABSENT:	COUNCILMEMBERS:
ABSTAIN:	COUNCILMEMBERS

APPROVED:

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Carol Dutra-Vernaci, Mayor

ATTEST:

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Anna Brown, City Clerk

APPROVED AS TO FORM:

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Kristopher J. Kokotaylo, City Attorney