

**ORDINANCE NO. 2003**

**AN ORDINANCE OF THE CITY OF BURLINGAME REPEALING CHAPTER 2.19 OF TITLE 2 OF THE BURLINGAME MUNICIPAL CODE AND ADDING CHAPTER 2.18 TO TITLE 2 OF THE BURLINGAME MUNICIPAL CODE TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS, ESTABLISHING THE BOUNDARIES AND IDENTIFICATION NUMBER OF EACH DISTRICT, AND ESTABLISHING THE ELECTION ORDER OF EACH DISTRICT; CEQA DETERMINATION: EXEMPT PURSUANT TO STATE CEQA GUIDELINES SECTION 15378, 15601(B)(3)**

**WHEREAS**, the City of Burlingame has historically used an at-large method of election, which is consistent with the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution; and

**WHEREAS**, California Government Code Section 34886 permits the City Council to change the method of election by ordinance to a “by-district” system in which each member of the City Council is elected only by the voters in the district in which the candidate resides, in accordance with California Government Code Section 34871; and

**WHEREAS**, a by-district system can also be consistent with the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution; and

**WHEREAS**, on March 16, 2020, the City Council adopted Resolution Number 032-2020 that initiated the process of establishing a by-district election system; and

**WHEREAS**, under the provisions of California Elections Code Section 100100, a city that changes from an at-large city council method of election to a by-district council method of election must hold a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district maps; and

**WHEREAS**, on February 1, 2021 and May 3, 2021, pursuant to California Elections Code Section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the composition of the City’s voting districts before any draft maps were drawn, and the City Council of the City of Burlingame considered and discussed the same; and

**WHEREAS**, on November 1, 2021 and December 6, 2021 pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released and published at least seven (7) days before each meeting, and the proposed sequence of the elections, and the City Council of the City of Burlingame considered and discussed the same; and

**WHEREAS**, at its meeting on December 6, 2021, the City Council directed staff to prepare a proposed ordinance adopting a voting district map for the City Council's consideration; and

**WHEREAS**, on January 3, 2022, the City Council held a final public hearing on the proposal to establish district boundaries, reviewed and considered additional public input, formally selected the voting district map and the election sequence attached to, incorporated in, and set forth, in this Ordinance as Exhibit A, which was introduced for a first reading at the same regular meeting; and

**WHEREAS**, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public hearings and other procedures required by California Elections Code Section 10010; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of members of the City Council of the City of Burlingame by district in five single-member districts as reflected in the voting district map referred to as Map D and attached as Exhibit A to this Ordinance, in furtherance of the California Voting Rights Act of 2001 (Chapter 1.5 [commencing with Section 14025] of Division 14 of the Elections Code) to encourage by-district elections as one method to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES ORDAIN AS FOLLOWS:**

**Section 1.** The recitals set forth above are true and correct and are hereby incorporated herein by this reference as if fully set forth in their entirety.

**Section 2.** Chapter 2.19 "General Municipal Election," of Title 2 of the Burlingame Municipal Code is hereby repealed and deleted in its entirety.

**Section 3.** A new Chapter 2.18 "City Council By-District Elections" is added to Title 2 of the Burlingame Municipal Code to read as follows:

## **Chapter 2.18 CITY COUNCIL BY-DISTRICT ELECTIONS**

### **Sections:**

**02.18.005      Date of Election**

**02.18.010      Declaration of Purpose**

**02.18.020      City Council Districts Established**

**02.18.030      Election of Members of the City Council By-District**

**02.18.040      Commencement of District Elections**

### **Section 02.18.005      Date of Election**

Pursuant to Elections Code Sections 1301 and 10403.5, the general municipal election in the city of Burlingame for the offices of city councilmember shall be the first Tuesday following the first Monday in November of even-numbered years commencing in November 2022. (Ord. 1940 § 2, (501))

### **Section 02.18.010      Declaration of Purpose.**

The City Council hereby declares that the purpose of this Ordinance is to change the method of electing members of this Council to a by-district method as defined in the California Voting Rights Act of 2021.

### **Section 02.18.020      City Council Districts Established.**

Five City Council districts are hereby established in the City of Burlingame. The boundaries and identifying numbers of each district shall be as described and shown on the Council District Map attached as Exhibit A, and incorporated by reference.

### **Section 02.18.030      Election of Members of the City Council By-District.**

(A) Following the effective date of this Ordinance and upon the commencement of “by-district” elections in the order established in Section 02.18.040 of this Code, members of the City Council shall be elected “by-district” as defined in the California Government Code Section 34871 or any successor statute. Any candidate for City Council must have been a resident and elector of the district in which they seek election by the time they pull nomination papers for such office, or such person’s appointment to fill a vacancy therein. No term of any member of the City Council that commenced prior to the effective date of this Ordinance shall be affected by the adoption of this Ordinance. A vacancy in an office filled by at-large election shall be filled by appointment or election from the City

at-large.

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

(C) The terms of the office of each member elected to the City Council shall remain four (4) years.

**Section 02.18.040 Commencement of District Elections.**

(A) Commencing on the General Municipal Election in 2022 and every four years thereafter the voters in districts 1, 3, and 5, shall elect members of the City Council by district for four (4) year terms. At the General Municipal Election in 2024, and every four years thereafter, the voters in districts 2 and 4, shall elect members of the City Council by district for four (4) year terms.

(B) The term of office of any councilmember who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which they were elected.

**Section 4.** Technical Adjustments and Metes-and-Bounds. If necessary to facilitate the implementation of this Ordinance, the City Clerk is authorized to make technical adjustments to the district boundaries 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 Clerk shall consult with the City Manager and 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. The City Clerk shall also direct the City's demographer to provide a metes-and-bounds description of each district as shown on the map attached as Exhibit A and incorporated herein by reference, which shall be submitted to the City Council at its next regular meeting and kept on file in the City Clerk's office for public review.

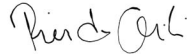
**Section 5.** CEQA Determination. This Ordinance is not subject to the California Environmental Quality Act (CEQA) because it is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, since there is no potential of the Ordinance to result in direct or indirect physical change to the environment. In addition, the Ordinance is not subject to CEQA pursuant to State CEQA Guidelines section 15061(b)(3), as it can be seen with certainty that there is no possibility the Ordinance may have a significant effect on the environment.

**Section 6.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion or sections of the Ordinance. The City Council of the City of Burlingame hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or

phrases be declared unconstitutional.

**Section 7.** This Ordinance shall become effective 30 days after its adoption. The City Clerk is directed to publish this Ordinance in a manner required by law.

**Section 8.** Sections 2 and 3 of this Ordinance shall be codified in the Burlingame Municipal Code. Sections 1, 4, 5, 6, and 7 shall not be so codified.




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Ricardo Ortiz, Mayor

I, Meaghan Hassel-Shearer, City Clerk of the City of Burlingame, certify that the foregoing Ordinance was introduced at a public hearing at a regular meeting of the City Council held on the 3rd day of January, 2022, and adopted thereafter at a regular meeting on the 18<sup>th</sup> day of January, 2022, by the following vote:

AYES: Councilmembers: BEACH, BROWNRIGG, COLSON, O'BRIEN KEIGHNAN, ORTIZ  
NOES: Councilmembers: NONE  
ABSENT: Councilmembers: NONE



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Meaghan Hassel-Shearer, City Clerk

# Exhibit A



# City of Burlingame

## Final Draft Plan

 REDISTRICTING  
PARTNERS

