

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: SUE GALLAGHER, CITY ATTORNEY
CITY ATTORNEY'S OFFICE
SUBJECT: CHARTER AMENDMENT BALLOT MEASURE – DISTRICT
ELECTIONS

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended that the Council, by resolution, place a measure on the November 8, 2022 ballot to amend the City Charter to reflect the City's recent transition to district-based election of Council members.

EXECUTIVE SUMMARY

At its July 12, 2022 meeting, the Council determined to place three measures on the November 2022 ballot for the voters' consideration: (1) a ballot measure to amend the City Charter to increase Council compensation, tying Mayor and Council compensation to the County's Area Median Income; (2) a ballot measure to amend the City Charter to reflect the City's recent transition to district-based election of Council members; and (3) a ballot measure to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality. A resolution was presented to the Council to place all three measures on the November ballot. The resolution would have required a single vote, without differentiating between the three measures.

In order to allow for a separate vote on each of the three measures, the three measures have been separated into three agenda items, each with its own resolution.

In this agenda item, the Council will consider adoption of a resolution to place a measure on the ballot to amend the City Charter to reflect the City's recent transition to District-based election of Council members.

BACKGROUND

The 2022 Charter Review Committee was formed last fall. The Committee met for more than six months and issued its final report on May 24, 2022. After lengthy discussions

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and deliberations, the Committee recommended that three ballot measures be placed on the ballot for the voters' consideration in November 2022: (1) a ballot measure to amend the City Charter to increase Council compensation, tying Mayor and Council compensation to the County's Area Median Income; (2) a ballot measure to amend the City Charter to reflect the City's recent transition to district-based election of Council members; and (3) a ballot measure to update and modernize the language of the Charter, including provisions to remove ambiguities, to provide additional flexibility in City operations, and to ensure gender and citizenship neutrality. The Charter Review Committee also recommended that the Council consider at least one possible additional measure in future years.

On June 21 and July 12, 2022, the Council met and considered the Committee's recommendations. After deliberations, the Council accepted all three of the Committee's recommendations and directed staff to return with the three proposed ballot measures.

This agenda item brings to the Council a resolution to place on the November 2022 ballot the recommended measure to amend the City Charter to reflect the City's recent transition to district-based election of Council members.

PRIOR CITY COUNCIL REVIEW

On August 17, 2021, Council adopted Resolution No. RES 2021-147, establishing the 2021-2022 Charter Review Committee and initiating Charter review.

On May 24, 2022, Council held a study session to receive the Charter Review Committee's Final Report and Recommendations.

On June 21, 2022, Council considered and discussed the Committee's recommendations. The Council directed staff to return with the three proposed ballot measures, but to allow for flexibility for the Council to determine the specifics for increased Council compensation.

On July 12, 2022, the Council further considered and discussed the Committee's recommendations. The Council directed staff to return with the three proposed ballot measures, with amendments as specified.

ANALYSIS

Ballot Measure to Align Charter with District-Based Election of Council Members

Prior to 2018, Council members were elected "at-large," that is all Council members were elected by a City-wide vote. Each election year, the candidates that won the most votes in the City-wide election were seated on the Council.

In 2017, the City faced legal challenge to its at-large election of Council members, a challenge brought under the California Voting Rights Act. The California Voting Rights

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Act prohibits at-large election of Council members if: (a) a city experiences racially polarized voting, and (b) that racially polarized voting results in the impairment of the voting strength of a protected class of voters. Racially polarized voting exists if voters in a protected class generally prefer candidates and electoral choices that are different from those preferred by voters in the rest of the electorate. No finding of racial animus or intent to discriminate is required to find a violation of the California Voting Rights Act.

An independent analysis of multiple City elections revealed that racially polarized voting had historically combined with the City's at-large election system to impair the ability of Latino voters to elect candidates of their choice or to influence the outcome of an election.

The California Voting Rights Act preempts all local laws and applies equally to General Law and Charter cities. Given the evidence of racially polarized voting, the Council determined to transition the City to district-based election of Council members so as to bring the City into compliance with the California Voting Rights Act. On April 17, 2018, by Ordinance No. ORD-2018-007, the Council defined the seven Council districts and set a sequencing for the transition. The first district-based elections were held in 2018 for Council members in Districts 2, 4 and 6. The transition was completed in 2020, with the election of Council members in Districts 1, 3, 5, and 7.

Although the City has now fully transitioned to district-based election of Council members, Section 4 of the Charter still references at-large elections. The Charter Review Committee, by unanimous vote of all members present, recommended placing a measure on the November 2022 ballot to amend the Charter to reflect the City's district-based elections and ensure compliance with the California Voting Rights Act. The Council has expressed strong support for that recommendation.

The proposed ballot measure, amending Section 4 of the City Charter to align its language with the City's district-based election of Council members, is attached.

The attached resolution would place that measure on the ballot in the consolidated election to be held on November 8, 2022.

FISCAL IMPACT

The proposed ballot measure is not anticipated to have any new fiscal impacts.

ENVIRONMENTAL IMPACT

The proposed action is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) and 15378 in that there is no possibility that the implementation of this action may have significant effects on the environment, and no further environmental review is required.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

The Charter Review Committee was formed in the fall of 2021 and worked diligently over the course of six months to research, discuss and deliberate on a series of potential amendments to the City Charter. The Committee issued its Final Report to Council on May 24, 2022.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution
 - Exhibit A - Ballot Measure No. 2 (District Elections)

CONTACT

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