

RESOLUTION NO. RES-2017-173

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA DECLARING ITS INTENT TO INITIATE PROCEDURES FOR A TRANSITION FROM AT-LARGE TO DISTRICT-BASED COUNCIL MEMBER ELECTIONS PURSUANT TO ELECTIONS CODE SECTION 10010 AND GOVERNMENT CODE SECTION 34886, DIRECTING STAFF TO RETAIN A QUALIFIED DEMOGRAPHER AND OTHER CONSULTANTS AS NECESSARY; AND APPROVING A TENTATIVE TIMELINE FOR CONDUCTING PUBLIC HEARINGS, FORMULATING PROPOSED DISTRICT MAPS AND ELECTION SYSTEMS, AND PRESENTING DRAFT ORDINANCE TO COUNCIL FOR DECISION

WHEREAS, pursuant to Section 4 of the City Charter, members of the Council of the City of Santa Rosa are currently elected through at-large elections, that is, each member is elected through a city-wide vote; and

WHEREAS, Section 34886 of the California Government Code Section 34886 authorizes the legislative body of a city, under certain circumstances, to adopt an ordinance to change its method of election from an at-large system to a district-based system in which either (a) each council member is elected only by the voters in the district in which the candidate resides, or (b) all council members except the mayor are elected by district and the mayor is elected by a city-wide vote; and

WHEREAS, on July 17, 2017 the City received a certified letter ("Certified Letter") from Kevin Shenkman of the law firm of Shenkman & Hughes, on behalf of his client the Southwest Voter Registration Education Project. The Certified Letter asserts that the City's at-large council member election system may violate the California Voting Rights Act ("CVRA") and threatens litigation if the City does not voluntarily transition to a district-based election system for electing its council members; and

WHEREAS, a violation of the CVRA may be established if it is shown that racially polarized voting has combined with an at-large voting system to impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election; and

WHEREAS, under the CVRA, "racially polarized voting" means voting in which there is a difference between the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate; and

WHEREAS, the Certified Letter received by the City did not include and was not accompanied by any evidence to support a claim of a CVRA violation, nor, at this time, is the City itself aware of any such evidence; and

WHEREAS, the City denies that its election system violates the CVRA or any other provision of law and asserts that Santa Rosa's election system is legal in all respects; and

WHEREAS, nevertheless, the Council has determined that the public interest is better served by initiating a process for transition to a district-based election system and thereby avoiding the costs associated with defending a lawsuit under the CVRA; and

WHEREAS, the California Legislature recently amended Elections Code Section 10010, to provide a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the CVRA; and

WHEREAS, California Elections Code Section 10010 will delay CVRA litigation and place a cap on the recovery of attorneys' fees associated with a CVRA claim, if, within forty-five (45) days of receipt of a claim under the CVRA, the City adopts a resolution stating its intent to transition to district-based elections, and, within ninety (90) days thereafter (or as otherwise stipulated by the parties), the City adopts an ordinance transitioning to a district-based election system consistent with the intent and purpose of the California Voting Rights Act; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based electoral system, California Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts.
2. After all draft maps are drawn, City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
3. The City Council shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
4. The first version of a draft map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

WHEREAS, the City may desire to retain special legal counsel and an experienced qualified demographer to assist the City in the development of a proposal for a district-based electoral system; and

NOW, THEREFORE, BE IT RESOLVED that the Council of the City of Santa Rosa declares, directs and orders as follows:

1. The City Council hereby resolves to consider adoption of an ordinance, as authorized by Government Code Section 34886 and consistent with Elections Code Section 10010, to transition to a district-based election system for use in the City's General Municipal Election for City Council members beginning in November 2018. The City Council does not, at

this time, decide the nature of such district-based election system. Rather, the details of such system shall be determined only after community outreach and appropriate public hearings.

2. The City Council directs staff to retain a qualified demographer and other consultants as needed, to prepare a detailed analysis of the City's demographics and to formulate, for review by the public and the City Council, one or more electoral district scenarios, each fully consistent with the intent and purpose of the California Voting Rights Act and the Federal Voting Rights Act.

3. Working with the qualified demographer and other consultants as needed, staff is directed to publicize and post information regarding the proposed transition to a district-based election system, including relevant maps, notices, agendas and other information and to establish a means of communication to receive comments and answer questions from the public.

4. The City Council hereby approves the tentative timeline as set forth in Exhibit A, attached to and made a part of this resolution, for conducting public hearings to solicit and receive public input and testimony on proposed district-based electoral maps and district-based election systems, and for the City Council's evaluation, possible refinement and ultimate adoption of a district-based election system for election of City Council members.

5. The timeline contained in Exhibit A may be adjusted by the City Manager as he deems necessary or appropriate, provided that such adjustments shall not prevent the City from complying with the time frames specified by Elections Code Section 10010, or such other timeframes as may be stipulated by claimants under the CVRA.

IN COUNCIL DULY PASSED this 29th day of August, 2017.

AYES: (7) Mayor Coursey, Vice Mayor Tibbetts, Council Members Combs, Olivares, Rogers, Sawyer, Schwedhelm

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____ APPROVED: _____
City Clerk Mayor

APPROVED AS TO FORM:

City Attorney

Exhibit A – Tentative Timeline: Consideration and Implementation of District-Based Election System