

RESOLUTION NO. RES-2018-020

RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA ROSA ESTABLISHING A RENEWED 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 Santa Rosa City Charter, members of the City Council 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 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"). The Certified Letter threatens litigation if the City does not voluntarily transition to a district-based election system for election of 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 City has received evidence of racially polarized voting within the City of Santa Rosa; and

WHEREAS, California Elections Code Section 10010 will bar 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, on August 29, 2017, the Council adopted Resolution No. RES-2017-173, stating its intent to transition to district-based elections and establishing a timeline for conducting public hearings, formulating proposed district maps and election systems, and presenting a draft ordinance to Council for decision, all in accordance with Section 10010; and

WHEREAS, the timeline for action set forth in Resolution No. RES-2017-173 was interrupted by the devastating wildfires that swept into the City of Santa Rosa beginning late in the evening of October 8, 2017; and

WHEREAS, City resources were immediately, and for the days, weeks and months that followed, redirected towards emergency response and the protection and recovery of the community; and

WHEREAS, in light of extreme conditions faced by the City, Mr. Shenkman has stipulated to an extension of time for the establishment of district-based elections under California Elections Code Section 10010; and

WHEREAS, the City Council now desires to restart the process of transitioning the City to a district-based election system; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based electoral system and to determine a sequence of elections, 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 and the sequencing of elections.
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 any proposed sequence of elections.
4. The City Council shall also hold a final public hearing prior to adoption of an ordinance establishing boundaries for a district-based election system and determining a sequence of elections.
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.

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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 approves the 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.

2. 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 6th day of February, 2018.

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

NOES: (0)

ABSENT: (0)

ABSTAIN: (0)

ATTEST: _____
City Clerk

APPROVED: _____
Mayor

APPROVED AS TO FORM:

City Attorney

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