

RESOLUTION NO. 18-096 N.C.

**DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED
COUNCIL MEMBER ELECTIONS EFFECTIVE FOR THE NOVEMBER 2020 ELECTION
PURSUANT TO ELECTIONS CODE SECTION 10010**

WHEREAS, the City of Vallejo ("City") is a charter city, duly organized under the Constitution and the laws of the State of California; and

WHEREAS, pursuant to the City Charter the City Council is comprised of seven elective officers, the Mayor and six councilmembers, who are all currently elected in at-large elections, in which each City Council member is elected by a vote of all registered voters of the entire City, with the Mayor being separately elected by all registered voters of the entire City; and

WHEREAS, Government Code Section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each council member is elected only by the voters in the district in which the candidate resides or a "district-based" system with an elective mayor; and

WHEREAS, on September 17, 2018, the City received a notice of violation letter from attorney Kevin Shenkman on behalf of the Southwest Voter Registration Education Project, asserting that the City's at-large council member election system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing council members; and

WHEREAS, under California Elections Code Section 14028(a) a CVRA violation is established if it is shown that racially polarized voting occurs in elections in a particular jurisdiction and impair the ability of a protected class to elect candidates of its choice or influence the outcome of an election in an at-large election system. "Racially polarized voting" means voting in which there is a difference in 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 (Elections Code Section 14026(e)); and

WHEREAS, the Elections Code provides a Safe Harbor whereby a jurisdiction may expeditiously change to a by-district election system, after completing statutory public hearings, and if done so within 90 days of adoption of a resolution of intent, can transition without litigation and also cap its liability to potential plaintiffs and their attorneys to \$30,000 for reimbursement of costs in generating the CVRA demand notice; and

WHEREAS, the City denies that its at-large electoral system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has determined that the purposes of the California Voting Rights Act and the public interest would be best served by transitioning to a district-based election system and avoiding the risks and cost of defending against a CVRA lawsuit; and

WHEREAS, California Elections Code Section 10010 requires that a city that is changing from at-large to district-based elections shall do all of the following before holding a public hearing at which the City Council votes to approve or defeat an ordinance establishing district-based elections:

1. Prior to drawing one or more draft maps of the proposed boundaries of the districts, the City shall hold at least 2 public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts;
2. After all draft maps are drawn, the 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. The City Council shall also hold at least 2 additional hearings over a period of no more than 45 days at which the public is invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least 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 7 days before being adopted; and

WHEREAS, the City has retained an experienced demographer to assist the City with transitioning to a district-based electoral system; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting council member, each of whom will serve out his or her current term; and

WHEREAS, attorney Kevin Shenkman on behalf of his client has agreed in writing to a 90-day extension of the 90-day safe harbor period, during which he and his client will not file a CVRA lawsuit against the City if the City adopts the subject Resolution of Intention, thereby permitting the City Council to adopt an ordinance establishing district-based elections at any time up to and including April 30, 2019.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. The City Council hereby resolves to consider adoption of an ordinance, to transition to a district-based election system as authorized by Government Code Section 34886, for use in the City's General Municipal Elections for City Council members with an implementation date of November 2020.

Section 2. The City Council authorizes the City Manager and City Attorney to negotiate and execute contracts or amendments to contracts with special legal counsel and consultants as needed to conduct public outreach, prepare demographics maps, and obtain any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner consistent with the intent and purpose of the California Voting Rights Act and Federal Voting Rights Act.

Section 3. 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 a public process to solicit public input and testimony on proposed district-based maps before adopting any such map.

Section 4. The tentative timeline in Exhibit A may be adjusted by the City Manager as necessary to facilitate public outreach while complying with the safe harbor deadlines, any negotiated extension or tolling agreement, and Elections Code section 10010.

Section 5. The City Council directs staff to post information regarding the proposed transition to a district based election system, including maps, notices, agendas, and other information and to establish a means of communication to answer questions from the public.

Section 6. This resolution shall become effective immediately upon its introduction and passage.

Adopted by the Council of the City of Vallejo at a regular meeting held on October 23, 2018 with the following vote:

AYES: Mayor Sampayan, Vice Mayor Miessner, Councilmembers Dew-Costa, Malgapo, McConnell, and Verder-Aliga
NOES: Councilmember Sunga
ABSENT: None
ABSTAIN: None


BOB SAMPAYAN, MAYOR

ATTEST:


DAWN G. ABRAHAMSON, CITY CLERK

EXHIBIT A

TENTATIVE TIMELINE: CONSIDERATION AND TRANSITION TO DISTRICT-BASED ELECTIONS SYSTEM

DATE	EVENT
October 23, 2018	Resolution of Intent
November 7, 2018	Community Meeting- TBD
November 27, 2018	Public Hearing #1 without maps
December 18, 2018	Public Hearing #2 without maps
January 5, 2019	Community Meeting TBD
January 22, 2019	Public Hearing #3 with maps*
February 26, 2019	Public Hearing #4 with maps*
March 26, 2019	Public Hearing #5: Introduction of Ordinance
April 9, 2019	Public Hearing #6: Adoption of Ordinance

*Initial map(s) and any revised maps must be published at least 7 days prior to the hearing