

## **CITY COUNCIL RESOLUTION NO. 2019-140**

### **A RESOLUTION OF THE CITY COUNCIL OF ROHNERT PARK DECLARING ITS INTENT TO INITIATE PROCEDURES TO CONSIDER TRANSITION FROM AT-LARGE ELECTIONS TO BY-DISTRICT COUNCILMEMBER ELECTIONS PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010, APPROVING A TENTATIVE TIMELINE FOR CONDUCTING PUBLIC HEARINGS AND RELATED ACTIONS**

**WHEREAS**, members of the City Council are currently elected in “at-large” elections, in which each City Councilmember is elected by the registered voters of the entire City; and

**WHEREAS**, California 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 councilmember is elected only by the voters in the district in which the candidate resides; and

**WHEREAS**, on October 15, 2019, the City of Rohnert Park (“City”) received a certified letter from a potential plaintiffs’ attorney alleging that the City’s at-large councilmember electoral system violates the California Voting Rights Act (“CVRA”) and threatening litigation if the City does not voluntarily change to a district-based system for electing councilmembers on or before November 29, 2019; and

**WHEREAS**, pursuant to California Elections Code Section 14028, a violation of the CVRA may be established if it is shown that racially polarized voting occurs in elections. Pursuant to California Elections Code Section 14026(e), “racially polarized voting” means voting in which there is a difference in the choice of candidates that are preferred by voters in a protected class, and the choice of candidates that are preferred by voters in the rest of the electorate; and

**WHEREAS**, the letter itself was not accompanied by any evidence to support the claim of a CVRA violation, and the Council denies that its election system violates the CVRA or any other provision of law, asserts that the City’s election system is legal in all respects, and further denies any wrongdoing whatsoever in connection with the manner in which City Council elections have been conducted; and

**WHEREAS**, nevertheless, the City is committed to diversity and inclusion with respect to its elections and 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 high costs associated with defending a lawsuit under the CVRA; and

**WHEREAS**, the California Legislature amended Elections Code Section 10010 in 2016 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 if the jurisdiction complied with the “safe harbor” provisions of Elections Code Section 10010; 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 at a maximum of \$30,000, 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 Council to do 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, at least 7 days before the 3<sup>rd</sup> public hearing, the City shall publish and make available for release at least one draft map and, if city councilmembers 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.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Rohnert Park makes the following findings and determinations:

Section 1. The above recitals are true and correct and are incorporated by reference herein.

Section 2. The City Council hereby expresses its intent to consider transition from an at-large election system to a by-district election system as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020.

Section 3. The City Clerk 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.

Section 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.

Section 5. The tentative 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

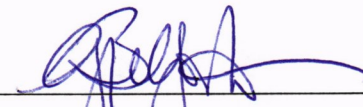
the City from complying with the time frames specified by Elections Code Section 10010, or such other timeframes as may be stipulated by claimants under the CVRA.

Section 6. The City Council directs the City Manager to continue to work with the City Attorney and the demographer, National Demographic Corporation (NDC), to resolve all legal issues necessary to give effect to this Resolution and to meet the tentative timelines set forth in Exhibit A.


Section 7. Nothing contained herein shall preclude the City Council from selecting an alternative election system or making any alternative decision, should the public input and testimony and other evidence at the hearings indicate that an alternative system or decision is appropriate for the City.

**DULY AND REGULARLY ADOPTED** on this 12<sup>th</sup> day of November, 2019 by the City of Rohnert Park City Council by the following vote:

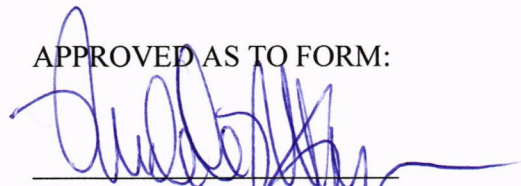
**CITY OF ROHNERT PARK**

  
\_\_\_\_\_  
Gina Belforte, Mayor

**ATTEST:**

  
\_\_\_\_\_  
Sylvia Lopez Cuevas, Assistant City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
City Attorney



Attachment: Exhibit A

ADAMS: Aye MACKENZIE: Aye STAFFORD: Aye CALLINAN: Aye BELFORTE: Aye  
AYES: ( 5 ) NOES: ( 0 ) ABSENT: ( 0 ) ABSTAIN: ( 0 )



## EXHIBIT A TO RESOLUTION

### TENTATIVE TIMELINE

<b>Date</b>	<b>Hearing Type</b>	<b>Purpose of Hearing</b>
Tuesday November 12, 2019	1 <sup>st</sup> Public Hearing	Consultant led presentation and discussion. No maps for review but will take public comment on composition of districts, number of districts and potential election sequencing.
Tuesday November 26, 2019	2 <sup>nd</sup> Public Hearing	Consultant led presentation and discussion. No maps for review but will take public comment on composition of districts, number of districts and potential election sequencing.
Tuesday December 10, 2019	3 <sup>rd</sup> Public Hearing	Consultant led presentation and discussion. Maps for review. Take public comments, provide direction about any modifications to one or more proposed district maps and the potential election sequencing.
Tuesday January 14, 2020	4 <sup>th</sup> Public Hearing	Consultant led presentation and discussion. Maps for review. Take public comments, provide direction about any modifications to one or more proposed district maps and the potential election sequencing; Introduction of an ordinance establishing district elections and district maps.
Tuesday January 28, 2020	5 <sup>th</sup> Public Hearing	Staff and consultant presentation. Council adopts an ordinance establishing district elections and district map.