

RESOLUTION NO. 19-377

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ROSEVILLE,
CALIFORNIA, DECLARING ITS INTENT TO INITIATE PROCEDURES TO
TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS
PURSUANT TO CALIFORNIA ELECTIONS CODE SECTION 10010 AND
AUTHORIZING RELATED ACTIONS

WHEREAS, as required by Section 2.02 of the Roseville City Charter, members of the City Council of the City of Roseville (“City”) are currently elected in “at-large” elections, in which each councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 authorizes the legislative body of a city to adopt an ordinance to change its method of election from an at-large system to a by-district system in which each councilmember is elected only by the voters in the district in which the candidate resides without submitting the ordinance to the voters for approval; and

WHEREAS, throughout California, including in the Sacramento region, litigants are alleging that cities who conduct at-large councilmember elections violate the California Voting Rights Act (“CVRA”) and Roseville is aware of the threat of litigation if the City does not voluntarily change to a district-based system for electing councilmembers; and

WHEREAS, the Court of Appeal for the Second Appellate District concluded that the CVRA and its goal of preventing voter dilution is a matter of statewide concern and, therefore, applies to charter cities (*Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781); 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” is voting in which there is a difference in the choice of candidates that are preferred by voters in a protected class and between the choice of candidates that are preferred by voters in the rest of the electorate; and

WHEREAS, the City Council denies that its election system violates the CVRA or any other provision of law, and 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, the City is committed to diversity and inclusion with respect to its elections; and

WHEREAS, the City Council is aware of the exorbitant cost that multiple cities and other public entities have faced in defending and/or settling CVRA litigation, and the impact that the expenditure of such costs could have on the City’s ability to provide essential services to the City’s residents and businesses; and

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

WHEREAS, the plain language of Government Code Section 34886, which permits cities to transition to by-district elections by ordinance, makes no distinction between charter cities and general law cities; and

WHEREAS, the legislative history behind Government Code Section 34886 suggests that the California Legislature intended to permit charter cities to transition to by-district elections by ordinance; and

WHEREAS, in light of the foregoing, a charter city may transition to by-district elections in compliance with the CVRA without submitting the matter to the voters; and

WHEREAS, the public interest would be served and the purposes of the CVRA would be furthered by City Council consideration of a proposal to transition to a district-based election system because of the uncertainty of litigation and the potential extraordinary cost of defending a CVRA lawsuit, even if the City ultimately were to prevail; and

WHEREAS, pursuant to California Elections Code Section 10010 as amended in 2016 and in 2018, if the City Council adopts a resolution outlining its intention to transition from at-large to district-based elections, the specific steps it will take to facilitate this transition, and an estimated time frame for doing so, then a prospective plaintiff may not bring a lawsuit within ninety (90) days after the resolution's adoption; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based election 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 Council 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 maps are drawn, the City shall publish and make available for release at least one (1) draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms, publish the potential sequence of the elections.
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 adoption; and

WHEREAS, an experienced demographer has been retained to assist the City in developing a proposal for a district-based election system; and

WHEREAS, the adoption of a district-based election system will not affect the terms of any sitting Councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Roseville:

Section 1. The City Council finds that all of the foregoing recitals are true and correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

Section 2. The City Council intends to and shall consider adoption of an ordinance to transition to a district-based election system as authorized by California Government Code Section 34886 for use in the City's general municipal election for councilmembers, beginning in November 2020. The City Council does not, at this time, decide the nature of such district-based election. Rather, the details of such system shall be determined only after community outreach and appropriate public hearings.

Section 3. The City Council directs staff to work with a demographer, and with other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and 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 the Federal Voting Rights Act.

Section 4. The City Council directs staff to post or have the demographer post information regarding the proposed transition to a district based election system, including maps, notices, agendas and other information, to establish a means of communication to answer questions from the public, and to otherwise take the steps necessary to comply with the applicable provisions of the Elections Code.

Section 5. The City Council hereby approves the tentative timelines as set forth in Exhibit A, attached hereto and made a part of this resolution, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before the City Council adopts any such map.

Section 6. The timelines set forth in Exhibit A may be adjusted by the City Manager or designee as deemed necessary, provided that any such adjustments shall not prevent the City from complying with the timeframes specified in California Elections Code Section 10010.

Section 7. If any provision or clause of this Resolution is held invalid, unconstitutional, or otherwise repealed by act of law, such invalidity shall not affect any other provisions or clauses of the same which can be given effect without the invalid provision, clause, or application. To this end, the provisions and clauses of this Resolution hereto are declared to be severable.

Section 8. This resolution shall become effective immediately upon its passage and adoption.

Section 9. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED by the Council of the City of Roseville this ____ day of _____, 2019, by the following vote on roll call:

AYES COUNCILMEMBERS:

NOES COUNCILMEMBERS:

ABSENT COUNCILMEMBERS:

JOHN B. ALLARD II, MAYOR

ATTEST:

Sonia Orozco, City Clerk

EXHIBIT A

Summary of Timeline for Conversion to District-Based Elections Safe Harbor for Cities Converting by Ordinance

Date 2019	Meeting Type	Public Hearing	Item Topic At Meeting
September 18, 2019	Public Hearing	1	Public input on composition of districts
October 2, 2019	Public Hearing	2	Further public input on baseline and census geography, race/ethnicity dot density, and zoning and general plan information (must be within 30 days of Public Hearing 1)
October 23, 2019	Public Hearing	3	Discussion of proposed district maps and sequence of elections including procedure to elect Mayor
November 6, 2019	Public Hearing	4	Public input and possible revisions to proposed District Map
November 20, 2019	Public Hearing	5	Adoption of District Map, transition to district elections Ordinance introduced
December 4, 2019	Regular Meeting		Second reading of Ordinance (effective date January 4, 2020)