



# **CITY OF ROSEVILLE CALIFORNIA**

October 23, 2019

City Council Public Hearing #3

## **PUBLIC COMMENT VIA EMAIL AND LETTERS**



# Sun City Roseville Community Association, Inc.

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October 14, 2019

John B. Allard II, Mayor  
City of Roseville  
311 Vernon Street  
Roseville, CA 95678

Subject: Mapping Request – Sun City Roseville Community Association

Dear Mayor Allard,

The Sun City Roseville Community Association is a common interest development in the state of California that serves an active 55+ community of 5000+ members. We are deeply concerned about the drawing of district maps within the City of Roseville that could potentially result in the division of our resident community into more than one district.

We strongly urge you to consider our Association of senior citizens a “community of interest” for purposes of district mapping per Section 2(d)(4) of Article XXI of the California Constitution. This provision states:

“A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.... Communities of interest shall not include relationships with political parties, incumbents or political candidates.”

Accordingly, we request that the Sun City Roseville Community Association be included within a single district as a community of interest for purposes of district mapping. Thank you for your consideration.

Sincerely,

Judy Arntson, President  
Board of Directors  
Sun City Roseville Community Association

Cc: Roseville City Council  
Roseville City Clerk  
Sun City Roseville Board of Directors  
Sun City Roseville Executive Director  
Sun City Roseville Government Affairs Committee Chair

## Orozco, Sonia

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**From:** Debbie Sedwick  
**Sent:** Tuesday, September 3, 2019 2:15 PM  
**To:** Orozco, Sonia  
**Subject:** RE: Roseville City Council Moves Towards District-based Elections

**EXTERNAL:** This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Sonia,

Thank you for the memo. I have known several agencies who have received a demand letter. I am happy to hear Roseville is taking a proactive approach to this rather than wait and be reactive. Unfortunately, I will not be able to make the first two hearings but will plan on attending the future meetings.

Thanks again,  
Debra Sedwick

Sent from [Mail](#) for Windows 10

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**From:** [Orozco, Sonia](#)  
**Sent:** Tuesday, September 3, 2019 1:51 PM  
**Subject:** Roseville City Council Moves Towards District-based Elections

Dear Board, Commission and Committee members,

Attached find a memorandum from City Manager Dominick Casey regarding transitioning to district-based elections which includes FAQs about City Council's decision to move forward. The memo also includes a timeline with dates the City Council will be holding specific public hearings in order to complete the process.

Questions can be directed to City Clerk Sonia Orozco at 916-774-5269 [sorozco@roseville.ca.us](mailto:sorozco@roseville.ca.us) or Public Affairs and Communications Director Megan MacPherson [mmacpherson@roseville.ca.us](mailto:mmacpherson@roseville.ca.us) 916-774-5455.

### **Sonia Orozco, MMC**

*City Clerk*

City Clerk Department

**o:** (916) 774-5269

**c:** (916) 532-0381

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**Civic Center** | 311 Vernon Street | Roseville, CA | 95678



## Orozco, Sonia

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**From:** JEANNE WADE  
**Sent:** Tuesday, October 1, 2019 1:14 PM  
**To:** Orozco, Sonia  
**Subject:** Re: District Based Elections

**EXTERNAL:** This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

Well, I think it is sad.

Several District elections will cost way more money and serve to divide this wonderful city.

I don't get it. Anyone who *wants* to vote for Council members can vote. As it is, how does this impair the ability of a protected class to elect candidates of their choice?....or is it more of an "Electoral College" kind of issue (which I do get)???

*Jeanne Wade*

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**From:** Orozco, Sonia <SOrozco@roseville.ca.us>  
**Sent:** Tuesday, October 1, 2019 11:27 AM  
**To:** JEANNE WADE  
**Subject:** RE: District Based Elections

Good morning Ms. Wade,

Thank you for the email.

As a way of background, the California Voting Rights Act (CVRA) was signed into law in 2002. The law prohibits an at-large method of election that impairs the ability of a protected class (race, color or language minority group) to elect candidates of their choice or their ability to influence the outcome of an election. The intent of the law is to expand protections against vote dilution over those provided by the Federal Voting Rights Act of 1965. The CVRA makes it easy for plaintiffs to bring forth and prevail in lawsuits brought against public entities that elect their members of a governing body (Councilmembers) via an at-large system when they can prove the existence of racially polarized voting. Racially polarized voting happens when there is a difference in the choice of candidates that are preferred by voters of a protected class, and in the choice of candidates that are preferred by voters in the rest of the electorate.

Various California law firms have alleged racially polarized voting against numerous California jurisdictions regarding their at-large election system. In California, over 250 jurisdictions, water districts, school districts, community college districts and counties have been sued and have been forced to convert to by-district elections. The law firms represent a plaintiff and threaten litigation if the jurisdiction declines to voluntarily convert to district-based elections. Those jurisdictions that have chosen to defend against CVRA challenges have either **voluntarily** adopted district based elections, or been forced to adopt district based elections by the courts. Staff and our outside legal counsel is unaware of any jurisdiction that has prevailed in defending an at-large system of election. Judgments issued against jurisdictions who have fought voluntary

transition have resulted in courts imposing district elections and the cities paying legal fees ranging from hundreds of thousands of dollars up to millions of dollars.

The following Sacramento region jurisdictions have received demand letters from a plaintiff’s attorney and are in the process of conversion:

- City of Davis
- City of Elk Grove
- City of West Sacramento
- City of Woodland
- City of Citrus Heights

It is not a question of “if” the City of Roseville is going to receive a demand letter, it is “when” Roseville will receive a demand letter. Regardless of whether the City agrees with the allegations, there is NO public agency that has successfully defended an “at-large” method of election, when challenged under the CVRA. That’s because under the law, plaintiff’s bringing a CVRA have a low bar to meet in order to prevail. They do not have to establish discriminatory intent or historical discrimination.

Roseville has agreed to move forward based on several advantages to taking action now:

1. The path forward for the 2020 City Council elections will be settled sooner rather than later, minimizing chaos that might otherwise result from receiving a letter further into the election cycle. This gives potential candidates more time to prepare and understand the new format. If Roseville receives a demand letter in 2020, the at-large election could be over-turned resulting in the city having to conduct a special election after districts have been established.
2. Roseville would determine the district boundaries instead of having them imposed by a court.
3. Roseville is in the midst of a once-a-decade charter review process, part of which determines our governance structure. The change to district elections will need to be incorporated in many charter provisions.

Below find the schedule of Public Hearings that are required by law:

**Summary of Timeline for Conversion to District-Based Elections  
Safe Harbor for Cities Converting by Ordinance as Prescribed by the  
California Elections Code**

<b>Date 2019</b>	<b>Meeting Type</b>	<b>Public Hearing</b>	<b>Item Topic At Meeting</b>
September 18, 2019	<b>Public Hearing</b>	<b>1</b>	Public input on composition of districts
October 2, 2019	<b>Public Hearing</b>	<b>2</b>	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	<b>Public Hearing</b>	<b>3</b>	Discussion of proposed district maps and sequence of elections including procedure to elect Mayor
November 6, 2019	<b>Public Hearing</b>	<b>4</b>	Public input and possible revisions to proposed District Map
November 20, 2019	<b>Public Hearing</b>	<b>5</b>	Adoption of District Map, transition to district elections Ordinance introduced
December 4, 2019	Regular Meeting		Second reading of Ordinance (effective date January 4, 2020)

Please feel free to call me at 916-774-5269 if you have

any questions. I understand your concerns. I will pass along your email to the City Council, City Manager and City Attorney.

**Sonia Orozco, MMC**

*City Clerk*

City Clerk Department

**o:** (916) 774-5269

**c:** (916) 532-0381

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**Civic Center** | 311 Vernon Street | Roseville, CA | 95678



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**From:** JEANNE WADE

**Sent:** Tuesday, October 1, 2019 10:55 AM

**To:** City Clerk <CityClerkroseville@roseville.ca.us>

**Subject:** District Based Elections

**EXTERNAL:** This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

I am a new transplant from Santa Clara County (6/18).

Recently I watched a council meeting discussing breaking up into districts.....Just like San Jose. It made me sad to think that was going to happen here in Roseville. Today I got the What's Happening...email about this issue.

Moving from San Jose to Roseville was like moving to a different planet (traffic, not so much). It seems obvious to me that the tax money is being spent well....and where it should be. Everyone who comes and visits always says something positive about Roseville. Everyone.

Breaking up Roseville into different districts causes separation and distinct spots of the "have's and have not's" it seems, and politicizes everything and everyone. I think we are all growing weary of politics these days and just want our representatives to focus on what got them elected and to get the job done in a honest, thoughtful way.

It is obvious to me that you all are doing what you were elected to do and seem to be doing it well. I hope this decision is not inevitable. If it ain't broke, don't break it.

Jeanne Wade

Sent from [Mail](#) for Windows 10

Linda Johnsen  
Roseville, CA 95747

Roseville City Counsel  
311 Vernon St  
Roseville, CA 95678

October 2, 2019

Dear Counsel,

It has recently come to my attention consideration is being given to changing how many districts there will be to vote for representation on the counsel. **Please leave current board representation as is!**

I strongly disagree with this idea/proposal. The current status of 5 districts and rotating mayor is the best way to go in my opinion. With Roseville area especially new growth will give newcomers the opportunity to approach our community with excitement on who they feel will represent them a bit more geographically. Having only 4 members on the council will limit how much time as counsel individuals will have to devote to residents of their newly formed LARGE DISTRICT instead of manageable size. Residents' concerns and input is very important as our town grows!

When Roseville was a small-town Counsel didn't use this formula. Why now when town is growing. Political reasons? Roseville is becoming the 'hub' for Placer County. Roseville is a great community and as a citizen I hope you take my input seriously.

I was very active in my local Bay Area city council & community but unfortunately, I'm currently away and cannot attend Board meeting tonight. .

Thank you in advance for my concerns on the future of Roseville. If you have any questions, don't hesitate to contact me.

Sincerely,

  
Linda Johnsen

RECEIVED BY

OCT 07 2019

CITY MANAGER'S OFFICE

## Orozco, Sonia

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**From:** City Council Mail  
**Sent:** Monday, October 7, 2019 11:02 AM  
**To:** City Council  
**Cc:** Casey, Dominick; Schmitt, Bob; MacPherson, Megan; Orozco, Sonia; Sheidenberger, Michelle  
**Subject:** FW: District preferences

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**From:** Larry Hufty  
**Sent:** Wednesday, October 2, 2019 9:58 PM  
**To:** City Council Mail <CityCouncil@roseville.ca.us>  
**Subject:** District preferences

**EXTERNAL:** This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

My preferences are:

- 1) **5-districts** (for the 2019 districting) Then add a 6th district after we receive the 2020 census data to enable us to split the NW district into two separate districts in 2021 (minimizes impacts to the other 4 districts when we perform the 2nd re-districting since most of the growth from 2010 -> 2020 will be in the NW district)
- 2) **Rotating mayor.** Shows residents that all districts are treated equally because each district will eventually get someone from their district as mayor. Also, encourages council to work together because rotation determines who will be mayor, not the number of votes
- 3) **Use neighborhood association boundaries for creating districts.** Newer neighborhoods have different concerns than older neighborhoods. Neighborhood associations do a good job of merging together neighborhoods that were developed around the same time. Districts also need to reflect the differing concerns between older and newer neighborhoods so it makes sense to use those same neighborhood boundaries for districting.

Thank You,

Larry Hufty

Roseville, CA 95747



## Orozco, Sonia

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**From:** City Council Mail  
**Sent:** Monday, October 7, 2019 11:00 AM  
**To:** City Council  
**Cc:** Casey, Dominick; Schmitt, Bob; Orozco, Sonia; MacPherson, Megan; Sheidenberger, Michelle  
**Subject:** FW: City council districts

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**From:** Margaret Petrovich  
**Sent:** Wednesday, October 2, 2019 6:54 PM  
**To:** City Council Mail <CityCouncil@roseville.ca.us>  
**Subject:** City council districts

**EXTERNAL:** This email originated from outside of the organization. Do not click on any links or open attachments unless you recognize the sender and know the content is safe.

For all city council members:

I support having 5 districts for the city of Roseville with the mayor appointed on a rotational basis.

Thanks,  
Margaret Petrovich

Roseville 95747

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## FROM THE DESK OF PETE CONSTANT

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**TO:** ROSEVILLE CITY COUNCILMEMBERS  
**FROM:** PETE CONSTANT  
**SUBJECT:** 10/02/2019 COUNCIL MEETING, AGENDA ITEM 10.1  
**DATE:** OCTOBER 3, 2019  
**CC:** PUBLIC RECORD

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Thank you for the opportunity to address the city council at last evening's meeting. Unfortunately, due to time constraints I was not able to finish my comments on this very important topic.

As you are aware, I am a very engaged resident of our city. In addition to being the CEO of a national nonprofit organization headquartered in Roseville, I am the vice president of my neighborhood association, Fiddymont Farms Neighborhood Association, I am the chair of Board of Appeals, and vice chair of the Charter Review Commission. My comments last evening and in this letter, however, are my personal opinions.

I chose to move my family and bring the headquarters of my organization to Roseville because of its high quality of life and its history or being well run by people who truly care about our community. The thought of moving to district-based councilmembers is disheartening; I have seen up close and personal many cities where the "my district" mentality has led to myopic decision-making and poor policies. Of course, I understand the seriousness of CRVA and potential litigation and know there is no avoiding this transition. I hope that the future leaders of Roseville are able to keep the city-wide perspective and focus that has served us so well for so long.

While I understand the need to make the transition, I really don't understand the rush to move on this before the 2020 census is completed. The council is acting as if they have received a Demand Letter – yet they have not. It has not been alleged or demonstrated that Roseville has, in fact, impaired the ability of a protected class to influence an election. Nor has any dilution of voter been demonstrated.

I have heard many city leaders and councilmembers lamenting the fact that "we have to do this," when, in fact, this is a discretionary action of the city council. The council has *chosen* to act as if there is a demand letter, because they fear a demand letter.

It appears as if fear is guiding the process, rather than the best interests of the entire community.

*There is much wisdom in the adage, Haste Makes Waste...*

There are a number of issues with the accelerated timeline that has been established in an attempt to gain "safe harbor" protections for a *hypothetical threat of litigation*.

I believe moving forward in this manner will actually create *real* issues that will impact our residents, disenfranchise residents, create voter dilution, and expose the city to legal risk, including potentially being enjoined from implementing districts prior to the new census.

As you are well aware, Roseville has experienced a large amount of population growth since the last census. That growth has been concentrated in one geographic area – West Roseville ([see population growth](#)). Based on the recent growth rate, updating these projections to 2019 will likely add 2,500 additional people.

Year	Population	Growth	Annual Growth Rate	Year	Population	Growth	Annual Growth Rate
2018	139,117	4,016	2.97%	2013	126,659	2,348	1.89%
2017	135,101	2,402	1.81%	2012	124,311	1,715	1.40%
2016	132,699	2,738	2.11%	2011	122,596	2,801	2.34%
2015	129,961	1,657	1.29%	2010	119,795	39,874	4.13%
2014	128,304	1,645	1.30%				

Establishing districts based on the 2010 census would mean that over 20K residents primarily in one geographic area would be uncouncted.

*I am one of those residents that will not be counted*

Due to the geographic dispersion and the layout of the city, there are limited options for spreading the “new” residents amongst more than one district as lines are drawn. I have tried myself and it will be extremely difficult – if not impossible.

Creating city council districts just prior to the 2020 census will create an actual, definable group of 20K people whose votes will be suppressed – additionally, the votes of the “counted” residents in the new district(s) will be diluted by the 20K additional uncouncted people in the district. There are long-standing laws that prohibit the dilution of votes at the federal level. The courts have clearly and unambiguously stated that weighting votes differently according to where citizens happen to reside is discriminatory and that elected officials represent people, not areas. As far back as 1964 the Supreme Court held that The Equal Protection Clause requires substantially equal legislative representation for all citizens.

As noted by the demographers in their presentations, a concentration of Asian residents live in the area that will be uncouncted. Asian-American residents comprise one of the city’s largest minority group at 10%. Rushing to move to district elections will clearly create an environment wherein all “not counted” residents’ votes are diluted and demonstrate a clear issue in regard to the CRVA violations.

While this may not be an issue if the city were to be forced into moving to elections, but I believe one could successfully argue that this is an oppressive government action when it is a purely discretionary action by the legislative body.

Under this timeline, these new districts would only be used for one election cycle, then immediately re-drawn in 2020 with the new census. Due to the large uncouncted population the districts would have to be drastically redrawn. This could lead to people being in or out of a district one election cycle, then the opposite 2 years later. It is very likely that there will be voters that vote for district representatives 2 years in a row, while others don’t vote for 6 years. There is no doubt that this will lead to voter confusion – voter confusion is known to suppress voter turnout.

Additionally, there are a number of charter provisions that relate to the elections of councilmembers that cannot be modified in time for the 2020 election. This means that in one election cycle – and only one election cycle – candidates will be guided by campaign finance regulations that are designed for campaigning citywide, while running in a district that is 1/4<sup>th</sup>, 1/5<sup>th</sup>, or potentially 1/7<sup>th</sup> the size of the city. In a time when people are

demanding to get money out of politics, this will exponentially increase spending on a per-voter basis for one election.

Waiting a short time in order to receive accurate census data will ensure the *intent* of FVRA and CVRA are afforded to all residents of Roseville. Clearly stating the council's intention to move to district elections and articulating the unique factors that necessitate an 2022 implementation, along with articulating why this implementation date will best serve to preserve the voting rights and equal protection of all residents will lay a clear foundation for mitigating the potential of receiving a demand letter and the risk of litigation. Councilmember Houdesheldt provided numerous examples of cities that have planned 2022 implementation dates.

I strongly suggest the city council rescind the prior council resolution and pass a new resolution that clearly states, but not necessarily limited to, the following:

- The council's intent to move to district elections
- The council's intent to preserve the voting rights and equal protection of all residents
- Acknowledges the city's unique situation having experienced substantial growth since the 2010 census that has increased population by approximately 20%, primarily in one geographic area
- Moving to district elections prior to receiving the new census data will result in a significant dilution of vote for tens of thousands of residents
- Moving to district elections prior to receiving the new census data will result in resident confusion and potential voter suppression due to immediately changing district boundaries
- Two changes in district boundaries within 2 adjacent elections will very likely create an environment in which some residents may vote for council representatives twice in two years, while other may only vote once in six years.
- The council has formed a Charter Review Commission and placed the issue of determining the appropriate number of council representatives and whether or not to move to city-wide mayoral representation on the commission's workplan
- The council has formed a Charter Review Commission to do a comprehensive review of all charter provisions that will or may be impacted by a move to district elections.
- Moving to district elections prior to review of inter-related charter provisions will cause significant disparities in the amount of campaign dollars raised and spent by members of the same city council due to incompatibility of current campaign finance law with district elections
- The only way to protect the voting rights of all residents under the CVRA and FVRA is to ensure that all residents are counted, preserving the legal requirement and moral imperative of *one person, one vote* and *equal protection under the law*.
- The only way to establish fair and equitable districts is to await the results of the impending federal census vote.

Again, the city is not "Forced" into doing this. The council has chosen to take this route due to a perceived – not actual – threat of litigation. Managing risk is important but *ensuring the integrity of your elections and the voice of the residents is More Important*. Not doing so, in my opinion, places the city in a higher level of risk due to its own, discretionary actions to create a crisis that doesn't yet exist and will create real issues of voter disenfranchisement, voter dilution, confusion, and community angst that are contrary to the intent of the CRVA and the FVRA.

Taking the course of action that is in the best interest of all residents will guide you to the safest harbor of all.

Thank you again for providing a forum for me to raise these important issues for the benefit of our community.