

RESOLUTION 18-092

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS WITH A DIRECTLY-ELECTED MAYOR PURSUANT TO ELECTIONS CODE SECTION 10010 AND GOVERNMENT CODE SECTION 34886

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

WHEREAS, the City currently has a directly-elected Mayor; and

WHEREAS, Government Code section 34886 gives the City the authority to switch by ordinance from “at-large” to “by-district” elections, where each member of the City Council is elected only by the voters in the district in which the candidate for City Council resides; and

WHEREAS, on May 22, 2018, the City Clerk and the Mayor received a letter from attorney Kevin I. Shenkman, on behalf of his client the Southwest Voter Registration Education Project (“SVREP”), alleging the City’s at-large system of elections violates the California Voting Rights Act (“CVRA”); demanding the City switch to a “by-district” system of elections; and threatening to sue the City if the City did not voluntarily adopt an ordinance changing to a “by-district” system of elections; and

WHEREAS, the City denies its election 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 concluded it is in the public interest to begin the process of transitioning from “at-large” to “by-district” elections, while maintaining a directly-elected Mayor, due to the uncertainty of litigation to defend against a CVRA lawsuit and the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, pursuant to Elections Code section 10010(e), if the City adopts “a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so,” then a prospective plaintiff may not bring a CVRA lawsuit within 90 days of the resolution’s passage; and

WHEREAS, pursuant to Elections Code section 10010(f), if a City adopts an ordinance establishing a district-based system of elections, then potential plaintiffs who threatened litigation prior to the City passing a resolution of intention may seek attorney’s fees and other

costs from the City for preparing the notice pursuant to Elections Code section 10010(e), but those costs are capped at \$30,000; and

WHEREAS, prior to adopting an ordinance establishing district-based elections with a directly-elected Mayor in the City, Elections Code section 10010 requires all of the following:

A. Prior to drawing any proposed district boundary maps, the City shall hold at least two 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. Before those hearings, the City may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.

B. 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. The City shall also hold at least two 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 maps and the proposed sequence of elections. The first version of a draft map shall be published at least seven 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 days before being adopted.

WHEREAS, the timeline attached as Exhibit “A” to this Resolution is intended to comply with the above requirements for adopting an ordinance establishing district-based elections; and

WHEREAS, the City intends to retain a demographic consultant to assist with the process of establishing a district-based system of elections and the drawing of district maps.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

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

SECTION 2. The City Council intends to transition from at-large to district-based elections, with a directly-elected Mayor, in time for the November 2020 City election pursuant to Elections Code section 10010 and Government Code section 34886.

SECTION 3. The City Council hereby approves the tentative timeline included as Exhibit “A” to this Resolution, which also describes the specific steps the City intends to undertake to facilitate the transition from at-large to district-based elections.

SECTION 4. The timeline described in Exhibit “A” of this Resolution is subject to adjustment by the City Council as it deems necessary; provided, that such adjustments shall not prevent the City from meeting its goal of finalizing the change to district-based elections with a

directly-elected Mayor for the November 2020 elections. Any such adjustments shall also ensure compliance with the statutory requirements of Elections Code section 10010.

SECTION 5. The City Manager and the City Attorney are hereby directed to take the steps necessary to implement this Resolution.

SECTION 6. This Resolution is effective on the day of its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Carson, California, at a regular meeting held on the ____ day of _____, 2018.

ATTEST:

Mayor Albert Robles

City Clerk Donesia Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani

EXHIBIT A
TENTATIVE TIMELINE FOR ADOPTION OF DISTRICT-BASED ELECTIONS

DATE	EVENT	COMMENT
May 22, 2018	City Received Demand Letter	City has 45 Days to Adopt Resolution of Intent to switch to district elections. 45 days from this date is July 6, 2018.
July 3, 2018	Adopt Resolution of Intent	CVRA lawsuit cannot be filed for 90 days. 90 days from this date is October 1, 2018
July 9, 2018 - July 16, 2018	Public Outreach Regarding Process	
July 17, 2018	First Public hearing	Hearing regarding composition of maps and public input, but no draft maps are drawn
August 7, 2018	Second Public Hearing	Hearing regarding composition of maps and public input, but no draft maps are drawn
August 14, 2018	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence of elections must be posted publicly at least 7 days prior to the next public hearing
August 21, 2018	Third Public Hearing re Draft Maps	City Council considers the draft maps, with input from the public
September 4, 2018	Fourth Public Hearing Re Draft Maps; Select Map and Introduce Ordinance	City Council considers the draft maps, with input from the public; If no changes, then City Council may select a map and introduces the ordinance
September 18, 2018	Second Reading of	Ordinance is adopted.

	Ordinance	
October 1, 2018	Day 90	Plaintiffs could file their lawsuit.
November 2020	First District Elections	