

RESOLUTION NUMBER 19-179

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CALLING FOR THE HOLDING OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, FOR THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY A CERTAIN MEASURE RELATING TO AN AMENDMENT OF THE CITY CHARTER TO CHANGE REQUIREMENTS FOR THE ELECTION OF CITY COUNCILMEMBERS FROM AT LARGE TO DISTRICT ELECTIONS

WHEREAS, the City Council of the City of Carson, under the provisions of the Charter of the City of Carson, calls for the holding of a Special Municipal Election to be held on March 3, 2020 to consider a ballot measure concerning an amendment to the City Charter, and further desires that this election be consolidated with the Statewide Primary Election to be held on the same date; and

WHEREAS, on November 6, 2018, the voters of the City of Carson approved the adoption of a City Charter for the City of Carson; and

WHEREAS, Section 301 of the Carson Charter provides that councilmembers must be elected “at large”; and

WHEREAS, on September 11, 2019, Southwestern Voter Registration Education Project filed a lawsuit against the City, alleging the City’s at large system of elections violates the California Voting Rights Act (“CVRA”); and

WHEREAS, the City denies 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 it has conducted its elections of councilmembers; and

WHEREAS, despite the foregoing, the City seeks the authority to provide district elections rather than “at large” elections; and

WHEREAS, changing the mandate in Section 301 of the Carson Charter that councilmember elections must be “at large” to “by district” will provide the City with the authority to hold district elections without further amendment of the Carson Charter; and

WHEREAS, pursuant to authority provided by Article XI of the California Constitution; Title 4, Division 2, Chapter 2 of the Government Code (commencing at §34450); and Division 9, Chapter 3, Article 3 (commencing at § 9255) of the Elections Code of the State of California, the City Council of the City of Carson desires to submit to the voters a proposed charter amendment to change the mandate in Section 301 of the Carson Charter that councilmember elections must be “at large” to “by district”; and

WHEREAS, California Elections Code section 1415 provides that the City Council may direct that a “charter proposal that proposes to amend a charter solely to comply with a court injunction or consent decree or with federal or state voting rights laws” be “submitted to the voters ... at any established statewide primary election... ”; and

WHEREAS, an established statewide primary election is scheduled for March 3, 2020; and

WHEREAS, the City Council of the City of Carson desires to submit to the voters a proposed amendment to the Charter for the City of Carson which will change the mandate in Charter Section 301 that councilmember elections must be “at large” to “by district” for consideration of adoption at the Special Municipal Election to be held on March 3, 2020; and

WHEREAS, it is desirable that said Special Municipal Election be consolidated with the Statewide Primary Election to be held on the same date and that within the City of Carson the precincts, polling places and election officers of the two elections be the same, and that the County Election Department of the County of Los Angeles canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, the City Council is authorized and directed by statute to submit the proposed charter amendment to the voters; and

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

Section 1. That the City Council of the City of Carson finds and determines that the facts set forth in the recitals of this Resolution are true and correct and incorporated herein by reference as though set forth in full.

Section 2. That pursuant to the requirements of the Charter of the City of Carson, and the authority provided by California Elections Code section 1415, there is called and ordered to be held in the City of Carson, California, on Tuesday, March 3, 2020, a Special Municipal Election for the purpose of submitting to the voters of the City of Carson a ballot measure. The full text of the measure is attached hereto and marked as Exhibit A. As required by Elections Code Section 13247, the abbreviated form of the measure to appear on the ballot is specified below in Section 2. The City Clerk is hereby authorized and directed to make any changes to the text of the proposition or this resolution as required to conform to any requirements of the Los Angeles County Registrar of Voters.

Section 3. That the City Council of the City of Carson, pursuant to its right and authority, hereby orders submitted to the voters at the Special Municipal Election to be held on Tuesday, March 3, 2020 the following question:

Shall the measure, amending the City Charter so that	YES
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councilmember elections shall be “by district” (meaning councilmember candidates shall reside within an election district that is a divisible part of the City and councilmembers are elected by voters residing within their election district) rather than “at large” (meaning all voters of the City elect councilmembers without respect for election districts), be adopted?	NO
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Section 4. That the text of the proposed amendment to the City Charter for the City of Carson, as provided in the question above, is to be submitted to the voters as a proposed measure and is attached as Exhibit “A” to this resolution.

Section 5. That the vote requirement for the ballot measure to pass is a majority (50% +1) of the votes cast.

Section 6. That the ballots to be used at the election shall be in form and content as required by law.

Section 7. That the City Clerk is authorized, instructed and directed to coordinate with the County of Los Angeles Clerk-Recorder to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

Section 8. That the polls for the election shall be open at seven o'clock a.m. of the day of the election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code Section 10242, except as provided in Section 14401 of the Elections Code of the State of California.

Section 9. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding a Special Municipal Election consolidated with a Statewide Primary Election.

Section 10. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form, and manner as required by law.

Section 11. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Statewide Primary Election on Tuesday, March 3, 2020, for the purpose of submitting to the voters a ballot measure concerning amendment of the Carson Charter.

Section 12. That the County Election Department is authorized to canvass the returns of the Special Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

Section 13. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

Section 14. That the City of Carson recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs incurred by reason of this consolidation.

Section 15. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Los Angeles.

Section 16. That the City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

Section 17. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

Section 18. That 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 _____, 2019.

Mayor Albert Robles

ATTEST:

City Clerk Donesia L. Gause-Aldana

APPROVED AS TO FORM:

City Attorney Sunny K. Soltani