

**REQUEST FOR COUNCIL ACTION**

**SUBJECT: DISCUSSION AND POSSIBLE ACTION RELATING TO A RESOLUTION ESTABLISHING CRITERIA FOR SINGLE-MEMBER VOTING DISTRICTS**

**MOTION:**

I move that the City Council adopt Resolution No. 7664.

**STAFF RECOMMENDATION:**

Staff recommends that the City Council adopt Resolution No. 7664 establishing criteria for single-member voting districts.

**DISCUSSION:**

The California Voting Rights Act of 2001 (CVRA), Elections Code §§ 14025-14032, was enacted to implement the California constitutional guarantees of equal protection and the right to vote. If “dilution or the abridgement of the rights of voters exists in an at-large election system” it “impairs the ability of a protected class to elect candidates of its choice[...]”, and therefore violates State Code. A number of cities throughout the State face lawsuits and the threat of lawsuits pursuant to this legislation. Given the litigation risk and potential for associated financial impact on the City, the City Council has indicated its preference to use the ability to switch its election system by ordinance granted to it by Government Code § 34886. This code provides that the legislative body of a city with a population of fewer than 100,000 people may adopt an ordinance to move to By-District elections without being required to submit the ordinance to the voters for approval.

The threshold to establish liability under the CVRA is extremely low and, to date, no City in California has prevailed on the substance of a CVRA claim. Because of the way the Legislature drafted the CVRA, jurisdictions with an at-large election system have a potential of facing litigation. The safest action for any jurisdiction is to preemptively begin the process of changing its election systems.

In May 2016, the Council provided direction to staff to seek outside consultation regarding the (CVRA) and the potential change to district elections for Council Members. In July 2016, the Council awarded this work to National Demographics Corporation.

Since July 2016, staff has worked with National Demographics Corporation to develop public outreach tools, geographic information layers of the City, and line drawing criteria for establishing council district boundaries. Presented to Council for its consideration is Resolution No. 7664 to establish these criteria as a basis for future discussion and public input. The proposed criteria are as follows:

Legal Requirements for Criteria

1. Each Council District shall contain a nearly equal number of inhabitants
2. Council District borders shall be drawn in a manner that complies with the Federal Voting Rights Act
3. Each council district shall not be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in Shaw v. Reno, 509 U.S. 630 (1993), and its progeny

Additional Standard Requirements adopted by most municipalities

1. Council districts shall consist of contiguous territory in as compact form as possible
2. Council districts shall respect communities of interest as much as possible
3. Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible
4. District borders shall respect the previous choices of city voters by avoiding the creation of head-to-head contests between Councilmembers previously elected by the voters of the City, insofar as this does not conflict with Federal or State Law

The attached Resolution, if approved, would affirm Council's intent to adopt a By-District election system pursuant to Government Code section 34886 for implementation at the City's 2018 General Municipal Election.

**FISCAL IMPACT:**

There is no fiscal impact at this time.

**STRATEGIC PLAN:**

Not applicable.

**ATTACHMENT:**

Resolution No. 7664

Prepared by:

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**DANIELLE GARCIA**  
Chief Innovation Officer

Recommended by:

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**N. ENRIQUE MARTINEZ**  
City Manager

Reviewed by:

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**JANICE MCCONNELL**  
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Reviewed by:

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**DANIEL J. MCHUGH**  
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Reviewed by:

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