

## **RESOLUTION NO. 4122-2018**

### **RESOLUTION OF THE FORT BRAGG CITY COUNCIL REAFFIRMING THE DECISION TO RESCIND AND REVOKE RESOLUTION NO. 4109-2018 DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE ELECTIONS FOR CITY COUNCIL TO DISTRICT-BASED ELECTIONS FOR CITY COUNCIL**

**WHEREAS**, members of the City Council of the City of Fort Bragg (City) are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

**WHEREAS**, Section 34886 of the California Government Code authorizes the legislative body of a City, under certain circumstances, 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 Councilmember resides; and

**WHEREAS**, on April 17, 2018, the City received a certified letter from Jacob R. Patterson, on behalf of his client Coast Committee for Responsive Representation, asserting that the City's at-large electoral system violates the California Voting Rights Act (CVRA) and "strongly encouraging" the City to implement the safe harbor provisions of Elections Code Section 10010, including by-district City Council Elections; and

**WHEREAS**, on May 25, 2018, the City received a second certified letter from Jacob R. Patterson, on behalf of his client Coast Committee for Responsive Representation, which rescinded the April 17, 2018 letter and concurrently resubmitted the assertion that the City's at-large electoral system violates the California Voting Rights Act (CVRA) and "strongly encouraging" the City to implement the safe harbor provisions of Elections Code Section 10010, including by-district City Council Elections. The result of the letter was to reset the forty-five (45) day notice period provided for in the California Elections Code Section 10010; and

**WHEREAS**, the certified letter from Mr. Patterson received by the City did not include and was not accompanied by any evidence to support the claim of a CVRA violation, nor at this time is the City aware of any such evidence; and

**WHEREAS**, California Elections Code Section 10010 provides a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the CVRA; and

**WHEREAS**, California Elections Code Section 10010 will delay CVRA litigation and place a cap on the recovery of attorneys' fees associated with a CVRA claim, if, within forty-five (45) days of receipt of a claim under the CVRA, the City adopts a resolution stating its intent to transition to district-based elections, and within ninety (90) days thereafter (or as otherwise stipulated by the parties), the City adopts an ordinance transitioning to a district-based election system consistent with the intent and purpose of the CVRA; and

**WHEREAS**, on July 9, 2018, the City Council adopted Resolution No. 4109-2018, declaring its intent to transition from an at-large election system for City Councilmembers to a district-based election system and setting forth a tentative timeline for conducting public hearings, formulating proposed district maps and election systems and for presenting a draft ordinance to City Council for decision; and

**WHEREAS**, the City held public hearings on July 23, 2018 and August 13, 2018 for the purpose of seeking public input on the possible composition and boundaries of the five separate districts. In general, the input received from the public at both of those hearings disfavored transitioning to a district-based election system, and input regarding the composition of the district boundaries was limited; and

**WHEREAS**, in anticipation of possible litigation for the CVRA claim, the City commissioned National Demographics Corporation to provide demographic and election history profiles and racially polarized voting analysis. The results were statistically unreliable, due to the small number of voting precincts in the City, but indicated that the winners of the 2016 election were supported by the Latino voters and two of the three candidates in the 2014 election were supported by Latino voters; and

**WHEREAS**, the City Council, after hearing from the public on August 13, 2018, had further discussion regarding the transition to district-based elections, including the cost to transition to district based elections, the conclusion that no district map could be drawn in a way that even a single district would contain a voting block majority of Latino citizens of voting age, lack of public support by the Latino community for the transition and the potential cost and risk associated with CVRA litigation; and

**WHEREAS**, the City Council, at the end of the public hearing on August 13, 2018 unanimously approved a motion to revoke Resolution No 4109-2018; and

**WHEREAS**, based on all the evidence presented, the City Council finds as follows:

1. No substantive evidence has been provided that the City's at-large electoral system violates the California Voting Rights Act (CVRA).
2. Based on the small number of voting districts and small population of the City of Fort Bragg, it is not in the best interest of the community, including the Latino/Hispanic members, to transition to a district-based election system for City Councilmembers.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby rescind and revoke Resolution No. 4109-2018, which sets forth the City's intent to transition from at-large elections for City Council to district-based elections for City Council.

**The above and foregoing Resolution was introduced by Councilmember Norvell, seconded by Councilmember Cimolino, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 10<sup>th</sup> day of September 2018, by the following vote:**

**AYES:** Councilmembers Cimolino, Lee, Norvell, Turner and Mayor Peters.  
**NOES:** None.  
**ABSENT:** None.  
**ABSTAIN:** None.  
**RECUSED:** None.

  
\_\_\_\_\_  
**LINDY PETERS**  
Mayor

**ATTEST:**

  
\_\_\_\_\_  
**June Lemos, CMC**  
City Clerk