

## RESOLUTION NO. 44-2018

### A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFICA DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE ELECTIONS TO BY DISTRICT ELECTIONS

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**WHEREAS**, members of the City Council of the City of Pacifica ("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**, the City received a letter on August 20, 2018, from Kevin Shenkman of the law firm Shenkman & Hughes asserting that the City's at-large election system violates the California Voting Rights Act ("CVRA") and alleging that voting within Pacifica is "racially polarized", and

**WHEREAS**, the letter was not accompanied by any evidence and the City denies its election system violates the CVRA 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 that it is in the public interest to begin the process of transitioning from at-large to by district elections due to the public benefit of having elected representatives in each geographic area of the City; as well as the uncertainty of litigation and the potentially extraordinary costs of defending against a CVRA challenge, and

**WHEREAS**, California Government Code section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an at-large system to a district-based system in which each councilmember is elected only by the voters in the district in which the candidates reside, and

**WHEREAS**, California Elections Code section 10010 provides safe harbor provisions which would limit the City's exposure, if followed, to transition to a by district election system, and

**WHEREAS**, California Elections Code section 10010(e) provides that if the City adopts a resolution outlining its intention to transition from at-large to district-based elections, and the specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so, a prospective plaintiff may not bring a CVRA lawsuit within ninety (90) days after that resolution's passage, and

**WHEREAS**, a tentative timeline has been prepared, which is attached hereto and incorporated by reference as Exhibit A, which provides the specific steps that the City will undertake and the estimated time frame for transitioning to district-based elections.

**NOW, THEREFORE BE IT RESOLVED** that the City of Pacifica, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

1. The City Council hereby expresses its intent to transition from an at-large election system to a by district election system as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020.
2. The City Council hereby approves the tentative timeline contained in Exhibit A attached hereto, and incorporated herein by this reference, for conducting a public process to solicit public input and testimony on proposed by district electoral plans before adopting any such plan.
3. This tentative timeline contained in Exhibit A shall be subject to adjustment provided that such adjustments shall not prevent the City from meeting its goal of finalizing the change to by district elections within ninety (90) days of adoption of this Resolution.
4. The City Manager shall continue to work with the City Attorney and demographer, National Demographic Corporation (NDC), to resolve all legal issues necessary to give effect to this Resolution and to meet the timelines set forth in Exhibit A.

. . . . .

**PASSED AND ADOPTED** at a regular meeting of the City Council of the City of Pacifica, California, held on the 24<sup>th</sup> day of September 2018, by the following vote:


**AYES**, Councilmembers: Keener, Vaterlaus, O'Neill, Martin

**NOES**, Councilmembers: Digre

**ABSENT**, Councilmembers:

**ABSTAIN**, Councilmembers:

**CITY OF PACIFICA**

By:   
\_\_\_\_\_  
Mayor John Keener

ATTEST:

  
\_\_\_\_\_  
Sarah Coffey, City Clerk

APPROVED AS TO FORM:

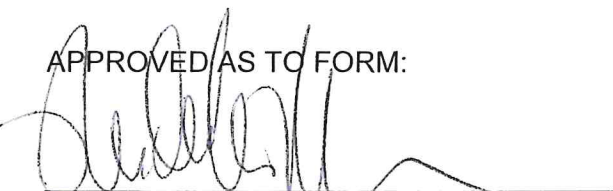
  
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Michelle M. Kenyon, City Attorney

EXHIBIT A

Tentative Timeline

Date of Meeting	Goals
September 24, 2018	Adopt Resolution of Intention to Transition to By District Elections.
October, 2018 (1 <sup>st</sup> Meeting w/in 90 day period)	Public hearing to give background on CVRA, introduce mapping tools and information on process.
October, 2018 (2 <sup>nd</sup> Meeting w/in 90 day period)	Public hearing to give background on CVRA, introduce mapping tools and information on process.
November, 2018 (3 <sup>rd</sup> Meeting w/in 90 day period)	First public hearing where maps can be drawn.
December, 2018	Second public hearing to confirm maps and sequencing.
December, 2018	Introduction and first reading of Ordinance.
December, 2018	Second reading and adoption of Ordinance.