

RESOLUTION NO.NS-29,657

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA CRUZ  
DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-  
BASED ELECTIONS AND SETTING FORTH THE SPECIFIC STEPS FOR  
TRANSITIONING TO DISTRICT-BASED ELECTIONS BY NOVEMBER OF 2022

WHEREAS, members of the City Council of the City of Santa Cruz (“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, California Government Code Section 34886 permits 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 council member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter dated February 13, 2020 (“Notice”) from Attorney Robert Goodman, on behalf of Gabriela Joseph (“Prospective Plaintiff”), asserting that the City’s at-large council member electoral system violates the California Voting Rights Act (“CVRA”) and threatening litigation if the City declines to voluntarily change to a district-based election system for electing council members; and

WHEREAS, under the Elections Code Section 14028(a), a CVRA violation is established if it is shown that racially polarized voting occurs in elections. “Racially polarized voting” means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, the CVRA allows Prospective Plaintiff to file a lawsuit against the City if the City does not adopt a resolution of intent to institute district-based elections within a timely fashion (Elections Code section 10010); and

WHEREAS, the Notice states that if the City declines to timely adopt a resolution of intention to transition to district-based elections, Prospective Plaintiff will commence a lawsuit to compel district-based elections; and

WHEREAS, the Prospective Plaintiff offered to consider a settlement agreement whereby the City would not be required to institute district-based elections until the November 2022 regular election in order to allow 2020 census data to be taken into account in drawing the district boundaries; and

WHEREAS, the City denies that it’s at-large 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

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WHEREAS, the City Council has determined that the public interest would be better served by transitioning to a district-based electoral system because of: (1) the extraordinary cost to defend against a CVRA lawsuit; (2) the risk of losing such a lawsuit which would require the City to pay the prevailing plaintiffs' attorneys' fees; and (3) the reimbursable costs and attorneys' fees would be capped at a maximum of \$30,000 by following the procedures set forth in Elections Code Section 10010; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting Council Member, each of whom will serve out his or her current term.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Santa Cruz as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. Before the November 2022 regular election, the City Council will consider adoption of an ordinance to institute a district-based election system, as authorized by Government Code Section 34886.

SECTION 3. Prior to considering an ordinance to establish district boundaries for a district-based election system, the City will follow the requirements set out within Elections Code section 10010 to solicit public input in the district map drawing process.

PASSED AND ADOPTED this 26<sup>th</sup> day of May, 2020, by the following vote:

AYES: Councilmembers Beiers, Mathews, Brown, Golder, Watkins; Vice Mayor Meyers; Mayor Cummings.

NOES: None.

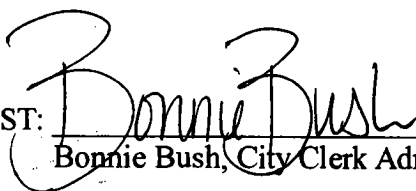
ABSENT: None.

DISQUALIFIED: None.

APPROVED:

  
Justin Cummings, Mayor

ATTEST:

  
Bonnie Bush, City Clerk Administrator