

RESOLUTION NO. 12402

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAMPBELL
DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-
BASED ELECTIONS FOR CITY COUNCIL PURSUANT TO ELECTIONS CODE
SECTION 10010(E)(3)(A), EFFECTIVE FOR THE NOVEMBER 2020 GENERAL
MUNICIPAL ELECTION**

WHEREAS, the City of Campbell, is a municipal corporation and general law city duly organized and existing under and pursuant to the Constitution and laws of the State of California ("City"); and

WHEREAS, members of the City Council of the City of Campbell ("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 authorizes the legislative body of a city 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, on December 3, 2018 the City Clerk received by certified mail a letter from attorney Kevin I. Shenkman asserting that the City's at-large election system violates the California Voting Rights Act of 2001 (Elections Code §§14025-14032) ("CVRA") and threatening to sue the City unless the City transitions to a district-based election system for its city council; and

WHEREAS, a violation of the CVRA is established if it can be proven that "racially polarized voting" occurs in the City's at-large election system. 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 or other electoral choices that are preferred by voters in the rest of the electorate (Elections Code §14026(e)); and

WHEREAS, the City Council has been advised that defending a lawsuit filed pursuant to the CVRA will require the City to incur legal fees and costs potentially in the hundreds of thousands of dollars for the City's own defense, and additional liability of potentially hundreds of thousands of dollars in legal fees and costs payable to the prevailing plaintiffs if the City is unsuccessful; and

WHEREAS, if the City elects to transition to a district-based election system within the timeframe established in Elections Code section 10010, then the City is protected from the filing of a CVRA lawsuit with its incumbent costs, and its liability to the potential plaintiffs for legal fees will be capped at prescribed by Government Code 10010 (3); and

WHEREAS, the City Council finds that it is in the best interests of the City to act within the safe-harbor timeframe provided by Elections Code Section 10010 to transition from an at-large election system to a district-based election system for electing the mayor and city councilmembers; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based electoral system, California Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts;
2. After all draft maps are drawn, City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published. The City Council shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

WHEREAS, the City will retain an experienced demographer to assist the City to develop a proposal for a district-based electoral system; and

WHEREAS, the adoption of a district-based electoral system will not affect the term 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 Campbell as follows:

1. The City Council hereby outlines its intent to transition to a district-based election system as authorized by Government Code Section 34886 for use in the City's General Municipal Election for City Council Members beginning in November 2020.
2. The City Council directs staff to engage a demographer, and other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner

consistent with the intent and purpose of the California Voting Rights Act and the Federal Voting Rights Act.

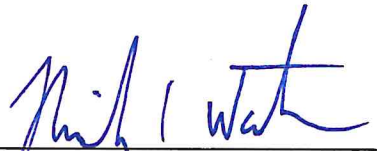
3. The City Council approves the tentative timeline set forth in Exhibit A, attached to and made a part of this resolution, for conducting a public process to solicit public input on proposed district-based electoral maps before adopting any such map.
4. The City Council directs staff to institute a program for public outreach and to inform the residents of Campbell of this resolution and the process set forth in Exhibit A, and to facilitate and encourage public participation.
5. The timeline contained in Exhibit A may be adjusted as deemed necessary, provided that such adjustments shall not prevent the City from complying with the time frames by Election Code Section 10010.

PASSED AND ADOPTED this 15TH day of January, 2019 by the following roll call vote:

AYES: Councilmembers: Resnikoff, Bybee, Gibbons, Landry, Waterman

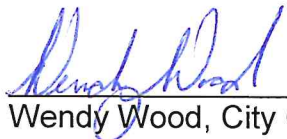
NOES: Councilmembers: None

APPROVED:



Richard M. Waterman, Mayor

ATTEST:



Wendy Wood, City Clerk

EXHIBIT
A
DRAFT
TIMELINE / CHECKLIST

Letter Received by City Clerk's Office: December 3, 2018 45-Day
Deadline [AB 350(e)(3)(A)]: January 17, 2019
90-Day Deadline [AB 350(e)(3)(B)]: April 15, 2019

No.	Task	Date / Timeline	Notes
1	Council Meeting – Initial Consideration of Topic – Item to Introduce Topic, Seek Council Direction on How to Proceed, Adopt Resolution	January 15, 2019	
2	Council Meeting/Public Hearing #1 Consider public input on composition of districts	February 5, 2019	Before Map(s) Drawn – E.C. 10010(a)(1)
3	Council Meeting/Public Hearing #2 Consider public input on composition of districts	February 19, 2019	Before Map(s) Drawn – E.C. 10010(a)(1), within 30 days of Public Hearing #1
5	Publish Draft Map(s) and Sequencing	By February 25, 2019	E.C. 10010(a)(2), Published Once at Least 7 Days Prior to Public Hearing #3
6	Council Meeting / Public Hearing #3 Consider draft maps and election sequence district elections	March 5, 2019	After Map(s) and Sequencing Published E.C. 10010(a)(2), More than 7 Days After Draft Map(s) and Sequencing Publication
7	Council Meeting / Public Hearing #4 – Introduction / First Reading of Ordinance Consider draft maps election sequence, and introduce ordinance establishing district elections	March 19, 2019	After Map(s) and Sequencing Published E.C. 10010(a)(2), within 45 days of Public Hearing #3
8	Council Meeting – Second Reading of Ordinance	April 2, 2019	Publish Entire Adopted Ordinance
	Day 90	April 15, 2019	
9	Ordinance Effective 30 Days After Adoption	May 15, 2019	Government Code 36937 (Election Ordinance Effective Immediately) Unless Charter
10	Council Members Transition to Representing Their Respective Districts via Ordinance	November 2020 November 2022	