

RESOLUTION NO. 4949

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER 2022

WHEREAS, members of the City Council of the City of Arroyo Grande ("City") are currently elected in at-large elections in which each of the four Council members along with the Mayor are elected through a City-wide vote; and

WHEREAS, California Government Code Section 34886 permits the legislative body of a city to adopt an ordinance that requires members of the legislative body to be elected by district with an elective mayor, without being required to submit the ordinance to the voters for approval; and

WHEREAS, on October 2, 2019, the City received a letter entitled Notice of Violation of California Voting Rights Act ("Notice") from attorney Robert Goodman on behalf of Maria Minicucci ("Prospective Plaintiff"), asserting that the City's method of conducting elections may violate the California Voting Rights Act ("Act") and threatening litigation if the City doesn't voluntarily transition to a district-based election system; and

WHEREAS, a violation of the Act may be established if it is shown that racially polarized voting occurs in elections in the jurisdiction; and

WHEREAS, the Act provides a means for prospective plaintiffs to allege racially polarized voting combined with an at-large voting system impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election and to seek a change from a jurisdiction's at-large election system to a district-based system; and

WHEREAS, the Act allows prospective plaintiffs to file a lawsuit against the City if the City does not adopt a resolution of intent to transition to district-based elections within 45 days of the Notice; and

WHEREAS, 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 U.S. Census data to be used in drawing district boundaries; and

WHEREAS, the City denies the assertion that its at-large system violates the Act or any other law and asserts that the City's election system is legal in all respects; and

WHEREAS, the City Council has concluded that the public interest would best be served by transitioning to a district-based election system with an elective mayor due to the

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inherent uncertainties and costs associated with defending the City's at-large election system.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Arroyo Grande as follows:

1. The above recitals are true and correct and incorporated herein by this reference.
2. Before the November 2022 regular election, the City Council will consider adoption of an ordinance to institute a district-based election system with an elective mayor as authorized under Government Code Section 34886.
3. Prior to considering an ordinance to establish district boundaries for a district-based election system with an elective mayor, the City will follow the requirements pursuant to Elections Code Section 10010 including:
 - a. Hiring a qualified consultant to provide demographic services and assist in the preparation of proposed district maps;
 - b. Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation;
 - c. Before drawing a draft map or maps of the proposed division boundaries, hold at least two public hearings at which the public is invited to provide input regarding the composition of the districts and to consider district boundaries;
 - d. After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the district elections and hold at least two public hearings at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections; and
 - e. Hold a public hearing at which the City Council will consider and adopt an ordinance establishing district-based elections with an elective mayor, including a district boundary map and the sequence of the district elections.
4. This Resolution shall take effect upon its adoption.
5. The City Manager is hereby authorized to enter into a professional services agreement as necessary with a consultant qualified to provide demographic services to the City.

On motion of Mayor Ray Russom, seconded by Council Member Paulding, and on the following roll call vote, to wit:

AYES: Mayor Ray Russom and Council Members Paulding, Storton, George, Barneich

NOES: None

ABSENT: None

The foregoing Resolution was passed and adopted this 22nd day of October, 2019.



CAREN RAY RUSSOM, MAYOR

ATTEST:



KELLY WETMORE, CITY CLERK

APPROVED AS TO CONTENT:



JAMES A. BERGMAN, CITY MANAGER

APPROVED AS TO FORM:




HEATHER WHITHAM, CITY ATTORNEY

OFFICIAL CERTIFICATION

I, **KELLY WETMORE**, City Clerk of the City of Arroyo Grande, County of San Luis Obispo, State of California, do hereby certify under penalty of perjury, that the attached Resolution No. 4949 was passed and adopted at a regular meeting of the City Council of the City of Arroyo Grande on the 22nd day of October, 2019.

WITNESS my hand and the Seal of the City of Arroyo Grande affixed this 23rd day of October, 2019.



KELLY WETMORE, CITY CLERK