

RESOLUTION NO. 2019-191

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING ITS INTENT TO TRANSITION TO BY-DISTRICT (DISTRICT-BASED)
CITY COUNCILMEMBER ELECTIONS CONSISTENT WITH
ELECTIONS CODE SECTION 10010**

WHEREAS, the City of Elk Grove ("City") is a general law city and currently has a "from-district" election method whereby four members of the City Council are required to reside within designated districts of the City, with voters of the entire City electing these four members of the City Council, which election method is considered an "at-large method of election" under Elections Code section 14026; and

WHEREAS, the City has an elected Mayor, pursuant to Government Code section 34902, whereby the Mayor is directly elected on a citywide basis by the voters of the entire City for a two-year term; and

WHEREAS, on July 15, 2019, the City received a letter by certified mail from the law firm of Shenkman & Hughes, P.C. asserting that the City's at-large City Council electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation against the City if the City does not voluntarily change its at-large system of electing City Councilmembers; and

WHEREAS, Government Code section 34886 authorizes the City to adopt an ordinance to change to a by-district system without submitting the ordinance to the voters for approval; and

WHEREAS, while the City Council feels that the City's current system of election is consistent with applicable law, including, without limitation, the California Voting Rights Act of 2001 (Elections Code sections 14025, *et seq.*) given the risk and costs of potential litigation over the City's election method, and other considerations of the City Council, the City Council intends to transition to a by-district (district-based) method of election whereby four members of the City Council would be elected by voters of an identified district within the City alone, all in furtherance of the purposes of the California Voting Rights Act of 2001; and

WHEREAS, the City intends to retain an elected mayor, who shall remain elected on a citywide basis by the voters of the entire City for a two-year term.

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The City Council hereby expresses its intent to transition to a by-district (district-based) system of election for its four City Councilmembers, as set forth herein; and
- 2) The City Council intends to commence the process for drawing of district maps for district boundaries consistent with the procedures set forth at Elections Code section 10010, including the holding of public hearings and meetings as required by Elections Code section 10010 and/or other

applicable law; the estimated time frame to facilitate this transition to a by-district (district-based) election method is ninety (90) days from the date of passage of this resolution, which estimated time frame is subject to revision; and

- 3) The City Council directs the City Manager to retain the services of a qualified demographic consultant to assist in the development of districts maps; and
- 4) Following the development of district maps, the City Council intends to adopt an ordinance transitioning to a by-district (district-based) election method, pursuant to Elections Code section 10010 and Government Code section 34886, utilizing the district maps developed through the district mapping process; and
- 5) The City intends by the ordinance transitioning to a by-district (district-based) election method to retain the position of a directly elected mayor as an office elected on a citywide basis by the voters of the entire City for a two-year term.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of August 2019



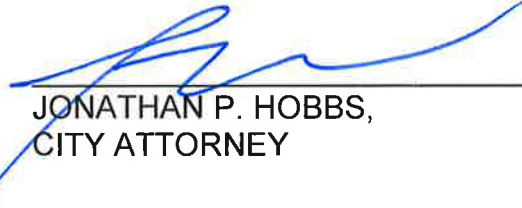
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-191

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 28, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California

