

**CITY OF SAN MATEO
RESOLUTION NO. 69 (2021)**

**DECLARING AN INTENT TO TRANSITION FROM AT-LARGE TO
BY-DISTRICT COUNCIL MEMBER ELECTIONS UNDER ELECTIONS CODE SECTION 10010**

WHEREAS, under the City Charter of the City of San Mateo (the “City”) members of the City Council are currently elected in “at-large” elections, in which each Council Member is elected by the registered voters of the entire City; and

WHEREAS, on May 24, 2021, the City received a certified letter from attorney Scott J. Rafferty asserting that the City’s at-large council member electoral system violates the California Voting Rights Act (“CVRA”); and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code section 14028(a)). “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, although Mr. Rafferty’s letter was not accompanied by evidence of the existence of racially polarized voting or evidence supporting the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA; and

WHEREAS, the California Legislature has provided a procedure whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under Elections Code section 10010. Under that procedure, a jurisdiction can limit the amount of its liability to prospective plaintiffs and their attorneys to a maximum amount of approximately \$30,000 for reimbursable expenses and costs (the “safe harbor provision”); and

WHEREAS, the City denies that its at-large election system violates the CVRA or any other provision of law and asserts the City’s election system is legal in all respects. The City further denies any wrongdoing whatsoever in connection with how it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has determined that the public interest would be served by transitioning to a district-based electoral system because of: (1) the high 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 availability of changing to district elections under the safe harbor provision; and

WHEREAS, California Elections Code section 10010 requires that a City changing to district-based elections under the safe harbor provision do all of the following within 90 days from the date this resolution is approved:

Resolution No. 69 (2021)
Transition from At-Large to District Council Member Elections

Page 2 of 3

1. Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts. Before these hearings, the political subdivision may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation;
2. After all draft maps are drawn, the political subdivision shall publish and make available for release at least one draft map and, if members of the governing body of the political subdivision will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections. The political subdivision shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections. The first version of a draft map shall be published at least seven 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 days before being adopted;
3. Adopt an ordinance establishing district-based elections pursuant to Elections Code section 10010(a).

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

WHEREAS, the City has retained an experienced demographer to assist the City to develop a proposal for a district-based electoral system.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN MATEO, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

1. This Resolution of Intention is not a project subject to CEQA, because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment. (CEQA Guidelines Section 15378(b)(5).)
2. The City Council hereby resolves to consider adoption of an ordinance to transition to a district-based election system for use in the City's General Municipal Election for City Councilmembers beginning in November 2022.
3. The City Council directs staff to work with the City's 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, the Federal Voting Rights Act, and all other federal and state laws.

Resolution No. 69 (2021)
Transition from At-Large to District Council Member Elections

Page 3 of 3

4. The City Council hereby approves the tentative timeline set forth in Exhibit A for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map and transitioning to district elections.
5. The tentative timeline may be adjusted by the City Manager as necessary, especially if an agreement tolling safe harbor deadlines is reached with the plaintiff's attorney to allow additional time for public input or otherwise as appropriate.
6. The City Council directs staff to post information regarding the proposed transition to a district-based election system, including maps, notices, agendas and other information and to establish a means of communication to answer questions from the public.

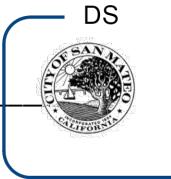
RESOLUTION NO. 69 (2021) adopted by the City Council of the City of San Mateo, California, at a regular meeting held on June 21, 2021, by the following vote of the City Council:

AYES: Council Members Rodriguez, Bonilla, Goethals, Lee and Papan
NOES: None
ABSENT: None

ATTEST:

DocuSigned by:

Patrice M. Olds, City Clerk
9028A8DF460A4C5...



DocuSigned by:

Eric Rodriguez, Mayor
F574554685214D6...