

## RESOLUTION 2018-042

### A RESOLUTION OF THE CITY OF SOLANA BEACH CITY COUNCIL, DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED COUNCIL MEMBER ELECTIONS, OUTLINING SPECIFIC STEPS TO BE UNDERTAKEN TO FACILITATE THE TRANSITION AND ESTIMATING A TIME FRAME FOR ACTION

**WHEREAS**, the members of the City Council of the City of Solana Beach ("City") are currently elected in "at-large" elections, in which each City Council member is elected by the registered voters of the entire City and serves a four-year term; and

**WHEREAS**, California Government Code Section 34886, in certain circumstances, authorizes the legislative body of a city to adopt an ordinance to change its method of election from an "at-large" to "district-based" in which each council member is elected only by the voters residing in the district in which the candidate resides; and

**WHEREAS**, the City received a certified letter on February 20, 2018, from the law firm of Shenkman & Hughes, asserting that the City's electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to change voluntarily to a district-based election system for electing council members; and

**WHEREAS**, the California Legislature, in amendments to Elections Code section 10010, has provided a method whereby a jurisdiction can change to a by-district election system and be protected from litigation under the CVRA; and

**WHEREAS**, changing to a district-based electoral system pursuant to Elections Code section 10010 would avoid the extraordinary cost to defend against a CVRA lawsuit; and

**WHEREAS**, the timeline set forth in Elections Code section 10010 does not permit the City to implement by-district elections at the November 6, 2018 City Council elections; and

**WHEREAS**, the Council at a special meeting on April 11, 2018, filled an unexpected vacancy on the City Council and has not yet had the opportunity to include the new City Council member in its discussions of a timeline for the process of establishing by-district elections; and

**WHEREAS**, on April 5, 2018, another unexpected vacancy occurred on the City Council, which the City Council has not yet determined a timeline and process for filling; and

**WHEREAS**, the City has not included in its current budget funds to implement a process pursuant to Elections Code section 10010.

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Solana Beach, California, does resolve as follows:

1. The City shall consider an ordinance to change to a district-based election system for use in the City's General Municipal Election for City Council Members beginning in November 2020.

2. The City Council directs the City Manager and City Attorney to retain 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 directs the City Manager to prepare a report identifying funding source(s) and detailing how the City will pay for the estimated costs associated with the process set forth under Elections Code section 10010 for establishing district-based elections as part of the 2018-2019 and 2019-2020 Workplan and Budget processes.

4. 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 pursuant to Elections Code section 10010, and directs staff to further develop the timeline with specific meeting and public hearing dates to accommodate the schedules of all City Council persons and budgetary considerations; provided, however, that the detailed timeline shall not prevent the City from establishing by-district elections in time for the 2020 City Council elections.

5. The City Council delegates to the City Manager to develop and institute a program to inform the residents of Solana Beach of this resolution and the process set forth in Exhibit A, and to facilitate and encourage public participation.

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6. The City Council reserves the right to repeal this resolution, or re-establish at-large elections in accordance with law should the CVRA be declared illegal, or as may be in the best interests of the City.

**PASSED AND ADOPTED** this 11th day of April, 2018, at a regular meeting of the City Council of the City of Solana Beach, California by the following vote:

AYES: Councilmembers – Zito, Edson, Hegenauer, Heebner  
NOES: Councilmembers – None  
ABSENT: Councilmembers – None  
ABSTAIN: Councilmembers – None

  
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DAVID ZITO, Deputy Mayor

APPROVED AS TO FORM:

  
\_\_\_\_\_  
JOHANNA N. CANLAS, City Attorney

ATTEST:

  
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ANGELA IVEY, City Clerk

**EXHIBIT A**

**TENTATIVE TIMELINE: IMPLEMENTATION OF "DISTRICT-BASED" ELECTION METHOD**

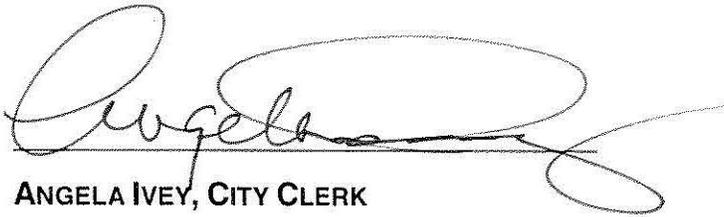
<b>DATE</b>	<b>EVENT</b>	<b>COMMENT</b>
April 11, 2018	Resolution of Intention:  City Council adopts Resolution declaring its intention to transition from at-large to district-based elections.	<b>CVRA Action cannot be commenced for 90 days.</b>
TBD	Public Outreach	NO MAPS YET DRAWN
TBD	1st Public Hearing	Re: Composition of Districts NO MAPS YET DRAWN
TBD	2nd Public Hearing Set Deadline for Receipt of Maps from Members of Public	Re: Composition of Districts NO MAPS YET DRAWN
TBD	Publish Draft Maps and Potential Sequence of Elections	
TBD	3rd Public Hearing	Re: Draft Maps
TBD	Publish Any Amended Maps and Any Maps Received from Members of the Public and Potential Sequence of Elections	
TBD	4th Public Hearing Introduce ordinance establishing district elections, adopting district boundaries, and setting election sequence	Re: Draft Maps If selected map is amended, ordinance cannot be introduced until 7 days after amended map is published.
TBD	5th Public Hearing 2nd reading of ordinance establishing district elections: approval or defeat of ordinance	
TBD	Effective date of ordinance establishing district elections	
<b>July 12, 2018</b>	<b>Day 90</b>	<b>2nd Safe Harbor period ends</b>
May 15, 2020	Approximate deadline for presentation of new district boundaries to San Diego County Registrar of Voters	
November 5, 2020	First election using new district-based election system	



## RESOLUTION CERTIFICATION

STATE OF CALIFORNIA }  
COUNTY OF SAN DIEGO } §  
CITY OF SOLANA BEACH }

I, ANGELA IVEY, City Clerk of the City of Solana Beach, California, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of **Resolution 2018-042** *declaring its intent to transition from at-large to district-based Council Member Elections* as duly passed and adopted at a Regular Solana Beach City Council meeting held on the 11<sup>th</sup> day of April, 2018. The original is on file in the City Clerk's Office.

  
ANGELA IVEY, CITY CLERK

CERTIFICATION DATE: April 17, 2018