

RESOLUTION NO. 21-119 C.S.**A RESOLUTION OF THE COUNCIL OF THE CITY OF MONTEREY****INTENTION TO INITIATE PROCEDURES FOR ESTABLISHING
AND IMPLEMENTING DISTRICT BASED ELECTIONS**

WHEREAS, the City of Monterey is a charter city, duly organized under the constitution and the laws of the State of California;

WHEREAS, four members of the Monterey City Council are currently elected in at-large elections, in which each City Council member is elected by registered voters of the entire City, with the mayor being separately elected by registered voters of the entire City, pursuant to California Government Code sections 34871 and 34900 et seq., and Charter sections 2.1 and 4.1;

WHEREAS, Government Code section 34886 authorizes any city to change to a district based system with an elective mayor without the need to put such a change to the voters;

WHEREAS, the City Council has determined that it is in the best interest of the City to move from its current at-large elections system to a by-district elections system for members of the City Council in furtherance of the purposes of the California Voting Rights Act;

WHEREAS, the City intends to transition from an at-large system to a by-district system in accordance with the procedural rules outlined in Government Code section 34886 and Elections Code section 10010;

WHEREAS, on September 25, 2021, the City received a demand from the League of United Latin American Citizens (LULAC), District 12 (Monterey, San Benito, and Merced counties), to switch to district based elections;

WHEREAS, LULAC alleges that it studied the City's demographics and election results, "...and determined that a violation of the California Elections Code section 14025 et. seq., known as the California Voting Rights Act of 2001 (CVRA) may be occurring by polarized voting";

WHEREAS, LULAC did not share its polarized voting analysis with the City, and the letter does not contain sufficient evidence to support the claimed CVRA violation. LULAC extended the City's safe harbor under Elections Code section 10010(f)(3) until November 16, 2021;

WHEREAS, adoption of this resolution is not based on an admission by the City that a court would find its election system violates the CVRA. Rather, the public interest may be better served by voluntarily transitioning to district based elections for a number of reasons, including the uncertainty of the litigation and the extraordinary costs of such a lawsuit even if the City were to prevail;

WHEREAS, the probability of success defending a CVRA claim on the merits is uncertain without guidance from the California Supreme Court. This is due to the absence of clear objective standards on how a plaintiff is supposed to prove a case and how a city is to defend it. There is very little precedent regarding the CVRA's application, including the elements of a violation and how they are applied to cities, especially to cities like Monterey where the protected class population may not be sufficiently large or compact;

WHEREAS, the anticipated decision from the California Supreme Court in the Santa Monica case would benefit the City in making a decision to change its elections system. The City's demographics contain fewer minority populations than in the City of Santa Monica, and the City Council is concerned that district based elections may not benefit, and may be worse, for protected class populations since they may not be sufficiently large or geographically compact in the City. The City's policy is to uphold the federal and California constitutions and to take any steps necessary to ensure equal protection under the law and the right to vote;

WHEREAS, the City will begin working with Redistricting Partners, LP, to assist the City in establishing maps for district based elections;

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, the City will hold at least two public hearings over no more than 30 days, at which time the public is invited to provide input regarding the composition of the districts;

WHEREAS, the City will then publish and make available for release at least one draft map of the new electoral districting, including the potential sequence of elections shown;

WHEREAS, once the draft map has been publicized for at least seven days, the City will hold at least two additional public hearings, over no more than 45 days, at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections prior to the public hearing at which the City Council adopts a map;

WHEREAS, if a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven days before the City chooses to adopt it;

WHEREAS, in determining the final sequence of staggered district elections, the City Council will give special consideration to the purposes of the CVRA, and will take into account the preferences expressed by the members of the districts;

WHEREAS, the City Council now wishes to adopt criteria to guide the establishment of electoral districts consistent with legal requirements including reasonable equal population and Section 2 of the federal Voting Rights Act of 1965, as well as other concerns and considerations important to the City;

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines"), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities

excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF MONTEREY:

1. The foregoing recitals are true and correct and are incorporated herein by this reference.
2. The City Council hereby resolves, pursuant to Elections Code section 10010, its intention to adopt a by-district election system by ordinance as authorized by California Government Code section 34886.
3. The City Council resolves to retain a qualified demographer, hold at least five public hearings, and publish at least one draft map and staggering sequence.
4. The City's demographer, acting under the supervision of the City Manager, is hereby authorized to direct and formulate one or more electoral district scenarios for review by the public and the City Council at two or more public hearings, in accordance with the City's proposed timeline.
5. Working with the demographer, City staff is directed to publicize relevant maps, information, notices, agendas, and other materials regarding by-district elections and to establish a means of communication to answer questions from the public.
6. The City Manager is authorized to take any and all other necessary actions to give effect to this Resolution.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 16th day of November, 2021, by the following vote:

AYES:	5	COUNCILMEMBERS:	Albert, Haffa, Smith, Williamson, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:

DocuSigned by:

 FA1981217DEE4FB...

Mayor of said City

ATTEST:

DocuSigned by:

 ED8453A4F62C4AA...

City Clerk thereof