

RESOLUTION NO. 2017-223

A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF LODI EXPRESSING THE CITY COUNCIL'S INTENTION,  
PURSUANT TO ELECTIONS CODE SECTION 10010(e)(3)(A), TO  
INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING  
BY-DISTRICT ELECTIONS FOR CITY COUNCIL MEMBERS

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WHEREAS, the City of Lodi ("City") is a general law city, duly organized under the constitution and laws of the State of California; and

WHEREAS, five of the members of the Lodi City Council are currently elected in at-large elections, in which each City Council member is elected by the registered voters of the entire City; and

WHEREAS, Government Code section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an at-large system to a by-district system or by-district system with an elective mayor without the need to put such a change to voters; and

WHEREAS, on October 31, 2017, the City received a letter from the Mexican American Legal Defense and Education Fund (MALDEF) asserting that the City's at-large system of voting results in Latino vote dilution and prevents Latino voters from electing candidates of their choice and threatening action against the City under the California Voting Rights Act (CVRA), a period of less than forty-five (45) days before the date of this Resolution; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code §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 §14026(e)); and

WHEREAS, although the letter from MALDEF was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has determined that it is in the best interest of the City to move from its current at-large electoral system to a by-district election for members of the City Council, in furtherance of the purposes of California Voting Rights Act and to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the City Council has directed staff to initiate the process to transition from an at-large system to a district-based system in accordance with the procedural rules outlined in Government Code section 34886 and Elections Code section 10010; and

WHEREAS, the City will begin by working with an experienced demographer to assist the City in establishing maps for a by-district electoral system; and

WHEREAS, before drawing a draft map of the proposed boundaries of the districts, the City will hold at least two (2) public hearings over no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts; and

WHEREAS, the City will then publish and make available for release at least one (1) draft map of the new electoral districts, including the potential sequence of elections; and

WHEREAS, once the draft map has been publicized for at least seven (7) days, the City will hold at least two (2) additional public hearings, over a period of no more than forty-five (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 considers adoption of the map; and

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 (7) days before the City chooses to adopt it; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lodi as follows

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The City Council hereby resolves, pursuant to Elections Code section 10010, to adopt a by-district election system by ordinance as authorized by California Government Code section 34886, for use in the City's General Municipal Election for City Council members.

Section 3. The City Council further resolves to retain a qualified demographer, hold at least five (5) public hearings and publish at least one (1) draft map and staggering sequence, pursuant to the proposed hearing schedule attached hereto as Exhibit "A".

Section 4. The City's redistricting/demographic consulting firm, acting under the supervision of the City Attorney, is hereby authorized to direct and formulate one or more electoral district scenarios for review by the public and City Council at two or more public hearings as necessary, in accordance with the City's proposed timeline.

Section 5. Working with the demographic consulting firm, staff is directed to publicize relevant maps, information, notices, agendas, and other materials regarding by-district elections and to establish means of communication to answer questions from the public.

Section 6. All public hearings shall be noticed as follows: posting on the City's website at least ten (10) calendar days in advance of the hearing and publication at least ten (10) days in advance of the hearing in the newspaper adjudicated to provide notice within the City.

Section 7. The City Attorney and the City Manager are authorized to take any and all other necessary actions to give effect to this Resolution.

Section 8. This Resolution shall become effective immediately upon its adoption.

Dated: December 12, 2017

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I hereby certify that Resolution No. 2017-223 was passed and adopted by the City Council of the City of Lodi in a special meeting held December 12, 2017, by the following vote:

- AYES: COUNCIL MEMBERS – Johnson, Kuehne, Mounce, and Mayor Nakanishi
- NOES: COUNCIL MEMBERS – Chandler
- ABSENT: COUNCIL MEMBERS – None
- ABSTAIN: COUNCIL MEMBERS – None
- DISQUALIFIED: COUNCIL MEMBERS – None

  
JENNIFER M. FERRAIOLO  
City Clerk

**EXHIBIT "A"**

**CALIFORNIA VOTING RIGHTS ACT (CVRA) DISTRICT ELECTION TIMELINE**

City receives letter alleging violation of California Voting Rights Act	October 31, 2017
<b>Special Meeting:</b> City Council adopts resolution setting forth intention and timeline for adopting by-district elections.	December 12, 2017
<b>Public Hearing:</b> Overview of the process and city demographics. Gather input from public to be used in establishing options for district boundaries. Adopt resolution setting forth mandatory and permissive districting criteria.	December 20, 2017
<b>Public Hearing:</b> Second hearing to gather input from public to be used in establishing options for district boundaries.	January 17, 2018
Draft maps available for public review.	On or before January 23, 2018
<b>Public Hearing:</b> First public hearing to discuss and take public comment on draft maps and proposed sequence of elections.	January 31, 2018
<b>Public Hearing:</b> Second public hearing to discuss and take public comment on draft maps and proposed sequence of elections.	February 7, 2018
Publish final map for public review	February 10, 2018
<b>Public Hearings:</b> Public hearing to discuss and take public comment on final map and proposed sequence of elections.  Introduce ordinance for first reading establishing district boundaries and transition plan/sequence of elections.	February 21, 2018
<b>Public Meeting:</b> Second reading and adoption of ordinance establishing district maps and transition plan/sequence of elections.	March 7, 2018

All public hearings will take place during a City Council meeting starting at 7:00 p.m. in the City Council Chambers, Carnegie Forum, 305 West Pine Street, Lodi, CA 95240.