

RESOLUTION CC 2021-117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS FOR MEMBERS OF THE CITY COUNCIL, OUTLINING SPECIFIC STEPS TO BE UNDERTAKEN TO FACILITATE THE TRANSITION, AND ESTIMATING A TIME FRAME FOR ACTION PURSUANT TO ELECTIONS CODE SECTION 10010

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

WHEREAS, on September 7, 2021, the City received a letter, dated September 1, 2021, from Attorney Scott J. Rafferty on behalf of “Neighborhood Elections Now” alleging that the City’s at-large election system violates the California Voting Rights Act; 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 in which each councilmember is elected only by the voters in the district in which the councilmember resides; and

WHEREAS, Elections Code Section 10010 establishes a process by which a jurisdiction can change to a district-based election system through the legislative approval process and avoid the high cost of litigation under the California Voting Rights Act; and

WHEREAS, pursuant to Elections Code Section 10010 (e)(3)(A), the City has 45 days from the date it received Mr. Rafferty’s letter for the City Council to pass a resolution outlining its intent to transition from an at-large election system to a district-based election system for the election of Councilmembers, and by so doing, avail itself of a statutory preclusion on a prospective plaintiff’s ability to commence an action to enforce the CVRA for an additional 90 days; and

WHEREAS, the City believes that its current at-large election system does not violate the California Voting Rights Act. On the contrary, the current election system allows for the City Council membership to reflect the diversity of the City; and

WHEREAS, the City Council has, however, weighed the public interests served by the current at-large election system for Councilmembers, the legal risks and potential litigation costs of maintaining that system, the public interests served by City Council consideration of a proposal to transition to a district-based election system for Councilmembers, and has determined that the public interests would be best served under the circumstances to consider a future transition to a district-based election system for Councilmembers; and

WHEREAS, if the City Council passes this Resolution, then pursuant to Elections Code Section 10010 (e)(3)(B), a prospective plaintiff is precluded from commencing an action to enforce the CVRA for an additional 90 days from the date the Resolution was passed; and

WHEREAS, prior to the City Council’s consideration of an ordinance to establish district boundaries for a district-based election system, Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts;
2. After all draft maps are drawn, the City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published. The City Council shall also hold at least two (2) additional public hearings over a period of no more than 45 days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven (7) days before consideration at a public hearing. If a draft map is revised at or following a public hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

WHEREAS, the City will be utilizing the services of appropriate consultants to assist the City to develop a proposal for a district-based election system.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby expresses its intent to consider adoption of an ordinance to transition to a district-based elections system for City Councilmembers, as authorized by Government Code Section 34886 for use in the City’s General Municipal Election for City Councilmembers, commencing June 2022.

SECTION 2. The City Council directs staff to work with the City Attorney 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 five voting districts in a manner consistent with the intent and purpose of the U.S. and California Constitutions, the Federal Voting Rights Act, the California Voting Rights Act and other applicable laws.

SECTION 3. The City Council hereby approves the tentative timeline as set forth in Exhibit A (the “Tentative Timeline”), attached to and made a part of this Resolution, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map.

SECTION 4. The Tentative Timeline may be adjusted by the City Manager as deemed necessary, provided that such adjustments shall not prevent the City from complying with the time frames specified by Elections Code Section 10010, as such timeframes may be extended by agreement of the prospective plaintiff.

SECTION 5. The City Council directs the City Manager or his designee 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.

SECTION 6. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the book of original resolutions.

APPROVED and **PASSED** this 21st day of October, 2021.

City of Covina, California

BY:



JORGE A. MARQUEZ, Mayor

ATTEST:



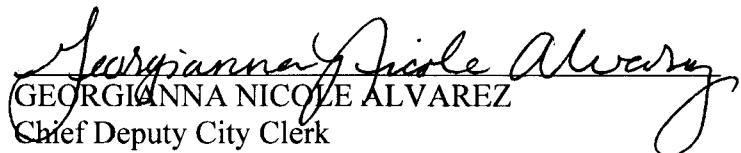
GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

CERTIFICATION

I, Georgianna Nicole Alvarez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2021-117 was duly adopted by the City Council of the City of Covina at a special meeting held on the 21st day of October, 2021, by the following vote:

AYES: COUNCIL MEMBERS: ALLEN, KING, CORTEZ, MARQUEZ
NOES: COUNCIL MEMBERS: NONE
ABSTAIN: COUNCIL MEMBERS: NONE
ABSENT: COUNCIL MEMBERS: LINARES

Dated: October 22, 2021



GEORGIANNA NICOLE ALVAREZ
Chief Deputy City Clerk

EXHIBIT "A"

**TENTATIVE TIMELINE - CONSIDERATION AND IMPLEMENTATION OF
"DISTRICT-BASED" ELECTION METHOD**

TIMELINE

Task	Tentative Date
Adopt Resolution of Intention	October 21, 2021 *Deadline is 45-day mark - October 22, 2021
Public Hearing #1	November 2, 2021 (Regular Council Meeting)
Public Hearing #2	November 16, 2021 (Regular Council Meeting)
Draft Map(s)	November 17- December 13, 2021
Publish Draft Map(s)	December 14, 2021
Public Hearing #3	December 21, 2021 (Regular Council Meeting)
Publish New/Revised Draft Map(s) if applicable	December 28, 2022
Public Hearing #4 Introduce Ordinance Transitioning to District-based Elections	January 4, 2022 (Regular Council Meeting)
Public Hearing #5 - Vote to Adopt Ordinance	January 18, 2022 (Regular City Council Meeting)
90 days after Date of Adoption of Resolution of Intention	January 19, 2022