

## RESOLUTION NO. 2019-049

### A RESOLUTION OF THE BREA CITY COUNCIL DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE ELECTIONS FOR CITY COUNCIL TO DISTRICT-BASED ELECTIONS FOR CITY COUNCIL PURSUANT TO ELECTIONS CODE SECTION 10010 AFTER RECEIPT OF THE 2020 CENSUS RESULTS

#### A. RECITALS:

(i) City Council Members are currently elected in "at-large" elections, in which each City Council Member is elected by the registered voters of the entire City.

(ii) On May 6, 2019, the City received a claim from Shenkman & Hughes, P.C. ("Shenkman Firm") alleging that the City's at-large election system violates the California Voting Rights Act.

(iii) Government Code Section 34886 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 Council Member is elected only by the voters in the district in which the Council Member resides.

(iv) 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.

(v) 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 that all of the following be completed within a 90-day period:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two public hearings over a period of no more than 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, 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 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 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 days before being adopted; and

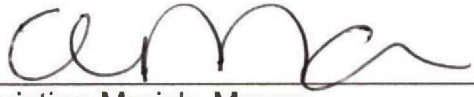
(vi) On June 18, 2019, the City and the Shenkman Firm executed an Extension Agreement to enable the City to avoid duplicative costs and efforts of establishing district boundaries and then adjusting such boundaries in less than two years upon receiving the results of the 2020 Census. Pursuant to the Extension Agreement, the City and the Shenkman Firm have agreed that the 90-period set forth in Elections Code Section 10010 shall start to run on the day that the City receives the results of the 2020 Census.

**B. RESOLUTION:**

**NOW, THEREFORE**, it is found, determined and resolved by the Brea City Council as follows:

1. The facts as set forth in the Recitals are true and correct.
2. The City Council hereby resolves to consider, within 90 days of receipt of the 2020 Census results, adoption of an ordinance to transition to a district-based election system in accordance with applicable laws including Government Code Section 34886 and Elections Code Section 10010.
3. The City Council directs staff to work with the City Clerk, City Attorney, 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.
4. 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 for the public.
5. The City Clerk shall certify to the passage and adoption of this resolution.

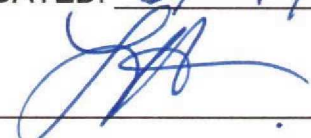
APPROVED AND ADOPTED this 20<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Christine Marick, Mayor

ATTEST:   
\_\_\_\_\_  
Lillian Harris-Neal, City Clerk

I, Lillian Harris-Neal, City Clerk of the City of Brea, do hereby certify that the foregoing Resolution was adopted at a regular meeting of the City Council of the City of Brea, held on the 20<sup>th</sup> day of June, 2019, by the following vote:

AYES: COUNCIL MEMBERS: Marick, Simonoff, Hupp, Parker, Vargas  
NOES: COUNCIL MEMBERS: None  
ABSENT: COUNCIL MEMBERS: None  
ABSTAIN: COUNCIL MEMBERS: None

DATED: 6/27/19  
  
\_\_\_\_\_  
Lillian Harris-Neal, City Clerk

RESO NO. 2019-049  
June 20, 2019