



## Staff Report

**TO:** Mayor and City Council Members  
**FROM:** John Pinkney, City Attorney  
**DATE:** June 2, 2020  
**SUBJECT:** Resolution of Intent – Transitioning from At-Large to By-District Elections

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### Background and Analysis:

The California Voting Rights Act of 2001 (CVRA) is a state law that was enacted to implement the California constitutional guarantees of equal protection and the right to vote. It provides a private right of action to members of a protected class whose ability to elect candidates of their choice or influence the outcome of elections is impaired due to an at-large elections system. The focus is to eliminate racially polarized voting.

In 2017, the CVRA was updated to allow cities, regardless of size, to move to a district election system by ordinance. It also capped the amount of attorney's fees recoverable by the plaintiff and included a safe harbor provision of 45-days to allow cities time to adopt a resolution of intent to create a by-district election system. As of today, no city has prevailed in a CVRA lawsuit.

In October 2019, the California legislature passed the Fair and Inclusive Redistricting for Municipalities and Political Subdivision Act (FAIR Maps Act or Act). Governor Newsom signed the bill into law and it took effect on January 1, 2020. The FAIR Maps Act requires cities to redraw district map boundaries after each census and requires additional outreach and public hearings. The act only applies to cities or special districts that move to a district election system prior to the release of the 2020 census data. Cities that are moving to district elections for the first time are still bound by Elections Code section 10010.

On May 5, 2020, a presentation was made to the City Council regarding the CVRA and the transition from at-large to by-district elections by many California cities. The Council was presented with the history of the CVRA, the legal challenges made across California, and the different options available to the Council in transitioning to by-district

elections. After questions and discussion, the Council directed City staff to prepare a Resolution of Intent to move to by-district elections.

The resolution of intent states that the Beaumont City Council intends to transition from an at-large election system to a by-district election system once 2020 census results are available. While the City could choose to transition to districts prior to receiving 2020 census results, it may not be possible due to current restrictions on public hearings due to the COVID-19 pandemic. Further, the Council was in agreement that the districting process should not be rushed and further demographic information would assist in the districting process.

Whether to district is ultimately a policy decision for the Council. The resolution of intent does not bind the Council to move to a by-district election system and may be rescinded at any time should the Council make other findings in favor of an at-large system. The passage of this resolution initiates a process for the City to explore the districting process without the threat of litigation and allows the City Attorney to retain a demographer to gather demographic data to aide the Council in its consideration of districting.

**Fiscal Impact:**

The estimated cost to the City consists of administrative costs related to holding public hearings and conducting outreach to the public and the cost of a demographer to assist in the creation of potential district maps. The City Manager estimates that costs associated with the districting process will be up to \$50,000. These costs will be split between FY2021 and FY2022.

**Recommended Action:**

If desired by Council, motion to pass the resolution of intent and begin the districting process by waiving the full reading, and adopting by title only, " A Resolution of the City Council of the City of Beaumont, California, Declaring Its Intention to Transition from At-Large Elections to District-Based Elections Pursuant to Elections Code Section 10010.

**Attachments:**

- A. Resolution of Intent
- B. May 5, 2020 CVRA Presentation