



FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Meeting

Additional Information Transmittal

MEETING DATE:	07/14/2026
AGENDA SECTION:	Election Related Items
STAFF REPORT TITLE	Resolution No. 11675 - A Resolution Calling and Giving Notice of the Holding of a General Municipal Election to be Held on Tuesday, November 3, 2026, Requesting the Board of Supervisors of the County of Sacramento Consolidate the General Municipal Election with the Statewide General Election, and Establishing Policies for Candidates' Statements
FROM:	City Clerk's Department

Staff is providing the attached public comment for the above-referenced agenda item.

Instructions to staff: Deliver original and 30 stapled/double-sided copies to the City Clerk's Department; City Clerk's Department will distribute via email and hardcopy to City Council, City Manager, City Attorney, and City Clerk.

Updated: Jan 2026

Sari Dierking

From: Scott Rafferty <rafferty@gmail.com>
Sent: Saturday, July 11, 2026 5:41 PM
To: Sari Dierking; AttorneyCityWebsiteMail; Sarah Aquino; Barbara Leary; Mike Kozlowski; Bryan Whitemyer; Justin Raithel; Anna Rohrbough; Christa Freemantle
Subject: Re: Item 13 - Unlawful and undemocratic election in District 3

You don't often get email from rafferty@gmail.com. [Learn why this is important](#)

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The Council should not call or order specifications for an election in District 3 unless the term is for two years. Shortening the term will enable the Asian community to elect in 2028 and in all future presidential cycles. It will also eliminate the unusual and antidemocratic practice of electing a majority of the council in off-years, when turnout of all races is lower.

The Council has already recognized that it can supersede the charter provision that specifies four-year, staggered, at-large elections for council - even without court authorization. The prior decision, four years ago, was based expressly on advice that a majority could do whatever it wanted. This violated Elections Code, sec. 10010(b), which required "special consideration of the purposes of the CVRA." The essential purpose of the law is to reduce the Asian turnout gap by empowering neighborhoods that are neglected by at-large elections. Instead, the sequence disfavored South Asian voters and the only candidate-of-choice they had ever elected - **in a presidential year**.

The result in 2022 was to deprive the South Asian community of any election at all. The council appointed an Anglo candidate in lieu of election. This injustice should be discontinued.

The greater number of citizens who vote in presidential elections years should elect three districts, not two, and determine the majority of the council.

The change would help resolve the pending lawsuit. The costs of defending that action for six years have been high and will increase, as will the inevitable award of fees and costs to which plaintiffs are already entitled.

The city should disclose how much it has already paid in defense costs. As your former city attorney warned the council, there is "zero probability of success" in defending CVRA claim once a city defies AB 350's safe harbor. Here are the fee awards that the League of Cities used to promote the enactment of AB 350. As Santa Clara illustrates, fee disputes after AB 350 have resulted in even larger awards, including fees for plaintiffs' documentation of fees.

SETTLEMENTS PRESENTED BY LEAGUE OF CITIES TO SUPPORT AB350 SAFE HARBOR

jurisdiction	year	amount	inflation adjustment*	current \$
Anaheim	2014	\$ 2,000,000	63%	\$ 3,257,507
Escondido	2013	\$ 585,000	67%	\$ 977,403
Modesto	2008	\$ 3,000,000	100%	\$ 5,994,474
Palmdale	2013	\$ 3,500,000	67%	\$ 5,847,713
San Mateo Cty	2010	\$ 650,000	83%	\$ 1,187,684
Yulare Med Dist	2010	\$ 500,000	83%	\$ 913,603
Santa Clarita**	2014	\$ 600,000	63%	\$ 1,386,632
	2022	\$ 300,000	36%	
		\$ 1,590,714		\$ 2,795,002

ONLY KNOWN COURT AWARD SINCE AB 350

Santa Clara	2019	\$ 3,164,956	1.48499431	\$ 4,699,942
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* Based on "Laffey Matrix" which California Courts have criticized as understating the increase in California attorneys' fees

**Santa Clarita paid attorney Kevin Sherkman to keep at-large elections, requiring the 2022 lawsuit by Mr. Rafferty

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