



CITY OF ORLAND STAFF REPORT

MEETING DATE: December 2, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Scott Drexel, City Attorney

SUBJECT: **California Voting Rights Act (CVRA) – Consideration of Resolution of Intent to Transition from At-Large to District-Based Elections**
(Discussion/Action)

This report provides information on the California Voting Rights Act (CVRA) and recommends that the City Council proactively adopt a resolution of intent to transition from at-large to district-based elections. The at-large election system currently used by the City of Orland is vulnerable to legal challenge under the CVRA. Adopting the resolution tonight will secure available safe harbor protections; staff will return in January with a recommendation on whether to target the November 2026 or November 2028 election for first use of district elections.

BACKGROUND:

Current Election System

The City of Orland currently elects its City Council members through an at-large election system. Under this system, all registered voters throughout the City vote for all City Council seats. Candidates may reside anywhere within the City limits.

THE CALIFORNIA VOTING RIGHTS ACT

What the Law Does

The California Voting Rights Act (CVRA), enacted in 2002, makes it illegal for cities to use at-large elections if doing so weakens the voting power of racial or language minority groups. The law was intentionally designed to make these claims easy to prove and expensive to defend.

Why CVRA Claims Are Easy to Prove

To win a CVRA case, plaintiffs essentially need to show one thing: that voting patterns differ between minority and non-minority voters. Expert witnesses analyze past election data to demonstrate this statistically. Plaintiffs do not need to prove the City intended to discriminate—only that the at-large system has a discriminatory effect. And unlike federal voting rights law, plaintiffs can win even if minority residents are spread throughout the City rather than concentrated in one area. In practice, any California city with at-large elections and a meaningful minority population is vulnerable.

SAFE HARBOR PROVISIONS

In 2016, the Legislature amended Elections Code Section 10010 to provide "safe harbor" protections for jurisdictions that act to transition to district elections. These provisions reduce litigation risk.

What the Safe Harbor Actually Provides

If the City passes a resolution of intent to transition to district-based elections:

- **90-Day Protection:** A prospective plaintiff cannot file a lawsuit within 90 days of the resolution's passage. This is a one-time window, not a permanent shield.
- **No Demand Letter Reimbursement:** If the resolution is passed before receiving a demand letter, the City owes no reimbursement for demand letter preparation costs.

Post-Demand Letter Scenario

If a jurisdiction receives a demand letter and passes a resolution of intent within 45 days, the same 90-day safe harbor applies, but the jurisdiction must reimburse the plaintiff's demand letter preparation costs, capped at approximately \$35,000 (adjusted for inflation).

ANALYSIS:

LITIGATION RISK ANALYSIS

Track Record of CVRA Litigation

To date, no public agency in California has successfully defended against a CVRA challenge through a final judgment. While the City of Santa Monica achieved a temporary victory in the Court of Appeal in 2020, the California Supreme Court reversed that decision in 2023 and remanded the case for further proceedings. Cities that have attempted to defend CVRA claims have uniformly either lost at trial or settled after incurring substantial defense costs.

Over 185 California cities and nearly 400 other jurisdictions (including school districts, community college districts, and special districts) have transitioned to district-based elections, the vast majority without litigation.

FINANCIAL ANALYSIS

Cost of Litigation

Defending against a CVRA lawsuit is extraordinarily expensive. Documented examples of attorney fee awards include:

Jurisdiction	Outcome	Plaintiff Attorney Fees
City of Palmdale	Lost at trial	\$4.5-4.6 million
City of Santa Clara	Lost at trial	\$4.5+ million
City of Santa Monica	Ongoing litigation	\$20+ million (claimed)
City of Escondido	Settled	\$385,000

These figures represent only the plaintiff's attorney fees – they do not include the jurisdiction's own defense costs. The City of Palmdale reportedly spent approximately \$7 million total (defense costs plus plaintiff's fee award) on its CVRA litigation.

Cost of Proactive Voluntary Transition

In contrast, a proactive voluntary transition is significantly less expensive. For a small city like Orland (population approximately 8,000), costs are at the lower end of the range:

Item	Estimated Cost
Demographer Services	\$30,000 - \$60,000
Legal Counsel	\$5,000 - \$15,000
Public Outreach/Notice/Translation	\$2,000 - \$5,000
TOTAL ESTIMATED COST	\$35,000 - \$80,000

Recurring Redistricting Costs

Once the City transitions to district-based elections, it will be required to redraw district boundaries following each federal decennial census to maintain compliance with equal population requirements. This redistricting process, governed by Elections Code Section 21601 et seq., requires public hearings and must be completed before the City's next regular election following the release of census data. For small cities, redistricting costs are typically lower than the initial transition because the basic framework is already established and less community education is needed. Estimated costs for decennial redistricting are approximately \$15,000 to \$30,000. These costs will recur approximately every ten years for as long as the City uses district-based elections.

TIMELINE OPTIONS FOR COUNCIL CONSIDERATION

If the City Council adopts the Resolution of Intent on December 2, 2025, the City has two options for completing the transition. The Council should consider the trade-offs between these approaches.

OPTION A: Complete Transition for November 2026 Election

Target: First district election in November 2026

Deadline: District boundaries must be established by May 2026 (6 months before election)

Available Time: Approximately 5 months (December 2025 – May 2026)

Option A Timeline:

Milestone	Date
Resolution of Intent Adopted	December 2, 2025
Publish Hearing Schedule	By December 12, 2025
Retain Demographer	December 2025
Public Hearing #1 (Pre-Map)	Mid-January 2026
Public Hearing #2 (Pre-Map)	Early February 2026 (within 30 days of #1)
Draft Maps Published	Mid-February 2026
Public Hearing #3 (Post-Map)	Late February 2026

Milestone	Date
Public Hearing #4 (Post-Map)	Mid-March 2026 (within 45 days of #3)
Public Hearing #5 / Ordinance Introduction	Late March 2026
Ordinance Adoption	Early April 2026
TRANSITION COMPLETE	May 2026 (effective)
HARD DEADLINE	May 2026

Option A Advantages:

- Transition completes with shorter gap in legal protection
- District elections begin sooner
- Two Council seats up in November 2026 would be first district elections

Option A Disadvantages:

- Very tight timeline with no room for delays
- Hearings during January-March may limit public participation
- Less time for community outreach and education
- Demographer must be retained immediately; may limit options or increase cost and less ability to spread cost out over fiscal years.

OPTION B: Complete Transition for November 2028 Election

Target: First district election in November 2028

Deadline: District boundaries must be established by May 2028 (6 months before election)

Available Time: Approximately 29 months (December 2025 – May 2028)

Option B Timeline:

Milestone	Date
Resolution of Intent Adopted	December 2, 2025
Publish Hearing Schedule	By December 12, 2025
<i>90-Day Safe Harbor Expires</i>	<i>~March 2, 2026</i>
Retain Demographer	Summer 2027
Public Hearing #1 (Pre-Map)	September 2027
Public Hearing #2 (Pre-Map)	October 2027
Draft Maps Published	November 2027
Public Hearing #3 (Post-Map)	December 2027
Public Hearing #4 (Post-Map)	January 2028
Public Hearing #5 / Ordinance Introduction	February 2028

Milestone	Date
Ordinance Adoption	March 2028
TRANSITION COMPLETE	April 2028 (effective)
HARD DEADLINE	May 2028

Option B Advantages:

- Ample time for thorough community outreach and public participation
- Flexibility to schedule hearings at optimal times, avoiding holidays
- More time to select demographer and negotiate favorable contract
- Room for unexpected delays without jeopardizing the deadline

Option B Disadvantages:

- **Gap in legal protection:** After the 90-day safe harbor expires (~March 2026), the City is technically vulnerable to a CVRA lawsuit until the transition is complete in early 2028—a period of approximately two years
- November 2026 election proceeds under at-large system

ATTACHMENTS

1. Resolution No.2025-XX – Resolution of Intent to Transition to District-Based Elections.

RECOMMENDATION:

Staff recommends that the City Council:

1. Adopt the attached Resolution declaring the City's intent to transition from at-large elections to district-based elections for City Council members pursuant to California Elections Code Section 10010(e)(3)(A);
2. Direct the City Clerk to publish a tentative schedule of public hearings within 10 days as required by statute; and
3. Direct staff to return in January 2026 at a regular meeting with a recommendation on a timeline for implementation.