

RESOLUTION NO. 2020-91

A RESOLUTION OF THE CITY COUNCIL FOR THE CITY OF GREENFIELD TO INITIATE A TRANSITION TO A DISTRICT-BASED ELECTION SYSTEM FOLLOWING THE RELEASE OF THE 2020 CENSUS DATA

WHEREAS, the City Council for the City of Greenfield (“Council”) is currently elected “at-large,” meaning that each council member is elected by voters of the entire City;

WHEREAS, the California Voting Rights Act (Elec. Code, § 14025, *et seq.*) (“CVRA”) disfavors the use of an “at-large” election system for city council members if the “at-large” election system may impair the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election;

WHEREAS, the Council desires to promote meaningful voter involvement in the election of council members and increase the ability of candidates to seek elected office;

WHEREAS, the Council believes that the public interest will be better served by use of a “district-based” election system, where council members are elected by only the registered voters residing within the election district in which the candidate resides;

WHEREAS, the boundaries for election districts in a district-based election system are established based on population counts and demographics from the most recent United States’ census;

WHEREAS, the most recent census count occurred on April 1, 2020 (“2020 Census”), with the results of the 2020 Census expected to be made available early to mid-2021;

WHEREAS, if the City transitioned to district-based elections prior to the availability of the 2020 Census data, the election districts (1) may not fairly and accurately reflect the current voter population distribution and demographics of the City, and (2) would require the City to incur additional, duplicative costs as a result of necessary adjustments to the districts based on the anticipated release of 2020 Census data in accordance with Elections Code section 21600, *et seq.*;

WHEREAS, it is well-recognized that the law neither does nor requires the performance of idle acts, and respects substance over form (Civ. Code §§ 3528 and 3532);

WHEREAS, with the current public health crisis caused by COVID-19, there are additional concerns relating to the public’s ability to safely participate in public hearings for the establishment of election districts at this time, and as a result, on April 9, 2020, Governor Newsom issued executive order N-48-20, amending prior executive order N-34-20, suspending all time periods for the establishment of election districts as set forth in Elections Code section 10010, subdivisions (a) and (e), including those relating to public hearings, until further notice;

WHEREAS, the Council, cognizant of its need to be fiscally responsible, and to protect public health and safety, desires to implement a transition to district-elections in a cost effective, efficient, and safe manner, but with all deliberate speed, following release of the 2020 Census data;

WHEREAS, the adoption of “district-based” elections following the release of the 2020 Census data will not affect the terms of any council members serving or elected during this transition, each of whom will serve out his or her full term; and

WHEREAS, in accordance with Elections Code section 10010, transition to district-based elections would require the Council to hold multiple public hearings within specified timeframes, including two public hearings to gather input on potential map development, two public hearings to review and comment on proposed maps, and an additional public hearing prior to the Council voting to approve an ordinance establishing district-based elections; and

WHEREAS, pursuant to Government Code section 34886, the Council may adopt an ordinance to transition to district based elections for council members without submitting the ordinance to an election by the City's voters.

NOW, THEREFORE, the City Council hereby resolves, orders and determines as follows:

1. The above recitals are true and correct;
2. Election district boundary lines shall be developed based on the most updated federal decennial census data following its release in 2021, to provide for "district-based" elections to be implemented in the 2022 and 2024 election cycles;
3. Following the release of the 2020 Census data, multiple public hearings in accordance with Elections Code section 10010 and other applicable laws shall be scheduled to obtain public input on the draft election district maps and proposals;
4. The City Manager, or designee, is hereby directed to contract with a reputable demographer as soon as possible following adoption of this resolution to ensure that the City is able to move with all deliberate speed in transitioning to a district-based election system following release of the 2020 Census data;
5. The City Manager, or designee, shall consult with legal counsel to take all steps necessary to implement and give effect to this resolution; and
6. The foregoing resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the City Council of the City of Greenfield on December 8, 2020, at a duly noticed meeting and public hearing by the following vote:

AYES: Mayor Walker, Mayor Pro-tem Untalon, Councilmembers Martinez, Tipton and White

NOES: None

ABSTAIN: None

ABSENT: None



Lance Walker, Mayor

ATTEST:



Ann F. Rathbun, City Clerk