

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2025-003

**RESOLUTION DECLARING THE CITY OF SAN LEANDRO'S INTENT TO INITIATE PROCEDURES TO
TRANSITION FROM AT-LARGE ELECTIONS TO DISTRICT-BASED ELECTIONS FOR CITY COUNCIL
PURSUANT TO ELECTIONS CODE SECTION 10010; AND SETTING FORTH THE PROCESS FOR
TRANSITIONING TO DISTRICT-BASED ELECTIONS**

WHEREAS, pursuant to California Elections Code Section 14026, the City of San Leandro's election system is considered an "at-large" system because it utilizes a combination of "at-large" and "district-based" methods; and

WHEREAS, pursuant to City of San Leandro Charter Section 225, members of the City Council are elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, any amendments to the City's Charter regarding its existing election system method requires a majority vote of the City's electorate through a ballot measure; and

WHEREAS, on November 21, 2024, the City of San Leandro ("City") received a letter from a prospective plaintiff's attorney alleging a violation of the California Voting Rights Act (the "CVRA") and signaling litigation if the City declines to voluntarily change to a district-based election system for electing Councilmembers; and

WHEREAS, the letter itself was not accompanied by any statistical evidence to support the claim of a CVRA violation; and

WHEREAS, the City Council denies that its election system violates the CVRA or any other provision of law, asserts that the City's election system is legal in all respects, and further denies any wrongdoing whatsoever in connection with the manner in which at-large City Council elections have been conducted; and

WHEREAS, nevertheless, the City welcomes the views of its constituents as to whether or not the public interest is better served by initiating a process for transitioning to a district-based election system; and

WHEREAS, Elections Code Section 10010 provides a method whereby a jurisdiction can transition to a district-based election system and cap attorneys' fees under the CVRA if the jurisdiction complies with the "safe harbor" provisions of Elections Code Section 10010.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

1. The above recitals are true and correct and are incorporated by reference herein.
2. The City Council hereby expresses its intent to consider transition from an at-large election system to a district-based election system as authorized by Elections Code Section 10010 for use in the City's election for City Councilmembers commencing in November 2026.
3. The City Clerk is directed to publicize and post information regarding the proposed transition to a

district-based election system, including relevant maps, notices, agendas and other information and to establish a means of communication to receive comments and answer questions from the public.

4. The City Council hereby approves the tentative timeline as set forth in Exhibit A, attached to and made a part of this resolution, for conducting public hearings to solicit and receive public input and testimony on proposed district-based electoral maps and district-based election systems, and for the City Council's evaluation, possible refinement and ultimate adoption of a district-based election system for election of City Council members.
5. The tentative timeline contained in Exhibit A may be adjusted by the City Manager as she deems necessary or appropriate, provided that such adjustments shall not prevent the City from complying with the time frames specified by Elections Code Section 10010, or such other timeframes as may be stipulated.
6. The City Council directs the City Manager to continue to work with the City Attorney to resolve all legal issues necessary to give effect to this Resolution and to meet the tentative timeline set forth in Exhibit A.
7. Nothing contained herein shall preclude the City Council from selecting an alternative election system or making any alternative decision, should the public input and testimony and other evidence at the hearings indicate that an alternative district map, election system, or decision is appropriate for the City.
8. The City Council should not on its own adopt an ordinance that converts the City's existing election system without first subjecting the proposal for voter approval.
9. This resolution shall take effect immediately upon its adoption.

Introduced by Councilmember Bowen and passed and adopted this 6th day of January 2025 by the following vote:

AYES: Councilmembers Aguilar, Azevedo, Boldt, Bowen, Simon, Viveros-Walton, Mayor González (7)

NOES: None (0)

ABSENT: None (0)

ATTEST:



Kelly B. Clancy, CMC
City Clerk

EXHIBIT A

TIMELINE OF NEXT STEPS BASED ON STATUTORY REQUIREMENTS

| Date | Action | Rule |
|-------------------------------------|---|---|
| Monday, January 6, 2025 | City Council passes a resolution outlining its intention to transition from an at-large to district-based election system, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so. The Mayor position will continue to be elected under an at-large system. Passage of resolution will trigger a <u>90-day period</u> in which Claimant is barred from enforcing a CVRA action. | Elec. Code § 10010(e)(3)(B) |
| Monday, March 17, 2025 | City Council votes for approval for City to enter into written agreement with Claimant to extend the time for an additional <u>90 days</u> . The written agreement must include a requirement that the district boundaries will be established no later than <u>six months</u> before the City's next regular election to select city councilmembers. | Elec. Code § 10010(e)(3)(C)(i) |
| Monday, April 7, 2025 | City Council approves written agreement with Claimant to extend time period for a prohibition on CVRA enforcement by Claimant. Approval of written agreement will extend the <u>90-day period</u> in which Claimant is barred from enforcing a CVRA action and require the City to establish district boundaries <u>six months</u> prior to election. | Elec. Code § 10010(e)(3)(C)(i) |
| Thursday, April 17, 2025 | The City makes available on its website a tentative schedule of the public outreach events and the public hearings held pursuant to this section no later than <u>10 days after</u> the City enters into written agreement with Claimant. Outreach schedule must consider the following factors: <ul style="list-style-type: none"> • Before drawing a draft map of the proposed district boundaries, the City must hold two public hearings over a period of <u>30 days</u>. The City may conduct additional outreach regarding the redistricting process and public participation prior to these two hearings. • After finalization of draft maps, the City must publish and make publicly accessible at least one draft map along with the sequence of elections if election of councilmembers is staggered. Over a period of <u>45 days</u>, the City must hold two public hearings to solicit public input regarding the draft map(s). <u>Seven (7) days</u> prior to the first public hearing, the City must publish its first draft map. If the draft map is revised during or after the two public hearings, it must again be publicly available <u>seven (7) days</u> prior to final adoption. | Elec. Code §§ 10010(a)(1)-(2) & (e)(3)(C)(ii) |
| Monday, July 7, 2025 | Deadline for City to hold all public hearings and community input meetings. | Elec. Code § 10010(e)(3)(C)(i) |

| Date | Action | Rule |
|---------------------------------------|--|--|
| Between July 2025 and May 2026 | <p>The City must act in the following order:</p> <ul style="list-style-type: none"> • City Council must decide on a date to hold a special election for charter amendment. • City to hold a special election for charter amendment converting to district-based election system. Must pass by a majority “yes” vote for approval. • City Council to vote on adopting boundaries for all of the council districts. • Around April 2026: Deadline for City to submit new district boundary data to Alameda County Registrar of Voters. | <p>San Leandro Charter Code §§ 130 & 605; Cal. Const. Art. XI § 3; Gov. Code § 34450 et seq.; Elec. Code § 21621</p> |
| Thursday, May 7, 2026 | <p>Absolute deadline for City to finalize and adopt new political districts, pursuant to written agreement.</p> | <p>Elec. Code §§ 10010(e)(3)(C)(i) & 21621</p> |
| Tuesday, November 3, 2026 | <p>City to hold City Council elections using a district-based election system.</p> | <p>Elec. Code § 10010(e)(3)(C)(i)</p> |