

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

ORDINANCE NO. 2025-XXX

AN ORDINANCE OF THE CITY OF SAN LEANDRO CITY COUNCIL TO ESTABLISH BY-DISTRICT ELECTIONS OF COUNCILMEMBERS, ADOPTING A MAP DESCRIBING THE BOUNDARIES OF EACH DISTRICT, AND DETERMINING THE SEQUENCE OF DISTRICT ELECTIONS

WHEREAS, the City of San Leandro supports full participation of all citizens in electing members of the City Council; and

WHEREAS, the City of San Leandro currently elects its six Councilmembers based on Council districts, but through an at-large election system, in which candidates reside in their respective districts in the City and in which, at each election, the candidates that receive the most votes city-wide earns a four-year term on the City Council; and

WHEREAS, on November 21, 2024, the City received a letter from the law firm Goldstein, Borgen, Dardarian, & Ho ("GBDH") on behalf of their client and claimant, Robert Bulatao, asserting that the City's at-large election system violates the California Voting Rights Act ("CVRA"), and threatening litigation if the City does not voluntarily transition to a by-district election system; and

WHEREAS, the letter itself was not accompanied by any statistical evidence to support the claim of a CVRA violation that the City's current election method impairs the ability of the City's Asian voters to elect candidates of their choice and to influence the outcome of elections; 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 way at-large City Council elections have been conducted; and

WHEREAS, despite the lack of substantial evidence, on January 6, 2025, the City Council adopted Resolution No. 25-003, declaring its intent to initiate the City's transition from its existing at-large election method to a district-based election method, along with an initial schedule guiding the City's transition, in compliance with Elections Code Section 10010; and

WHEREAS, to timely transition to district-based elections while maintaining the attorneys' fees cap under the CVRA's safe harbor provision, the City communicated with claimant's counsel regarding a written agreement to provide a 90-day extension to sufficiently conduct all necessary public hearings; and

WHEREAS, claimant agreed to a 90-day extension on the sole condition that the City vote on an ordinance within the extension period; and

WHEREAS, despite the lack of statutory authority mandating the City adopt an ordinance within the safe harbor period as conditioned by claimant, the City agreed to enter into the written agreement in consideration of the totality of the matter, including the policy reasons for moving to election by district, as well as the costs and risks of threatened litigation; and

WHEREAS, in adopting Resolution No. 25-034, the City Council revised its schedule of four public hearings to receive public comment regarding the composition of voting districts, the sequence of district elections, and the transition to district-based councilmember elections. The first two public hearings were held prior to the publication of a draft district map, and the final two public hearings were held following the publication of the draft district map; and

WHEREAS, the first and second public hearings were respectively conducted on April 21, 2025 and May 5, 2025 for the public to provide input regarding the composition of the City's voting districts before any draft maps were drawn; and

WHEREAS, in compliance with Elections Code section 10010, the proposed map must be published at least seven days before consideration at a public hearing; and

WHEREAS, the proposed district map was posted on the City's website on or around May 12, 2025 and continued thereafter; and

WHEREAS, on May 19, 2025, the City Council conducted its third public hearing to provide the public with an opportunity to comment on the proposed district map and weigh in on an appropriate sequencing of elections; and

WHEREAS, on June 2, 2025, the City Council conducted its fourth public hearing to provide the public with an additional opportunity to comment on the draft map proposed by the City Council and to weigh in on an appropriate sequencing of elections; and

WHEREAS, after the public hearing, Council selected, and determined to implement, the voting district map known as District Map, included hereto as **Attachment A**; and

WHEREAS, the City Council also moved to maintain its current election sequence in which Councilmembers would be elected every four years thereafter pursuant to Section 235 (Term of Office) of the San Leandro City Charter; and

WHEREAS, throughout its transition to district-based elections, the City engaged in robust and meaningful public outreach and engagement beyond the requisite public hearings and other procedures required by California Elections Code Section 10010; and

WHEREAS, the purpose of this Ordinance is to provide for the election of Councilmembers on a by-district basis, such that each of the six voting districts, as set forth in the District Map, elects one of its own residents to be its representative on the City Council, in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code Section 14025 *et seq.*), and the guarantees of Section 7 of Article 1 and of Section 2 of Article II of the California Constitution.

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

Section 1. Recitals. The recitals above are true and correct and when applicable, incorporated herein by reference.

Section 2. Uncodified Ordinance Establishing By-District Elections. Upon a certification of passage of a charter amendment, no later than July 1, 2026, to the same effect, the City Council hereby passes an ordinance to read as follows (**bold** and underline comprising new language, and ~~striketrough~~ comprising deleted language):

The Mayor shall be elected by the registered voters of the City at large. All Council Members, ~~except and~~ the Mayor, shall be elected by the registered voters of the City ~~by district at-large~~. **In conformance with the California Voting Rights Act,** ~~one Council Member shall be elected from each Council Member district~~ **only by the registered voters of that district.**

Section 3. Environmental Review. The passage of this ordinance is not a project according to the definition in the California Environmental Quality Act and, therefore, is not subject to the provisions requiring environmental review.

Section 4. Severability. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each of every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

Section 5. Effective Date and Duration. Unless otherwise stated under the express terms of this ordinance, this ordinance shall take effect immediately as an ordinance relating to an election pursuant to San Leandro Municipal Code section 1-1-345

(Ordinances – Immediate Adoption and Effect) and Government Code section 36937(a). Its duration shall be subject to the passage of a charter amendment, no later than July 1, 2025, of the same effect.

Section 6. Publication. The City Clerk is directed to cause this ordinance to be published in a manner required by law.

Introduced by Councilmember _____ and passed and adopted on the 16th day of June 2025 by the following called vote:

Members of the Council:

AYES: ()

NOES: ()

ABSENT: ()

ATTEST: _____

Kelly B. Clancy, City Clerk