

City's Transition to District-Based Elections: CVRA Update

City Council Meeting
April 7, 2025

How Did We Get Here?

- **November 21, 2024:** City received a notice letter from the law firm Goldstein, Borgen, Dardarian & Ho (“GDBH”) on behalf of their client and Prospective Plaintiff, Robert Bulatao
 - The letter alleges violations of the CVRA because the City’s at-large election system dilutes the voting power of City’s Asian-American electorate.
 - Notably, the letter does not provide statistical data supporting these claims but references the City’s electoral history and the outcomes of Asian-American candidates, including successful Asian-American candidates/current councilmembers.
 - Numerous public agencies ranging from cities to school districts have received letters alleging similar unsubstantiated allegations over the past few years, including those sent from GDBH.
 - Prospective Plaintiff demands the City transition to by-district elections to avoid litigation.

How Did We Get Here?

January 6, 2025: City Council approves Resolution of Intent to Transition to District-Based Elections.

Adoption of the Resolution triggered a 90-day safe harbor period in which Bulatao is barred from filing a CVRA suit while the City transitions to a district-based election system.



January-March 2025: City Attorney's designee meets with GBDH to discuss written agreement for extension of safe harbor period.

Written agreement will extend Claimant's prohibition on filing lawsuit for an additional 90 days.



April 7, 2025: Deadline to enter into a Written Agreement with Claimant.

Written Agreement

Written Agreement

A Written Agreement between the City and Prospective Plaintiff is required for a 90-day extension of the safe harbor period to be granted.

The purpose of the Written Agreement is to “provide additional time to conduct public outreach, encourage public participation, and receive public input.” (Elec. Code sec. 10010(e)(3)(C)(i).)

CVRA’s Safe Harbor Period:

Tolling of Litigation

- A Written Agreement extends the current 90-day safe harbor period for an additional 90 days, precluding any litigation from Bulatao at this time. (Elec. Code sec. 10010(e)(3)(C)(i).) The safe harbor period currently ends on April 7, 2025.
- Under the CVRA, tolling is permitted for a total of 180 days after passage of the Resolution of Intent to Transition. The CVRA does not provide for any additional extension of the safe harbor period after a Written Agreement is completed.

Financial Considerations

- The safe harbor period maintains a cap on Bulatao’s recovery of legal fees. Fees may only be recovered following the City’s adoption of an Ordinance.
- This means that Bulatao’s attorneys, GDBH, cannot seek more than \$30,000 in fees related to the “cost of the work product generated to support the notice.” (Elec. Code secs. 10010(f)(1) & (f)(3).)

Written Agreement

Required Contents of a Written Agreement:

No later than six (6) months before the City's next regular election, the City will establish its district boundaries pursuant to district-based elections (Elec. Code sec. 10010(e)(3)(C)(i).)

Within ten (10) days after executing the Written Agreement, the City will publish on its website a tentative schedule of public hearing and outreach events and dates. (Elec. Code sec. 10010(e)(3)(C)(ii).)

Prospective Plaintiff's Condition to a Written Agreement:

As conditioned, Prospective Plaintiff requires that the City Council vote to approve or deny an Ordinance establishing district-based elections at or before its June 16, 2025 City Council meeting – within the 180-day period.

This is not required in the statutory language of the CVRA.

Effect:

The City will have an additional 90 days to complete its public hearings pursuant to the CVRA, and Bulatao is prohibited from filing suit until July 7, 2025.

City may still engage the community in more outreach, education, and robust discussions following the July deadline.

Timeline with Written Agreement

Timeline



Date	Action
April 7, 2025	City Council votes to enter into a Written Agreement with Prospective Plaintiff to extend the safe harbor period for an additional 90 days.
April 17, 2025	The City makes available on its website a tentative schedule of the public outreach events and the public hearings pursuant to the CVRA.
April 21, 2025	City will hold its First Public Hearing . The City may conduct additional outreach regarding the redistricting process and public participation prior to these two hearings.
May 5, 2025	City will hold its Second Public Hearing .
May 12, 2025	City to publish the draft Map (City's existing Map). If members of the City Council are elected in their districts at different times to provide for staggered terms of office, the City will also publish the potential sequence of the staggered elections.
May 19, 2025	City will hold its Third Public Hearing . City to solicit public input regarding draft Map.
June 2, 2025	City will hold its Fourth Public Hearing . City to solicit public input regarding 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. 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.
June 16, 2025	City Council will hold a Public Hearing to vote on the adoption of the final Map along with Ordinance.
July 5, 2025	Deadline for City to hold all public hearings and community input meetings.

Recommendations

Recommendation



City Council should approve the Written Agreement with Prospective Plaintiff (Bulatao).



Summary of Written Agreement:

Extends safe harbor deadline from April 7, 2025 to July 5, 2025.

Reduces risk of litigation from Prospective Plaintiff (Bulatao).

Reduces costs related to CVRA litigation, recovery is limited to \$30k.