

RESOLUTION NO. 12043

A RESOLUTION ADOPTED PURSUANT TO ELECTIONS CODE § 10010(E)(3)(A) STATING THE CITY COUNCIL'S INTENT TO INITIATE PROCEDURES FOR ESTABLISHING AND IMPLEMENTING DISTRICT BASED ELECTIONS FOR CITY COUNCIL MEMBERS.

The City Council of the City of Monterey Park does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. The City Council first considered whether changing the City's election process for councilmembers was in the public interest in 2013;
- B. In March 2018, the City Council authorized the City Manager to retain a consultant to provide information regarding potential district elections;
- C. The City contracted with National Demographics Corporation ("Consultant") on July 6, 2018. On October 5, 2018, the City Council placed this matter on the October 17, 2018 regular agenda for consideration which was continued to the November 7, 2018 regular agenda;
- D. The City has not received a notice from a perspective plaintiff(s) as contemplated by Elections Code § 10010(E)(1). Rather, the City Council is undertaking this process voluntarily in an abundance of caution and to avoid any potential allegation that the City is violating the California Voting Rights Act of 2001 ("CVRA");
- E. The City Council asserts that any such potential allegation would be contradicted by the election records and the current composition of the City Council. The broad language of the CVRA, however, makes it difficult for the City to defend against any potential challenge. Based upon the experience of other public entities, it is apparent that a significant amount of public monies would be unnecessary expended in any such defense;
- F. Accordingly, it is in the public interest for the City Council to adopt this Resolution and commence the process for transitioning to district-based elections;
- G. In adopting this Resolution, the City Council declares its intent to transition from an at-large system to a district-based elections system in accordance with Government Code § 34886 and Elections Code §10010;
- H. The City will begin work with the Consultant to assist the City in establishing district maps for the public's consideration;
- I. Before drawing draft maps of the proposed boundaries of election districts, the City will hold at least two public hearings over not more than 30 days,

at which time the public is invited to provide input regarding the composition of the districts;

- J. The City will then publish and make available for release at least one draft map of the newly proposed electoral districts, including the potential sequence of elections shown;
- K. Once the draft map is publicized for at least seven days, the City will hold at least two additional public hearings over a period of not more than 45 days at which time the public is invited to provide input regarding the content of the draft map and the proposed sequence of elections before the public hearing at which the City Council considers a map; and
- L. If a draft map is revised at or following a public hearing, the revised map will be published and made available to the public at least seven days before the City Council considers it; and
- M. In determining the final sequence of staggered district elections, the City Council will give special consideration to the purposes of the CVRA, and will take in to account the preferences expressed by the members of the districts.

SECTION 2: Environmental Assessment. This Resolution is exempt from review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, “CEQA”) and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*; “CEQA Guidelines”) in that it is not a “project” for purposes of CEQA (as defined by CEQA Guidelines § 15378). Specifically, this Resolution proposes an organizational or administrative activity that will not result in a direct or indirect physical change in the environment (CEQA Guidelines § 15378(b)(5)). Further, even if this Resolution was deemed a “project,” and therefore subject to CEQA, the Resolution would be exempt as it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment (CEQA Guidelines § 15061(b)(3)).

SECTION 3: Declaration of Intent. Based upon the foregoing, the City Council declares its intent pursuant to Elections Code § 10010 to adopt a district-based election system for use in the City's General Municipal Election for City Council Members. The exact nature of that district-based system will be determined during the public hearing process. Additionally, the manner by which such system will be adopted, i.e., by ordinance or ballot proposition, will likewise be determined through the public hearing process.

SECTION 4: Public Hearings; Schedule. The City Council resolves to hold at least five public hearings and publish at least one draft map and staggering sequence pursuant to the proposed hearing schedule attached as Exhibit “A,” and incorporated by reference. All public hearings must be noticed by posting on the City's website at least 10 calendar days in advance of the hearing and publicized in a newspaper of general circulation at least 10 days in advance of the hearing. If desirable, the City Manager may also

publicize such hearings in other media including, without limitation, other newspapers, the City's newsletter, and appropriate social media sites.


SECTION 5: *Delegation of Authority.* The City Manager, or designee, will administer the contract with Consultant to direct and formulate one or more electoral district scenarios for review by the public and City Council at two or more public hearings, in accordance with the City's proposed timeline. Working with the Consultant, the City Manager is directed to publicize relevant maps; information; notices; agendas; and other materials regarding district elections. Further, the City Manager will establish means of communication to answer questions from the public. To accomplish these tasks in an expeditious manner, the City Manager is authorized to execute such agreements and ancillary documents, in a form approved by the City Attorney, as are necessary to implement the purpose of this Resolution.

SECTION 6: The City Clerk is directed to certify the adoption of this Resolution.

SECTION 7: This Resolution will become effective immediately upon adoption.

PASSED AND ADOPTED this 7th day of November, 2018.

ATTEST:

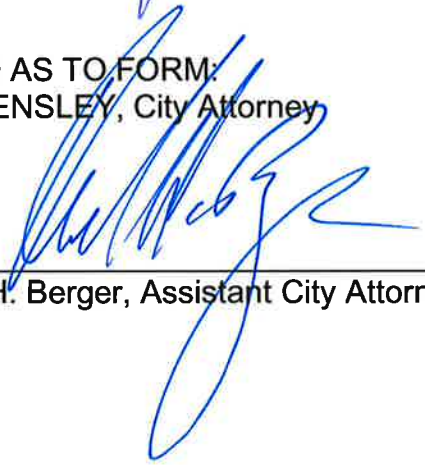


Vincent D. Chang, City Clerk



Peter Chan, Mayor

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger, Assistant City Attorney

State of California)
County of Los Angeles) ss.
City of Monterey Park)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 12043 was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 7th day of November, 2018, by the following vote:

Ayes: Council Members: Lam, Real Sebastian, Ing, Liang, Chan
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None

Dated this 7th day of November, 2018.



Vincent D. Chang, City Clerk
Monterey Park, California

Exhibit A

Draft Schedule for City of Monterey Park district elections

Nov. 7	Adopt Resolution of Intent to transition Election Systems.
Dec. 5	1 st public hearing (“to solicit public input regarding the composition of the districts”). No draft map drawn yet.
Dec. 19 (or alternative date for 2 nd meeting in	2 nd public hearing (“to solicit public input regarding the composition of the districts”). No draft maps drawn yet.
Jan. 16 (No later than 7 days prior to 3 rd hearing)	No meeting. Draft maps website and available at City office (and potentially other sites)
Feb. 20	3 rd public hearing (“to solicit public input regarding the content of the draft maps and the proposed sequence of elections”) Possible City Council action narrowing or revising draft maps.
Mar. 6	4 th public hearing (“to solicit public input regarding the content of the draft maps and the proposed sequence of elections”). Possible Council selection of a map and election sequence and direction to include the selected map and sequence in the resolution to be formally brought to the Council at the next hearing.
Possibly also on Mar. 6 (if there was clear consensus on a map Feb. 20). Otherwise Mar. 20	5 th public hearing followed by Council action to (if desirable) introduce the ordinance adopting the selected map and designating which Council districts will be up for election in which years. Alternatively, determine whether to place on ballot.
Mar. 20 or April 3	If desirable, second reading and adoption of ordinance (often done on consent agenda)