



Mission Statement

*“We Care for Our Residents by Working Together to Build a Better Community for Today and Tomorrow.”*

**CITY OF ROHNERT PARK  
CITY COUNCIL AGENDA REPORT**

Meeting Date: January 14, 2020  
 Department: Administration  
 Submitted By: Michelle Marchetta-Kenyon, City Attorney  
 Prepared By: Sylvia Lopez Cuevas, Assistant City Clerk  
 Agenda Title: **Fourth Public Hearing to Receive Input on Draft Maps and Potential Election Sequencing for By-District Elections; Consider Designation of Preferred Map and Introduction of Ordinance Adding Chapter 2.66 Within Title 2 to Provide for the Election of Members of the City Council by Five Districts (CEQA Status: Exempt)**

**RECOMMENDED ACTION:**

It is recommended that the City Council:

- 1) Receive a report from National Demographics Corporation (“NDC”), the demographic consultant, concerning the draft maps proposed to date, as well as the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for by-district elections pursuant to Elections Code § 10010;
- 2) Hold a fourth public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented and consider designating a preferred map for inclusion in an ordinance; and
- 3) Waive the first reading and introduce by title only, “An Ordinance of the City Council of the City of Rohnert Park Amending Title 2 “Administration and Personnel” of the Rohnert Park Municipal Code to add a Chapter 2.66, “District Elections” to Provide for the Election of Members of the City Council by Five Districts; Establish the District Boundaries; and Election Order of Each District.”

**BACKGROUND:**

On October 11, 2019, the City of Rohnert Park received a letter from a potential Plaintiff’s attorney alleging that the City’s at large election system violated the California Voting Rights Act. Although the City disputes the allegations, on November 12, 2019 the City Council adopted Resolution 2019-140 Declaring the City of Rohnert Park’s Intent to Initiate Procedures to Consider Transition from At-Large Elections to By-District Elections Pursuant to California Elections Code Section 10010, Approving a Tentative Timeline for Conducting Public Hearings and taking Related Actions.

By adopting Resolution 2019-140, the City must comply with the timelines set forth in Elections Code Section 10010, to transition to district-based elections by Monday, February 10, 2020. Adopting an ordinance transitioning from at-large to by-district elections by this date will avoid litigation being initiated against the City for alleged violations of the CVRA.

Under the Safe Harbor provisions of Elections Code Section 10010, the City must hold at least four public hearings: including at least two public hearings *prior* to the drafting of proposed district maps; and at least two additional public hearings after the maps are drawn. Drafts of the maps must be published at least seven days before consideration at a hearing, and if revised, the map must be made available to the public for at least seven days before its adoption. If the proposed district elections are to be staggered, the potential sequence of elections must be made public prior to the second set of two public hearings.

The City Attorney retained the services of NDC, whose consultants Shalice Tilton, Dr. Jeff Tilton and Doug Johnson, have assisted with the design and revision of proposed maps as determined through the public hearing process and in compliance with the CVRA.

Pursuant to Elections Code Section 10010(a)(1), the City Council held public hearings on November 12, 2019 and November 26, 2019 to receive public input regarding the number of districts, the composition of the districts and potential election sequencing. At the first public hearing Council received public comment and Council provided input to staff regarding the communities of interest. Council also discussed and voted to create five (5) districts rather than four (4) districts and a directly elected mayor.

Pursuant to Elections Code Section 10010(a)(2), the City Council held a third public hearing on December 10, 2019. Prior to the December 10, 2019 public hearing, draft maps for consideration were published on the City website at least seven (7) days before the public hearing. At that meeting Council considered Maps 101 through 108 and directed staff to remove from consideration the proposed maps that did not meet legal requirements and provided direction to draft additional maps for review of the Council and the public at this fourth public hearing scheduled for January 14, 2020.

Prior to this meeting, additional draft maps 109, 109b, 109c, 110 and 111 have been published on the City website at least seven (7) days before the public hearing.

### **ANALYSIS:**

In creating the district boundaries, the City must ensure compliance with the following state and federally-mandated criteria:

### **Legal Requirements:**

1. Each council district shall contain a nearly equal population as required by law; and
2. Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominate factor in violation of the principles established by the *United States Supreme Court in Shaw v. Reno, 509 U.S. 630 (1993)*, and its progeny.

The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, council districts shall be geographically contiguous. Areas within districts that meet only at the points of adjoining corners are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest should be respected and included within a single district for purposes of its effective and fair representation in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its

effective and fair representation.

3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations and where doing so does not conflict with higher-ranked criteria.
5. Where doing so does not conflict with higher-ranked criteria, the City Council may consider other traditional principles in the development of districts. For example, to the extent practicable, each council district shall respect the previous choices of voters by avoiding the creation of head-to-head contests between councilmembers previously elected by the voters, insofar as this does not conflict with Federal or State Law.

### **Public Input and Public Participation Toolkit:**

City staff continues to conduct outreach, in both English and Spanish, to advise its residents of each public hearing by posting on social media channels such as the City's Facebook page, Next-door, and twitter. For each hearing, the City has made informational flyers, in both English and Spanish, available throughout City's facilities. Additionally, the City has also noticed each public hearing on the City's Adjudicated Newspaper, The Community Voice. The City has also posted the notice in the City's website and at City Hall, Department of Public Safety, Community Center, Senior Center and the Sonoma County Library. As a courtesy, City staff has created a website page dedicated to this transition, whereby information is available in Spanish.

In addition to the public engagement process described above, the City created a "Draw a Map" webpage and through different social media channels, invited the public to use the Public Participation Toolkit on the City's Website to directly draw and submit maps for possible district boundaries.

The following describes the public participation tools that are currently available through the City's website.

1. Paper-only maps
2. A Microsoft Excel supplement for the paper maps to assist in counting population blocks

Maps may be hand-delivered or mailed to the City Clerk's Office located at 130 Avram Avenue, Rohnert Park, CA 94928, faxed to (707) 794-9248 attention to City Clerk's Office, scanned and emailed, or photographed and emailed to RohnertPark@NDCresearch.com or to the City Clerk's office at cityclerk@rpcity.org. As submitted maps are produced, they will be posted on the City's website.

### **Draft Maps for Consideration on January 14, 2020:**

Following the close of the third public hearing, NDC, prepared additional draft district maps and sequences of elections for City Council consideration on January 14, 2020. Additionally, members of the public have also submitted three draft district maps and sequences of elections for City Council consideration on January 14, 2020. The draft maps and proposed election were published on the City's website seven days prior to this public hearing. Those draft maps and potential sequencing of district elections are attached to this staff report as Attachment 1 and are identified as Maps 109,

109b, 109c, 110 and 111 for ease of reference.

**Remaining Public Hearings:**

If a final map is selected at this public hearing on January 14, 2020 without changes, Council may choose to introduce an ordinance establishing five districts on January 14, 2020. A final, fifth public hearing would be held on January 28, 2020 to adopt the ordinance.

If Council directs NDC to make further changes to any of the draft maps or directs NDC to prepare new maps at the fourth public hearing on January 14, 2020, a further public hearing would be held on January 28, 2020 to consider and discuss those draft maps and the ordinance may be introduced on that date.

It is important to note that adopting an ordinance transitioning from at-large to by-district elections by February 10, 2020 will avoid litigation being initiated against the City for alleged violations of the CVRA.

Members of the public can go to the City's District Election Information page [https://www.rpcity.org/city\\_hall/administration/city\\_clerk/district\\_election\\_information](https://www.rpcity.org/city_hall/administration/city_clerk/district_election_information) to find more information regarding draft district maps and the transition to by-district elections.

**ENVIRONMENTAL ANALYSIS:** The action of considering a response to a CVRA challenge is exempt from the California Environmental Quality Act ("CEQA") because it does not qualify as a "project" pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that the City's action would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**STRATEGIC PLAN ALIGNMENT:** The recommended option is consistent with Strategic GOAL B: Achieve and maintain financial stability and GOAL C: Ensure the effective delivery of public services.

**OPTIONS CONSIDERED:**

- 1. Staff recommends** Council to: 1) Receive a report from NDC concerning the draft maps proposed to date, as well as the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for by-district elections pursuant to Elections Code § 10010; 2) Hold a fourth public hearing and invite members of the public to provide feedback on the draft maps and potential election sequencing presented; and 3) designate a preferred map and introduce by title only, "An Ordinance of the City Council of the City of Rohnert Park Amending Title 2 "Administration and Personnel" of the Rohnert Park Municipal Code to add a Chapter 2.66, "District Elections" to Provide for the Election of Members of the City Council by Five Districts; Establish the District Boundaries; and Election Order of Each District.";
- 2.** Conduct the fourth public hearing and provide further direction to NDC regarding the draft maps; or
- 3.** Decline to conduct this fourth public hearing and give other direction to staff. This option is **not** recommended by staff.

**FISCAL IMPACT/FUNDING SOURCE:**

In the event the Council proceeds to transition from at-large elections to by-district elections by

February 10, 2020, the City's liability to a potential plaintiff would be capped at \$30,000. There will also be additional costs relating to the transition to a by-district election system, including consultant, legal and staff time associated with implementation of the timeline for transition to a district-based election system and costs relating to outreach. Costs of expert analysis and assistance in transitioning to a by-district election system are preliminarily estimated at approximately \$50,000.

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**City Attorney Approval Date:**

**Finance Manager Approval Date:** N/A

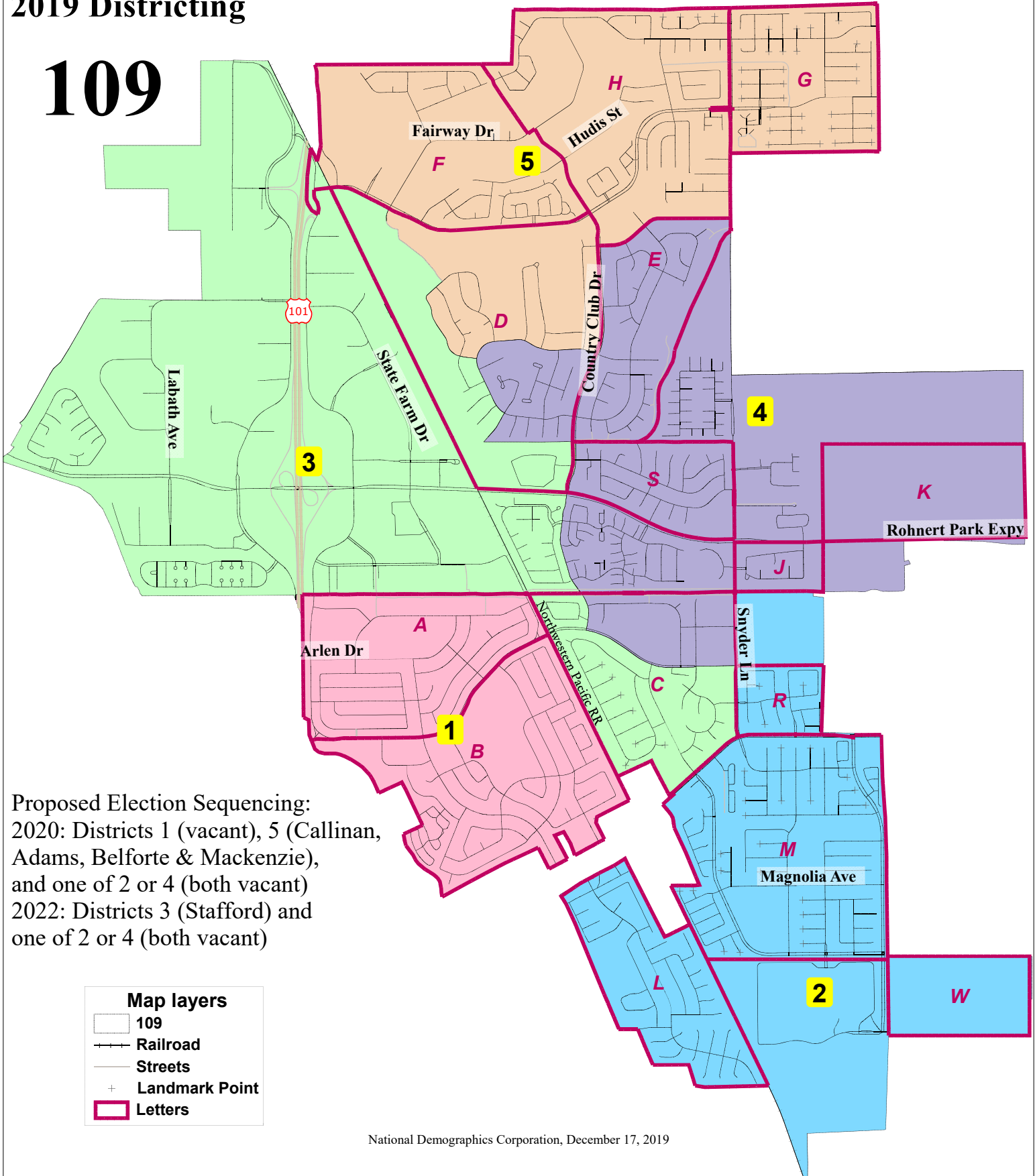
**City Manager Approval Date:**

**Attachments** (*list in packet assembly order*):

1. Draft Maps (109, 109b, 109c, 110 and 111)
2. Public Hearing Notice
3. Ordinance

# Rohnert Park 2019 Districting

# 109



Proposed Election Sequencing:  
 2020: Districts 1 (vacant), 5 (Callinan, Adams, Belforte & Mackenzie), and one of 2 or 4 (both vacant)  
 2022: Districts 3 (Stafford) and one of 2 or 4 (both vacant)

Map layers	
	109
	Railroad
	Streets
	Landmark Point
	Letters

National Demographics Corporation, December 17, 2019

## Rohnert Park - Map 109

District		1	2	3	4	5	Total
	Total Pop	8,126	8,461	8,042	8,197	8,145	40,971
	Deviation from ideal	-68	267	-152	3	-49	419
	% Deviation	-0.83%	3.26%	-1.86%	0.04%	-0.60%	5.11%
Total Pop	% Hisp	36%	17%	24%	19%	15%	22%
	% NH White	54%	70%	64%	70%	73%	66%
	% NH Black	3%	2%	3%	2%	2%	2%
	% Asian-American	4%	9%	6%	6%	7%	6%
	Total	5,102	6,652	6,456	6,581	6,203	30,993
Citizen Voting Age Pop	% Hisp	27%	17%	16%	11%	18%	17%
	% NH White	66%	74%	72%	79%	75%	74%
	% NH Black	2%	2%	2%	1%	2%	2%
	% Asian/Pac.Isl.	4%	7%	6%	6%	4%	6%
	Total	3,348	4,682	4,178	4,278	5,302	21,788
Voter Registration (Nov 2018)	% Latino est.	23%	15%	19%	13%	13%	16%
	% Spanish-Surnamed	20%	14%	17%	12%	12%	15%
	% Asian-Surnamed	2%	3%	2%	3%	3%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	73%	79%	63%	79%	81%	75%
	% NH Black	2%	2%	2%	1%	2%	2%
	Total	2,280	3,351	2,804	3,192	3,976	15,604
Voter Turnout (Nov 2018)	% Latino est.	20%	14%	16%	12%	11%	14%
	% Spanish-Surnamed	18%	12%	15%	11%	10%	13%
	% Asian-Surnamed	2%	3%	2%	3%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	76%	81%	67%	80%	83%	78%
	% NH Black	2%	2%	2%	1%	2%	2%
	Total	2,673	3,757	3,346	3,949	4,147	17,872
Voter Turnout (Nov 2016)	% Latino est.	21%	14%	17%	13%	12%	15%
	% Spanish-Surnamed	19%	12%	16%	11%	11%	13%
	% Asian-Surnamed	2%	3%	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	74%	78%	72%	74%	83%	77%
	% NH Black est.	2%	3%	2%	1%	1%	2%
	Total	8,722	8,454	8,189	8,013	8,693	42,071
ACS Pop. Est.	Total	8,722	8,454	8,189	8,013	8,693	42,071
Age	age0-19	24%	20%	26%	23%	22%	23%
	age20-60	63%	67%	56%	54%	55%	59%
	age60plus	14%	14%	18%	23%	23%	18%
Immigration	immigrants	24%	9%	18%	10%	11%	14%
	naturalized	37%	71%	43%	65%	62%	50%
Language spoken at home	english	61%	86%	70%	82%	82%	76%
	spanish	33%	9%	23%	10%	11%	17%
	asian-lang	3%	3%	4%	5%	3%	3%
	other lang	3%	2%	3%	3%	4%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	18%	4%	10%	4%	6%	8%
Education (among those age 25+)	hs-grad	61%	63%	60%	68%	61%	62%
	bachelor	16%	22%	21%	18%	22%	20%
	graduatedegree	6%	11%	6%	7%	10%	8%
Child in Household	child-under18	30%	26%	26%	26%	27%	27%
Pct of Pop. Age 16+	employed	63%	66%	63%	63%	66%	64%
Household Income	income 0-25k	23%	14%	22%	16%	7%	17%
	income 25-50k	23%	17%	22%	22%	16%	20%
	income 50-75k	26%	19%	20%	19%	19%	20%
	income 75-200k	27%	46%	32%	39%	49%	39%
	income 200k-plus	2%	4%	4%	4%	8%	4%
Housing Stats	single family	52%	75%	59%	69%	86%	68%
	multi-family	48%	25%	41%	31%	14%	32%
	rented	60%	43%	52%	45%	34%	47%
	owned	40%	57%	48%	55%	66%	53%

Total population data from the 2010 Decennial Census.

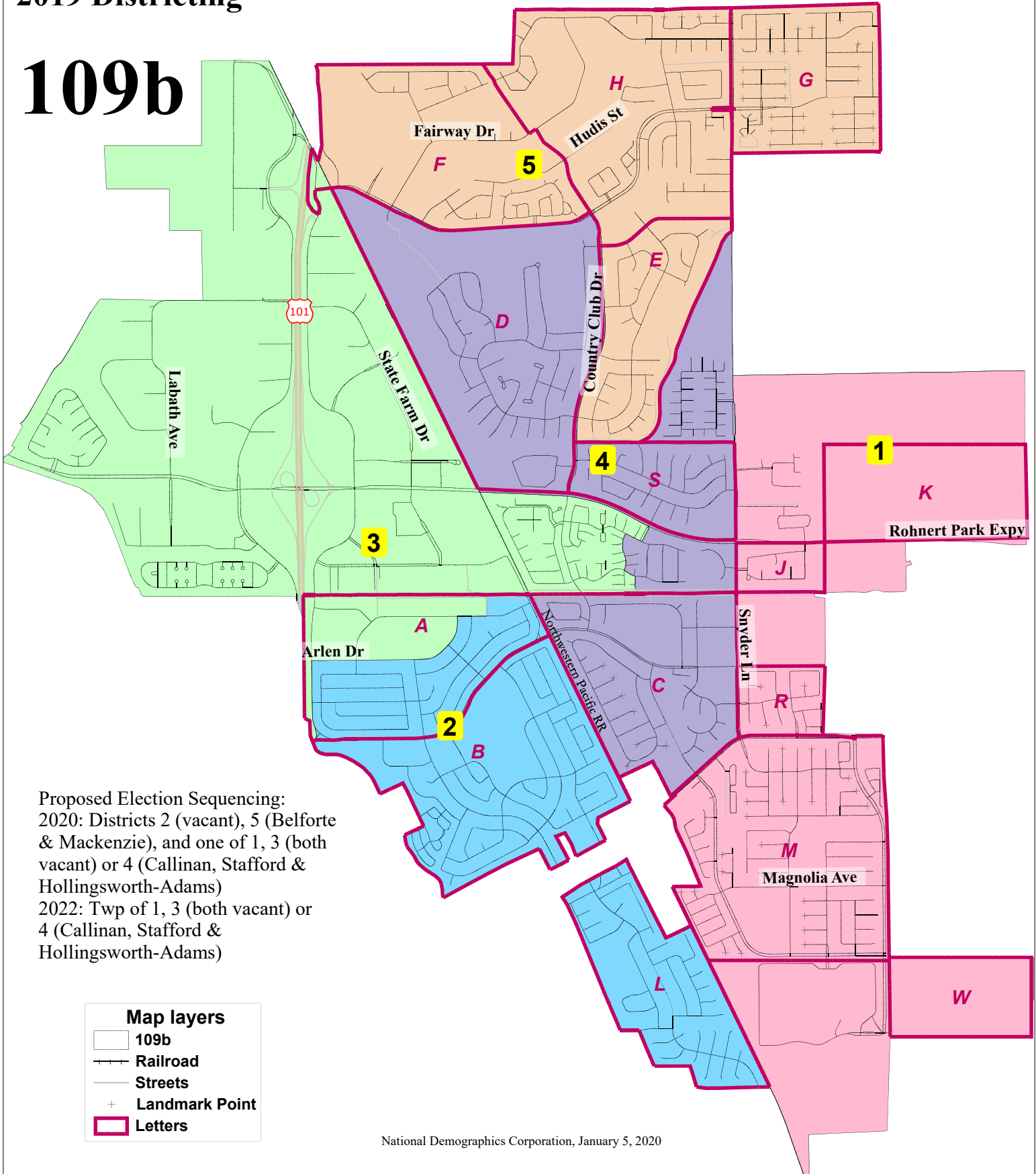
Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.

# Rohnert Park 2019 Districting

**Not Contiguous. Not Population Balanced.**

# 109b



Proposed Election Sequencing:  
 2020: Districts 2 (vacant), 5 (Belforte & Mackenzie), and one of 1, 3 (both vacant) or 4 (Callinan, Stafford & Hollingsworth-Adams)  
 2022: Twp of 1, 3 (both vacant) or 4 (Callinan, Stafford & Hollingsworth-Adams)

- Map layers**
- 109b
  - Railroad
  - Streets
  - Landmark Point
  - Letters

National Demographics Corporation, January 5, 2020



## Rohnert Park - Map 109b

District		1	2	3	4	5	Total
	Total Pop	7,713	8,374	7,904	8,349	8,631	40,971
	Deviation from ideal	-481	180	-290	155	437	918
	% Deviation	-5.87%	2.20%	-3.54%	1.89%	5.33%	11.20%
Total Pop	% Hisp	16%	30%	32%	17%	15%	22%
	% NH White	70%	60%	56%	71%	73%	66%
	% NH Black	2%	3%	3%	3%	2%	2%
	% Asian-American	9%	4%	5%	7%	7%	6%
	Total	6,347	5,755	5,597	6,725	6,569	30,993
Citizen Voting Age Pop	% Hisp	15%	22%	21%	13%	16%	17%
	% NH White	74%	71%	69%	75%	77%	74%
	% NH Black	2%	2%	1%	2%	1%	2%
	% Asian/Pac.Isl.	8%	4%	6%	6%	4%	6%
	Total	4,618	4,002	3,469	4,292	5,407	21,788
Voter Registration (Nov 2018)	% Latino est.	15%	21%	21%	14%	13%	16%
	% Spanish-Surnamed	13%	19%	19%	12%	12%	15%
	% Asian-Surnamed	4%	2%	2%	2%	3%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	76%	75%	60%	79%	82%	75%
	% NH Black	2%	2%	1%	2%	2%	2%
	Total	3,343	2,789	2,264	3,156	4,052	15,604
Voter Turnout (Nov 2018)	% Latino est.	13%	18%	18%	12%	12%	14%
	% Spanish-Surnamed	12%	16%	16%	11%	11%	13%
	% Asian-Surnamed	3%	2%	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	78%	78%	63%	81%	84%	78%
	% NH Black	2%	2%	1%	2%	2%	2%
	Total	3,534	3,288	2,698	4,093	4,259	17,872
Voter Turnout (Nov 2016)	% Latino est.	14%	18%	19%	13%	12%	15%
	% Spanish-Surnamed	13%	16%	17%	11%	11%	13%
	% Asian-Surnamed	3%	2%	2%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	1%
	% NH White est.	71%	77%	70%	79%	83%	77%
	% NH Black est.	3%	2%	2%	2%	1%	2%
	Total	7,949	8,597	8,508	7,851	9,166	42,071
ACS Pop. Est.	Total	7,949	8,597	8,508	7,851	9,166	42,071
Age	age0-19	20%	23%	23%	26%	22%	23%
	age20-60	67%	61%	58%	54%	55%	59%
	age60plus	13%	16%	19%	20%	23%	18%
Immigration	immigrants	7%	21%	21%	11%	11%	14%
	naturalized	74%	41%	40%	59%	62%	50%
Language spoken at home	english	87%	66%	67%	80%	82%	76%
	spanish	9%	27%	28%	12%	11%	17%
	asian-lang	3%	3%	3%	5%	3%	3%
	other lang	1%	4%	2%	3%	4%	3%
Language Fluency	Speaks Eng. "Less than Very Well"	4%	15%	13%	5%	6%	8%
Education (among those age 25+)	hs-grad	64%	59%	61%	67%	61%	62%
	bachelor	22%	18%	19%	17%	21%	20%
	graduatedegree	10%	8%	6%	6%	10%	8%
Child in Household	child-under18	26%	29%	26%	26%	27%	27%
Pct of Pop. Age 16+	employed	66%	64%	64%	61%	66%	64%
Household Income	income 0-25k	12%	20%	24%	18%	7%	17%
	income 25-50k	17%	21%	23%	22%	17%	20%
	income 50-75k	19%	25%	20%	19%	19%	20%
	income 75-200k	48%	32%	28%	38%	49%	39%
	income 200k-plus	4%	2%	4%	3%	8%	4%
Housing Stats	single family	75%	63%	53%	65%	85%	68%
	multi-family	25%	37%	47%	35%	15%	32%
	rented	41%	51%	57%	48%	34%	47%
	owned	59%	49%	43%	52%	66%	53%

Total population data from the 2010 Decennial Census.

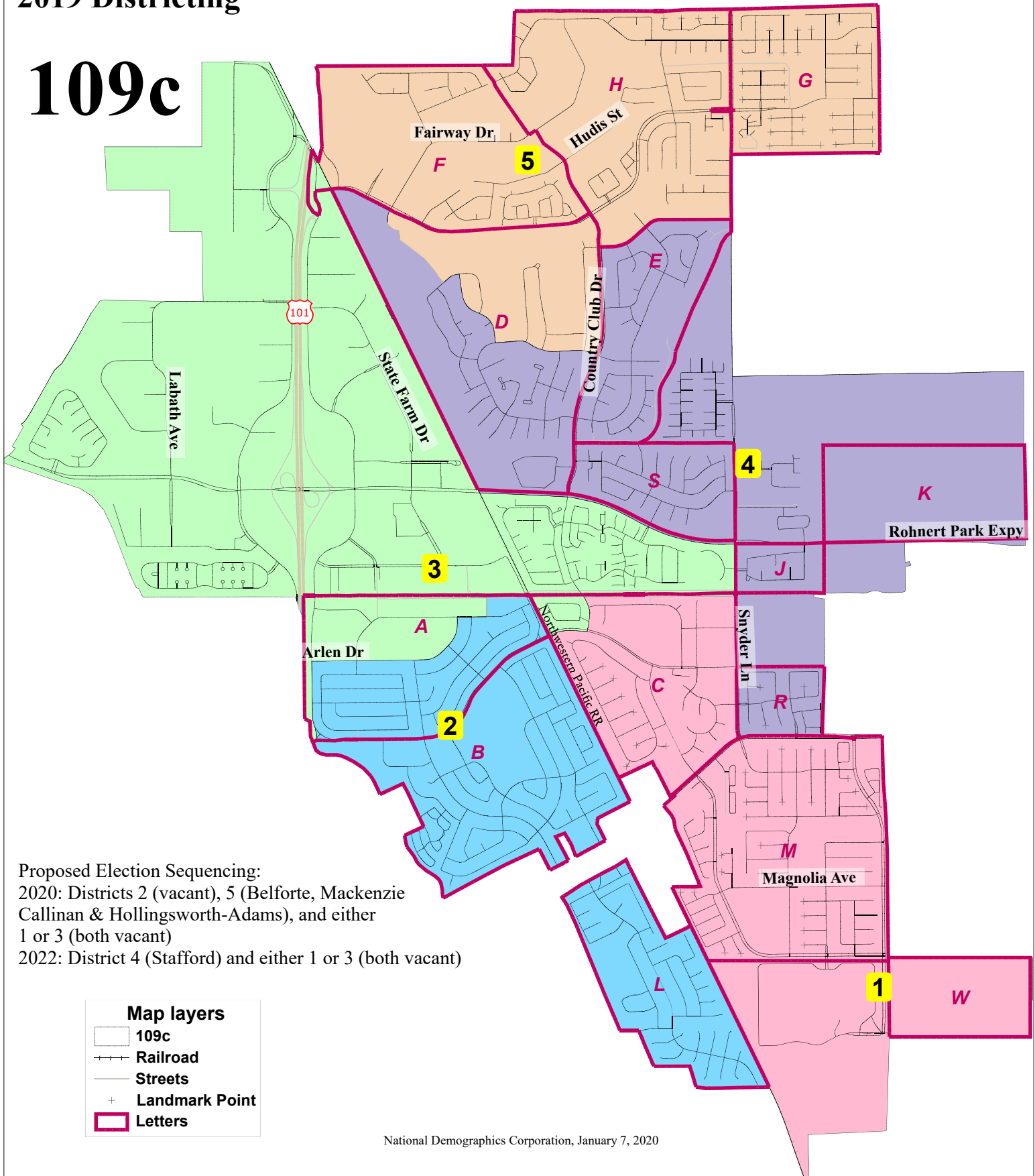
Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.

# Rohnert Park 2019 Districting

**Not Contiguous.**

# 109c



Proposed Election Sequencing:  
 2020: Districts 2 (vacant), 5 (Belforte, Mackenzie Callinan & Hollingsworth-Adams), and either 1 or 3 (both vacant)  
 2022: District 4 (Stafford) and either 1 or 3 (both vacant)

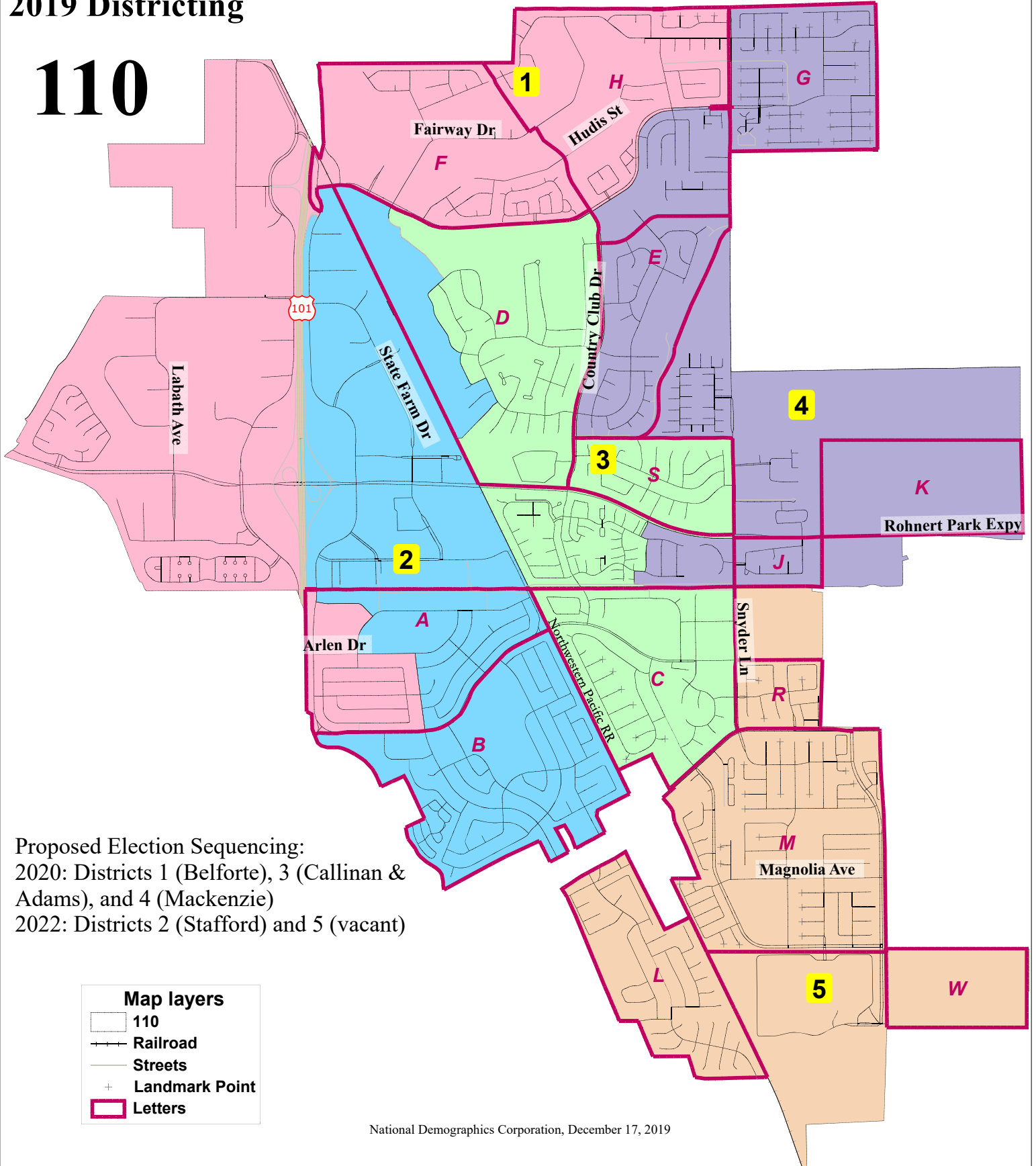
**Map layers**

- 109c
- Railroad
- Streets
- Landmark Point
- Letters

National Demographics Corporation, January 7, 2020

# Rohnert Park 2019 Districting

# 110



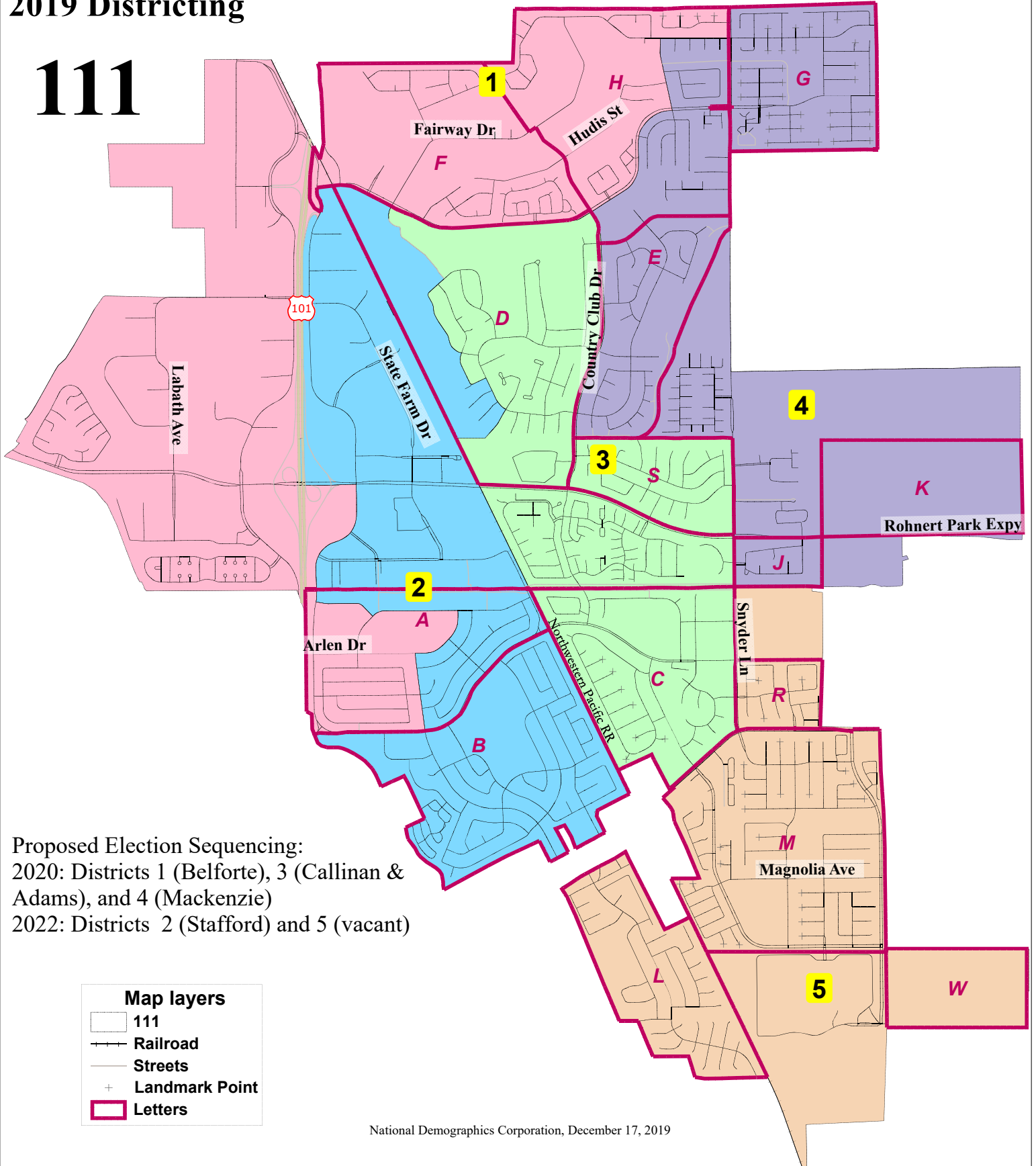
Proposed Election Sequencing:  
 2020: Districts 1 (Belforte), 3 (Callinan & Adams), and 4 (Mackenzie)  
 2022: Districts 2 (Stafford) and 5 (vacant)

Map layers	
	110
	Railroad
	Streets
	Landmark Point
	Letters

National Demographics Corporation, December 17, 2019

# Rohnert Park 2019 Districting

# 111



Proposed Election Sequencing:  
 2020: Districts 1 (Belforte), 3 (Callinan & Adams), and 4 (Mackenzie)  
 2022: Districts 2 (Stafford) and 5 (vacant)

Map layers	
	111
	Railroad
	Streets
	Landmark Point
	Letters

National Demographics Corporation, December 17, 2019



## **NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN THAT ON JANUARY 14, 2020**, the City Council will hold its fourth Public Hearing to Receive Input on Composition of Districts Regarding the By-District Based City Councilmember Elections, Review of Proposed District Maps and Potential Election Sequencing.

**WHERE:** Rohnert Park City Hall – Council Chamber  
130 Avram Avenue, Rohnert Park, California

**TIME:** At the hour of 5:00 p.m. or as soon thereafter as the matter is reached on the agenda.

All residents of Rohnert Park are hereby notified to attend these meetings of the City Council at the dates and times above, where their objections will be heard and given due consideration.

If you have any questions, please contact the City Clerk's Office at 707-588-2227 or email [cityclerk@rpcity.org](mailto:cityclerk@rpcity.org)

Dated: December 30, 2019  
Published: January 3, 2020

Sylvia Lopez Cuevas, Assistant City Clerk  
City of Rohnert Park



## **AVISO DE AUDIENCIA PÚBLICA**

**SE AVISA QUE EL 14 DE ENERO DEL 2020**, el Ayuntamiento celebrará su cuarta audiencia pública para recibir comentarios sobre la composición de los distritos con respecto a las elecciones de distrito de los miembros del consejo de la ciudad, Revisión de propuestos mapas de distrito y tentativa secuencia de elecciones.

**DONDE:** Ayuntamiento de Rohnert Park - Cámara del Consejo  
130 Avram Avenue, Rohnert Park, California

**HORA:** A las 5:00 p.m. o tan pronto como se llegue al asunto en la agenda.

Se notifica a todos los residentes de Rohnert Park para que asistan a estas reuniones del Concejo Municipal en las fechas y horarios anteriores, donde se escucharán sus objeciones y se les dará la debida consideración.

Si tiene alguna pregunta, comuníquese con la Oficina del Secretario Municipal al 707-588-2227 o envíe un correo electrónico a [cityclerk@rpcity.org](mailto:cityclerk@rpcity.org)

Fecha: 30 de Diciembre del 2019  
Publicado: 3 de Enero del 2020

Sylvia Lopez Cuevas, Assistant City Clerk  
City of Rohnert Park

## **ORDINANCE NO. 943**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, AMENDING TITLE 2 “ADMINISTRATION AND PERSONNEL” OF THE ROHNERT PARK MUNICIPAL CODE TO ADD A CHAPTER 2.66, “DISTRICT ELECTIONS” TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS; ESTABLISH THE DISTRICT BOUNDARIES; AND ELECTION ORDER OF EACH DISTRICT**

**WHEREAS**, on October 11, 2019, the City of Rohnert Park received a letter from a potential Plaintiff’s attorney alleging that the City’s at large election system violated the California Voting Rights Act; and

**WHEREAS**, to date, no city has successfully litigated a CVRA challenge and such litigation can be costly and burdensome to cities; and

**WHEREAS**, California Government Code section 34886, effective January 1, 2016, permits the City Council of any city to change the City’s method of election by ordinance to a “by-district” system in which each member of the City Council is elected only by the voters in the district in which the candidate resides; and

**WHEREAS**, under the provisions of California Elections Code section 10010, a city that changes from an at-large city council method of election to a by-district city council method of election requires a total of five public hearings, which includes at least two public hearings regarding potential voting district boundaries prior to the release and consideration of any draft voting district maps, and two public hearings following the release of draft voting district map(s); and

**WHEREAS**, at a regular meeting held on November 12, 2019, the City Council adopted Resolution No. No. 2019-140, to begin the process of transitioning to a district based election system and adopting the schedule for public hearings to conform to the requirements of California Elections Code section 10010; and

**WHEREAS**, thereafter, at regular meetings held on November 12, 2019 and November 26, 2019, pursuant to California Elections Code section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the number and composition of the City’s voting districts and election sequencing, before any draft maps were drawn, and the City Council considered public input and discussed the same at those meetings; and

**WHEREAS**, thereafter, at regular meetings on December 10, 2019 and January 14, 2020, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the proposed sequence of elections, and the City Council received considered and discussed the same; and

**WHEREAS**, at the regular meeting on January 14, 2020, the City Council held a public hearing on the proposal to establish district boundaries, reviewed additional public input, formally selected the voting district known as Map XXXX and the election sequence attached to, incorporated in, and set forth in this Ordinance, which was introduced for a first reading at that time with a second reading and adoption scheduled to take place on January 28, 2020; and

**WHEREAS**, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public procedures required by California Elections Code Section 10010 and complied with the provisions and timelines set forth in Elections Code Section 10010; and

**WHEREAS**, the City considered the criteria set forth in Elections Code Section 21601 and is adopting district boundaries in accordance with the provisions stated therein, as well as the federal Voting Rights Act and the California Voting Rights Act; and

**WHEREAS**, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of members of the City Council of the City of Rohnert Park by-district in five single-member districts as reflected in Attachment A to this Ordinance and to implement the guarantees of the California Constitution.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES HEREBY ORDAIN AS FOLLOWS:**

**Section 1.** Recitals. The City Council hereby finds that the foregoing recitals are a true and accurate and are incorporated herein by reference.

**Section 2.** California Environmental Quality Act (CEQA) Determination.

Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of the Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

**Section 3.** Code Amendment. Title 2 “Administration and Personnel” of the Rohnert Park Municipal Code is hereby amended to add a Chapter 2.66 “District Elections,” within Title 2 to read as follows:

“Chapter 2.66. - District Elections.

2.66.010-Declaration of Purpose. The City Council of the City of Rohnert Park hereby declares that the change of method of electing members of this Council, hereby enacted, is being made in furtherance of the California Voting Rights Act of 2001.

2.66.020-City Council Districts Established. Five City Council districts are hereby established in the City of Rohnert Park. The district boundaries and identifying number of each district shall be as described on the Council District Map, attached hereto as Exhibit “A” and incorporated hereby by this reference.

2.66.030-Election of Members of the City Council by District.

A. Following the effective date of this ordinance and upon the commencement of “by district” elections pursuant to section 2.66.040, members of the City Council shall be elected “by District,” as defined in California Government Code Section 34871, or any successor statute.

B. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the member is to be elected.

C. No term of any member of the City Council that commenced prior to the effective date of this ordinance shall be affected by the adoption of this ordinance.

2.66.040-Commencement of District Elections. Commencing with the general municipal election in November of 2020 and thereafter the voters in districts XXXX shall elect members of the City Council by district for full four (4) year terms. At the general municipal election in 2022 and thereafter, the voters in districts XXXX and shall elect members of the City Council by district for full four (4) year terms.”

Section 4. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Rohnert Park hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 5. Effective Date.

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

Section 6. Publication; Certification.

The City Clerk shall attest to the adoption of this Ordinance and cause the same to be published in accordance with State law.

This Ordinance was introduced by the City Council of the City of Rohnert Park on January 14, 2020, and was adopted on January 28, 2020 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF ROHNERT PARK

\_\_\_\_\_  
Joseph T. Callinan, Mayor

ATTEST:

\_\_\_\_\_  
JoAnne M. Buergler, City Clerk

APPROVED AS TO FORM:

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Michelle Marchetta-Kenyon, City Attorney



ATTACHMENT A- DISTRICT MAP XXXX