

CITY OF BUELLTON
City Council Agenda Staff Report

City Manager Review: MPB
Council Agenda Item No.: 7

To: The Honorable Mayor and City Council

From: Greg Murphy, City Attorney

Meeting Date: March 28, 2019

Subject: Approval of Settlement Agreement Related to California Voting Rights Act

BACKGROUND

Southwest Voter Registration Education Project (SVREP), founded in 1974, is the largest and oldest non-partisan Latino voter participation and advocacy organization in the United States. On September 28, 2018, SVREP transmitted a demand letter to the City of Buellton, alleging racially polarized “at-large” voting exists in the City that has resulted in minority vote dilution and a violation by the City of the California Voting Rights Act of 2001 (the “CVRA”). The letter demanded that the City voluntarily change its at-large election system in favor of a district based election system

The CVRA has been interpreted by courts to strongly favor election systems based on districts, and the statutory scheme provides for an award of attorneys’ fees to a successful plaintiff suing under the act. The letter that SVREP sent to the City is a statutory requirement to allow the City to consider its options before SVREP files a lawsuit based on the claims of racially polarized voting and minority vote dilution. After considering its options, the City adopted Resolution No. 18-22, declaring the City’s intention to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010. Resolution No 18-22 recognized the City’s intent to utilize the results of the 2020 census conducted by the United States Census Bureau to adopt a district-based elections ordinance to be effective beginning in the City’s 2022 election. The City Attorney’s office was directed to negotiate with SVREP’s attorneys to determine whether this timeline could be the subject of a settlement agreement so as to avoid litigation under the CVRA.

Settlement negotiations proved fruitful, in part because of a recognition of the City’s size and limited budget and in further part because SVREP’s counsel agreed that the completion of the Village Townhomes and Senior Apartments will add sufficient numbers of residents to the City that allowing them to be completed and their residents counted in the 2020 census would best effectuate the purposes of the CVRA. The

attached agreement recognizes this, sets forth a timeline for compliance, and provides for a payment to SVREP's attorneys of up to a statutory maximum of \$30,000 based on records to be provided to the City after execution of the agreement.

If the agreement is approved, the City will undertake its change from at-large elections to district based elections in 2021 and will hold district elections in 2022 and thereafter.

FISCAL IMPACTS

There is an immediate impact of up to \$30,000 in the current fiscal year for settlement costs to the SVREP attorneys. We anticipate the full \$30,000 will be paid, but it is possible a slightly smaller amount may be paid.

The FY 2020-21 and FY 2021-22 budgets will have to be adjusted to reflect the cost of a demographer to assist in mapping the City for the transition to district based elections.

RECOMMENDATION

That the City Council approve the terms of the attached settlement agreement and direct the City Manager to execute it and administer its financial provisions.

ATTACHMENTS

Attachment 1 - Settlement Agreement