

RESOLUTION NO. 2021-2

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
LAKEWOOD DECLARING ITS INTENTION TO TRANSITION
FROM AT LARGE TO BY DISTRICT CITY COUNCIL
ELECTIONS, PURSUANT TO CA ELECTIONS CODE
SECTION 10010

WHEREAS, in the City of Lakewood (the “City”), members of the City Council are currently elected in “at large” elections, in which each Councilmember is elected by the registered voters of the entire City; and

WHEREAS, in certain circumstances, California Government Code, Section 34886, authorizes a City Council to adopt an Ordinance to change from at large City Council elections to elections “by district,” in which each Councilmember is elected only by the registered voters in the district in which the candidate resides; and

WHEREAS, on November 30, 2020, the City received a letter from attorney Kevin Shenkman of Shenkman & Hughes, written on behalf of Southwest Voter Registration Education Project (“Southwest”) and its members, which letter alleges that the City’s at large election system violates the California Voting Right Act (the “CVRA”), and threatens litigation if the City does not voluntarily change to electing Councilmembers by district; and

WHEREAS, while the City denies that its at large election system violates the CVRA or any other applicable laws, and maintains that its election system is legal in all respects, the City Council wishes to avoid the potentially enormous costs involved in defending a lawsuit to attempt to vindicate the City’s contentions; and

WHEREAS, due to the uncertainty of the results of litigation, and in order to avoid costs of litigation which would likely be enormous even if the City were to prevail, the City Council has concluded that it would be in the public interest to commence the process to transition from at large to by district elections; and

WHEREAS, California Elections Code, Section 10010, provides a method by which a city can expeditiously change from an at large elections system to a by district elections system, and avoid the high cost of litigation; and

WHEREAS, Section 10010 provides a deadline for completion of the actions to be taken, but it permits a city and the party threatening litigation to extend such deadline; and

WHEREAS, COVID-19 restrictions and a resultant delay in the 2020 Census make it impractical for the City to complete the process within the time period set forth in Section 10010; and

WHEREAS, contemporaneously with the adoption of this Resolution, the City and Southwest have entered into a Tolling Agreement which extends the deadline for the City to take

the actions required by Section 10010, with an October 1, 2021, deadline for adoption of the required Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD DOES RESOLVE AS FOLLOWS:

SECTION 1. The City Council hereby declares its intention to consider adoption of an Ordinance to transition to a by district system for electing City Councilmembers, beginning with the next regular municipal election to be held in 2022.

SECTION 2. The City Council authorizes and directs staff to work with the City's demographer and other persons as needed, to prepare a detailed analysis of the City's post-2020 Census demographics and any other data necessary to prepare a draft map or maps to divide the City into voting districts, consistent with the provisions of the CVRA.

SECTION 3. The City Council authorizes the staff to take all other actions necessary for the City to comply with the requirements of Section 10010 and other applicable laws.

SECTION 4. The City Council hereby declares its intention to take the specific steps, and approves the tentative timeline for taking such steps, as set forth in Exhibit A, attached hereto and made a part hereof. Such timeline may be adjusted by the City Manager if deemed necessary, provided that any such adjustments do not result in the City not being able to adopt the required Ordinance by October 1, 2021.

SECTION 5. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution, or any part hereof, is held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections or portions of this Resolution. The City Council hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase in this Resolution irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution.

ADOPTED AND APPROVED THIS 12TH DAY OF JANUARY, 2021.


Mayor

ATTEST:


City Clerk

EXHIBIT A

TENTATIVE TIMELINE: CONVERSION TO ELECTIONS BY DISTRICT

<u>DATE</u>	<u>EVENT</u>
November 30, 2020	City received demand letter.
January 12, 2021	Adoption of Resolution of Intention; entry into Tolling Agreement.
February and March, 2021	Public outreach regarding process.
April 13, 2021	First Public Hearing.
April 27, 2021	Second Public Hearing.
After receipt of 2020 Census data	Preparation and posting of draft Maps and potential sequence of Council elections.
August, 2021	Third Public Hearing (regarding draft Maps).
August, 2021	Posting of amended draft Maps and sequence (if any).
September 14, 2021	Fourth Public Hearing; selection of Map; Introduction of Ordinance establishing district boundaries and election sequence.
September 28, 2021	Adoption of Ordinance.