

RESOLUTION 24-110

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLOVIS APPROVING ITS INTENT TO INITIATE A TRANSITION FROM AT-LARGE TO DISTRICT- BASED ELECTIONS COMMENCING WITH THE 2026 CITY COUNCIL ELECTION

WHEREAS, the City Council (“Council”) of the City of Clovis (“City”) is elected “at-large,” meaning that each Council member is elected by voters of the entire City; and

WHEREAS, Council members are elected in even-numbered years and serve staggered, four-year terms, such that the next election for two Council members is scheduled for November 2024, with the remaining three Council members scheduled for election in November 2026; and

WHEREAS, under the California Voting Rights Act (“CVRA”), at-large elections are permissible unless they result in racially polarized voting, defined as “voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate,” and further cause dilution of a protected class’s votes to a degree that it is denied the potential to elect its preferred candidate or influence the outcome of an election; and

WHEREAS, the City consistently monitors its elections, and has evaluated outcomes of its elections dating back to at least 2010 for the existence of racially polarized voting and vote dilution, and does not believe that it’s at-large method of election is unlawful or in any way unfair or inaccessible to the voters of Clovis; and

WHEREAS, despite the City’s lawful use of at-large election system, on August 26, 2024, the City received a letter from the Southwest Voter Registration Education Project alleging violations of the CVRA, and advising that the City has the choice to voluntarily convert to district-based elections - where Council members are elected by only the voters residing within the election district in which the candidate resides, or face a legal challenge to its election system; and

WHEREAS, while many public agencies have resisted similar demands to change their at-large election systems, to date, none have successfully defended against a lawsuit brought under the CVRA to enforce such demands, and the costs of those legal proceedings, even if resolved at an early stage through settlement, can be substantial; and

WHEREAS, although the Council does not believe that the at-large elections in the City have resulted in racially polarized voting or diluted the votes of any protected class, and based on the available information the Council does not believe it is in best interest of the City to transition to district-based elections, defending against a legal challenge to the City's election system would be prohibitively costly for the City and its residents and the chances of success are unlikely and potentially unfavorable to the City given the history of such challenges elsewhere in California; and

WHEREAS, to avoid a costly and likely unfavorable outcome, the Council prefers to voluntarily begin the process of transitioning to district-based elections; and

WHEREAS, the adoption of district-based elections will not affect the terms of any Council members serving or elected during this transition, each of whom will serve out his or her full term; and

WHEREAS, the Council will hold a minimum of two public hearings to seek public input regarding the composition of the election district areas prior to developing proposed election district boundary maps; and

WHEREAS, the Council, with assistance from a demographer, will hold a minimum of two additional public hearings to seek public input on the proposed election district maps developed, and on the proposed sequence of elections, prior to holding a final public hearing in which the Council will adopt a final map of election districts; and

WHEREAS, the Council, cognizant of its responsibility for fiscal responsibility, desires to implement this transition to district-based elections in a cost effective and efficient manner; and

WHEREAS, pursuant to Government Code section 34886, the Council may effectuate this change to district-based elections by adopting an ordinance requiring the Council members to be elected by district without submitting the ordinance to an election by the City's voters.

NOW, THEREFORE, BE IT RESOLVED, that the City of Clovis hereby resolves as follows:

1. This Resolution is passed and adopted pursuant to Elections Code section 10010, subdivision (e)(3)(A).
2. Election district area boundary lines shall be developed based on the most updated federal decennial census data to provide for district-based elections commencing no earlier than the 2026 City Council elections.

3. The City shall commence the process of transitioning to district-based elections, in full compliance with all appropriate procedures and policies provided in law, including but not limited to Elections Code sections 10010, 14025, et seq., and 21130. It is estimated and intended that an election district map and ordinance implementing district-based elections will be adopted no later than January 5, 2025, unless otherwise directed by the City Council or agreed upon by the Southwest Voter Registration Education Project.
4. Staff is directed to engage a demographer, legal counsel, and any other consultant(s) deemed necessary to assist in the development and implementation of proposed election district boundaries.
5. The City Manager or his designee is hereby authorized and directed to take any other actions necessary to effectuate the purposes of this resolution.

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The foregoing resolution was introduced and adopted at a regular meeting of the City Council of the City of Clovis held on October 7, 2024, by the following vote, to wit:

AYES: Councilmembers Basgall, Bessinger, Pearce, Mayor Ashbeck
NOES: Councilmember Mouanoutoua
ABSENT: None
ABSTAIN: None

DATED: October 7, 2024



Mayor



City Clerk

