

**RESOLUTION NO. 18-04-A**  
**OF THE**  
**SAN MATEO COUNTY HARBOR DISTRICT DECLARING ITS INTENT TO**  
**TRANSITION FROM AT-LARGE TO BY-DISTRICT ELECTIONS FOR**  
**MEMBERS OF THE BOARD OF HARBOR COMMISSIONERS UNDER**  
**ELECTIONS CODE SECTION 10010 COMMENCING IN NOVEMBER OF 2018**

WHEREAS, members of the Harbor Commission ("the Commission") of the San Mateo County Harbor District ("the Harbor District") are currently elected in "at-large" elections, in which each Harbor Commissioner is elected by the registered voters of the entire County of San Mateo; and

WHEREAS, the Commission is comprised of 5 harbor commissioners who serve staggered 4-year terms and are elected in even-numbered years pursuant to CA Harbors and Navigation Code sections 6050 and 6051; and

WHEREAS, California Elections Code Section 10650 authorizes the legislative body of a special district to change its method of election by resolution, from an "at large" system to a "district based" system in which each harbor commissioner is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the Commission seeks to change the method of electing members of the legislative body in furtherance of the purposes of the California Voting Rights Act of 2001; and

WHEREAS, a violation of the California Voting Rights Act ("CVRA") is established if it is shown that racially polarized voting occurs in elections (Elections Code Section 14028(a)). "Racially polarized voting" means 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 (Elections Code Section 14026(e)); and

WHEREAS, the Commission has directed staff to adopt the five San Mateo County Supervisorial district boundaries to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the Harbor District denies its election system violates the CVRA or any other provision of law and asserts the Harbor District's election system is legal in all respects

and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its Commission elections; and

WHEREAS, despite the foregoing, the Commission has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the Harbor District were to prevail; and

WHEREAS, pursuant to Elections Code subdivision 10010(e), if the Harbor District adopts a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so, then a prospective plaintiff may not bring a CVRA lawsuit within 90 days after that resolution's passage; and

WHEREAS, prior to the Commission's consideration of a resolution to establish district boundaries for a district-based electoral system, California Elections Code Section 10010 requires the following:

1. The Harbor District shall publish the district-based map consistent with Exhibit A and, if members of the Commission will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
2. The Commission shall also hold at least two (2) hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the proposed sequence of elections, if applicable.
3. The first draft of the potential sequence of the elections shall be published for a minimum of seven (7) days prior to consideration at a public hearing. If the draft sequence is revised at or following the first public hearing, the revised document shall be published and made available to the public for a minimum of seven (7) days prior to the second public hearing and before being adopted; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting commissioner, each of whom will serve out his or her current term.

NOW, THEREFORE BE IT RESOLVED, that the San Mateo County Harbor District, acting by and through its Commission, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

**SECTION 1.** The Commission hereby resolves to transition to a district-based election system as authorized by Elections Code Section 10650 for use in the District’s General Municipal Election for Harbor Commissioners beginning in November 2018.

**SECTION 2.** The Commission directs staff to work in a manner consistent with the intent and purpose of the California Voting Rights Act and the Federal Voting Rights Act.

**SECTION 3.** The Commission hereby adopts San Mateo County Supervisorial districts as specified in Exhibit A, attached to and made a part of this resolution.

**SECTION 4.** Following the United States Census 2020 the Harbor District will update district boundaries.

**SECTION 5.** The Commission directs staff to post information regarding the proposed transition to a district based election system, including map, notices, agendas and other information and to establish a means of communication to answer questions from the public.

This Resolution was adopted at a Regular Meeting of the Board of Harbor Commissioners of the District on March 21, 2018, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

Attested

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Debbie Gehert, Deputy Secretary

Board of Harbor Commissioners

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Virginia Chang Kiraly, President

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## EXHIBIT A



# SUPERVISORIAL DISTRICTS

C O U N T Y O F S A N M A T E O