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**CITY OF FORT BRAGG
CITY CLERK**

April 16, 2018

Via Certified Mail

June Lemos
City Clerk
City of Fort Bragg
416 N. Franklin Street
Fort Bragg, CA 95437

Re: Request for Compliance with the California Voting Rights Act

Dear Ms. Lemos,

I am writing on behalf of the Coast Committee for Responsive Representation ("Committee"). The City of Fort Bragg ("City" or "Fort Bragg") currently employs an at-large electoral system to elect members to the Fort Bragg City Council ("City Council"). At-large electoral systems are disfavored by the California Voting Rights Act of 2001 ("CVRA") because they have been shown to result in vote dilution of protected class voters when racially-polarized voting occurs. The CVRA, via section 14027 of the California Elections Code, provides that "an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgment of the rights and privileges of members of a protected class." Thus, at-large City Council elections with evidence of racially-polarized voting violate the CVRA. *See* Cal. Elec. Code § 14028.

This letter is sent to Fort Bragg pursuant to California Elections Code section 10010, subd. (e)(1), as amended by AB 350 (2016). Based on a thorough investigation and analysis of demographic and electoral information concerning past Fort Bragg elections, the Committee believes that Fort Bragg's current at-large electoral system for the City Council may violate the CVRA and should be converted to a by-district electoral system. With recent changes in City governance and the numerous challenges facing the community, including a projected budget deficit, transitioning to a by-district electoral system could not be more urgent or needed to ensure that all of Fort Bragg's population has a voice in local affairs.

Fort Bragg's current at-large electoral system permits a bare majority of voters registered in Fort Bragg to control every seat of the City Council, which appears to disenfranchise the voting rights of local protected class voters, including Latino and Hispanic voters. The current City Council does not include any Latino or Hispanic council members and the Committee has not been able to identify any past Latino or Hispanic council members. Moreover, the disenfranchisement appears to be so complete that no Latino or Hispanic

candidates have ever run for a seat on the City Council despite constituting approximately 34% of Fort Bragg's total population and 20% of Fort Bragg's population who are U.S. citizens. This continues to be a concern as community groups and constituencies seek to recruit potential candidates for the November 2018 Fort Bragg City Council election. Similarly, the burden of having to campaign city-wide has been expressed as a significant barrier to prospective City Council candidates that discourages participation so a change to district-based elections would not only benefit Latino or Hispanic voters and candidates but will benefit all voters and candidates.

Even in the absence of protected class candidates for City Council, Fort Bragg's at-large electoral system appears to impair the ability of Latino or Hispanic voters in Fort Bragg to elect candidates of their choice or to influence the outcome of elections, including but not limited to elections with local ballot measures (such as Measure U on June 7, 2016; Measure AA on November 8, 2016; and Measure O on November 4, 2014). It is troubling that the City has not already begun addressing these issues by converting to district-based elections in light of the requirements of the CVRA, which has been in place for seventeen years.

Fort Bragg includes two U.S. Census Tract sections, No. 104, the northern half of the City; and No. 105, the southern half of the City. Significantly, the Latino or Hispanic Citizen Voting Age Population ("CVAP") in Fort Bragg is concentrated in the southern half of the City in Tract No. 105, where it is estimated to be nearly four times greater than it is in the northern half of the City in Tract No. 104. *See, e.g.,* 2012-2016 American Community Survey 5-Year Estimates. Election precinct information obtained from the office of the Assessor-County Clerk-Recorder of Mendocino County identifies the locations of all precincts within Fort Bragg. A careful regression analysis of past election results by precinct, factoring in relative Latino or Hispanic CVAP and other demographic information, provides evidence of racially polarized voting in Fort Bragg.

These facts are strong indicators of minority vote dilution in Fort Bragg. The at-large electoral system used in Fort Bragg City Council elections enables a majority voting bloc to prevent minority Latino or Hispanic voters from electing candidates of their choice or influencing the outcomes of elections. Fort Bragg's extended history of electoral futility for Latino or Hispanic voters strongly suggests that Latino voting strength has not only been diminished by at-large elections, it has been practically eliminated. When Latino or Hispanic voters are unable to elect candidates of their choice, they find themselves unrepresented in local government, which consequently is unresponsive to their concerns. Fort Bragg can begin to remedy this situation by transitioning to district-based elections for City Council.

As you may be aware, most jurisdictions in California that have evaluated their electoral systems for compliance with the requirements of the CVRA elected to convert to district-based elections. Of the jurisdictions that did not, none has prevailed in a court action challenging at-large electoral systems as alleged violations of the CVRA. In the two published CVRA cases, *Sanchez v. City of Modesto* (2006) 145 Cal. App. 4th 660, and *Jauregui v. City of Palmdale* (2014)

226 Cal. App. 4th 781, the cities' unsuccessful attempts to avoid converting to by-district elections for city council members nevertheless resulted in implementation of city council districts. In Palmdale, the court imposed electoral districts that combined all incumbent city council members into a single district. Fort Bragg can and should follow the example of many other California cities, school districts, and special districts and elect to implement the safe harbor provisions of the amended CVRA to voluntarily convert to by-district City Council elections. That way, Fort Bragg can determine the most appropriate boundaries for each City Council district with input from public stakeholders during the prescribed process.

This change is long overdue and will benefit the entire community by reducing barriers to run for local office and ensuring that each neighborhood and constituency has its views heard and needs addressed by Fort Bragg. Would the community prefer if candidates for the Mendocino County Board of Supervisors were elected at-large by all voters county-wide? Likely not because there are widely-held views that "Inland" Mendocino County has different concerns and issues than we face on the Coast. The same is true for Fort Bragg and all segments of the population and all areas of the City deserve to have their interests represented by the candidates of their choice on the City Council.

Considering Fort Bragg's electoral history, including a lack of Latino or Hispanic representation on the City Council (or even as candidates for City Council), and evidence of racially polarized elections, the Committee encourages Fort Bragg to voluntarily change the current at-large electoral system to a by-district electoral system for the City Council. Within 45 days, please inform me of the City's intentions regarding transitioning City Council elections from an at-large to a by-district electoral system. The Committee looks forward to your response. In the meantime, I am available to discuss the City's electoral system and the most efficient means by which Fort Bragg can best achieve the objectives of the CVRA, an interest the entire Fort Bragg community shares.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jacob R. Patterson", with a long horizontal line extending to the right.

Jacob R. Patterson