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RECEIVED

MAY 25 2018

**CITY OF FORT BRAGG
CITY CLERK**

May 24, 2018

Via Certified Mail and Personal Service

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

Re: Continued 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") received a letter from me on behalf of the Committee dated April 16, 2018 concerning the City's compliance with the California Voting Rights Act of 2001 ("CVRA"). As outlined in the April 16, 2018 letter, the City currently employs an at-large electoral system to elect members to the Fort Bragg City Council ("City Council"), which is disfavored under the CVRA. On May 2, 2018, the City held a special meeting to discuss the April 16, 2018 letter and the City's options concerning compliance with the CVRA. The City Council directed staff to order demographic analysis from National Demographics Corporation ("NDC") and it is our understanding that the City has not yet received the results of that analysis. The City Council is currently scheduled to hold a public hearing at its next meeting on Tuesday, May 29, 2018 regarding potentially adopting a Resolution of Intention to Transition from At-Large to District-Based Councilmember Elections. In the agenda report for that item, City staff recommends that the City Council adopt the Resolution of Intention to begin the process of converting to district-based elections.

Based on prior public discussion, many members of the community expressed a desire for more time than the safe-harbor provides to facilitate dialog on these topics so that all options can be fully considered and to facilitate informed decision-making. The Committee agrees, in part, because any changes to the electoral system will not impact the upcoming City Council elections in November 2018 and would only go into effect for subsequent City Council elections (e.g., November 2020). In order to provide additional time for staff, the City Attorney, and the City Council to review the demographic analysis being prepared by NDC as well as other information and evidence relevant to the City's compliance with the CVRA, the Committee is happy to provide this additional letter withdrawing and resubmitting the earlier letter with a

new effective date of May 24, 2018.¹ This letter is sent to Fort Bragg pursuant to California Elections Code section 10010, subd. (e)(1), as amended by AB 350 (2016).

The Committee believes that providing the City with an effective restart of the initial 45-day safe harbor period is in the community's best interest because it allows the City more time to review the issues to make an informed decision regarding potentially adopting a Resolution of Intention. Doing so also offers the opportunity for the City to prepare more information to present to the public at the first public hearing regarding possible transition to district-based elections, which will better facilitate a thorough community dialog about the City's electoral system.

As discussed in the prior letter, subsequent City meetings, and the staff report for the May 29, 2018 public hearing, at-large electoral systems are disfavored by the CVRA. 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 violate the CVRA when they impair the ability of protected class voters to elect preferred candidates or otherwise influence the outcome of a local elections. See Cal. Elec. Code § 14028.

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 district-based electoral system even if other electoral options are considered concurrently. This is based on a thorough investigation and analysis of demographic and electoral information concerning past Fort Bragg elections and a review of other evidence and information that is relevant to potentially demonstrating a violation of the CVRA.

Latino or Hispanic residents constitute approximately 34% of Fort Bragg's total population and 20% of Fort Bragg's population who are U.S. citizens. As previously discussed, 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. Even in the absence of protected class candidates for City Council², 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 elections with local ballot measures.

¹ The withdrawal and resubmission of the Committee's notice letter is conditional on the City not having received another notice letter pursuant to California Elections Code section 10010, subd. (e)(1) in the intervening period between the City's receipt of the prior letter on April 17, 2018 and the City's receipt of this letter.

² I should note that subsequent to sending the April 16, 2018 letter, the Committee became aware of at least one prior Latina candidate who was unsuccessful in her campaign to be elected to the Fort Bragg City Council.

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. Other sources of information provide more specific demographic data about Fort Bragg. A regression analysis of past election results by precinct, factoring in relative Latino or Hispanic CVAP from the American Community Survey and demographic information from other sources, provides evidence of racially polarized voting in Fort Bragg. This statistical demographic analysis is in addition to other relevant evidence that shows a likely violation of the CVRA. The Committee believes that the demographic analysis being prepared for the City by NDC will provide further evidence that the City's current electoral system violates the CVRA.

Considering Fort Bragg's electoral history, including a lack of Latino or Hispanic representation on the City Council and evidence of impaired electoral success by Latino or Hispanic voters and candidates, the Committee continues to encourage Fort Bragg to voluntarily change the current at-large electoral system to district-based electoral system for the City Council. Should the City Council decide to adopt the Resolution of Intention under the safe-harbor process after evaluating the City's options and obligations under the CVRA, the City may want to also consider converting to a charter city to allow for greater local control and broader electoral options. This was suggested by several members of the public in prior public comments, including the letter from Californians for Electoral Reform discussing other alternatives to at-large or by-district electoral systems. I and the Committee look forward to a productive community dialog on these important issues concerning the fairness and equity of Fort Bragg's method of electing members of the City Council.

Respectfully submitted,

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

Jacob R. Patterson