

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
RESOLUTION NO. 23-033**

**A RESOLUTION OF THE BOARD OF DIRECTORS DECLARING ITS INTENT TO TRANSITION FROM
HYBRID WARD-BASED AND AT-LARGE ELECTIONS TO SOLELY WARD-BASED ELECTIONS,
INITIATE PROCEDURES, AND IMPLEMENT WARD-BASED ELECTIONS FOR AT-LARGE MEMBERS
OF THE BOARD OF DIRECTORS**

WHEREAS, the Alameda-Contra Costa Transit District (“District”) is duly organized as a special district and operates as a rapid transit district, politically created pursuant to Transit District Law (Division 10 of the Public Utilities Code of the State of California) by the electorate on November 6, 1956; and

WHEREAS, two members of the District’s Board of Directors are currently elected in “at-large” elections, in which each at-large member is elected by the registered voters of the entire District; and

WHEREAS, on March 27, 2023, the District received a letter from lawyers alleging that the District’s method of electing two of the seven members of the District’s Board of Directors in at-large elections instead of by-ward elections violates the California Voting Rights Act (“CVRA”), Elections Code section 14026 et seq.; and

WHEREAS, Subdivision (a) of Elections Code section 10650 authorizes a special district to, by resolution, require that the members of its governing body be elected using ward-based elections without being required to submit the resolution to the voters for approval, in furtherance of the California Voting Rights Act of 2001; and

WHEREAS, the California Legislature has provided a procedure whereby a jurisdiction can expeditiously change to a by-ward election system and avoid the high cost of litigation under Elections Code section 10010. Under that procedure, a jurisdiction can limit the amount of its liability to prospective plaintiffs and their attorneys to a maximum amount of \$30,000 adjusted for inflation (currently approximately \$38,000) for reimbursable expenses and costs (the “safe harbor provision”); and

WHEREAS, the District denies that its election system violates the CVRA or any other provision of law and further denies any wrongdoing whatsoever in connection with how it has conducted its elections; and

WHEREAS, the District’s voters have a long history of electing directors who are members of protected classes to the District’s board; and

WHEREAS, despite the foregoing, the District has determined that the public interest would be served by transitioning to a fully ward-based electoral system because of the following: (1) the high cost to defend against a CVRA lawsuit; (2) the risk of losing such a lawsuit, which would require the District to pay the prevailing plaintiffs’ attorneys’ fees; and (3) the availability of changing to ward-based elections under the safe harbor provision; and

WHEREAS, the AC Transit Board of Directors wishes to adopt a Resolution pursuant to Government Code section 10650 transitioning from an at-large to by-ward election system commencing with the November 2024 General Election, using 2020 Census data, demographic study, and community feedback. This resolution establishes specific steps to undertake and facilitate this transition.

NOW THEREFORE, the Board of Directors of the Alameda-Contra Costa Transit District does resolve as follows:

Section 1. **Transition From At-Large Elections To Ward-Based Elections.** The Board hereby intends that the members of the governing body may be elected using entirely ward-based elections, commencing with the November 2024 General Election. The Board of Directors hereby declares through the adoption of this resolution that it is intending to change two seats on the Board from the at-large method to the by-ward method of electing members of the governing body in furtherance of the California Voting Rights Act of 2001 (commencing with Section 14025 of Division 14 of the Elections Code).

Section 2. **Upcoming Actions.** The Board of Directors may take, or may direct District staff and/or consultants to take, the following actions prior to commencing a General Election, taking into consideration the time required for public outreach and input, agenda requirements under the Brown Act, the Board of Directors meeting schedule, and the timeframes established under Elections Code section 10010:

- (a) Conduct public outreach, including to non-English speaking communities, to explain the districting process and to encourage public participation;
- (b) Before drawing a draft map or maps of the proposed ward boundaries, hold at least two (2) public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the wards and to consider ward boundaries as provided in Elections Code section 10010;
- (c) After drawing a draft map or maps, publish the draft map(s) and the potential sequence of the ward elections and hold at least two (2) public hearings at which the public is invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections. The first version of a draft map shall be published at least seven days before a public hearing. If a draft map is revised following the public hearing, it shall be published and made available to the public for at least seven days before being adopted; and
- (d) Hold a public hearing at which the Board of Directors will consider and adopt a Resolution establishing by-ward elections, including the adoption of a ward boundary map and the sequence of the ward elections.

Section 3. **Effective Date.** This resolution shall become effective immediately upon its passage by four affirmative votes of the Board of Directors.

PASSED AND ADOPTED this 26th day of July, 2023.

Joel Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, Board Administrative Officer/District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that this Resolution was passed and adopted at a regular meeting of the Board of Directors on July 26, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

Approved as to Form and Content:

Jill Sprague
General Counsel/Chief Legal Officer