ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
ORDINANCE NO. 20 (EVERGREEN)

AN ORDINANCE TO ESTABLISH A SEVEN-WARD SYSTEM FOR ELECTING DIRECTORS TO THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT BOARD OF DIRECTORS

WHEREAS, the Alameda-Contra Costa 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, 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 14025 et seq.; and

WHEREAS, on July 26, 2023, the District's Board of Directors adopted Resolution No. 23-033 pursuant to Elections Code sections 10650 and 10508, declaring its intent to transition from a hybrid at-large and by-ward election system to a solely by-ward election system commencing with the November 2024 General Election, using 2020 Census data, demographic study, and community feedback. This resolution established specific steps to undertake and facilitate this transition; and

WHEREAS, pursuant to Elections Code section 10010, and the timeframes set forth in the statute, the District took the following actions:

(a) Conducted public outreach, including to non-English speaking communities, to explain the redistricting process and to encourage public participation;

(b) Before drawing a draft map or maps of the proposed ward boundaries, held at least two (2) public hearings over a period of no more than 30 days, at which the public was 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, published the draft map(s) and the potential sequence of the ward elections and held at least two (2) public hearings at which the public was 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 was published at least seven days before the third public hearing. Revised draft maps were published and made available to the public for at least seven days before the fourth public hearing at which they were considered ; and

(d) Held a public hearing at which the Board of Directors considered Ordinances establishing by-ward elections, including proposed ward boundary maps and sequences of the ward elections; and

WHEREAS, the District conducted robust public outreach related to redistricting, including six multi-lingual workshops, including four virtual and two held in person; outreach to community-based organizations, elected officials and members of the public; display ads published in Spanish and Chinese newspapers; multi-lingual ad cards placed on buses advertising the public hearings and workshops; regular social media posts and press releases; and a dedicated redistricting webpage (actransit.org/redistricting); and

WHEREAS, multi-lingual workshops were held on September 7 and September 11 at which the public received information about the redistricting process, communities of interest, and the use of available tools to create and submit maps for consideration by the September 20, 2023 deadline. Additional workshops were held on September 30, October 12, and October 17, 2023 to review draft maps and provide input on the design of the wards and sequencing of elections; and

WHEREAS, the District tailored all communications regarding redistricting to its constituents in the three predominant languages spoken in the District's service area (English, Spanish, and Chinese), including all public hearing notices, staff reports, maps, presentations, and redistricting information. Spanish, Mandarin, and Cantonese interpreters were provided at every workshop and public hearing; and

WHEREAS, before any maps of the proposed boundaries of the wards were drawn, the Board of Directors (Board) held two (2) public hearings on September 6, 2023 and September 13, 2023, respectively, at which time input from the public on the composition of the District wards including criteria for determining ward boundaries was invited and heard; and

WHEREAS, at the public hearings on September 6, 2023 and September 13, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, and all pertinent information prior to acting on, or making recommendations on, the ward election process and composition of maps; and

WHEREAS, at the public hearing on September 13, 2023, the Board provided initial direction to the demographer to begin drawing draft maps for a seven-ward election system; and

WHEREAS, based on public input and Board feedback, the District's demographer prepared six redistricting plans for review: Green, Blue, Purple, Red, Orange, and Yellow. These plans were made publicly available on the District's website on September 25, 2023, and the public was invited to comment on the plans as well as on the plans submitted by the public by the September 20, 2023 deadline; and

WHEREAS, at the public hearing on October 4, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports

from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 4, 2023, the Board instructed its demographer to number the wards 1 through 7, north to south for all variations of the plans presented at the next meeting; address questions about sequencing at the next meeting in terms of which wards will come up for election in 2024 versus 2026; renumber the Green Plan as described above; prepare a variation of the Green Plan that includes Wards 1 through 5 and Wards 6 and 7 from the Red Plan; and prepare a variation of the Green Plan that splits the downtown area of Oakland into at least two and up to three wards and has flexibility as to potentially rotating through Emeryville/the Oakland Hills while maintaining the community of interest in East Oakland; and

WHEREAS, on October 16, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment an updated set of draft maps, respectively entitled, Pine, Apple, Emerald and Lemon; and

WHEREAS, at the public hearing on October 25, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 25, 2023, the Board of Directors directed the preparation of two ordinances for public comment and future consideration at the November 8, 2023 public hearing: one for the Pine Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election); and a second ordinance for the Revised Emerald Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election). In addition, the ordinances were to include language authorizing staff to make technical, non-substantive corrections and to correct a minor external boundary adjustment in Ward 4; and

WHEREAS, on October 27, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment updated draft maps, respectively entitled, Evergreen and Jade; and

WHEREAS, on November 8, 2023, the Board held its fifth and final public hearing, received public comment on two proposed ordinances (Ordinance 20 (Evergreen) and Ordinance 20 (Jade)), and introduced and waived reading of both ordinances; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of Directors of the Board of

Directors of the Alameda-Contra Costa Transit District by-ward in seven wards to be created hereby.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT:

Section 1. PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of members of the Board of Directors of the Alameda-Contra Costa Transit District by seven (7) single member wards. This Ordinance is adopted pursuant to the District's authority under California Elections Code Sections 10010, 10508, 10650 and Public Utilities Code Section 24823. The change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5, commencing with Section 14025 of Division 14 of the California Elections Code).

Section 2. EFFECT OF ORDINANCE.

This Ordinance shall take effect thirty (30) days following its passage and adoption, and the text of the Ordinance (excluding exhibits which shall be made available at www.actransit.org/redistricting) shall be published after passage once a week for two consecutive weeks in a newspaper of general circulation within the Alameda-Contra Costa Transit District, with at least five days intervening between the respective publication dates not counting such publication dates.

Section 3. BY-WARD ELECTORAL SYSTEM FOR SEVEN DIRECTORS.

(a) Pursuant to California Elections Code Sections 10010, 10508, and 10650, Directors shall be elected by-ward in seven (7) wards.
(b) Except as provided in subdivision (c) hereof, the Director elected to represent a ward must live in that ward and be a registered voter in that ward, and any candidate for Director must live in, and be a registered voter in, the ward in which he or she seeks election at the time nomination papers are issued.
(c) A Director in office at the time this ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified. If vacancies in Director offices elected by-ward or at-large occur before the expiration of the full term thereof, such vacancies shall be filled according to law from the prior ward boundaries or District at-large, respectively.
(d) Upon expiration of the full term of each Director elected at-large or by ward, that Director's successor shall be elected only on a by-ward basis in the wards established by this Ordinance. A vacancy in a Director office elected or appointed by-ward shall be filled according to law by a person qualified to hold the office, who lives, and is a registered voter, in the ward.

Section 4. WARDS.

Elections shall take place, and Directors shall be elected by wards, meaning one member of the ward shall be elected from each ward, by the voters of that ward alone. A copy of the adopted ward map and the metes and bounds for each of the seven wards are attached hereto as Exhibits A and B and are incorporated by reference.

Section 5. ELECTION SCHEDULE (OPTION 1)

(a) Directors from Wards 1, 6 and 7 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
(b) Directors from Wards 2, 3, 4 and 5 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 5. ELECTION SCHEDULE (OPTION 2)

(a) Directors from Wards 1, 2 and 6 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
(b) Directors from Wards 3, 4, 5 and 7 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Alameda-Contra Costa Transit District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. MINOR CORRECTIONS

In case of an apparent conflict between the ward map attached to this Ordinance as Exhibit A and the ward metes and bounds in Exhibit B of this Ordinance, the ward map shall govern. The District Secretary is authorized to make technical adjustments to the ward boundaries specified in this section if necessary to facilitate the implementation of this Ordinance, so long as such adjustments do not materially affect the ward populations, the eligibility of ward candidates, or the residency of elected officials within any ward.

Section 8. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption by four affirmative votes of the Board of Directors and shall be published once a week for two consecutive weeks following its passage in a newspaper of general circulation within the District.

Joel B. Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that this ordinance was introduced at a regular meeting of the Board of Directors on November 8, 2023 and adopted at a regular meeting of the Board of Directors held on December 13, 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 A. Sprague, General Counsel/Chief Legal Officer