



COUNTY OF SAN MATEO
Inter-Departmental Correspondence
County Counsel



DATE: June 20, 2012
BOARD MEETING DATE: June 26, 2012
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: Majority

TO: Honorable Board of Supervisors

FROM: John C. Beiers, County Counsel

SUBJECT: Introduction of an Ordinance submitting to the eligible registered voters at the November 6, 2012 election the question of whether they wish to amend the San Mateo County Charter to change the manner of electing members of the Board of Supervisors from an "at-large" to a "by-district" system.

RECOMMENDATION:

Introduce the following ordinance: an Ordinance submitting to the eligible registered voters at the November 6, 2012 election the question of whether they wish to amend the San Mateo County Charter to change the manner of electing members of the Board of Supervisors from an "at-large" to a "by-district" system.

BACKGROUND:

In June 2010, the Charter Review Committee submitted recommendations to the Board of Supervisors for various amendments to the San Mateo County Charter. One of the recommendations was to place before the voters an amendment to Section 202 (Election) of the Charter that would change the current system of electing supervisors from an "at-large" to a "by-district" system. On July 13, 2010, the Board declined to implement the recommendation, noting, in part, that the voters twice rejected the change (in 1978 and 1980). Recently, the President of the Board, Adrienne Tissier, asked this office to bring the recommendation back to the Board for further consideration.

Although Board President Tissier was not in favor of the recommendation in 2010, she notes that recent developments make additional discussion and consideration of the issue by the current Board of Supervisors appropriate. Since July 13, 2010, two new supervisors have been elected to the Board (including Supervisor Pine, who was a member of the 2010 Charter Review Committee that recommended the matter be placed on the ballot). Also, this issue has received a great deal of attention and has been a topic of public discussion in the press, among a number of the candidates for supervisor and the electorate. Further, another county-wide body, the San Mateo County Community College District, recently began exploring moving from an at-large to a by-district system.

In response to Board President Tissier's request, my office has prepared an ordinance that would implement the Charter Review Committee's recommendation. If the ordinance is introduced at the Board's June 26, 2012 meeting, it would come back to the Board for final adoption at the regularly scheduled meeting of July 10, 2012. If adopted, the Ordinance would call for an election on the question whether the voters wish to amend the San Mateo County Charter to change the manner of electing members of the Board of Supervisors from an "at-large" to a "by-district" system.

It is also of note that we are currently defending a lawsuit, *Satorre et al. v. San Mateo County Board of Supervisors*. The lawsuit claims that the County Charter's method of electing members of the Board of Supervisors "at-large" violates the California Voting Rights Act as to voters of Asian and Latino descent. Trial is scheduled to begin on August 20, 2012. My office is preparing for trial and will vigorously defend the proposition that the County Charter does not violate the California Voting Rights Act: electing Supervisors at-large does not result in racially polarized voting that impairs the ability of voters of Latino or Asian descent to elect candidates of their choice.

DISCUSSION:

Presented for consideration by your Board is an ordinance submitting to the eligible registered voters at the November 6, 2012 election the question of whether they wish to amend the San Mateo County Charter to change the manner of electing members of the Board of Supervisors from an "at-large" to a "by-district" system.

A proposed version of the ordinance is attached as Attachment A.

FISCAL IMPACT:

The estimated cost of placing a single measure on the November 6, 2012, election ballot is approximately \$40,000.