



City Council Special Meeting AGENDA REPORT

DATE: 08/25/2021

AGENDA OF: 08/31/2021

DEPARTMENT: City Manager

SUBJECT: Public Hearing to Receive Input from the Community Regarding the
Creation of a District-Based Election System (CM)

RECOMMENDATION:

- 1) Receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries.
 - 2) Conduct a public hearing to receive public input on district boundaries.
 - 3) Approve the revised timeline for transition.
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BACKGROUND: The California Voting Rights Act (CVRA), prohibits the use of an at-large election if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees.

In February of 2020, City received a notice of Claim of Violation of the CVRA that threatened suit unless the City transitioned to a district-based electoral system. While the City has denied that its at-large election system violates the CVRA, to avoid the costs and uncertainties associated with litigation, the City signed a settlement agreement in May 2020, whereby the City agreed to consider a Resolution of Intention to Transition to District Elections for the November 2022 election.

On May 26, 2020, the City Council adopted Resolution No. NS 29,657 declaring its intention to transition from at-large to district-based elections for the City Council commencing with the General Municipal Election in November 2022. Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two (2) Public Hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of said districts.

Since adoption of the Resolution of Intention, the City has been engaged in outreach efforts to inform the public about district elections and the process associated with developing the council election districts including a virtual community information session meeting held on August 12,

2021. The Public Hearing Notice for this hearing was published in English and Spanish on the City's website and social media platforms.

DISCUSSION: The purpose of this public hearing is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration while creating district boundaries.

The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A community of interest is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
 - (1) Similar levels of income, education, or linguistic insolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

The City must ensure compliance with the following state and federally-mandated criteria:

- Each district shall contain a nearly equal population.
- Each district shall be drawn in a manner that complies with the Federal Voting Rights Act.
- Each district shall not be drawn with race as the predominate factor in violation of the principles established by the U.S. Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

Next Steps

On September 18, 2021 the City will conduct Public Hearing #2 to seek additional public input and provide direction on criteria to be considered while drafting district maps. Following that second hearing, draft district maps and proposed election sequencing will be posted to the City website and available at City Hall on or before December 31, 2021.

At a City Council Meeting in January 2022, the City Council will conduct Public Hearing #3 to seek public input on the content of draft district map(s) and sequence of elections.

In February 2022, the City Council will conduct Public Hearing #4 and will be requested to select a preferred map and direct amendments as necessary.

In March of 2022, a public hearing will be held to adopt a preferred district map and to introduce an ordinance to transition to a district-based electoral system.

Second reading and adoption of the ordinance is scheduled to occur around March of 2022 and the City Clerk and demographer will then work with the County Elections Division to have the district maps integrated into the countywide voting system. The first by-district election will be held in November 2022.

FISCAL IMPACT: There is no fiscal impact associated with this public hearing. However, transitioning to district elections required the City to retain the services of a demographer. The cost of contracted services to date are \$19,500. Should the City Council ultimately adopt an ordinance to transition to a district-based electoral system, the plaintiff may seek reimbursement for its attorney's fees and costs up to \$30,000; the City, however, will not be exposed to the potential much higher legal fees involved in defense of a lawsuit brought under the California Voting Rights Act.

Prepared By:
Ralph Dimarucut
Principal Management
Analyst

Submitted By:
Laura Schmidt
Assistant City Manager

Approved By:
Martin Bernal
City Manager

ATTACHMENTS:

1. RESO NS 29 657.PDF
2. PSA EXPERT DEMOGRAPHER.PDF