



File #: 2019-517, Version: 1

Report to Mayor and City Council

Tuesday, May 21, 2019

Special Orders of the Day

SUBJECT:

PUBLIC HEARING NO. 1 RELATED TO CHANGING FROM AN AT-LARGE TO A BY-DISTRICT SYSTEM FOR ELECTION OF CITY COUNCIL MEMBERS, PURSUANT TO THE CALIFORNIA VOTING RIGHTS ACT (CITY COUNCIL)

I. SUMMARY

Legal action against the City under the California Voting Rights Act (CVRA) has been threatened, if the City does not begin the process of transitioning from at-large to district-based elections.

Government Code section 34886 allows the City to, by ordinance, change from at-large elections for the City Council to district-based elections. The City could establish four districts for election of members of the City Council, with the Mayor continuing to be elected at-large by all the voters in the City.

At the May 7, 2019 Council meeting, the City Council established the dates for the first public hearings: May 21 (as part of the City Council meeting), June 13 (at the Community Center), and June 18 (as part of the City Council meeting). The third public hearing is an "extra" public hearing prior to draft maps being published, and does not constitute the third public hearing under CVRA.

The Elections Code lays out several requirements, including at least four public hearings, which the City must satisfy prior to adopting an ordinance formally transitioning to district-based elections. If an ordinance is adopted to switch the City to district elections, a similar Charter amendment will also need to be approved by the City's voters before the City can switch to district elections.

A first step in moving the City to district-based elections is consultation with a demographer to assist the City with establishing both the data necessary to complete the process as well as a timetable for meeting state and federal requirements for the transition. The City has selected Compass Demographics, Inc. to assist with this process. The principal of the firm, David Ely, will make a presentation at this public hearing.

II. RECOMMENDATION

1. OPEN the Public Hearing and Receive Testimony.
2. CLOSE the Public Hearing.
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III. ALTERNATIVES

Take another action pursuant to applicable law.

IV. BACKGROUND

The purpose of these public hearings and community meetings is to gather input from the citizenry about factors that may be locally important in the establishment of districts. Both federal and California law require that voting districts must be as equal in population as possible. (U.S. Constitution, Amendment XIV; Election Code section 21601.) There are essential factors that the authors of a map must take under consideration under the law. California law generally provides that the following factors be considered when drawing a district map: (1) topography; (2) geography; (3) cohesiveness, contiguity, integrity, and compactness of territory; and (4) community of interests of the districts. (Election Code section 21601.) Community input is most instructive in area (4) community interests of the district.

Steps

First, the City would be required to hold two public hearings prior to drawing any district maps, over a period of no longer than 30 days, in order to receive public input and discuss the composition of the voting districts. (Elections Code section 10010(a)(1).) As noted in the Summary above, the Council has chosen to hold three public hearings rather than two during this step of the process, to maximize the opportunity for community input.

Second, after district maps are drawn, the City must hold at least two more public hearings, over a period of no more than 45 days, to receive public input on the draft map(s). (Elections Code subdivision 10010(a)(2).) The draft district map(s) must also contain the proposed sequence of elections, if the district elections are to be implemented over the course of several elections, to account for staggered terms of office for sitting members of the City Council. The dates of these hearings have not been established yet.

After at least four public hearings are held, the City may introduce and adopt the ordinance establishing district elections. Finally, any such ordinance would need to be provided for in the Charter through an amendment approved by the City's voters. This is a proposed schedule presented at the May 7 meeting, but slightly modified to reflect some changes made by Council.

DATES (NO LATER THEN)	EVENT	COMMENT
	Public Outreach Regarding Process	
May 21, 2019	First Public hearing	Hearing regarding composition of maps and public input, but no draft maps are drawn
June 13 and June 18, 2019 (no more than 30 days after First Public Hearing)	Second Public Hearing	Hearing regarding composition of maps and public input, but no draft maps are drawn
July/August, 2019	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence of elections must be posted publicly at least 7 days prior to the next public hearing
August /September, 2019 (no less than 7 days after posting of draft maps and Proposed sequence of elections)	Third Public Hearing re Draft Maps	City Council considers the draft maps, with input from the public
September, 2019 (no more than 45 days after Third Public Hearing)	Fourth Public Hearing Re Draft Maps; Select Map and Introduce Ordinance	City Council considers the draft maps, with input from the public; If no changes, then City Council may select a map and introduces the ordinance
October, 2019	Second Reading of Ordinance	Ordinance is adopted
November 19, 2019	Recommended last regular Council meeting to call Special Election for Charter Amendment and Pass Necessary Resolutions	
March 3, 2020	Special Election for Charter Amendment	
November 3, 2020	First District Elections	

V. FISCAL IMPACT

No specific financial impact from the holding of this public hearing. The contract with the election demographer is for a sum of \$23,500. Changing to district-based elections will likely not change the City's election costs very much. If the City were to defend against a CVRA lawsuit, then the potential attorney's fees and costs (both the City's own and any amount the City could potentially be ordered to pay the plaintiffs) could total in the several hundreds of thousands of dollars or even millions of dollars.

VI. EXHIBITS

None.

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