

# REPORT

To the Honorable Mayor and City Council  
From the City Manager

October 22, 2018

## **SUBJECT**

Public Hearing to Receive Community Input Regarding the Creation of a District-Based City Council Election System

## **RECOMMENDATION**

- 1) Receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; and
- 2) Conduct a public hearing to receive public input on district boundaries.

## **BACKGROUND**

On September 24, 2018, the City Council adopted Resolution No. 15704 initiating the process to transition from an at-large election system to a district-based election system. A key reason that the City is proceeding with district-based elections is the threat of significant litigation under the California Voting Rights Act (CVRA). Faced with potentially hundreds-of-thousands, or even millions, of dollars in legal fees and damages (as some cities have experienced), the City decided to voluntarily proceed with transitioning to district-based elections. This allows the City to retain its own ability to determine and adopt an appropriate district map instead of having the risk of a court doing so.

The City has established a timeline for conducting a public process to solicit public input and testimony on proposed district-based electoral maps (Attachment 1). The timeline includes the dates for the five required public hearings. The City must complete the transition process within 90 days after the adoption of the initial resolution to cap the prospective plaintiff's attorneys' fees at \$30,000. Additionally, a prospective plaintiff may not bring a CVRA lawsuit within 90 days after passage of the resolution and Mr. Shenkman and the City mutually agreed to extend that safe harbor to March 31, 2019. This allows the City to retain its own ability to determine and adopt an appropriate district map instead of having the risk of a court doing so. Additionally, adopting the resolution by March 31 enables the City to cap at \$30,000 its exposure of having to reimburse Mr. Shenkman his attorney fees.

## **ANALYSIS**

The first step in the transition process is to hold two public hearings to invite public input regarding the composition of the City's voting districts before any draft maps are drawn. After these two public hearings are complete, the City Council must hold at least two additional public hearings during a 45-day period on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The purpose of the first two public hearings 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. Neighborhood Association boundaries;
- D. Areas around parks and other neighborhood landmarks;
- E. Common issues, neighborhood activities, or legislative/election concerns; and
- F. Shared demographic characteristics, such as:
  - i. Similar levels of income, education, or linguistic isolation;
  - ii. Languages spoken at home; and
  - iii. Single-family and multi-family housing unit areas.

In creating the district boundaries, the City must ensure compliance with the following state and federally mandated criteria:

### **Legal Requirements:**

- Each council district shall contain a nearly equal population as required by law; and
- Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act; and
- No council district shall be drawn with race as the predominant factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

In addition to the legal criteria, other factors may be considered. Examples of such factors are found in Elections Code section 21601 and in judicial opinions. Some examples are:

- Council districts may take into consideration communities of interest;
- Council districts may take into account the boundaries of other jurisdictions within the City to the extent relevant;
- The territory of council districts may be compact and contiguous;
- Each council district border may follow visible natural and man-made geographical and topographical features to the extent feasible;
- Council districts boundaries may be drawn to mitigate geographical or man-made features that divide the City, such as freeways or topological features, to the extent feasible;
- Each council district may attempt to avoid head-to-head contests between incumbent Councilmembers insofar as this does not conflict with federal or state law;
- Each council district may include public facilities to the extent feasible; and
- Each council district may include commercial interests to the extent feasible.

The above criteria are examples only, and not necessarily applicable or appropriate for Redwood City. The public is encouraged to provide input on some or all of these factors, and may also provide input on other criteria not mentioned above, including Redwood City's Neighborhood Associations and the number of districts to be created and whether the Mayor should be elected at-large or be a rotating appointment amongst councilmembers, as is the current practice. The City Council will be informed by the public input, but it has discretion to balance criteria and choose to apply some, all, or none of these additional criteria, or may choose to develop alternative criteria that Council believes are applicable to designing a districting plan for the City. The next public hearing to receive and consider further input from the public concerning the composition of voting districts is scheduled for Monday, November 19, 2018.

### **Public Outreach Plan**

Participation of Redwood City residents is highly encouraged both in the process of district mapping and public hearings. The City has created a website accessible in both English and Spanish that provides information to the public along with options for creating district maps in paper form. In addition to the website and mapping kits, staff is proposing to publish blog posts, FAQs, host three community forums in January, and provide mapping kits to Neighborhood Associations and community partners. Mapping kits will be available at City facilities and on the City's website, and will also be placed

as ads in the *Daily News*, *San Mateo Daily Journal* and the Redwood Shores *Pilot* newsletter; residents can cut-out and draw preferred districts and submit them to the City. Furthermore, a dedicated email address (Districtelections@redwoodcity.org) has been created to receive community feedback and for the public to submit scans and pictures of their completed mapping kits.

### **Next Steps**

At the November 19, 2018, City Council Meeting, the City Council will conduct Public Hearing #2 to seek additional public input and provide direction on criteria to be considered while drafting district maps.

On January 15, 2019, the City will hold three community forums (Veterans Memorial Senior Center at 11:00 a.m., Fair Oaks Community Center at 5:00 p.m. and Downtown Library, Community Room at 7:00 p.m.) led by the City's demographer, mapping kits will also be made available at this meeting.

At the February 11, 2019 City Council Meeting, the City Council will conduct Public Hearing #3 to seek public input on the content of draft district map(s) and sequence of elections.

On February 25, 2019, the City Council will conduct Public Hearing #4 and will be requested to select a preferred map and direct amendments as necessary.

On March 11, 2019, the City Council will conduct Public Hearing #5 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 on March 25, 2019, 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 district election for Redwood City would be held in November 2020.

Following the November 19 second public hearing, draft district maps and proposed election sequencing will be posted to the City website and available at City Hall on or before February 4, 2019, and those maps (and any possible new or revised maps) will be discussed at Council hearings on February 11, 2019, and February 25, 2019.

The City's Charter and Governance Committee will research whether to make a recommendation on whether a Charter amendment is required to move to district elections.

## **ALTERNATIVES**

The City Council can choose to retain the current at-large City Council election system. It is likely Mr. Shenkman and his client would then initiate a lawsuit under the California Voting Rights Act to attempt to force the city to convert to by-district elections. If the City were to lose that litigation, a judge would then decide on what district map to impose on the City.

## **FISCAL IMPACT**

The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$175,000. The demographic and election consultants' costs are anticipated to be approximately \$60,000. The total cost for public notices, translation fees, and interpretation at all public hearings is anticipated to be \$5,000. The estimated cost to place a ballot measure on the March 2020 Primary ballot is \$70,000. Special legal fees could be incurred for additional analysis and public hearings but are not anticipated to exceed \$10,000. In addition, the City will be required to reimburse Mr. Shenkman up to \$30,000 for his documented attorney's fees and costs.

## **ENVIRONMENTAL REVIEW**

This activity is not a project under CEQA as defined in CEQA Guidelines, section 15378, because it has no potential for resulting in either a direct or foreseeable physical change in the environment.



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ALEX KHOJIKIAN  
DEPUTY CITY MANAGER



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MELISSA STEVENSON DIAZ  
CITY MANAGER

## **ATTACHMENT**

1. Timeline for Implementing By-District Elections for City Council Members