



## STAFF REPORT

To the Honorable Mayor and City Council  
From the City Manager

**DATE:** February 11, 2019

### **SUBJECT**

Public Hearing #3 on District Elections to Receive Input Concerning Maps For City Council Election District Boundaries and the Sequencing of Elections

### **RECOMMENDATION**

1. Receive a report from National Demographics Corporation (NDC), the City's demographic consultant, concerning the draft maps proposed to date, as well as the process for obtaining public input on the draft maps of potential voting districts and potential election sequencing for a district-based election process pursuant to Elections Code § 10010;
2. Conduct a public hearing to receive public input on district boundaries, feedback on the draft maps and potential election sequencing presented; and
3. Provide direction to the City's demographics consultant about any modifications to one or more proposed district maps and the potential election sequencing to implement the district based election system.

### **STRATEGIC INITIATIVE**

Government Operations

### **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. The resolution also included specific steps the City would undertake to facilitate the transition and an estimated timeframe for doing so. 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 significant costs in legal fees and damages (as several cities have experienced), the City decided to voluntarily proceed with transitioning to district-

based elections. This allows the City to retain its 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 A](#)). The timeline includes the dates for the five required public hearings. The City must complete the transition process by March 31, 2019 to cap the prospective plaintiff's attorneys' fees at \$30,000.

Pursuant to Elections Code section 10010, regarding the transition to district elections, the City Council held public hearings on October 22, 2018, and November 19, 2018, to receive public input regarding the composition of the district maps.

### **Public Outreach**

Since the November 19, 2018 meeting, City staff has conducted significant public outreach to seek community feedback. This feedback has been provided through comments at community forums, written comments, and submitted draft district maps. Most comments and questions received were related to the City's district election transition process and how to use the mapping tools. The City created a website accessible in English, Spanish and Chinese that provides information to the public along with options for creating district maps in paper form and using an online districting software tool. In addition to the website and mapping kits, staff published a blog post on the topic, hosted five community forums in January and February, met with the newly formed Latino Leadership Group, conducted an interview with the local Spanish radio station (Casa Circulo Cultural), and provided paper mapping kits to Neighborhood Associations and community partners. Mapping kits were also made available at City facilities and on the City's website, and placed as ads in the *San Mateo Daily Journal*, the Redwood Shores *Pilot* newsletter, in the *El Reportero* (Spanish), and in the *World Journal* (Chinese). Furthermore, a dedicated email address ([Districtelections@redwoodcity.org](mailto:Districtelections@redwoodcity.org)) was created to receive community feedback and for the public to submit scans and pictures of their completed mapping kits. For each map submitted, the City's demographic consultants professionally produced the map graphic and generated the map's population and other demographic details. Submitted maps were also posted on the City's District Election webpage. As of January 25, the City received 29 maps and comments ([Attachment B](#)) and engaged over 125 residents.

### **ANALYSIS**

In addition to the public input received during the public hearings on the composition of the City's yet-to-be-formed voting districts, 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. 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 meeting legal requirements, the City Council may consider other criteria in the development of the districts. Principles commonly used include:

- Each council district may consist of contiguous territory in as compact a form as possible;
- Each council district may respect communities of interest, such as school- and park-connected neighborhoods, or neighborhood association boundaries;
- 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 manmade features that divide the City, such as freeways or topological features, to the extent feasible;
- Each council district may respect the previous choices of voters by avoiding the creation of head-to-head contests between Council Members previously elected by the voters, insofar as this does not conflict with Federal or State Law;
- Council districts may take into account the boundaries of other jurisdictions within the City to the extent relevant;
- Each council district may include public facilities to the extent feasible; and
- Each council district may include commercial interests to the extent feasible.

The City's demographic consultant, NDC, has prepared several draft district maps and sequences of elections for City Council consideration (Attachment C). Members of the public have also submitted their own draft district maps for City Council consideration. The purpose of this public hearing is to receive a report from NDC regarding all the draft district maps submitted before February 4, 2019 and to receive public input on this process. These draft maps and the accompanying population and demographic data are available on the project website [www.redwoodcity.org/districtelections](http://www.redwoodcity.org/districtelections).

### **Remaining Required Public Hearings**

Pursuant to Elections Code section 10010, the City Council must hold at least two public hearings on the draft district maps before introducing an ordinance to formally adopt a district map and sequence of elections and transitioning to district-based elections. The February 11, 2019 public hearing completes the first of the two public hearings, and the next public hearing is scheduled for February 25, 2019.

All draft district maps must be available to the public seven days prior to consideration at a public hearing. If the City Council amends one of the draft district maps at one of the required public hearings, the revised district map must be available to the public seven days prior to the next public hearing. The deadline for members of the public to submit draft district maps prior to the February 25, 2019 public hearing, will be February 14, 2019, so NDC can post them to the project website within the seven-day posting requirement. Members of the public can go to [www.DrawCityName.org](http://www.DrawCityName.org) to find more information regarding draft district maps and the transition to district-based elections.

After the two required public hearings, the City Council may select a district map for implementation by introducing the proposed ordinance to change to a district election at the City Council meeting of March 11, 2019. The second reading and adoption of the ordinance is scheduled for March 25, 2019. However, if the City Council makes further changes to the district plan prior to the ordinance introduction, there will need to be an additional public hearing so the seven-day posting requirement can be satisfied.

## **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. A budget amendment will be required for this initiative; staff will propose a budget amendment later this fiscal year.

## **ENVIRONMENTAL REVIEW**

This activity is not a project under California Environmental Quality Act (CEQA) as defined in CEQA Guidelines, section 15378, because it has no potential for resulting in either a direct or reasonably foreseeable indirect physical change in the environment.

## **PUBLIC NOTICE**

Notice of the public hearing was published in the *San Mateo Daily Journal* on January 18, 2019 and the *World Journal* on January 25, 2019 and in *El Reportero* on January 25, 2019.

In addition, the City has developed a City webpage, hosted meetings, and broadly distributed information regarding this initiative and opportunities for public involvement.

## **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 a district map for the City.

## **ATTACHMENTS**

Attachment A: Transition Timeline

Attachment B: Feedback Received

Attachment C: Draft District Maps

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