



## STAFF REPORT

### To the Honorable Mayor and City Council From the City Manager

**DATE:** May 6, 2019

#### **SUBJECT**

Public Hearing #7 on District Elections to Receive Input Concerning Maps for City Council Election District Boundaries and the Sequencing of Elections and Introduce an Ordinance Implementing District-based Elections for City Councilmembers

#### **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. Hold a public hearing to receive public input on district boundaries, feedback on the draft maps and potential election sequencing presented; identify the City Council's preferred map and election date sequencing; and
3. Introduce an ordinance establishing seven districts for the election of City Councilmembers, establishing the boundaries and the identification number of each district, establishing the election order of each district and adding Section 2.27.7 to Chapter 2, Article I of the Redwood City Municipal Code.

#### **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 initial five required public hearings and the two additional scheduled public hearings. The original safe harbor deadline negotiated with the prospective plaintiff's attorneys' was March 31, 2019. Since the March 11 City Council meeting, the City Attorney negotiated an additional two month extension to continue the transition to district elections. This allows the City Council to consider revised maps that comply with federal and state laws and that address concerns members of the community have raised, and to gain additional community input. The City must complete the transition process by May 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, November 19, 2018, February 11, 2019, February 25, 2019, March 11, 2019 and April 8, 2019 to receive public input regarding the composition of district maps. In addition, the City Council directed that staff conduct robust public outreach on the district elections transition process.

### **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) 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.

### **Demographer Reverses Previous Statements and City Council Reopens District Elections Process**

On March 11, 2019, the City Council took the first step to select a map for district elections, and was scheduled to complete the process of selecting the map at the March 25, 2019 City Council meeting. However, on March 19, in reversal of previous statements, the City's demographer informed the City for the first time that it was possible to address both community concerns and legal obligations related to the maps. Based on this new information, on March 25, 2019 the City Council determined to re-open the

process of considering district maps, in an effort to better address community concerns and gain additional community input. This was announced at the March 25, 2019 City Council meeting. On March 26, 2019 the City released a media statement in English and Spanish announcing the reopening of the process and next steps. Staff also contacted organizations which had provided input on the transition process to let them know the City Council had extended the process for transitioning to district elections and would be considering revised and new maps, should they wish to provide maps or comment on maps submitted.

## **ANALYSIS**

Over the last six months, the City Council oversaw an extensive community engagement process and received substantial community comments related to district maps. Many residents expressed preferences for keeping Redwood Shores as a separate and distinct district, retaining the Centennial neighborhood together as part of an overall district, maintaining the Downtown neighborhood as part of an overall district, connecting the East Bayshore neighborhood with the Friendly Acres neighborhood, and connecting the Bair Island neighborhood with the Downtown neighborhood. Feedback also included using Jefferson Avenue and Neighborhood Association boundaries as reference, aligning major roadways together where possible, establishing two majority Latino districts, and choosing a map that allows the Farm Hill neighborhood to vote in 2020.

Following the Council's March 25 decision to re-open the drafting process, the City's demographer developed four revised maps to address community concerns (13g, 13h, 21e, 21f.) The revised maps reflected the extensive community input received since September when the City began the district elections transition process, as well as direction provided by the City Council.

## **Public Hearing #6**

On April 8, the City Council held Public Hearing #6 to provide feedback and gain community input on six district elections maps (four revised maps submitted by the demographer and two community submitted maps) and provided input on sequencing of elections. The City Council narrowed the list of demographer revised maps to three 13g, 13h, 21f (Attachment B) for further Council review and discussed interest in considering community submitted draft maps. Additionally, the City Council directed staff to contact representatives from the Asian Pacific American Advocates, the Japanese American Citizens League (San Mateo Chapter) and Organization of Chinese Americans (OCA)-San Mateo, to provide a district elections update and share City materials with their members. Staff contacted these organizations as requested.

Prior to the May 6, 2019 meeting, community members were encouraged to submit draft maps early by April 20, in order to provide the demographer enough time to ensure community-submitted maps were population balanced as required by law. Community members had the opportunity to provide comments and draft maps until Saturday, April 27 at 12 p.m. The City received three additional community submitted maps by the deadline; along with other comments received from community members (Attachment C). Two of the three community submitted maps were withdrawn by the maps submitter. One community submitted draft map, Map 13L (Attachment D), that was received before the April 27 deadline, is included this staff report. All revised demographer maps and the single community submitted draft map were posted on the City's District Elections website at [www.redwoodcity.org/districtelections](http://www.redwoodcity.org/districtelections) on April 29. This meets the seven-day posting requirement under State law. The City additionally publicized the posting of the revised maps via its weekly e-newsletter on May 3, 2019 and through the City's social media platforms.

On Thursday, May 2, 2019, this staff report on district elections was published as part of the Agenda packet for the May 6, 2019 City Council meeting on the City’s website.

In advance of the May 6, 2019 Public Hearing, staff also contacted all organizations that had previously provided input on the transition process or received information about the transition process. Staff provided an update on the City Council’s direction from Public Hearing #6; and shared deadlines for community map submissions and comments for Public Hearing #7.

**City Demographer Revised Maps 13g, 13h and 21f (Attachment B):**

The Demographer Revised Focus Maps (13g, 13h, 21f) provide for district-based elections of seven Councilmembers, and they have at least two districts with a Latino Citizen Voting Age Population (CVAP) of 50%+ that are compact and adhere to other districting criteria as discussed below. Map 13g has no pairings of Councilmembers in single districts; the other maps have one pairing of Councilmembers in a district. In public comment received on the maps, some individuals expressed interest in establishing three districts that were majority-minority (also called coalition districts). According to the demographer, it is not possible to create a third majority-minority coalition district while still meeting other traditional criteria, including compactness and preserving communities of interest. Each map is analyzed further below based on conformance with expressed community and City Council preferences.

**Map 13g** has two districts representing the City’s downtown, has three districts east of Highway 101, has the Bair Island Neighborhood and Redwood Shores in the same district, has five districts touching Jefferson Avenue, has six districts touching Woodside Road, and has three districts touching El Camino Real. Map 13g’s Proposed Election Sequencing is 2020 Election: Districts 1 (Masur), 3 (Borgens), 4 (vacant) and 7 (Aguirre); 2022 Election: 2 (Hale), 5 (Howard), 6 (Reddy), (Councilmember Bain is termed out.) It has a Latino CVAP of 51% in two districts (District 3 and 4). It has a total population deviation of 9.29%; by law the population deviation must be under 10%.

<b>Map 13g</b>	
<b>Expressed Preferences From the Community:</b>	<b>Outcome</b>
Population Balanced	Yes
Redwood Shores in a Single Distinct District	No
Farm Hill Vote in 2020 Election	Yes
Has 2 Latino 50%+ CVAP Districts	Yes
East Bayshore included in Friendly Acres District	Yes
Number of Neighborhood Associations Remain Intact	7
Centennial Neighborhood Together in one District	Yes
Downtown Neighborhood Together in one District	No
Limit Pairings of Existing Councilmembers	No Pairings

**Map 13h** has two districts representing the City’s downtown, has three districts east of Highway 101, has the Bair Island Neighborhood and Redwood Shores in separate districts, has five districts touching Jefferson Avenue, has six districts touching Woodside Road, and has four districts touching El Camino Real. Map 13h’s Proposed Election Sequencing is 2020 Election: Districts 1 (vacant), 3 (Borgens), 4 (vacant) and

7 (Aguirre); 2022 Election: Districts 2 (Hale and Masur<sup>1</sup>), 5 (Howard) and 6 (Reddy), (Councilmember Bain is termed out.) It has a Latino CVAP of 51% in two districts (District 3 and 4). It has a total population deviation of 6.88%; by law the population deviation must be under 10%.

<b>Map 13h</b>	
<b>Expressed Preferences From the Community:</b>	<b>Outcome</b>
Population Balanced	Yes
Redwood Shores in a Single Distinct District	Yes
Farm Hill Vote in 2020 Election	Yes
Has 2 Latino 50%+ CVAP Districts	Yes
East Bayshore included in Friendly Acres District	Yes
Number of Neighborhood Associations Remain Intact	10
Centennial Neighborhood Together in one District	Yes
Downtown Neighborhood Together in one District	No
Limit Pairings of Existing Councilmembers	1 Pairing

**Map 21f** has two districts representing the City’s downtown, has three districts east of Highway 101, has the Bair Island Neighborhood and Redwood Shores in separate districts, has five districts touching Jefferson Avenue, has five districts touching Woodside Road, and has four districts touching El Camino Real. Map 21f’s Proposed Election Sequencing is 2020 Election: Districts 1 (vacant), 3 (Borgens), 4 (vacant), and 7 (Aguirre); 2022 Election: Districts 2 (Hale and Masur<sup>2</sup>), 5 (Howard) and 6 (Reddy), (Councilmember Bain is termed out.) It has a Latino CVAP of 51% in two districts (District 3 and 4). It has a total population deviation of 6.88%; by law the population deviation must be under 10%.

<b>Map 21f</b>	
<b>Expressed Preferences From the Community:</b>	<b>Outcome</b>
Population Balanced	Yes
Redwood Shores in a Single Distinct District	Yes
Farm Hill Vote in 2020 Election	Yes
Has 2 Latino 50%+ CVAP Districts	Yes
East Bayshore included in Friendly Acres District	Yes
Number of Neighborhood Associations Remain Intact	9
Centennial Neighborhood Together in one District	Yes
Downtown Neighborhood Together in one District	No
Limit Pairings of Existing Councilmembers	1 Pairing

**Community Submitted Revised Map 13L (Attachment D):**

**Map 13L** has one district representing the City’s downtown, has three districts east of Highway 101, has the Bair Island Neighborhood and Redwood Shores in separate districts, has four districts touching

<sup>1</sup> Councilmember Masur would complete her four year term as an at-large City Councilmember in 2020 and would not be eligible to run from District 2 in 2020, but could run from District 2 in 2022.

<sup>2</sup> Councilmember Masur would complete her four year term as an at-large City Councilmember in 2020 and would not be eligible to run from District 2 in 2020, but could run from District 2 in 2022.

Jefferson Avenue, has four districts touching Woodside Road, and has four districts touching El Camino Real. Because Map 13L was submitted without a proposed elections sequence, the City’s demographic consultant has provided the following minimum suggested guidelines for sequencing, consistent with the California Voting Rights Act, for the City Council’s consideration. Proposed Election Sequencing is 2020 Election: Districts 2 (Masur), 3 (Borgens), 5 (vacant) and one additional district from among District 1 (vacant), 4 (Aguirre, Hale, Reddy & Howard), 6 (vacant) or 7 (vacant), as determined by the City Council; 2022 Election: Three districts from among Districts 1, 4, 6 or 7, (Councilmember Bain is termed out), as determined by City Council. It has a Latino CVAP of 52% in one district (District 3). It has a total population deviation of 6.82%; by law the population deviation must be under 10%.

<b>Map 13L</b>	
<b>Expressed Preferences From the Community:</b>	<b>Outcome</b>
Population Balanced	Yes
Redwood Shores in a Single Distinct District	Yes
Farm Hill Vote in 2020 Election	Yes
Has 2 Latino 50%+ CVAP Districts	No
East Bayshore included in Friendly Acres District	Yes
Number of Neighborhood Associations Remain Intact	10
Centennial Neighborhood Together in one District	Yes
Downtown Neighborhood Together in one District	Yes
Limit Pairings of Existing Councilmembers	4 Paired

The transition to district-based elections would be complete in 2022 with all maps proposed.

Below is a comparison matrix of all six maps based on expressed preferences from the City Council and the Community.

	<b>Map 13g</b>	<b>Map 13h</b>	<b>Map 13L</b>	<b>Map 21f</b>
<b>Expressed Preferences From City Council and the Community:</b>	<b>Outcome</b>	<b>Outcome</b>	<b>Outcome</b>	<b>Outcome</b>
Population Balanced	Yes	Yes	Yes	Yes
Redwood Shores in a Single Distinct District	No	Yes	Yes	Yes
Farm Hill Vote in 2020 Election	Yes	Yes	Yes	Yes
Has 2 Latino 50%+ CVAP Districts	Yes	Yes	No	Yes
East Bayshore included in Friendly Acres District	Yes	Yes	Yes	Yes
Number of Neighborhood Associations Remain Intact	7	10	10	9
Centennial Neighborhood Together in one District	Yes	Yes	Yes	Yes
Downtown Neighborhood Together in one District	No	No	Yes	No
Limit Pairings of Existing Councilmembers	No Pairings	1 Pairing	4 Paired	1 Pairing

## **Next Steps**

Following the public hearing, the City Council may select a district map for implementation by introducing an ordinance.

The proposed Ordinance for City Council consideration is Attachment E to this staff report. This form of Ordinance may be used for any map and sequence selected by the Council. The Ordinance requires a second reading scheduled for the May 20, 2019 City Council meeting.

If the City Council makes further changes to a district plan prior to the ordinance introduction, there will need to be an additional public hearing in order for the seven-day publication requirement to be satisfied.

## **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.

## **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 at fiscal year-end.

## **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 April 24, 2019, the *World Journal* on April 24, 2019, and in the *El Reportero* on April 26, 2019. In addition, the City has developed a City webpage, hosted meetings, and broadly distributed information regarding this initiative and provided opportunities for public involvement.

## **ATTACHMENTS**

Attachment A: Transition Timeline

Attachment B: City Demographer Revised Maps 13g, 13h and 21f

Attachment C: Community Comments Received

Attachment D: Community Submitted Revised Map 13L

Attachment E: Ordinance to adopt Maps 13g, 13h, 21f, or 13L

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