Agenda Item #15.1
For Council Meeting of: March 13, 2018

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: SUE GALLAGHER, CITY ATTORNEY

SUBJECT: PUBLIC HEARING – DISTRICT BASED CITY COUNCIL ELECTIONS: REVIEW OF DRAFT MAPS AND COMPOSITION OF DISTRICTS (CALIFORNIA VOTING RIGHTS ACT) – THIRD PUBLIC HEARING

AGENDA ACTION: PUBLIC HEARING

RECOMMENDATION

It is recommended by the City Attorney that the City Council hold a public hearing to receive comments from the community regarding composition of new voting districts, draft maps, and the sequencing of elections to be established for the district-based election of Council members beginning in 2018, in accordance with Elections Code Section 10010.

EXECUTIVE SUMMARY

On August 29, 2017, the City Council adopted a resolution declaring its intent to initiate proceedings to transition the City from at-large to district-based Council member elections pursuant to Elections Code Section 10010 and Government Code Section 34886 (RES-2017-13).

Pursuant to Elections Code Section 10010, the City Council is holding five public hearings in connection with the establishment of electoral districts and sequence of elections. In accordance with law, the first two public hearings were held prior to the drafting of any proposed district maps. These first two public hearings, held on February 6th and 13th, provided the public an opportunity to provide input regarding the criteria for and composition of voting districts, as well as the sequence of elections.

On March 6, 2018, proposed maps were posted for public review on the City's website (https://srcity.org). The current hearing (the third of the five public hearings), will provide the public an opportunity to comment on the proposed district maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections.

After receipt of public comments, staff recommends that, through informal discussion, the Council provide direction to the City's demographer regarding the Council's preferred map(s), any proposed alternatives or modifications, and preferences with respect to the sequencing of district elections.

Two additional public hearings will be held in April. The April hearings will provide the public further opportunities to react to, and to provide input on proposed district boundary lines and sequencing of elections. At the conclusion of the final public hearing, it is anticipated that the City Council will adopt an ordinance establishing district-based elections.

BACKGROUND

Pursuant to Section 4 of the City Charter, the City of Santa Rosa currently elects its Council members through an at-large voting system. In each election cycle, the candidates that receive the most votes city-wide earn a four-year term on the Council.

On July 17, 2017, the City received a certified letter alleging that the at-large voting system impairs the voting rights of the City's Latino population and thus violates the California Voting Rights Act, Elections Code sections 13025 through 14032. The letter threatens litigation if the City does not voluntarily transition to a district-based election system. Similar letters have been received by cities, school districts and other local governments across the state.

After consideration of potential liability and the costs and risks of litigation, the Council, on August 29, 2017, determined to initiate proceedings to transition the City from at-large to district-based Council member elections.

The Council's resolution set forth a schedule of public hearings in connection with the drawing of the electoral districts. The first of those public hearings took place on October 3, 2017. The remaining public hearings were postponed due to the impacts of the wildfires that swept into the City beginning on October 8, 2017.

On January 23, 2018, Council established a new schedule of public hearings to restart the process of composing new voting districts and establishing district-based Council member elections.

On February 6, 2018 and February 13, 2018, Council held public hearings in connection with the drawing of the electoral districts.

PRIOR CITY COUNCIL ACTION

August 29, 2017: Council adopted a resolution stating its intent to initiate proceedings to transition the City from at large to district-based elections.

October 3, 2017: Council held the first of a series of five public hearings to hear community comment on the composition of the proposed districts and sequence of elections.

January 23, 2018: Council determined to restart the hearing process and established a new schedule of public hearings on the composition of new voting districts and sequence of elections.

February 6, 2018: Council held the first of the five public hearings under the new schedule.

February 13, 2018: Council held the second of the five public hearings under the new schedule.

ANALYSIS

This is the third in the series of five public hearings to be held by the City under Elections Code section 10010. The purpose of this third public hearing is to continue to inform the public about the districting process and to provide residents an opportunity to comment on the proposed district maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections. The community is encouraged to offer its suggestions for both the drawing of district boundary lines and the sequencing of elections.

A. Legal Requirements for Mapping:

Staff have previously outlined the requirements for district mapping. The following is simply a reminder to help frame the continuing discussion:

Certain federal and state legal requirements apply to the creation of districts and must be observed. These include:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- Council districts shall not be drawn with race as the predominate factor in violation of the principles established by the United State Supreme Court in *Shaw v. Reno, 509 U.S. 630 (1993)*.

In addition to these state and federal requirements, the City Charter requires:

- There be seven Council members;

- Each Council member be elected to a four year term;
- The elections be staggered such that four Council members are elected in one election and three in the next election cycle; and
- The Mayor be selected by vote of the seven elected Council members.

B. Optional Criteria for Mapping:

In addition to the above mandatory criteria, other factors may be considered in drafting district boundary lines. Examples of such factors are found in Elections Code section 21620 and in judicial opinions. A few of those 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 (such as school districts, community college districts, or supervisorial districts);
- The territory of each council district should be compact and contiguous;
- The cohesiveness and integrity of the territory may be considered;
- Topography and geography may be considered. In general, each council district border should follow visible natural and man-made geographical and topographical features to the extent feasible;
- Each council district should include public facilities to the extent feasible;
- Each council district should include commercial interests to the extent feasible; and
- In addition, the community and the Council may wish to consider how best to incorporate the newly annexed Roseland community and how to address or allocate the downtown area.

As noted previously, the above list of additional factors offers examples only, and not all the factors are necessarily applicable or appropriate for the City of Santa Rosa. The public is encouraged to provide input on some or all of these factors, and to suggest other criteria not mentioned above. The Council will be informed by the public input, but it retains discretion to balance criteria and choose to apply some, all, or none of these additional factors. Moreover, within the parameters of state and federal law and the City Charter, the Council remains free to develop alternative criteria that Council believes are appropriate to designing a districting plan for the City.

C. Potential criteria for sequencing of elections:

As discussed at the Council's previous public hearings, once district lines are drawn, the Council will be required to establish a sequence of elections. Pursuant to the City Charter, just three Council seats will be up for election in November 2018. Once district maps are adopted, the Council must determine which of the newly drawn districts will be first for district representation. Among other options, the community may wish to discuss and the Council may wish to consider the following alternatives:

- Districts in which no incumbent resides up for election in 2018, with the sequencing of the other districts determined by one of the methods described below.

- Random selection of the sequence of elections in the districts without regard to incumbency, understanding that the result may be that a particular district could have two incumbents, one newly elected by the voters in the district for a four-year term, and an incumbent elected at-large completing the last two years of his or her four-year term ending in 2020.

- Selection based upon current Council terms to allow for continuity, for example:

    - Those districts that have one resident currently serving as Council member could transition to district election at the time the current member's term ends;

    - Those districts that have more than one resident currently serving as a Council member could transition to district election at the time the first of those members' terms end; or

    - Those districts that have more than one resident currently serving as Council members could transition to district election at the time the last of those members' terms are up.

- Selection based on one of the above alternatives "giv[ing] special consideration to the purposes of the California Voting Rights Act of 2001 . . ., and [taking] into account the preferences expressed by members of the districts" (Election Code § 10010(b)). Depending on all the facts and circumstances, this could suggest that any new district with significant Latino population be up for election at the earliest possible time in 2018, or alternatively, that any new district with significant Latino population be up for election in the Presidential election year, 2020, when turnout may be greater.

The public is encouraged to provide input on these options, and to suggest other alternatives not mentioned above. As with the drawing of the maps, the Council will be informed by the public input and the advice of its demographers. The Council, however, retains discretion to weigh these and other alternatives in determining the most appropriate sequencing approach for the City.

D. Next Steps:

As may be directed by Council, the City's demographers will revise proposed district boundaries and compose a proposed sequence of elections for select maps. The resulting maps will be posted on the City's website (https://srcity.org). It is anticipated that two or more alternatives will again be offered.

The next public hearing before the Council is scheduled for Tuesday, April 10, 2018 at 5:00 p.m. At that hearing, the Council will receive and consider further comments from the public concerning the proposed district maps and the proposed sequence of district elections. It is anticipated that, after receiving public comment at that meeting, the Council may introduce an ordinance to adopt district boundaries and to establish district elections.

The fifth and final public hearing is currently scheduled for Tuesday, April 17, 2018, also at 5:00. It is anticipated that the Council may consider final action on the ordinance after that final public hearing.

In addition to the formal public hearings before the Council, Council members and staff have expressed willingness to participate in neighborhood or community meetings to allow for additional opportunities for public discussion and comment on the formulation of the City's new electoral districts.

The current schedule of proposed public hearings and related events is attached as Exhibit A.

FISCAL IMPACT

Not known at this time.

ENVIRONMENTAL IMPACT

This action is exempt from the California Environmental Quality Act (CEQA) because it is not a project which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, pursuant to CEQA Guideline section 15378.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Attachment 1 – Tentative Timeline

CONTACT

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