

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL

FROM: SUE GALLAGHER, CITY ATTORNEY

SUBJECT: PUBLIC HEARING – DISTRICT BASED CITY COUNCIL
ELECTIONS: ORDINANCE TO ESTABLISH DISTRICT-BASED
ELECTION OF COUNCIL MEMBERS (CALIFORNIA VOTING
RIGHTS ACT) – SIXTH PUBLIC HEARING

AGENDA ACTION: PUBLIC HEARING / ADOPTION OF ORDINANCE

RECOMMENDATION

It is recommended by the City Attorney that the City Council 1) hold a public hearing regarding the composition of new voting districts and the sequencing of elections to be established for the district-based election of Council members beginning in 2018, and 2) adopt an ordinance to establish district-based election of Council members, adopting a final district map and establishing the sequence of district elections, 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).

The City Council scheduled a series of six public hearings in connection with the establishment of electoral districts and a sequence of district elections. Five hearings have already been held, the most recent on April 10, 2018. After the April 10th public hearing, the Council selected a proposed final district map, designated the sequence of district elections, and introduced an ordinance to transition the City to district-based elections.

This will be the sixth and final public hearing on the matter. It is anticipated that after the public hearing, the Council will adopt an ordinance to establish district-based election of Council members, including the adoption of a map to describe the boundaries of each district and the determination of the sequence of district 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 threatened litigation if the City did 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, adopted Resolution No. RES-2017-173, 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.

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.

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 6 and 13, offered 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, twenty-eight proposed district maps were posted for public review on the City's website (<https://srcity.org>). On March 13, Council held a public hearing to provide the public an opportunity to comment on the proposed maps, to offer alternatives, and to weigh in on an appropriate sequencing of elections. After the public hearing and Council discussion, Council selected six preferred maps for further consideration.

Following that meeting, the six selected maps (labeled "Focus Maps"), together with eleven additional maps that had been newly received, were posted for public review on the City's website.

On April 3, Council held a public hearing to provide the public an additional opportunity to comment on the proposed district maps and to weigh in on an appropriate

COMPOSITION OF DISTRICTS FOR DISTRICT ELECTIONS

PAGE 3 OF 6

sequencing of elections. After receiving public comments and further Council discussion, the Council selected a single preferred map and provided further direction to the City staff and its demographer.

Following that meeting, the Council's selected map and two additional maps that had been newly received were posted for public review on the City's website.

A fifth public hearing was held on April 10. After the public hearing and further Council discussion, the Council selected a final district map, proposed a sequence of district elections, and introduced an ordinance to transition the City to district-based elections. The proposed final district map is attached as Attachment 1. The council proposed that Districts 2, 4 and 6 on the attached map hold elections in November 2018, and that the remaining Districts hold elections in November 2020.

The Council is now holding its sixth and final public hearing on the establishment of district-based election of Council members. At the conclusion of the public hearing, it is anticipated that the City Council will adopt an ordinance to establish district-based elections.

PRIOR CITY COUNCIL ACTION

See above.

ANALYSIS

This is the sixth and final public hearing being held by the City under Elections Code section 10010. The purpose of this sixth public hearing is to provide residents a final opportunity to weigh in on the City's transition from at-large to district-based election of City Council members. It is anticipated that, after the public hearing, the Council may adopt an ordinance amending the City Code to establish district-based election of Council members, adopting a map describing the boundaries of each district and determining the sequence of district elections.

At its meeting on April 10, 2018, Council selected a final district map, attached as Attachment 1. That map meets all of the following requirements.

A. Legal Requirements for Mapping:

As has been previously discussed, 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;

COMPOSITION OF DISTRICTS FOR DISTRICT ELECTIONS
PAGE 4 OF 6

- 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;
- That the elections take place in November of even years, and that the elections be staggered such that three Council members are elected in one election cycle, and four in the next election cycle.
- 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

COMPOSITION OF DISTRICTS FOR DISTRICT ELECTIONS

PAGE 5 OF 6

- 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 and has been encouraged to provide input on some or all of these factors, and to suggest other criteria not mentioned above. The Council has and 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 has remained free to develop alternative criteria that Council believes are appropriate to designing a districting plan for the City.

C. Sequencing of elections:

At its meeting on April 10, 2018, Council considered a range of options for determining the sequence of district elections, including consideration of the advantages of the greater voter turn-out in presidential election years, historical patterns of voter turn-out in key districts, advantages of earlier voting, advantages of allowing the voters to choose which incumbents, if any, should continue their service, and other factors. After full discussion and debate, the Council, by majority vote, proposed that Districts 2, 4 and 6, as shown on the map attached as Attachment 1, be slated for elections in November 2018. The remaining districts, Districts 1, 3, 5, and 7, are proposed for election in 2020.

The public has been and is encouraged to provide input on the election sequence options. As with the drawing of the maps, the Council has been and will be informed by the public input and the advice of its demographers. The Council, however, has and retains discretion to weigh all factors in determining the most appropriate sequencing approach for the City.

D. Next Steps:

It is recommended that the Council hold a public hearing and, after close of the public hearing, consider adoption of the proposed ordinance amending Chapter 1-12 of the Santa Rosa City Code to establish district-based election of council members, adopting a map describing the boundaries of each district, and determining the sequence of district elections

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 – District Map
- Proposed Ordinance

CONTACT

Sue Gallagher, City Attorney, 707-543-3040