




Agenda Item 5.A

DATE: **November 1, 2021**

TO: Honorable Mayor and Members of the City Council through City Manager 

FROM: Eric Danly, City Attorney
Dylan Brady, Assistant City Attorney
Kendall Rose, City Clerk

SUBJECT: Public Hearing #1 to Receive Input from the Community Regarding Boundaries and Composition of Districts for City Council Member District-Based Elections Pursuant to Elections Code Section 10010

RECOMMENDATION

It is recommended that the City Council hold the first of two public hearings prior to drawing of draft district maps to receive input on the composition and number of voting districts and request any additional information needed for the second public hearing scheduled for November 15, 2021.

BACKGROUND

On October 4, 2021, the City Council adopted Resolution No. 2021-164 N.C.S. declaring its intent to initiate procedures to consider transitioning from at-large elections to district-based elections pursuant to California Elections Code Section 10010, part of the California Voting Rights Act (CVRA). The resolution of intent approved a tentative schedule for conducting public hearings and related actions.¹ The City Council adopted the resolution of intent in accordance with CVRA requirements in response to a demand letter the law firm of Shenkman and Hughes sent to the City.

Pursuant to Elections Code §10010, the City is required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries of proposed voting districts are drawn. At the public hearings, the community is invited to provide input regarding the composition of the districts.

Before developing draft district boundaries, the City Council must receive comments from residents and interested community groups at two public hearings to understand the community's view of how district boundaries should be drawn. The City Council will then prescribe the criteria used to create one or more proposed district maps and present one or more draft maps for public comment and review at two subsequent public hearings.

¹ https://petaluma.granicus.com/MetaViewer.php?view_id=31&clip_id=3419&meta_id=505873 Link to the October 4, 2021 Staff Report and Resolution.

The City Council will then provide further direction to finalize a map or maps which will be presented to the City Council for a final vote. The City Council is the final decision-making body regarding adoption of Petaluma voting district boundaries. To cap the City's obligation to reimburse prospective plaintiffs challenging the City's compliance with the CVRA at \$30,000, the City must comply with the timetable for transitioning to district elections that is specified in the CVRA. The provisions of the CVRA that prescribe the timetable for transitioning to district elections are known as safe harbor provisions. Unless the City agrees with Mr. Shenkman to extend the CVRA safe harbor period, the City Council must adopt a district elections ordinance by January 4, 2022. If the City agrees to extend the safe harbor period, the deadline for adopting a district elections ordinance may be extended until April 4, 2022.

DISCUSSION

The legally-required criteria that apply to the creation of voting districts are as follows:

- Each council district shall contain nearly equal population, with any deviations justified by other traditional redistricting criteria.
- A districting plan shall be drawn in a manner that complies with the state and federal Constitutions, the Federal Voting Rights Act and other applicable law, including the CVRA.
- Each council district shall not 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).
- Each council district shall be contiguous, meaning that there can be no islands or parts of the district that are not attached to the whole.

The City Council may also consider other criteria. Additional criteria that have been used in other communities to define voting districts include:

- Compactness of districts, including their shape and appearance.
- Keeping communities of interest, such as neighborhoods, school district boundaries, etc., undivided by a district boundary, to the extent feasible.
- Respecting visible, natural and man-made geographical and topographical features when drawing district boundaries, as much as possible.
- Avoiding head-to-head contests between incumbent Councilmembers, insofar as this does not conflict with federal or state law.
- Identifying changes to the City's housing stock, including areas of population growth since 2010.

- Including public facilities in each district, to the extent feasible.
- Including commercial interests in each district, to the extent feasible.
- Following existing precinct boundaries where feasible to facilitate the County’s ability to conduct elections.

The above criteria are examples only and may not be applicable or appropriate in Petaluma. The public is encouraged to provide input on some or all of these additional criteria options and may also provide input on other criteria not mentioned above. The Council will be informed by the public input. To support the public in providing input, mapping tools will be made available on the project website: cityofpetaluma.org/districtelections. The Council must balance legally-required criteria, and may choose to include some, all, or no additional criteria. The Council may also recommend additional alternative criteria that the Council believes are applicable to Petaluma when developing 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 15, 2021. The public is encouraged to provide input via e-mails to districtelections@cityofpetaluma.org. A tentative schedule for future hearing dates regarding the City’s potential transition from at-large elections to district-based is attached hereto as Attachment 1.

PUBLIC OUTREACH

Public outreach regarding this public hearing included notification by social media notifications including Facebook and NextDoor, and updates to the City’s website for project information. A dedicated webpage on the City’s website: cityofpetaluma.org/districtelections and an email: districtelections@cityofpetaluma.org have been set-up to provide updates and respond to community questions and feedback.

This item appeared on the City’s tentative agenda document on October 18, 2021, which was a publicly noticed meeting and this item was noticed in compliance with the California Brown Act.

COUNCIL GOAL ALIGNMENT

This action helps achieve the following City Council goal:

Workplan Item #161: Increase community engagement through programs that attract new followers. Complete minority outreach strategy and begin implementing recommendations from the strategy

ENVIORNMENTAL COMPLIANCE

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines Sections 15320, 15378 and 15061(b)(3) as holding a public hearing to receive input on potential voting district boundaries is an organizational and structural change and does

not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

ALTERNATIVES

No alternatives are suggested as this and the subsequent four prescribed public hearings are necessary for the City to remain within the CVRA safe harbor period.

FINANCIAL IMPACTS

There are financial impacts on the City's General Fund due to the need to devote staff time and to retain an outside demographer, an elections consultant and special legal counsel to assist with the transition to district-based elections. These costs are estimated to be up to \$150,000. Additionally, the City will be required to reimburse the prospective plaintiffs for documented costs of up to \$30,000. This cost is included in the adopted FY 21/22 General Fund budget.

ATTACHMENTS

1. Tentative Schedule of Future Public Hearings

**TENTATIVE SCHEDULE
FOR DISTRICTING PUBLIC HEARINGS**

| Activity | Date |
|---|------------|
| Received Demand Letter | 8/23/2021 |
| Adopt a Resolution of Intention | 10/4/2021 |
| Public Hearing #1 to gather input (no draft maps) | 11/1/2021 |
| Public Hearing #2 to gather input (no draft maps) | 11/15/2021 |
| All Initial draft maps posted on website | 11/29/2021 |
| Public Hearing #3 to gather public input on draft maps and election sequencing | 12/6/2021 |
| Changes to initial draft maps posted on website | 12/13/2021 |
| Public Hearing #4 to gather public input on draft maps and election sequencing and Introduction of Ordinance to establish district-based elections | 12/20/2022 |
| Adopt Ordinance establishing district-based elections | 1/3/2022 |
| First district-based election to be held | 11/8/2022 |