



CITY COUNCIL STAFF REPORT

TO: Honorable Mayor and City Council **DATE:** June 28, 2021

FROM: Matthew Bronson City Manager

PREPARED BY: Matthew Bronson City Manager
David Hale, City Attorney
Wendi Sims, City Clerk

SUBJECT: Public Hearing on the Creation of a District-Based City Council Election System

RECOMMENDATION

1) Receive a report from staff on the City Council districting process and permissible criteria to be considered to create district boundaries; 2) conduct a public hearing to receive initial input from the public on district boundaries and provide direction to staff; and 3) approve the timeline for developing and approving a Council district map.

BACKGROUND

On July 1, 2019, the City Council adopted Resolution No. 19-37 (shown as Attachment 1) declaring its intention to transition from at-large to district-based elections for the City Council commencing with the General Municipal Election in November 2022. Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two (2) Public Hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of said districts.

Since adoption of the Resolution of Intention, the City has secured demographic and communications consultants to assist the City in the districting process. The City is working with National Demographics Corporation (NDC) which previously assisted Santa Maria and Paso Robles in their respective Council districting process and is now working with Arroyo Grande, Oceano Community Services District, and the Lucia Mar Unified School District in their respective districting processes. The City is also working with Tripepi Smith on communications needs for this process given the extent of public outreach efforts specified by State law to inform the public about district elections and seek input in developing district maps which includes extensive Spanish language given the number of Spanish-speaking residents. The City has created a Council districting page on the City's website at <https://www.groverbeach.org/districting> with initial information about the districting process and how the public can be involved.

First Hearing Overview

This hearing is the first of four required public hearings the City must hold prior to adopting Council district maps to begin transitioning to district-based elections. The purpose of this first public hearing is to inform the Council and public about the districting process and to get initial input on what factors should be taken into consideration while creating district boundaries. To assist with this consideration, the Council and public is requested to provide input regarding "communities of interest" and other local factors that should be considered while drafting district maps. A

community of interest is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

1. School attendance areas;
2. Natural dividing lines such as major roads, hills, or highways;
3. Areas around parks and other neighborhood landmarks;
4. Common issues, neighborhood activities, or legislative/election concerns; and
5. Shared demographic characteristics, such as:
 - a) Similar levels of income, education, or linguistic isolation;
 - b) Languages spoken at home; and
 - c) Single-family and multi-family housing unit areas.

In developing district boundaries, the City must ensure compliance with the following state and federally mandated criteria so each district shall:

- Contain a nearly equal population.
- Be drawn in a manner that complies with the Federal Voting Rights Act.
- Not be drawn with race as the predominate factor in violation of the principles established by the U.S. Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

Proposed Timeline and Public Communication

Attachment 2 contains a timeline showing a calendar of public hearings and workshops. The second required public hearing will be held at the July 26, 2021 City Council meeting. At this hearing, the Council will continue to seek public input on factors to consider for district boundaries and provide direction to staff on criteria to be considered while drafting district maps. Staff will continue adding material to the City's districting webpage including information about how members of the public can submit their own maps for the Council's consideration. The public will be able to submit paper maps as well as electronic maps using an online mapping tool. Following the release of Census data for California anticipated in October, staff will work with NDC on developing draft maps which will be posted to the City's website along with maps submitted by the public. The City will also hold a public workshop this fall to further discuss the districting process with the community and continue to seek public input on developing district maps.

At the January 24, 2022 City Council meeting, the Council will conduct the third public hearing to seek public input on the draft district map(s) and sequence of elections. The fourth public hearing will then be scheduled for the City Council meeting on February 28, 2022 where the Council will be requested to select a preferred map and direct any necessary amendments while also introducing an ordinance to formally adopt this map. The second reading and adoption of the final map will need to occur by April 17, 2022 at which point staff and NDC will work with the County Elections Office to have the district maps integrated into the countywide voting system. The first district election for the City of Grover Beach will be held in November 2022.

Lastly, staff would note that the Council has previously received correspondence regarding establishing an Independent Districting Commission to create a district map for the City which would alter the proposed timeline. Using such a commission is an option but is not commonly used by smaller jurisdictions which generally tend to keep this decision to the City Council. Such an option would take additional staff time and would require the City to recruit community members to serve in this capacity. Staff could bring back additional information about this option if the Council would like to consider this further.

FISCAL IMPACT

There is no fiscal impact associated with this public hearing. However, the process of transitioning to district elections in a way to meets legal requirements and allows for public outreach requires the City to retain the services of demographic and communications consultants. The estimated cost of such services is \$57,500 through separate agreements with NDC and Tripepi Smith.

ALTERNATIVES

The Council has the following alternatives to consider:

- 1) Receive a report from staff on the City Council districting process and permissible criteria to be considered to create district boundaries; 2) conduct a public hearing to receive initial input from the Council and public on district boundaries; and 3) approve the timeline for developing and approving a Council district map; or
- 2) Do not approve the timeline for developing and approving a Council district map; or
- 3) Provide other direction to staff

PUBLIC NOTIFICATION

The agenda was posted in accordance with the Brown Act.

ATTACHMENTS

1. Council Resolution No. 19-37
2. Proposed Calendar of Public Hearings and Workshops

RESOLUTION NO. 19-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO DISTRICT-BASED ELECTIONS BY NOVEMBER 2022

WHEREAS, members of the City Council of the City of Grover Beach are currently elected in “at-large” elections in which each of the four Council Members along with the Mayor is elected by the registered voters of the entire city; and

WHEREAS, California Government Code section 34886 permits the legislative body of a city to change its method of election by ordinance from an “at-large” system to a “district-based” system in which each member of the legislative body is elected by the voters in the district in which the candidate resides; and

WHEREAS, on May 29, 2019, the City received a letter entitled Notice of Violation of California Voting Rights Act (“Notice”) from Jeffrey Mayes, attorney, on behalf of Felipe Rueff (“Prospective Plaintiffs”) asserting that the City’s elections are characterized by racially polarized voting and demanding that the City transition to district-based elections pursuant to the California Voting Rights Act (“CVRA”); and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code 14028(a)). “Racially polarized voting” means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code section 14026(e)); and

WHEREAS, the CVRA allows for Prospective Plaintiffs to file a lawsuit against the City if the City does not allow a resolution of intent to institute district-based elections within 45 days of the Notice (“45-day period”) (Elections Code section 10010); and

WHEREAS, the Notice states that if the City declines to adopt a resolution of intent to transition to district-based elections within the 45-day period, Prospective Plaintiffs will commence a lawsuit to compel district-based elections; and

WHEREAS, July 13, 2019 is the 45th day from the date the City received the Notice; and

WHEREAS, the Prospective Plaintiffs offered to consider a settlement agreement whereby the City would not be required to institute district-based elections until the November 2022 regular election in order to allow 2020 U.S. Census data to be taken into account in drawing district boundaries; and

WHEREAS, the City denies the assertion that it’s at-large system violates the CVRA or any other provision of law and asserts that the City’s election system is legal in all respects; and

WHEREAS, the City Council has concluded that the public interest would be best served by transitioning to a district-based election system due to the inherent uncertainties and costs associated with defending the City’s at-large election system against a CVRA lawsuit; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grover Beach:

SECTION 1. The above recitals are true and correct.

SECTION 2. Before the November 2022 regular election, the City Council will consider adoption of an ordinance to institute a district-based election system as authorized by Government Code section 34886.

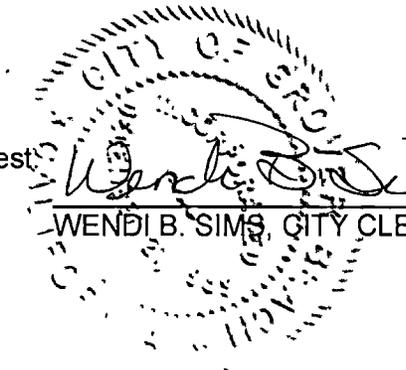
SECTION 3. Prior to considering an ordinance to establish district boundaries for a district-based election system, the City will follow the requirements pursuant to Elections Code section 10010 to solicit public input in the district map drawing process.

Upon motion by Mayor Pro Tem Shah, second by Council Member Lance, and on the following roll call vote:

AYES: Council Members – Bright, Lance, Nicolls, Mayor Pro Tem Shah, and Mayor Lee
NOES: Council Members – None
ABSENT: Council Members – None
ABSTAIN: Council Members – None

The foregoing Resolution No. 19-37 was **PASSED, APPROVED, and ADOPTED** at a Regular Meeting of the City Council of the City of Grover Beach, California this 1st day of July, 2019.



JEFF LEE, MAYOR

Attest: 

WENDI B. SIMS, CITY CLERK

Calendar of Public Hearings and Workshops

Date	Time	Location	Meeting Type	Links to Documents & Recordings
June 28, 2021	6:00 PM	Virtual	Public Hearing 1 Held prior to release of draft maps. Receive input on composition of districts.	
July 26, 2021	6:00 PM	Council Chambers	Public Hearing 2 Held prior to release of draft maps. Receive input on composition of districts.	
Census Data Release August 16			Census Bureau releases official 2020 Census population data.	
California Data Release Early October 2021			California Statewide Database releases California's official 'prisoner-adjusted' 2020 population data.	
Release Draft Maps			Must be posted 7 days prior to Public Hearing 3.	
TBD	TBD	TBD	Workshop	
January 24, 2022	6:00 PM	Council Chambers	Public Hearing 3 Discuss and revise the draft maps and discuss election sequence.	
February 28, 2022	6:00 PM	Council Chambers	Public Hearing 4 Discuss draft maps and election sequence. Final map selection and introduce ordinance.	
			Map adopted by ordinance Adoption deadline: April 17, 2022	