CITY COUNCIL **AGENDA REPORT**

MEETING DATE: February 2, 2022 **ITEM # 15**

SUBJECT:

FIRST PUBLIC HEARING TO RECEIVE PUBLIC INPUT ON THE COMPOSITION OF CITY COUNCIL DISTRICTS AND WORKSHOP ON RELATED CITY OUTREACH AND PUBLIC EDUCATION EFFORTS

INITIATED OR REQUESTED BY:

[ ] Council [X] Staff

[ ] Other

REPORT COORDINATED OR PREPARED BY:

Jon Robinson, Deputy City Manager
City Manager's Office

ATTACHMENT [X] Yes [ ] No [X] Information [X] Direction [ ] Action

OBJECTIVE

The purpose of this report is to offer the public an opportunity to provide input on the composition of electoral districts prior to the preparation of draft district maps, and to allow the Council provide staff with direction on the outreach and public education efforts that will be undertaken as part of the City's transition from at-large to district-based elections.

RECOMMENDED ACTION

Staff respectfully recommends that the Council hear staff's presentation, conduct the public hearing, and provide staff with direction regarding its preferences and priorities for the public outreach related to the City's transition to district-based elections.

BACKGROUND

On January 19, the City Council approved Resolution 22-8, which initiated the process of transitioning from the current at-large elections format to a district-based system in compliance with the California Voting Rights Act (CVRA). The Council's intent is to effectuate this change in time for the new districts to be operative for the November, 2022 election cycle.

The City's transition from at-large to district-based elections will be affected by four primary factors:

1. Compliance with the terms of the California Voting Rights Act (CVRA);
2. Yolo County's requirements in order to establish the new districts in time for them to be operative for the November, 2022 election;
3. The Council's preferences in terms of the public outreach associated with the transition process (which must comply with the CVRA and the applicable County deadlines and documentation requirements); and
4. Resolution of the CVRA-related lawsuit filed against the City by attorney Scott Rafferty, representing the Latino Information and Resource Network, Maria Grijalva, and the Broderick Area Homeowners' Association.

The legally mandated process outlined in the January 19 staff report (of which this hearing is a part) is designed to address the requirements of the CVRA and Yolo County noted in items 1 and 2 above. Pursuant to Resolution 22-8, which the Council approved on January 19, the City Attorney's office is working with Mr. Rafferty to address the lawsuit noted in Item 4 above, and will keep the Council apprised and seek direction as those discussions progress. This report is intended to orient the Council and the public to the details of the transition to district-based elections, and request Council guidance on both the draft district maps, and the public outreach process that informs them. At the meeting of February 2, Redistricting Partners will provide an extensive background on this process, after which the Council will have the opportunity to ask questions, and deliberate on the key decision points described in the Analysis section below.

ANALYSIS

Currently, the most pressing question facing the Council is whether to create four new Council districts and retain the current practice of directly electing the Mayor on an at-large basis, or to create five Council districts, and have the City Council appoint one of its members as the Mayor on an agreed-upon schedule. The implications of the alternatives, and the timing of the decision itself, are discussed below.

Four Council Districts + Mayor Elected At-Large

Under this approach, the Mayor would continue to be directly elected on an at-large basis, while the other four members of the City Council would each be elected by the voters in their respective districts. By continuing to make the Mayor electorally accountable to voters across the city, as opposed to just those within a specific district, this approach could help the Council retain a "big-picture" viewpoint and offset some of the hyper-localized focus that sometimes affects officials in district-based electoral systems. That said, this approach also has potential downsides.

Given the way the CVRA is worded, an electoral structure with the mayor elected at-large may be more vulnerable to a future CVRA challenge than a fully district-based system, since a plaintiff could argue that racially polarized voting was occurring in the mayoral race. However, many jurisdictions state-wide (including Sacramento, Citrus Heights and Elk Grove locally) have district-based council elections but elect their mayors at-large, and to staff's knowledge, no jurisdiction with this electoral format has been targeted with a CVRA lawsuit based on its at-large mayoral elections. Based on this observation, there appears to be a negligible CVRA exposure associated with this approach; however, it's possible that the legal landscape could change in the future. For example, as the state becomes less "target-rich" for attorneys specializing in CVRA cases, it is possible that they could turn their attention to challenging elections of at-large mayors.

Five Council Districts with an Appointed Mayor
The City's current directly elected mayor format was adopted by a vote of West Sacramento residents in 2004; however, the City Attorney has concluded that the CVRA allows the City Council to choose to cease the at-large mayor format, and instead create five Council districts, with the position of mayor being appointed by the Council. This is the system utilized in Woodland and Davis. If the City were to create five Council districts, it would forego the benefit of the automatic "big-picture" viewpoint associated with the directly elected mayor, but would allow the City to minimize its potential CVRA exposure. Another potential downside of this approach is the potential for the selection of the mayor to create tensions or divisions among Council members.

Timing of the Decision Between Four or Five Council Districts
The Council could decide to structure its public outreach process to gather community feedback on the preferred number of Council districts. While gathering community input on this question has some intuitive appeal in terms of maximizing resident involvement in this process, the City's consultant, Redistricting Partners, has strongly advised against this approach. They have worked with other jurisdictions that have attempted to have the community opine on both the number and the location of districts. Their observation has been that in virtually every instance, having multiple maps, with different numbers of districts, has ultimately created more confusion than benefit. Staff recommends that the Council follow Redistricting Partners' suggested course of action and make a decision about the number of districts, which will allow the community outreach effort to focus on the location of those districts. If the City Council ultimately decides to go with four Council seats and an elected Mayor, Council will also need to decide whether the Mayor will serve a two or four year term. This decision, however, is not as time sensitive as the decision concerning four or five districts.

It is very difficult to talk to the public about the districting process in the abstract, so having maps of potential districts is key to a productive public discussion. In order to initiate the statutorily required public outreach associated with this process (as well as proposed additional outreach approaches, discussed below), it would be very helpful if the Council could make a decision at tonight's meeting as to the number of districts that Redistricting Partners should assume when constructing draft maps.

Once the Council has settled on how it wants to present the districting concept to public, staff and Redistricting Partners can embark on the process of soliciting public input to inform the shape of the new districts. At its meeting of January 19, the Council approved Resolution 22-9, which appropriated funds for a suite of additional outreach services from Redistricting Partners. In the interim, staff has worked with Redistricting Partners to develop an outreach plan to articulate the specific techniques we plan to utilize in order to publicize the districting effort to as many residents as possible, and facilitate meaningful input from all elements of the West Sacramento community.

As detailed more fully in Attachment 1, the proposed public outreach plan includes five statutorily required Council meetings. The first two meetings focus on educating the community on the districting process, and soliciting input to help guide the creation of a draft set of alternative maps. The second two meetings focus on soliciting Council and community feedback on the initial draft maps. The final Council meeting is to facilitate a yes/no decision from the Council selecting one of the draft maps.

Between each of the mandatory public hearings with the Council, staff and Redistricting Partners are envisioning multiple opportunities for additional community engagement, including multiple live Zoom meetings; an online mapping tool that will allow residents to draw and submit their own districts for consideration; utility bill inserts; social media posts, and more. Staff's intent is that every resident in the City will have the opportunity to engage in this process. To that end, at every step care will be taken to provide information and participation opportunities in both analog and digital formats to allow residents with no or limited computer access to participate meaningfully in the process.

Environmental Considerations
This action is not a project that is subject to CEQA because it is not an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; CEQA Guidelines §§ 15060(c), 15378(a).)

Commission Recommendation
N/A

Strategic Plan Integration
N/A

Alternatives
The Council's primary alternatives are summarized below:

1. Hear staff's presentation, conduct the public hearing, and provide staff with direction regarding its preferences and priorities for the public outreach related to the City's transition to district-based elections.

2. Conduct the public hearing, but decline to provide staff with direction related to the upcoming CVRA compliance process.

3. Decline to conduct the public hearing or provide staff with direction.

Alternative 1 is staff's recommended alternative. Staff does not recommend Alternatives 2 or 3 because the City is under a rigid timeline to meet the CVRA and County procedural requirements and have a district-based system in place for the November, 2022 election. While deferring tonight's recommended action would not in itself jeopardize the City's ability to meet the applicable deadlines, staff is endeavoring to preserve as much flexibility as possible for later in the process, when public input or other factors could create unavoidable delays. Therefore, staff strongly recommends that the Council implement staff's recommended action.

Coordination and Review
This report was prepared by the City Manager's Office in coordination with the City Attorney and Redistricting Partners.

Budget/Cost Impact
The activities described in this report will be accomplished within existing budget appropriations.

ATTACHMENT
1. Proposed Public Outreach Plan

Attachment 1

Proposed Public Outreach Schedule

Date	Meeting Type	Description
February 2, 2022	Public Hearing – Districting 101 & Current Data Overview	This presentation will cover the basics of districting, common terms and their meaning, and the city's current data per the 2020 Census.
February 2022	Communities of Interest (COI) Outreach – 2 meetings	Two outreach presentations (one in Spanish with English translation and one in English with Russian translation) to educate the public on the districting process and to receive community input on their Communities of Interest.
March 2, 2022	Public Hearing – Communities of Interest	This presentation will cover the feedback received during the outreach presentations and will solicit feedback from the community and Council as to geographic locations of Communities of Interest.
March 16, 2022	Public Hearing – Draft Map Feedback	Draft maps will be presented to the City Council for feedback and changes. Maps will be drawn with COI testimony and publicly submitted maps as the starting point.
March – April	COI & Draft Map Feedback Outreach	Two outreach presentations on the proposed draft maps to solicit feedback from the community. Both presentations will have either Spanish or Russian interpreters.
April 20, 2022	Public Hearing – Draft Map Feedback	Draft maps will be presented to the City Council for feedback and changes. Ideally Council will select one or two maps to vote on at next meeting.
May 18, 2022	Public Hearing – Final Vote	Council will vote on sequencing and a final map that has been posted with no changes for 7 days prior to the hearing.
June 1, 2022	Public Hearing If Needed	