CITY OF WEST SACRAMENTO **AGENDA REPORT**

MEETING DATE: January 19, 2022 **ITEM #18**

SUBJECT:

CONSIDERATION OF RESOLUTION 22-8 DIRECTING STAFF TO INITIATE THE PROCESS OF TRANSITIONING THE CITY OF WEST SACRAMENTO TO DISTRICT-BASED ELECTIONS, AND RESOLUTION 22-9 AUTHORIZING A BUDGET APPROPRIATION OF $88,000 TO AMEND THE CONTRACT WITH REDISTRICTING PARTNERS, LLC TO PROVIDE RELATED COMMUNICATIONS AND OUTREACH SUPPORT SERVICES

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** **[X] Action**

OBJECTIVE

The objective of this report is to provide background on the California Voting Rights Act (CVRA) and its implications in West Sacramento, and to facilitate Council discussion and consideration of Resolution 22-8, which would direct staff to take steps to implement district-based elections in West Sacramento starting in November, 2022, and Resolution 22-9, which would authorize additional funding for related community outreach.

RECOMMENDED ACTION

Staff respectfully recommends that the City Council:

1. Conduct a discussion of the CVRA-related topics summarized in this report, provide comments and feedback to staff;
2. Adopt Resolution 22-8 (Attachment 1) directing staff to initiate a public process to transition the City from its current at-large system for Council elections to a district-based system pursuant to the CVRA; and,
3. Adopt Resolution 22-9 (Attachment 2) authorizing a budget appropriation of $88,000 from the General Support Services Fund (Fund 104) to facilitate an amendment to the City's existing contract with Redistricting Partners, LLC to provide consulting services in support of the redistricting effort.

BACKGROUND

In 1965 the federal Voting Rights Act (FVRA) was adopted as an effort to effectuate the 15th Amendment's guarantee that no person shall be denied the right to vote based on their race or skin color. The FVRA was amended in 1982 to add specific prohibitions on "vote denial," which are practices that functionally deny people the right to vote or to have their vote counted, as well as "vote dilution," in which the effectiveness of a group's votes in electing their preferred candidates is weakened.

Voting rights violations can occur in both at-large voting systems like West Sacramento's (where candidates run in city-wide elections and can live anywhere in the city) as well as district-based systems (where candidates run in the district in which they live and only voters living in their district vote). For example, a district-based voting system might dilute votes by dividing specific homogenous communities into multiple gerrymandered districts, or by packing a large number of homogenous voters into a few disproportionately large districts. An at-large voting system could dilute votes by allowing a cohesive majority group to overwhelm the votes of minority groups, preventing them from electing their preferred candidates.

In 2003, the State of California enacted the California Voting Rights Act (CVRA), which seeks to prevent disenfranchisement of protected classes by eliminating a requirement in the FVRA that plaintiffs prove a switch to district-based elections would alter the outcome of elections, and by facilitating private legal action to compel jurisdictions to remedy situations that appear to violate the standards outlined in the CVRA.

A copy of the CVRA is included as Attachment 3. The cornerstone of the CVRA is its definition of "racially polarized voting" as:

> *"…voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. Sec 1031 et seq) in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate."*

The CVRA contains a number of features that strongly militate towards the establishment of district-based elections. These include:

- The CVRA facilitates the filing of lawsuits against jurisdictions perceived to be in violation of its terms by stipulating that if the jurisdiction loses, it must pay the plaintiff's legal fees.
- A successful cause of action does not require a showing of intent on the part of the jurisdiction, i.e., even in jurisdictions like West Sacramento that have a strong track record of inclusivity, the existence of racially polarized voting is evidence that a violation has occurred.
- Plaintiffs are not required to show that a switch to district-based elections will alter the outcome of elections.
- The CVRA empowers courts to impose "appropriate remedies" to correct racially polarized voting, but specifically mentions only one such remedy: district-based elections, i.e., a system whereby each candidate must reside within a sub-district of the jurisdiction and is elected only by voters from within that district.

By making it easier to establish a violation of voting rights, creating a financial incentive for attorneys to file CVRA lawsuits against cities with at-large elections, and defining only one remedy – district elections – for CVRA violations, the Legislature has created a powerful ratcheting effect that is causing increasing numbers of California public entities to move to district elections. Locally, Sacramento, Roseville, Folsom, Citrus Heights, Dixon, Elk Grove, Davis, and Woodland all utilize district-based council elections.

In late 2018, the City received a letter from Scott Rafferty, an attorney representing the Latino Information and Resource Network, Maria Grijalva, and Broderick Area Homeowners' Association ("Claimant") demanding that the City transition to district-based elections or face a lawsuit compelling it to do so. In the intervening period, the Council has studied its options, and engaged experts to help assess the extent (if any) to which the City may be in violation of the CVRA. During this time the Claimant helpfully delayed the filing a lawsuit to allow the Council time to conduct its due diligence.

The City Council's consideration of this matter was delayed by multiple factors, including the COVID-19 pandemic, an intervening election that brought a new mayor and councilmember, and the fact that 2020 Census data was not yet available to assist in determining district boundaries. The Claimant ultimately filed its lawsuit on October 21, 2021 and the City filed its response to that lawsuit on December 3, 2021.

Based on the analysis provided below, staff recommends that the City approve Resolution 22-8 directing staff to immediately initiate the process of transitioning the City to district-based elections, with the goal of conducting the City's first district-based election in November, 2022.

ANALYSIS

With a roster including the City's first African American Council member, four members of Hispanic heritage, and four women members, the current West Sacramento City Council is one of the most diverse elected bodies in the state. The current composition of the Council makes a lawsuit based on racially polarized voting highly counter-intuitive; however, the backgrounds of the Council members themselves are not relevant in a CVRA lawsuit. Rather, the outcome depends on statistical calculations that estimate whether vote dilution or other violations have occurred.

Since the adoption of the CVRA in 2003, there have been multiple CVRA challenges alleging racially polarized voting across the state. Many of these challenges terminated when the jurisdiction simply agreed to switch to district-based elections – an option that was taken by the Washington Joint Unified School District when faced with a suit from the same complainant. However, among those cases that have made it to court, to staff's knowledge not a single jurisdiction has successfully defended a CVRA lawsuit. (One case, *Pico Neighborhood Association v. City of Santa Monica*, was initially won by the plaintiff at the district court and then reversed by the appellate court, but that case is pending appeal at the California Supreme Court.)

Following the receipt of the initial demand letter from the Complainant in 2018, the City Council has diligently studied its options, including procuring the services of a demographer and a well-respected CVRA expert to assess whether racially polarized voting has occurred in West Sacramento, and by extension, evaluate the likelihood that the City could win a CVRA lawsuit. These analyses found that while occurring infrequently, the City had experienced some degree of racially polarized voting during past elections. While the mere existence of polarized voting is not conclusive of a violation of the CVRA, there is some statistical evidence to support the claim that the City's at-large voting system may be impairing some residents' ability to elect the candidates of their choice.

Solely from the standpoint of the Council's long-standing commitment to fair representation for all residents, evidence of racially polarized voting, however faint, may be enough by itself to justify a change to the City's at-large election process. However, there are multiple additional factors that also suggest that an expeditious transition to a district-based system may be well-advised. These include the current lawsuit, the historical pattern of cities consistently losing similar CVRA lawsuits, and the fact that even were the City to fight the current litigation and prevail, a win in the current litigation would not bar new lawsuits in the future, potentially leaving the City needing to repeatedly defend itself in court, at great expense. Therefore, staff recommends that the Council adopt Resolution 22-8, which directs staff to initiate the process of transitioning to district elections in time for the November 2022 elections, and to endeavor to settle the current litigation with the Claimant. The rest of this Analysis section outlines specific facets of the transition to district elections about which the Council may wish to provide direction or comment this evening.

Statutory Process
State law includes detailed timelines and milestones that are required for jurisdictions seeking to move to district elections pursuant to the CVRA. This schedule is summarized in Attachment 4. The process includes multiple required meetings, as well as opportunities for residents to review and comment on proposed district maps. Subject to applicable time constraints noted in Attachment 4 , staff recommends additional outreach efforts in order to engage more residents in the process, and/or to utilize a survey or other mechanism to gather input on proposed district map alternatives. The schedule includes a "cushion" of approximately two months to allow for additional steps and contingencies. Resolution 22-9 would appropriate funds for a more robust outreach effort.

Required Map Considerations
The districts the City creates must comply with state and federal laws. For example, among other requirements, the new districts must have substantially equal population, and boundaries that are:

- geographically contiguous
- maintain communities of interest
- easily identifiable and understandable by residents
- geographically compact, to the extent this can be accomplished without running afoul of the other requirements

Staff has engaged a demographer to assist with planning and executing the process required by the CVRA and with the preparation of proposed district maps for Council consideration. The firm, Redistricting Partners, has extensive experience working with jurisdictions to transition local jurisdictions from at-large to district-based elections. Redistricting Partners' qualifications and scope of work are shown in Attachment 5. The Council can ask questions or provide direction about any aspect of the proposed scope of work.

Staff entered into a contract with Redistricting Partners under the City Manager's contract authority in order to have the consultant onboard in time to help answer the Council's questions at the meeting of January 19. The scope of the existing contract only covers a base level of services; staff entered into this initial contract in order to secure the services of a qualified demographer during a year when many agencies are redrawing district boundaries following the 2020 census. Redistricting Partners offers additional communications and outreach support to help its clients meaningfully incorporate feedback from residents during the redistricting process. To facilitate that enhanced input, and provide flexibility for outreach-related contingencies during the redistricting process, staff recommends that additional communication and outreach services be added via an amendment to this base contract, as described in Attachment 4 and Resolution 22-19. The total cost of the existing contract plus the proposed amendment would be $130,000.

Number of Districts
Early in the process, the Council will need to provide staff with direction as to whether it wants to have four Council districts with the Mayor elected at-large (the current structure of the City Council), or whether it wishes to create five Council districts, and have the role of Mayor decided by the Council. (The City Attorney has concluded that the CVRA allows either approach.) While this decision does not need to be made tonight, in order for the consultant to create draft district maps, it must know how many districts are needed. Staff would welcome Council direction on this point tonight, but this issue can also be brought to the Council later in the process.

Governance
District-based elections can dramatically change the governance dynamic of a city that formerly had at-large elections. For example, the at-large election format means that each Council member is accountable to all city residents, which gives each member an incentive to balance the interests of all city residents in their decision making. In contrast, under a district-based system, there can be pressure for elected officials to focus exclusively on the needs of "their" residents, i.e. the voters in their district, as opposed to the needs of the entire city. This can lead to parochialism, infighting, squabbling over resource allocation, lack of strategic vision, and other symptoms of dysfunctional governance.

Those issues are not a foregone conclusion, however. In many instances, officials elected under a district-based system work together effectively and are able to attend to the needs of both their own district, and the entire city. Further, the CVRA focuses exclusively on elections, not governance. The Council is free to adopt whatever governance practices and related guidance it wishes in order to help assure that the City can achieve the potential voting equity benefits of a district-based system, while minimizing its potential negative effects on governance. To that end, as the Council studies districting options and conducts public outreach, it may also wish to initiate a community discussion about governance, then to articulate the community's good governance vision in an ordinance, or potentially even a ballot measure, that would serve as a guide for future Councils.

Next Steps
If the Council adopts Resolution 22-8 this evening, staff's intent is to move forward expeditiously with the work described in Attachments 2 and 3, with the intent of positioning the Council to enact a district-based election system in time for the November 2022 election. Staff will provide regular "check-in" opportunities at Council meetings in order to facilitate the Council's ongoing oversight of this process. Additionally, Council members will have the opportunity to participate in the public outreach associated with this project.

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
The actions proposed in this report are consistent with the Council's Mission Statement goals of being a place where residents take pride in their community, providing a City government that is recognized as a regional leader.

Alternatives
The Council's primary alternatives are summarized below:

1. Conduct a discussion of the CVRA-related topics summarized in this report, provide comments and feedback to staff; adopt Resolution 22-8 (see Attachment 1) directing staff to initiate a public process to transition the City from its current at-large system for Council elections, to a district-based system pursuant to the CVRA; and, adopt Resolution 22-9 (Attachment 2) authorizing a budget appropriation of $88,000 from Fund 101-9910-5261 to facilitate an amendment to the City's existing contract with Redistricting Partners, LLC to provide consulting services in support of the redistricting effort.
2. Adopt Resolutions 22-8 and 22-9 subject to specific changes.
3. Decline to adopt Resolutions 22-8 and 22-9 this evening, and direct staff to return at a future regular City Council meeting with additional information.
4. Decline to conduct a discussion this evening, and direct staff to prepare a closed session item to facilitate further Council discussion of the pending litigation.

Alternative 1 is staff's recommendation. Staff is prepared to effectuate Alternatives 2, 3 or 4 at the Council's direction; however, it should be noted that time is of the essence given the hard deadline of July 6 to have the City's new districts conveyed to Yolo County in order to make the 2022 election. Therefore, if the Council does not initiate the process of moving to districts this evening, further consideration of this matter should be undertaken at the earliest opportunity.

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

Budget/Cost Impact
The cost of the demographic consultant contract noted above is $42,000, which was initially to be funded under the City Manager's authority from General Fund contingency budget. Many elements of the proposed districting process, such as staffing outreach meetings, can be accomplished primarily by staff, resulting in no new financial cost to the City. Finally, as part of the resolution of the current CVRA lawsuit, the City will need to pay an as-yet undetermined sum to cover the Claimant's attorney fees. Staff is recommending a contract amendment for an additional cost of $88,000 to pay for a stronger community outreach effort. Resolution 22-8 requests the additional $88,000 to be funded by the General Support Services Fund (Fund 104) and to shift funding of the original $42,000 contract costs from the General Fund to the General Support Services Fund. The City's General Support Services Fund (Fund 104) tracks expenses that are allocated to various City cost centers based on approved cost allocation methodology. The total cost of $130,000 will be allocated to cost centers based on the approved cost allocation methodology.

ATTACHMENTS
1. Resolution 22-8
2. Resolution 22-9
3. CVRA Text
4. Draft Project Schedule
5. Consultant Qualifications and Scope of Work

RESOLUTION 22-8

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO DOCUMENTING THE COUNCIL'S INTENT TO TRANSITION THE CITY OF WEST SACRAMENTO TO A DISTRICT-BASED ELECTION FORMAT AND DIRECTING THE CITY MANAGER AND CITY ATTORNEY TO ENDEAVOR TO SETTLE ALL LEGAL CLAIMS RELATED TO THE CALIFORNIA VOTING RIGHTS ACT AND TO TAKE ALL ACTIONS NECESSARY TO EFFECTUATE A DISTRICT-BASED SYSTEM IN TIME FOR THE NOVEMBER, 2022 COUNCIL ELECTION

WHEREAS, the City of West Sacramento has operated under an at-large election system since its incorporation in 1987; and

WHEREAS, with a roster including the City's first African American Council member, four members of Hispanic heritage, and four women members, the current West Sacramento City Council is one of the most diverse elected bodies in the state; and

WHEREAS, the California Voting Rights Act (CVRA) is a state law established to assure that California voters do not have their votes intentionally or unintentionally nullified by the election systems in which those votes are cast; and

WHEREAS, the CVRA does not take into account the actual composition of the Council, but instead determines whether violations have occurred by examining the statistical relationship between the demographics of voting precincts and the election outcomes in those precincts; and

WHEREAS, the CVRA is structured in a manner that readily facilitates lawsuits alleging voting rights violations, and makes it difficult for any jurisdiction to defend such a lawsuit; and

WHEREAS, CVRA lawsuits can cost local jurisdictions millions of dollars to defend, and to date no jurisdiction has won a CVRA lawsuit; and

WHEREAS, on October 21, 2021 a CVRA lawsuit was filed against the City of West Sacramento by attorney Scott Rafferty, representing the Latino Information and Resource Network, Maria Grijalva, the Broderick Area Homeowners Association, and Neighborhood Elections Now; and

WHEREAS, in order to avoid the potentially catastrophic budget implications of defending a CVRA lawsuit, and to assure that all West Sacramento residents have the opportunity for their voices to be heard at the ballot box, the Council has determined that the best course is to transition the City to district-based elections in compliance with the CVRA; and

WHEREAS, this resolution is intended solely to document the Council's intent to proceed with district elections, and not to assert the safe harbor provision provided by Elections Code Section 10010(e)(3).

NOW, THEREFORE, BE IT RESOLVED that the West Sacramento City Council directs the City Manager and City Attorney to take all actions necessary to effectuate a district-based election system in time for the November, 2022 election on a schedule substantially similar to that shown in Exhibit A to this Resolution and to endeavor to settle the CVRA lawsuit filed by Grijalva, et al.

PASSED AND ADOPTED this 19th day of January, 2022 by the following vote:

AYES:
NOES:
ABSENT:

ABSTAIN:

Martha Guerrero, Mayor

ATTEST:

Laurie Ledesma, Sr. Deputy City Clerk

RESOLUTION 22-9

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO APPROVING A FIRST AMENDMENT TO THE CONTRACT WITH REDISTRICTING PARTNERS, LLC TO ADD $88,000 TO TOTAL COMPENSATION IN ORDER TO FUND OUTREACH AND COMMUNICATIONS SUPPORT FOR THE CITY'S TRANSITION TO DISTRICT ELECTIONS

WHEREAS, the City Council adopted the biennial Operations and Maintenance (O&M) budget for fiscal years 2021/22 and 2022/23 on June 16, 2021; and

WHEREAS, under his contract authority**,** the City Manager has entered into a contract with Redistricting Partners, LLC to facilitate a potential City transition to district-based elections; and

WHEREAS, the move to district-based elections is a turning point for the City, and it is imperative that the entire community has the opportunity to help shape the districts that will affect their voting choices; and

WHEREAS, the original contract with Redistricting Partners includes only a "base" process that does not include a comprehensive outreach effort; and

WHEREAS, Redistricting Partners offers additional communications and outreach support to help its clients meaningfully incorporate feedback from residents during the redistricting process; and

WHEREAS, to facilitate that enhanced input, and provide flexibility for outreach-related contingencies during the redistricting process, staff recommends that additional communication and outreach services be added via an amendment to this base contract for $88,000;

WHEREAS, the City's General Support Services Fund (Fund 104) tracks expenses that are allocated to various City cost centers based on approved cost allocation methodology and the total cost of $130,000 will be allocated to cost centers based on the approved cost allocation methodology; and

WHEREAS, the City Council has considered all information related to this matter, as presented at the public meetings of the City Council identified herein, including any supporting reports by City staff, and any other information provided during public meetings.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of West Sacramento as follows:

1. The City Council hereby approves amendments to the O&M Budget for fiscal year 2021/22 as noted below:

$130,000	104-9010-5261	City Council Professional Services
$130,000	**TOTAL**	

2. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

3. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED by the West Sacramento City Council this 19th day of January, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

_____
Martha Guerrero, Mayor

ATTEST:

_____

Laurie Ledesma, Sr. DeputyCity Clerk

Up^ Add To My Favorites

ELECTIONS CODE - ELEC

DIVISION 14. ELECTION DAY PROCEDURES [14000 - 14443] *(Division 14 enacted by Stats. 1994, Ch. 920, Sec. 2.)*

CHAPTER 1.5. Rights of Voters [14025 - 14032] *(Chapter 1.5 added by Stats. 2002, Ch. 129, Sec. 1.)*

14025. This act shall be known and may be cited as the California Voting Rights Act of 2001.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14026. As used in this chapter:

(a) "At-large method of election" means any of the following methods of electing members to the governing body of a political subdivision:

(1) One in which the voters of the entire jurisdiction elect the members to the governing body.

(2) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.

(3) One that combines at-large elections with district-based elections.

(b) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(c) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a general law city, general law county, charter city, charter county, charter city and county, school district, community college district, or other district organized pursuant to state law.

(d) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(e) "Racially polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), 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. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.

(Amended by Stats. 2016, Ch. 86, Sec. 121. (SB 1171) Effective January 1, 2017.)

14027. An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined pursuant to Section 14026.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14028. (a) A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision. Elections conducted prior to the filing of an action pursuant to Section 14027 and this section are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.

(b) The occurrence of racially polarized voting shall be determined from examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. One circumstance that may be considered in determining a violation of Section 14027 and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on Section 14027 and this section. In multiseat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative groupwide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis.

(c) The fact that members of a protected class are not geographically compact or concentrated may not preclude a finding of racially polarized voting, or a violation of Section 14027 and this section, but may be a factor in determining an appropriate remedy.

(d) Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required.

(e) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors to establish a violation of Section 14027 and this section.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14029. Upon a finding of a violation of Section 14027 and Section 14028, the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14030. In any action to enforce Section 14027 and Section 14028, the court shall allow the prevailing plaintiff party, other than the state or political subdivision thereof, a reasonable attorney's fee consistent with the standards established in Serrano v. Priest (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. Prevailing defendant parties shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14031. This chapter is enacted to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14032. Any voter who is a member of a protected class and who resides in a political subdivision where a violation of Sections 14027 and 14028 is alleged may file an action pursuant to those sections in the superior court of the county in which the political subdivision is located.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

Timeline of District Based Election Transition		
Wed. January 19, 2022 (regular meeting)	Discuss District-Based Elections	City Council discusses transitioning the City to a district-based election system
Wed. February 2, 2022 (regular meeting)	Public Hearing 1	City Council holds first of two public hearings to receive public input regarding composition of districts before draft district boundary maps are prepared.
	Additional Public Outreach	City Staff coordinates additional public outreach, including to non-English speaking community members through community meetings and mailer.
Wed. March 2, 2022 (regular meeting)	Public Hearing 2	City Council holds second of two public hearings to receive public input regarding composition of districts before draft district boundary maps are prepared.
Mon. March 7, 2022 (city website)	Proposed District Maps Published	City Staff publishes maps prepared by Demographer showing proposed districts based on public input and data analysis.
Wed. March 16, 2022 (regular meeting)	Public Hearing 3	City Council holds first of two public hearings to receive public input regarding composition of districts based on draft district boundary maps.
	Additional Public Outreach	City Staff coordinates additional public outreach.
Mon. March 28, 2022 (city website)	Proposed District Maps Published	City Staff publishes any revisions to maps prepared by Demographer showing proposed districts based on public input and data analysis.
Wed., April 6, 2022 (regular meeting)	Public Hearing 4	City Council holds second of two public hearings to receive public input regarding composition of districts based on draft district boundary maps.
	Additional Public Outreach	City Staff coordinates additional public outreach.

Wed., April 20, 2022 (regular meeting)	Public Hearing; Introduction of Ordinance Establishing Districts	City Council holds public hearing to discuss transition to district based elections and introduce Ordinance implementing district based elections.
Wed., May 4, 2022 (regular meeting)	Adoption of Ordinance establishing Districts	City Council adopts Ordinance implementing district based elections.
Tue., Nov. 8, 2022	Special Election	First two seats on City Council are filled based on by-district elections.
Tue., Nov. 5, 2024	Election	Last two seats on City Council are filled based on by-district elections.

REDISTRICTING PARTNERS

December 15, 2021

Jon Robinson
Deputy City Manager
City of West Sacramento

Sent via email to: jonr@cityofwestsacramento.org

Dear Mr.Robinson,

Thank you for reaching out to Redistricting Partners to discuss the City of West Sacramento's need to convert to districted elections under the California Voting Rights Act.

Redistricting Partners is a specialized firm that conducts services for organizations and local governments ranging from racially polarized voting analysis, conversion of elections from at-large to districted under the California Voting Rights Act, and traditional redistricting. Going back a decade we have worked with dozens of local governments, ranging from small hospital and water agencies to the sprawling Los Angeles Unified School District.

Most recently we have conducted the CVRA conversions within the cities of Napa, Davis and Santa Ana. For 2021 we have already been hired by the cities of Berkeley, Burlingame, Carpinteria, Napa, Oakland, and San Jose to conduct their decennial redistricting under the Fair Maps Act provisions. We have also been hired by the City of Long Beach to conduct their decennial process under their first independent redistricting commission.

Redistricting Partners is well versed in the California Voting Rights Act and its implications for agencies that have previously elected board members based on an at-large election system.

In addition to the CVRA, there is a new law known as the Fair Maps Act which creates best practices within the redistricting process – some of which are already within the CVRA, and some which are new.

When we worked with the City of Napa, the process included the five-hearing process, proper notification of hearings and presentations of maps to the public, a weekend map-drawing outreach program and drawing districts without consideration of incumbents or candidates, and without advantage to any political party.

I have attached an outline of our scope of services for agencies converting to district areas under the CVRA. In most cases, for a city redistricting, using a five-hearing structure (presenting virtually) multiple draft maps, assistance in outreach and

analysis of public input, the cost would be $42,000, with potential additional costs if the district wants features such as an online mapping tool or additional subcontracted outreach services.

Online mapping is an option that we have not always embraced – historically, we have favored more in-person outreach. But, obviously, much of that kind of activity will not be possible in the coming months.

The first online option is Maptitude Online Redistricting which costs $25,000 with training from Caliper Corporation. The second option is one developed by Tufts University called DistrictR and it is being packaged for Redistricting Partners at a cost of $8,000 and would include training from our staff. Both of these programs currently have capacity issues.

As might be expected, the Maptitude option is more robust, but also harder to learn, while the DistrictR option is lightweight and easy, but with fewer technical bells and whistles. We are agnostic about which tool an agency selects and can provide you with a demonstration video of both.

The conversion of an election system is often a challenge, but we are here to help assist in the process. We could be ready to participate in any board meetings as early as January, 2022 and could execute an agreement and workplan as soon as you are ready.

Sincerely,



Paul Mitchell
Owner, Redistricting Partners

REDISTRICTING PARTNERS

Scope of Services – CVRA Conversion

Redistricting Partners has been working for the past decade assisting dozens of municipalities with conversion to districted election systems under the California Voting Rights Act (CVRA).

The CVRA requires all agencies (cities, school boards, community colleges and other special districts) to convert to by-district election systems if they have signs of racially polarized voting. Recent amendments to the law allow for a faster, easier transition, provided that the agency follow specific "safe harbor" rules regarding the timing, structure, and transparency in the districting process.

The following is an outline of the services provided in this districting effort.

Public Engagement
The CVRA sets a structure for public engagement which includes five public hearings: two conducted prior to line drawing, two more held for public input and changes after maps have been made public, and one final hearing for adoption of a map that has been made public for 7 days prior to adoption.

Redistricting Partners will work with the municipality in conducting these presentations, gathering and documenting public input, and utilizing these hearings as a means for determining initial criteria for draft maps and amending maps that have been produced.

In addition, Redistricting Partners traditionally utilizes three methods for soliciting public input during this process.

1) The use of a simple community of interest worksheet, which allows the public to describe their community of interest, give evidence of what binds that community together and defines it, and provide any kind of drawing or map of that area. This can be used in-person at public hearings or completed by the public and emailed as a form of submitted testimony.

2) An in-person or online interactive workshop where physical maps are provided showing population densities, and the public is assisted in either drawing their communities of interest or drawing draft maps.

3) An online mapping option to facilitate deeper community engagement by allowing members of the public to draw and describe their community of interest or draw potential district lines.

Our staff includes experts in civic engagement, community outreach, and will assist in communicating needs for public engagement at client direction.

GIS and Data

The GIS backbone of redistricting is the Topologically Integrated Geographic Encoding and Referencing, or TIGER, a format used by the United States Census Bureau. This will serve as the geographic backbone of the redistricting project. The core TIGER/Line Files and Shapefiles do not include demographic data but do contain information about the external boundaries of cities, counties and other districts, and often are the same geography used in the creation of precincts.

Other districts, such as community colleges, water boards, and other special districts may utilize other geographic layers for their external boundaries, such as parcel layers, and some counties rely on parcel layers entirely for the creation of their precincts. Redistricting Partners has more than a decade of experience dealing with these issues and working with county registrars to process the redistricting files in both formats.

Decennial census redistricting data specifically tailored to each jurisdiction will be utilized within this TIGER geography. This data, under new California law, will also include the reallocation of incarcerated population, and be supplemented with the most recent American Community Survey (ACS) dataset, including estimated total population and Citizen Voting Age Population (CVAP) which quantifies ethnic populations for the purposes of the Federal Voting Rights Act.

Additional datasets can be utilized in redistricting based on the client needs. For example, in a healthcare district there could be a geographic dataset of underlying service areas or facilities, or at a community college there might be information on campuses and feeder high schools that serve as a geographic dataset to inform the districting process. Redistricting Partners is adept at helping agencies utilize these different pieces of geographic information within one project.

Meetings & Creation of Lines

Redistricting Partners will participate in public hearings either remotely or in-person, based on the health and safety guidance at the time. In a contract with a standard five-hearing schedule, at least two will be held remotely with up to three using in-person staffing, if appropriate.

Once mapping can be conducted, Redistricting Partners will create three sets of potential lines following traditional redistricting criteria including that districts be contiguous, compact, and follow traditional governmental or community lines and natural / physical contours of the district geography and input from the initial public hearings.

Maps that are created are provided in four formats:

- Printable 8.5x11 Mapping and Data PDFs for dissemination with meeting agenda or posting on the public- facing website. These maps provide an overview and will often show neighborhoods, significant landmarks or key facilities, but do not go down to the street-level.

- Interactive online maps, like Google Maps, with the proposed district boundaries, including the embedded data calculations for population, ethnicity, and any other factors that are key to the district analysis.

- Shapefile and census block equivalency files for use by any GIS staff or members of the public with GIS mapping capabilities.

Following the presentation of maps at the third public hearing Redistricting Partners will take any information gleaned from public comments or elected official input to create additional amended maps and engage in a process of selecting and finalizing mapping options for the fourth public hearing. Alternatively, Redistricting Partners could continue to collect public information and only create new versions after the fourth public hearing.

Under the California Voting Rights Act the final hearing will be for a vote only on the map which has been finalized and published within seven days prior to adoption. This mapping option will be produced by Redistricting Partners with all the additional technical elements necessary for the final resolution.

Adoption / Processing of new lines
Once lines are adopted, Redistricting Partners will work with the County Registrar(s) staff in order to complete the process and make new lines available for the next available election. This processing includes:

- Documentation from public meetings, signed resolution
- Electronic PDF maps of new election district boundaries
- GIS Shapefiles for county staff to assign precincts
- Metes and Bounds legal document with written description of district boundaries
- Census Block equivalency files and shapefiles for a backup of district lines in latest US Census geographic data.

Optional Elements
Beyond the CVRA Safe Harbor five meeting structure, contracts can be adjusted to allow for additional public meetings or interactive workshops.

Additional outreach programs, including in-language outreach, are available through Redistricting Partners sub-vendors. These can range from small engagements to create materials and promotions for public engagement, and grow into large emailing, mass-mailing, digital, radio and cable TV ads promoting the redistricting process. Language services are also available through a sub-vendor contract.

Two different online mapping tools are available through Redistricting Partners. The first is a public community engagement and district mapping tool developed by Tufts University and managed by Redistricting Partners. The second option is Maptitude Online Redistricting software from Caliper Corporation. Demonstrations of each product are available for prospective clients.

TYPICAL FIVE HEARING STRUCTURE

	Purpose of Hearing
1st Public Hearing	Public Hearing with information about the redistricting process, descriptions of the data and mapping tools, introduction of ways the community can provide input. The purpose of this introductory hearing is to provide information to the public and solicit input from the public and elected officials on where community of interests exist, and how those can contribute to the building of potential districts.
2nd Public Hearing	Repeat of first hearing, with additional emphasis on tools for providing input, potentially an overview or training for online mapping tools, emphasis on receiving community of interest testimony for the purposes of driving map creation.
3rd Public Hearing	Public Hearing with presentation of maps of new potential district boundaries produced by the demographer and **published seven days in advance**, with a summary of how mapping options were drawn from testimony and public input received during the previous hearings. These maps are expected to drive additional feedback from the public and elected officials.
4th Public Hearing	Public Hearing with revised map(s) of proposed district boundaries produced by the demographer and **published seven days in advance**. Additional public input regarding the revised map(s) and concluding with direction from the council on a final map that will be placed on the calendar for an upcoming up/down vote on the completed districting plan.
5th Public Hearing	Public Hearing to adopt final map

REDISTRICTING PARTNERS

References

The following are references from recent work. Additional references are available upon request.

Client Name: **City of Davis**

Project Description: The City of Davis which faced a CVRA lawsuit and required a quick transition to districted elections, including facing a question of going to 7 districts or staying with 5. Ultimately the plan adopted was based on a map drawn by two members of the community during a weekend workshop and amended by the council members in a public, open, televised council meeting.

Reference: Kelly Stachowicz
Assistant City Manager
KStachowicz@cityofdavis.org
(530) 757-5602 ext. 5802

Client Name: **City of Santa Ana**

Project Description: An extended and contentious CVRA lawsuit and conversion process. Redistricting Partners was hired to help facilitate a new set of district lines and a change of both the election system, and date of the election, in a majority minority Latino city with a strong Vietnamese population that had their geographic area divided among multiple council districts.

Reference: Maria Huizar
City Manager
City of Lake Forest
mhuizar@lakeforestca.gov
Note: Maria Huizar was the City Manager at the City of Santa Ana at the time of this redistricting.

Reference: Jose Solorio
Councilmember
City of Santa Ana
(714) 514-6233
jsolorio@aol.com
Note: Councilmember Solorio was an active member of the city council during the redistricting process. In this redistricting, the city itself was the agency in charge of adopting the district lines. Solorio was active in each of the public council hearing and attended public outreach meetings.

REDISTRICTING PARTNERS

Client Name: **City of Napa**

Tiffany Carranza
955 School Street
Napa, CA 94559
tcarranza@cityofnapa.org
(707) 257-9503

The City of Napa was the first city in California subject to the Fair Maps Act while conducting redistricting based on a demand from a petitioner under the California Voting Rights Act. In addition, the process was hindered further by the stay-at-home orders issued in March, 2020. The process was completed on time and followed all the requirements under the CVRA and the Fair Maps Act.

Client Name: **Kern Community College District**

Project Description: A redistricting project including Kern County and several adjacent counties for a diverse community college district which was conducting a revision of their district boundaries to comply with the California Voting Rights Act and the Federal Voting Rights Act.

Reference: Board Secretary Danielle Hillard
danielle.hillard@kccd.edu
(661) 336-5100

Client Name: **Los Angeles Unified School District**

Project Description: A public commission-based redistricting of the second largest school district in the nation. This redistricting included work with the commissioners to train them on traditional redistricting principles, identifying and working with communities of interest, public engagement, many community-based outreach meetings across the area served by LAUSD, and full technical lead on line-drawing, data management, map development and every aspect of the redistricting from the first commission meeting to plan adoption.

Client Project Manager: Doug Wance (949) 224-6439
18400 Von Karman Ave, Suite 800
Irvine CA 92612
dwance@buchalter.com
(949) 224-6439

Reference: Lindsay Horvath
LAUSD Redistricting County of Orange

REDISTRICTING PARTNERS

Councilwoman, West Hollywood
Lindsey.p.horvath@gmail.com
(323) 632-7530

Reference: Greg Girvan
22736 Margarita Dr.
Woodland Hills, CA, 91364
(818) 631-2405

REDISTRICTING PARTNERS

Basic Redistricting Services	Description	Cost
Council Meetings	Five Board meetings – Council training & four to five Council meetings as required. Anticipated to be remote meetings.	$42,000 – Basic Redistricting Services
Mapping & Demography	Mapping & Demography services for draft maps post Census data release. Will track and incorporate all public comment and input from website and meetings. Will submit maps to post on website based on public input in 3 formats, and will work with County registrar to ensure that final maps are delivered accurately in requested formats.	Included in Basic Redistricting Services
Project Meetings with City staff	Monthly meetings with city staff. Anticipated to be remote meetings.	Included in Basic Redistricting Services
Additional Redistricting Services	**Description**	**Cost**
Communications	Comprehensive assistance in outreach to the public, translation services. Includes assistance in gathering community input and testimony.	$25,000
Public Outreach	Five Public Outreach meetings, includes training on mapping tools and basic premises of redistricting process, general facilitation of meetings. Anticipated to be a mix of remote and in person.	$15,000 Additional Remote Meeting Cost: $1,750 each Additional In-Person Meeting Cost: $3,500 each
Website	Suggestions for and review of County hosted website	$2,500
Project Meetings with City Staff	Additional meetings as needed with City Staff. Anticipated to be remote meetings.	$5,000
Online Mapping Options	**Description**	**Cost**
Maptitude Online Redistricting	Software for Board, staff and public. Includes training.	$25,000
DistrictR	Online tool for Board, staff and public. Includes training.	$8,000