



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

10/8/2018

SUBJECT:

Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System

RECOMMENDED ACTION:

It is recommended that the City Council: 1) receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; and 2) conduct a public hearing to receive public input on district boundaries.

STAFF CONTACT:

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BACKGROUND/DISCUSSION:

Summary

On September 24, 2018, the City Council adopted Resolution No. 44-2018 initiating the process to transition from an at-large election system to a district-based election system. A key reason that the City is proceeding with district-based elections is the threat of significant litigation under the California Voting Rights Act (CVRA). Faced with potentially hundreds-of-thousands, or even millions, of dollars in legal fees and damages (as some cities have experienced), the City decided to voluntarily proceed with transitioning to district-based elections. This allows the City to retain its own ability to determine and adopt an appropriate district map instead of having the risk of a court doing so.

The City has established a draft timeline for conducting a public process to solicit public input and testimony on proposed district-based electoral maps (Attachment A). The timeline includes anticipated dates for the first three required public hearings, and December dates to be determined for the final two public hearings.. It should be recognized that this timeline is compressed to meet the requirements of the 2016 amendments to the CVRA; the tight schedule is not optimal-it is also not the City's choice. The City must complete the transition process within 90 days after the adoption of that initial resolution to cap the prospective plaintiff's attorneys' fees at \$30,000. Additionally, a prospective plaintiff may not bring a CVRA lawsuit within 90 days after passage of the resolution; and, assuming the City adopts a district-based electoral system, the City cannot be sued under the CVRA.

The first step in the transition process is to hold two public hearings to invite public input regarding the composition of the City's voting districts before any draft maps are drawn. After these two public hearings are complete, the City Council must hold at least two additional public hearings during a 45-day period on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The purpose of the first two public hearings is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration while creating district boundaries. The 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:

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

In creating the district boundaries, the City must ensure compliance with the following state and federally-mandated criteria:

Legal Requirements:

1. Each council district shall contain a nearly equal population as required by law; and
2. Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

In addition to the legal criteria, the City Council may adopt optional criteria to be used in the development of the districts.

Traditional Districting Principles:

(numbering is for ease of reference and does not indicate priority)

3. Each council district shall consist of contiguous territory in as compact a form as possible.
4. Each council district shall respect communities of interest, such as school- and park-connected neighborhoods, rural or urban populations, city planning areas, social interests, agricultural, industrial or service industry interests, or other locally-recognized definitions of communities and neighborhoods, insofar as practicable.
5. Each council district border shall follow visible natural and man-made geographical and topographical features, including mountains, flat land, forest lands, highways, canals, etc., insofar as practicable.
6. Each council district shall respect the previous choices of voters by avoiding the creation of head-to-head contests between Council Members previously elected by the voters, insofar as this does not conflict with Federal or State Law.

Next Steps

At the October 22, City Council Meeting, the City Council will conduct Public Hearing #2 to seek additional public input and provide direction on criteria to be considered while drafting district maps. Following that hearing, the current draft schedule provides that draft district maps and

proposed election sequencing will be posted to the City website and available at City Hall on or before November 10, 2018, and those maps (and any possible new or revised maps) will be discussed at Council hearings on November 17, 2018 and November 29, 2018.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

The process of transitioning to district-based elections is consistent with the following Council adopted Goals:

- **“A Connected Community”** includes taking actions to restore trust in City government, expanding communication and building community.
- **“Fiscal Sustainability”**

FISCAL IMPACT:

The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$100,000. The demographic and election consultants’ costs are anticipated to be approximately \$35,000. Additional costs through the City Attorney’s Office with implementation of the timeline for the transition to a district-based election system are estimated to range between \$25,000 - \$35,000. Minor additional costs related to publication of notices and other special legal fees could also be incurred. In addition, the City will be required to reimburse Mr. Shenkman for his documented attorney’s fees and costs up to \$30,000. Should the Council choose not to voluntarily convert to by-district elections and defend the threatened lawsuit, the costs and attorneys’ fees would likely exceed \$1,000,000, and would be a general fund liability which would be a significant unbudgeted expense.

ORIGINATED BY:

City Clerk

ATTACHMENT LIST:

Attachment A - Draft Timeline to Solicit Public Input on Districting (PDF)