

BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY

AGENDA REPORT

For the meeting of: **May 15, 2018**

TO: Honorable Mayor and City Council
VIA: David Boesch, Interim City Manager
FROM: Jessica Blair, City Clerk
TITLE: **PUBLIC HEARING TO RECEIVE INPUT FROM THE COMMUNITY REGARDING THE CREATION OF A DISTRICT-BASED ELECTION SYSTEM**

RECOMMENDATION:

Staff recommends the Council: 1) Receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; 2) conduct a public hearing to receive public input on district boundaries; and 3) approve the revised timeline for transition.

FISCAL IMPACT:

There is no fiscal impact associated with this public hearing. However, transitioning to district elections will require the City to retain the services of a demographer. The cost of such services will be roughly \$45,000 and approval of an agreement for the demographer is on the same agenda as this item. Should the City Council ultimately adopt an ordinance to transition to a district-based electoral system, the plaintiff may seek reimbursement for its attorney's fees and costs up to \$30,000; however, will not be exposed to additional legal fees in defense of a lawsuit brought under the California Voting Rights Act.

STRATEGIC ELEMENT:

This recommendation supports the Inclusive Governance Element of the Strategic Plan.

BACKGROUND:

On April 17, 2018, the City Council adopted Resolution No. 2018-34 declaring its intention to transition from at-large to district-based elections for the City Council commencing with the General Municipal Election in November 2020. 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 been engaged in outreach efforts to inform the public about district elections and the process associated with formation. The City's districting webpage, www.drawhmb.com, will be live by May 15. Additionally, public

participation kits will be available at City Hall starting on May 15. Prior to June 1, the online mapping tool will be available to the public as well. The Public Hearing Notice for this hearing was published in English and Spanish in the Half Moon Bay Review. As with all Council meetings, an interpreter will be available for these public hearings.

DISCUSSION:

The purpose of this public hearing 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 City Council may give consideration to the following factors when establishing districts (which are not exclusive):

1. Topography;
2. Geography;
3. Cohesiveness, contiguity, integrity, and compactness of territory; and
4. Communities of interest.

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 insolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

Ultimately, the City Council may choose to include some, all, or none of these criteria, or may choose to come up with unique criteria that the City Council believes is applicable to Half Moon Bay. However, the City must ensure compliance with the following state and federally-mandated criteria:

- Each district shall contain a nearly equal population.
- Each district shall be drawn in a manner that complies with the Federal Voting Rights Act.
- Each district shall 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.

Next Steps

At the June 5, 2018 City Council Meeting, the City Council will conduct Public Hearing #2 to seek public input and provide direction on criteria to be considered while drafting district maps.

At the June 19, 2018 City Council Meeting, the City Council will conduct Public Hearing #3 to seek public input on the content of draft district map(s) and sequence of elections.

On July 17, 2018, the City Council will conduct Public Hearing #4 and will be requested to select a preferred map and direct amendments as necessary.

On August 21, 2018, a public hearing will be held to adopt a preferred district map and to introduce an ordinance to transition to a district-based electoral system.

Second reading and adoption of the ordinance is scheduled to occur on September 4, 2018, and the City Clerk and demographer will then work with the County Elections Division to have the district maps integrated into the countywide voting system. The first district election for Half Moon Bay will be held in November 2020.

Public Correspondence

The Council has received correspondence regarding establishing an Independent Districting Commission, which would alter the proposed timeline. To date, staff has not received direction from the Council regarding a districting commission but is happy to bring back information if the Council desires.

ATTACHMENTS:

1. Revised Timeline of Transition
2. Elections Code Sections 23000-23003

TIMELINE: CONSIDERATION AND IMPLEMENTATION OF DISTRICT-BASED ELECTIONS SYSTEM

DATE	EVENT	COMMENT
March 6, 2018	City received Notice of Violation of CVRA	City has 45 days (April 20, 2018) to adopt a Resolution of Intention to transition to district elections.
April 3, 2018	Informational Report	Staff presented a report to the City Council on the Notice of Violation
April 17, 2018	Resolution of Intention	90-Day Safe Harbor begins (July 16, 2018)
May 15, 2018	First Public Hearing	Council hearing regarding composition of districts. No maps to be drawn yet.
June 5, 2018	Second Public Hearing	Council hearing regarding composition of districts. No maps to be drawn yet. <i>First and second public hearings must occur within a period of 30 days.</i>
June 7, 2018	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence must be posted publicly at least 7 days before next hearing.
June 19, 2018	Third Public Hearing	Council hearing regarding published drafts maps. <i>Third and fourth public hearings must occur within a period of 45 days.</i>
June 21, 2018	Post Draft Maps and Potential Sequence of Elections	Draft maps and proposed sequence must be posted publicly at least 7 days before next hearing.
July 17, 2018	Fourth Public Hearing	Council hearing regarding published drafts maps. <i>If selected map is amended, ordinance cannot be introduced until 7 days after the amended map is published.</i>
July 19, 2018	Post Amended Draft Maps	Draft maps and proposed sequence must be posted

		publicly at least 7 days before next hearing.
August 21, 2018	Fifth Public Hearing	Council introduces ordinance establishing district elections, selects map, includes district boundaries and elections sequence
September 4, 2018	Ordinance Adoption	Second Reading and adoption of ordinance.
September 2018	County Elections Division	Staff and the demographer will work with the San Mateo County Elections Division to implement districts into the County's elections database.
November 2020	General Municipal Election	First election utilizing adopted district boundaries.

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- (a) "Advisory redistricting commission" means a body that recommends to a legislative body placement of the district boundaries for that legislative body.
- (b) "Family member" means a spouse, registered domestic partner, parent, sibling, child, or in-law.
- (c) "Independent redistricting commission" means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
- (d) "Legislative body" means either a city council of a general law city or a county board of supervisors.
- (e) "Local jurisdiction" means either a general law city or a county.

*(Added by Stats. 2016, Ch. 784, Sec. 3. (SB 1108) Effective January 1, 2017.)***23001.** A local jurisdiction may establish by resolution or ordinance an independent redistricting commission or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries.*(Added by Stats. 2016, Ch. 784, Sec. 3. (SB 1108) Effective January 1, 2017.)***23002.** (a) This section applies to advisory redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission.

(c) A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction, shall not be appointed to serve on the commission.

(d) The commission shall submit a report to the legislative body documenting the need for changes to the boundaries, and its recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1 of the year following the year in which the census is taken.

*(Amended by Stats. 2017, Ch. 561, Sec. 54. (AB 1516) Effective January 1, 2018.)***23003.** (a) This section applies to independent redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents. A local jurisdiction may also impose additional qualifications and restrictions on members of the commission in excess of those prescribed by this section.

(c) A person, or the family member of a person, who has done any of the following in the preceding eight years, shall not be appointed to serve on a commission:

- (1) Been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction.
- (2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.
- (3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
- (4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of the local jurisdiction.

(5) Been registered to lobby the local jurisdiction.

(6) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(d) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction for 10 years commencing with the date of his or her appointment to the commission.

(3) For four years commencing with the date of his or her appointment to the commission:

(A) Accept an appointment to an office of the local jurisdiction.

(B) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the local jurisdiction.

(C) Receive a noncompetitively bid contract with the local jurisdiction.

(D) Register as a lobbyist for the local jurisdiction.

(e) A commission established pursuant to this section shall not be comprised entirely of members who are registered to vote with the same political party preference.

(f) Each member of the commission shall be a designated employee in the conflict of interest code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(g) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(h) The commission shall adopt new boundaries within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than November 1 of the year following the year in which the census is taken. A map of the proposed boundaries shall be published and made available to the public for at least seven days before being adopted. Before adopting new boundaries, the commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted. The commission shall not draw districts for the purpose of favoring or discriminating against an incumbent or political candidate.

(Added by Stats. 2016, Ch. 784, Sec. 3. (SB 1108) Effective January 1, 2017.)