



MEMORANDUM

TO: City Council

FROM: Jessica Matson, Legislative & Information Services Director/City Clerk
Timothy J. Carmel, City Attorney

SUBJECT: Public Hearing on the Creation of a District-Based Election System
and Consideration of Draft District Maps

DATE: February 22, 2022

SUMMARY OF ACTION:

Public Hearing to consider draft maps for the creation of a district-based election system.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no financial impact for conducting the public hearing and receiving input. However, transitioning to district elections required the City to retain the services of a demographer. The cost of such services are projected to be approximately \$24,000 and have been budgeted in the FY 2021-2023 Biennial Budget.

RECOMMENDATION:

1) Receive a report from the consultant and staff on the districting process and outreach efforts; 2) Conduct a public hearing to consider draft maps; 3) Provide direction on which maps should be considered for final selection at the next Public Hearing; and 4) Provide direction on a proposed election sequence.

BACKGROUND:

On October 2, 2019, the City received a Notice of Violation (“NOV”) of the California Voting Rights Act (“CVRA”) and accompanying documentation from attorney Robert Goodman on behalf of his client, Maria Minicucci, alleging that the City’s use of an at-large election system created racially polarized voting in violation of the CVRA. On October 22, 2019, the City Council adopted a Resolution (Attachment 1) declaring its intent to transition from at-large to district-based elections by November 8, 2022, and authorized a settlement agreement with Ms. Minicucci.

The City engaged a demographer, National Demographics Corporation (NDC), to assist the City in the districting process. NDC has worked with the City to develop a timeline of public forums, formal public hearings, draft map dates, and final map adoption and presented the process and timeline to the City Council and public.

Item 9.a.

City Council

Public Hearing on the Creation of a District-Based Election System and Consideration of Draft District Maps

February 22, 2022

Page 2

NDC also worked with the City and County Registrar of Voters to confirm GIS boundaries, prepare total population estimates and socio-economic data for use in paper and online map-drawing tools, and prepared reports regarding demographics and compliance with State and federal criteria in preparation for analysis of map submissions from the public. NDC's staff led two public workshops conducted in the Fall of 2021 to assist in the map drawing process and has evaluated each of the maps submitted for compliance with applicable laws.

Pursuant to Elections Code Section 10010, the City conducted its first two public hearings on July 27, 2021, and August 10, 2021, prior to drafting maps of proposed districts. At the July 27th hearing, NDC provided a general overview of the districting process and Council received initial public input on communities of interest and approved the timeline for developing and approving a Council district map. At the August 10th hearing, NDC and staff provided further information on the districting process and outreach initiatives. Council received further input from the public on a list of neighborhoods and communities of interest to consider in the district map-drawing process.

Public Outreach

In July 2021, the City initiated extensive outreach efforts to inform the public about district-based elections and the process associated with developing the Council election districts. These outreach efforts included the following:

- Creation of a districting webpage on the City's website: www.arroyogrande.org/districtelections;
- Creation and publication of a video about the districting process;
- Full page mailer to all Arroyo Grande residences with districting information and a blank map allowing residents to draw and submit maps on paper to the City;
- Information regarding the online map-drawing tool (DistrictR);
- Flyers with information and a blank map provided at the City Hall counter, public events, and public presentations;
- Spotlights on the City's homepage;
- Regular Social Media posts;
- An information Email was sent to all City subscribers;
- Bill stuffer in September/October Utility Bills;
- Full page ad in the Chamber Newsletter;
- Four press releases promoting the public hearings, workshops, and mapping tools;
- Two virtual workshops held on September 18th and October 28th, 2021;
- Information booth at the City's Summer Concert Series;
- City Manager presentations to multiple service groups;
- Emails to members of the public who submitted a map prior to release of official US Census data;

Item 9.a.

**City Council
Public Hearing on the Creation of a District-Based Election System and
Consideration of Draft District Maps
February 22, 2022
Page 3**

- An article in the February Chamber Newsletter.
- Half page spotlight regarding upcoming public hearings on Annual Sales Tax mailer

These outreach efforts resulted in the City receiving 156 maps from the public, including 42 paper maps hand-delivered or mailed to City Hall, 86 paper maps received by email, and 28 maps submitted using the DistrictR online mapping tool. Of these 156 maps, 140 were submitted prior to the 2020 Census data being released and 16 were submitted after Census data was released.

ANALYSIS OF ISSUES:

This hearing is the third of four required public hearings the City must hold prior to adopting a Council district map to begin transitioning to district-based elections. At the first public hearing on July 27, 2021, Council received a presentation from NDC with a general overview of the districting process, received initial public input on district boundaries, and approved the timeline for developing and approving a Council district map. At the second public hearing on August 10, 2021, Council received further public input on local factors to consider in the district map-drawing process, received an update and provided direction to staff on a districting outreach plan.

The purpose of this third hearing is to present publicly submitted maps along with draft maps developed by NDC. Staff is requesting Council direction on which maps should be considered for final map selection at the fourth hearing on March 8, 2022, and what, if any, changes the Council would like to see in those selected maps. In order to further encourage public participation and transparency and allow additional discussion of the proposed maps, staff is recommending that an additional public hearing be conducted prior to the adoption of a final map. Following the March 8th hearing, staff will bring an ordinance to the Council for introduction on March 22, 2022, with adoption of the final map scheduled for April 12, 2022. The schedule has been updated on the Districting Timeline, as show below and in Attachment 2.

Date	Time	Location	Meeting Type
July 27, 2021	6:00 PM	Council Chambers / Virtual	Public Hearing 1 Held prior to release of draft maps. Receive input on composition of districts.
August 10, 2021	6:00 PM	Council Chambers / Virtual	Public Hearing 2 Held prior to release of draft maps. Receive input on composition of districts.
Census Data Release August 16, 2021			Census Bureau releases official 2020 Census population data.
September 18, 2021	10:00 AM–	Virtual	Public Workshop 1

**City Council
Public Hearing on the Creation of a District-Based Election System and
Consideration of Draft District Maps
February 22, 2022
Page 4**

	12:00 PM		
California Data Release Early October 2021		California Statewide Database releases California’s official ‘prisoner-adjusted’ 2020 population data.	
October 28, 2021	6:00 – 8:00 PM	Virtual	Public Workshop 2
February 8, 2022 5:00 PM		Draft Map Submissions Due	
February 15, 2022		Release Draft Maps (7 days prior to Public Hearing 3)	
February 22, 2022	6:00 PM	Virtual	Public Hearing 3 Discuss and revise the draft maps and discuss election sequence.
March 8, 2022	6:00 PM	Virtual	Public Hearing 4 Discuss draft maps and election sequence. Final map selection.
March 22, 2022	6:00 PM	Virtual	Public Hearing 5 Introduce ordinance.
April 12, 2022	6:00 PM	Virtual	Map adopted by ordinance Adoption deadline: April 17, 2022

Maps Submitted by the Public

In total, the City received 156 maps from the public. All maps were analyzed and considered by NDC when creating their draft maps. 75 maps submitted by the public were drawn to demonstrate communities of interest or one district within the City (Attachment 7). 81 maps were submitted showing four districts within the City (Attachment 6). NDC has analyzed all map submissions and found the maps fall into the following categories:

- Noncompliant maps (not population balanced)
- Maps that divide the Village, with a horizontal pattern in the southwest
- Maps that divide the Village, with a vertical pattern in the southwest
- Maps that divide the Village, with a mixed pattern in the southwest
- Maps that unite the Village, with a horizontal pattern in the southwest
- Maps that unite the Village, with a mixed pattern in the southwest

Consideration of Initial Draft Maps

A number of federal and State statutes and Court decisions dictate the process and considerations that the City must use to create voting districts. Voting districts must comply with the following requirements:

- Each district shall contain a nearly equal population.

City Council

Public Hearing on the Creation of a District-Based Election System and Consideration of Draft District Maps

February 22, 2022

Page 5

- Each district shall be drawn in a manner that complies with the US Constitution, California Constitution, Federal Voting Rights Act, and California 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.

Additionally, pursuant to Elections Code Section 21601, the Council must adopt district boundaries using the following criteria as set forth in the following order of priority:

1. To the extent practicable, districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
3. District boundaries should be easily identifiable and understandable by residents. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. To the extent practicable, and where it does not conflict with the preceding criteria, districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Lastly, the Council may not adopt district boundaries for the purpose of favoring or discriminating against a political party.

Public Comment Regarding Communities of Interest

Staff compiled public comment and input received during the two 2021 public hearings, two public workshops, and via email regarding communities of interest (COIs) within the City, as well as suggestions for drawing Council districts. This input was used by NDC when developing their three maps for consideration, discussed further below. From this public input, the following themes developed:

Communities of Interest

The following communities of interest may be identified through the comments received:

1. West side of Elm Street
2. The Village

Item 9.a.

City Council

Public Hearing on the Creation of a District-Based Election System and Consideration of Draft District Maps

February 22, 2022

Page 6

3. West side multi-family housing area (i.e. along North and South Elm Street)
4. Areas with higher Latinx populations i.e. South Elm Street and South Halcyon Road
5. Residents North/East of Highway 101 and South/West of Highway 101

Other Public Input

In addition to the identification of the communities of interest identified above, the following comments were received for consideration by Council as part of the process for creating voting districts:

1. Keep the Village as one district
2. Do not create Council districts
3. Base Council districts only on geographical lines to avoid gerrymandering

NDC Draft Maps

NDC considered all publicly submitted maps and legal requirements under the U.S. and California Constitutions, the California Voting Rights Act and the California Fair Maps Act. Based on these considerations, NDC developed 3 draft maps for the Council's consideration entitled Plans 901, 902, and 903 (Attachments 3, 4, and 5 respectively). Below is a summary of each:

- Plan 901 unites the Village in District 2, while District 1 crosses the freeway. The boundary between Districts 3 and 4 mostly follows Elm Street, while that between Districts 4 and 2 follows Arroyo Grande Creek.
- Plan 902 unites the Village in District 2, while District 1 crosses the freeway. The boundary between Districts 3 and 4 follows Halcyon Road and Fair Oaks Avenue, while that between Districts 4 and 2 follows the freeway, Fair Oaks Avenue, and Valley Road.
- Plan 903 unites the Village in District 2, but District 1 stays on one side of the freeway. The boundary between Districts 3 and 4 follows Brisco Road and Elm Street, while that between Districts 4 and 2 follows Grand Avenue and Halcyon Road.

Election Sequencing

California Election Code states that there must be a "potential sequencing of elections" published with the maps (EC 10010(a)(2)). After analyzing all of the submitted maps, existing Council terms of office, and where current Council members reside, NDC developed a potential election sequence for Council's consideration and discussion as follows:

- District 1 and District 2 up for election in 2024, as two incumbents whose terms expire in 2024 live in those areas; and
- Districts 3 and 4 up for election this November 2022.

Item 9.a.

**City Council
Public Hearing on the Creation of a District-Based Election System and
Consideration of Draft District Maps
February 22, 2022
Page 7**

NDC added this potential election sequence to each map in order to comply with the Election Code requirement cited above. The identified sequence is the same on each map. This sequence is offered as one possibility for discussion and deliberation by the City Council. Sequencing of the elections by district will not impact the ability of seated Council members to serve out the remainder of their existing terms of office.

Next Steps

Staff is requesting Council review the maps submitted by the public (Attachments 6 and 7) and NDC (Attachments 3, 4, and 5), provide direction on which maps should be considered for final map selection at the next hearing on March 8, 2022, and what, if any, changes the Council would like to see in those selected maps. NDC has grouped publicly submitted maps by theme. They are shown in the attachments as follows:

Attachments 3, 4, and 5

- NDC's maps, Plans 901, 902, and 903 (3)

Attachment 6

- Publicly-submitted four district maps (81)
 - (6a) Noncompliant maps (57, excluding 12 that were just barely noncompliant and slightly revised to become compliant)
 - (6b) Maps that divide the Village, with a horizontal pattern in the southwest (6)
 - (6c) Maps that divide the Village, with a vertical pattern in the southwest (10)
 - (6d) Maps that divide the Village, with a mixed pattern in the southwest (2)
 - (6e) Maps that unite the Village, with a horizontal pattern in the southwest (5)
 - (6f) Maps that unite the Village, with a mixed pattern in the southwest (1)

Attachment 7

- Publicly-submitted community of interest maps (45)
- Publicly-submitted one district maps (30)

Attachment 7 is available as a link to the Interactive Review Map. Layers can be selected to review these maps.

ALTERNATIVES:

The following alternatives are provided for the Council's consideration:

1. a) Receive a report on the City's districting process and outreach efforts; b) Conduct a public hearing to consider draft maps; c) Provide direction on which maps should be considered for final selection at the next Public Hearing; and d) Provide direction on a proposed election sequence; or
2. Provide other direction to staff.

**City Council
Public Hearing on the Creation of a District-Based Election System and
Consideration of Draft District Maps
February 22, 2022
Page 8**

ADVANTAGES:

Approving the recommendation will allow for public input regarding the initial draft maps and allow Council to review and select final draft maps for consideration at the next public hearing on March 8, 2022.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

No environmental review is required for this item.

PUBLIC NOTIFICATION AND COMMENTS:

The Public Hearing Notice and Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. Additionally, the Public Hearing Notice was published in the Tribune.

Attachments:

1. Resolution 4949
2. Districting Timeline
3. Plan 901
4. Plan 902
5. Plan 903
6. Publicly Submitted Maps Showing Four-Districts
7. [Publicly Submitted Maps Showing Communities of Interest and One District](#)
8. NDC's PowerPoint Presentation