



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 Final District Maps

DATE: March 8, 2022

SUMMARY OF ACTION:

Public Hearing to consider final 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 on final maps selected by Council at the previous hearing; 2) Conduct a public hearing to consider final maps; 3) Provide direction on a proposed election sequence; and 4) Provide direction to bring back an ordinance for introduction at the next public hearing that will create districts reflecting the selected map.

BACKGROUND:

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. 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.

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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. All maps collected from the public by the February 8, 2022, deadline were posted on the City's website on February 15, 2022.

A third public hearing was held on February 22, 2022 to review draft maps submitted by the public and NDC. At that hearing, Council heard an update from staff and a presentation from NDC regarding the map-drawing process, public map submissions, and the legal requirements for developing a district-based election system. After Council discussion, Plan 902, as originally submitted, was selected for further consideration at the next public hearing. Council also selected Plans 202 and 903 for further consideration with requested modifications. Modifications were also requested for Plan 902. In total, Council requested four (4) maps for consideration at the next public hearing. These four maps were posted on the City's website on March 1, 2022, at www.arroyogrande.org/districtelections.

Council also discussed a proposed election sequence, as required by the Election Code. 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 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.

Council expressed concerns with having two neighboring districts up for election at the same time due to possible confusion among voters learning a new voting system. Instead, suggestions were made to have one district from the west side of the City and one from the east side of the City up for election first in 2022. The Council concurred that they would like to give the public time to review final map selections and discuss the election sequence more at this public hearing. 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.

Public Outreach

Since the February 22nd public hearing, staff has published Council's selected maps to be considered at the next public hearing on the City's districting webpage,

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updated the spotlight on the City’s website homepage, and sent out a press release and social media posts encouraging public participation.

ANALYSIS OF ISSUES:

This hearing is the fourth of four required public hearings the City must hold prior to adopting a Council district map to begin transitioning to district-based elections. The purpose of this fourth hearing is to discuss the four maps Council selected for further consideration, including the modifications requested on three of the maps. Staff is requesting Council direction on a final map and desired election sequence to enable staff to prepare a proposed ordinance that will set forth the new districts. Following this hearing, staff will bring the proposed ordinance to the City Council for introduction on March 22, 2022, with adoption of the final map scheduled for April 12, 2022. In order to meet the deadlines established by the County Clerk-Recorder, a map must be adopted by April 17, 2022, and forwarded to the County Clerk-Recorder by April 22, 2022.

Below is the current Districting Timeline showing the remaining public meetings. Strikeouts reflect items that have been completed.

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 – 12:00 PM	Virtual	Public Workshop 1
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.

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March 8, 2022	6:00 PM	Council Chamber & Virtual	Public Hearing 4 Discuss draft maps and election sequence. Final map selection.
March 22, 2022	6:00 PM	Council Chamber & Virtual	Public Hearing 5 Introduce ordinance.
April 12, 2022	6:00 PM	Council Chamber & Virtual	Map adopted by ordinance Adoption deadline: April 17, 2022

Consideration of Final Maps

As described in prior discussions of this item, 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.
- 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.

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

Council Selected Focus Maps

At the February 22nd public hearing, Council selected four maps for further consideration as follows:

Plan 902 (Attachment 2)

This plan, developed by NDC, unites the Village in proposed District 2, while proposed District 1 crosses the freeway. The boundary between proposed 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 902 Mod (Attachment 3)

Council requested modifications to the original Plan 902 as follows:

- Remove from proposed District 1 the portion between Brisco Road, Grand Avenue, and the freeway;
- Make necessary changes elsewhere to maintain population balance.

NDC was able to move the area between Brisco Road, Highway 101, and East Grand Avenue from proposed District 1 to proposed District 3. To compensate for District 1's population loss, NDC moved the area between Tally Ho Road, Printz Road, the northeastern City limits, Stagecoach Road, Huasna Road, Corbett Canyon Road, Paseo Street, and split Census Block 060790118001000 from District 2 to District 1. To compensate for District 2's population loss, NDC moved the area between East Grand Avenue, Highway 101, Fair Oaks Avenue, Valley Road, the southern City limits, Arroyo Grande Creek, Fair Oaks Avenue, and South Halcyon Road from proposed District 4 to proposed District 2. Finally, to compensate for District 4's population loss, NDC moved the area between Ash Street, Alder Street, Fair Oaks Avenue, the Census block boundary separating Bakeman Lane from Golden West Place, Farroll Avenue, and the western City limits from proposed District 3 to proposed District 4.

Plan 903 Mod (Attachment 4)

This original plan, developed by NDC, unites the Village in proposed District 2 and keeps proposed District 1 on one side of the freeway. The boundary between proposed Districts 3 and 4 follows Brisco Road and Elm Street, while the boundary between Districts 4 and 2 follows Grand Avenue and Halcyon Road.

Council requested modifications to the original Plan 903 as follows:

- Keep the Village together;
- Split Census Block 060790118001000 by moving the Crown Hill neighborhood from proposed District 1 to proposed District 2;

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For Plan 903 Mod, NDC moved the area between Le Point Street, splitting Census Block 060790118001000, Paseo Street, Corbett Canyon Road, East Branch Street, and North Mason Street from proposed District 1 to proposed District 2. To compensate for District 1's population loss, NDC moved the area between Stagecoach Road, the Census Block boundary separating Gularte Road and Pearwood Avenue from La Cresta Drive and Rosewood Lane, and Huasna Road from District 2 to District 1.

Plan 202 Mod (Attachment 5)

This plan was submitted by the public. Council requested modifications to the original Plan 202 as follows:

- Move the area north of East Branch Street from proposed District 1 to proposed District 2 (according to the split Census blocks).

For Plan 202 Mod, NDC moved the area between West Branch Street, Vernon Street, splitting Census Block 060790118001014, Miller Way, Le Point Street, splitting Census Block 060790118001000, Crown Terrace, Crown Hill Street, and East Branch Street from proposed District 1 to proposed District 2. No other change was needed to compensate for District 1's population loss.

Input from the Public

Public input received following the February 22nd Public Hearing is provided in Attachment 6 and includes one email received on February 26, 2022. The email addresses the composition of proposed Districts 1 and 2 and maintaining communities with "common social and economic interest."

Next Steps

Staff is requesting Council review the four final maps, Plans 902, 902 Mod, 903 Mod, and 202 Mod (Attachments 2-5 respectively), and provide direction on a final map selection and desired election sequence. Following the selection of a final map, staff will bring back an ordinance for introduction on March 22, 2022.

ALTERNATIVES:

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

1. 1) Receive a report from the consultant on final maps selected by Council at the previous hearing; 2) Conduct a public hearing to consider final maps and an election sequence; 3) Provide direction on a proposed election sequence; and 4) Provide direction to bring back an ordinance for introduction at the next public hearing that will create districts reflecting the selected map.
2. Provide other direction to staff.

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ADVANTAGES:

Approving the recommendation will allow for public input regarding the final maps and allow Council to review and select a final map and election sequence for introduction of an ordinance at the March 22, 2022 public hearing.

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. Districting Timeline
2. Plan 902
3. Plan 902 Mod
4. Plan 903 Mod
5. Plan 202 Mod
6. Correspondence
7. NDC's PowerPoint Presentation