



MEMORANDUM

TO: City Council

FROM: Jessica Matson, Legislative & Information Services Director/City Clerk

SUBJECT: Consider Adoption of an Ordinance Adding Chapter 2.21 to Title 2 of the Arroyo Grande Municipal Code (AGMC) Establishing By-District Elections for Four Council Members, Defining District Boundaries, and Scheduling the Order of Elections for Each District

DATE: April 12, 2022

SUMMARY OF ACTION:

The Ordinance adds Chapter 2.21 to the Arroyo Grande Municipal Code (“AGMC”) to establish by-districts elections for four Council Members.

IMPACT ON FINANCIAL AND PERSONNEL RESOURCES:

There is no financial impact from adopting the Ordinance. 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:

Adopt an Ordinance adding Chapter 2.21 to Title 2 of the Arroyo Grande Municipal Code establishing by-district elections for four Council members, defining district boundaries, and scheduling the order of elections for each district.

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 declaring its intent to transition from at-large to district-based elections by November 8, 2022, and authorized a settlement agreement with Ms. Minicucci.

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, the City’s demographer, National Demographics

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Corporation (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. NDC's staff led two public workshops conducted in the Fall of 2021 to assist in the map drawing process and evaluated each of the maps submitted for compliance with applicable laws. 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, 902, and 903 for further consideration with requested modifications. 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. The Council concurred that the public be provided time to review final map selections and discuss the election sequence further at the next public hearing.

A fourth of four required public hearings was held on March 8, 2022, to discuss the four maps selected for further consideration at the previous public hearing, including the modifications requested on three of the maps. Council also discussed district numbering and election sequencing. Council concurred that the proposed numbering of districts was clear and should remain the same. Following discussion and hearing public input, a majority of the Council selected Plan 202 Mod and an election sequence as follows:

- District 1 and District 4 up for election this November 2022; and
- Districts 2 and 3 up for election in 2024.

Sequencing of the elections by district does not impact the ability of seated Council members to serve out the remainder of their existing terms of office.

On March 22, 2022, Council held a fifth public hearing to receive input on the final map selection and election sequencing and introduced an ordinance establishing by-district elections for four Council members, defining district boundaries, and scheduling an election sequence. The proposed ordinance, Attachment 1, reflected the Council's

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direction on March 8, 2022 and adds Chapter 2.21, "Elections" to Title 2, Administration and Personnel, to the AGMC.

ANALYSIS OF ISSUES:

The Ordinance is now ready for adoption. The Ordinance will become effective thirty days after final passage.

The Ordinance must be adopted by April 17, 2022, and district information forwarded to the County Clerk-Recorder by April 22, 2022.

ALTERNATIVES:

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

1. Adopt the Ordinance adding Chapter 2.21 to Title 2 of the Arroyo Grande Municipal Code establishing by-district elections for four Council members, defining district boundaries, and scheduling the order of elections for each district; or
2. Provide other direction to staff.

ADVANTAGES:

Adopting the Ordinance will meet the map adoption deadline of April 17, 2022.

DISADVANTAGES:

No disadvantages have been identified.

ENVIRONMENTAL REVIEW:

Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to the California Environmental Quality Act, under Public Resource Code Section 21065 and CEQA Guidelines Section 15320, 15378, and 15061(b)(3), as there is no possibility that such action would cause either a direct, or reasonably foreseeable indirect, physical change in the environment.

PUBLIC NOTIFICATION AND COMMENTS:

The Agenda was posted at City Hall and on the City's website in accordance with Government Code Section 54954.2. A Summary of the Ordinance was published in the Newspaper in accordance with Government Code Section 40806.

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Attachments:

1. Proposed Ordinance
2. [March 22, 2022 Staff Report](#)
3. [March 8, 2022 Staff Report](#)
4. [February 22, 2022 Staff Report](#)
5. [August 10, 2021 Staff Report](#)
6. [July 27, 2021 Staff Report](#)