



Staff Reports

File #: 21-2020, **Version:** 1

To: Honorable Mayor and Members of City Council

From: Tiffany Carranza, City Clerk

Prepared By: Caitlin Saldanha, Deputy City Clerk

TITLE:

Transition to District-Based Elections for Councilmembers

RECOMMENDED ACTION:

- (1) After receiving a presentation from City staff and the City's consulting demographer, invite public input regarding draft district boundary maps, the proposed sequence of elections of Councilmembers, and an ordinance to establish district-based elections for Councilmembers.
- (2) Provide direction to staff to finalize the district boundary map.
- (3) Provide direction to staff to finalize the sequence of elections of Councilmembers.
- (4) Introduce an ordinance establishing district-based elections for Councilmembers by amending Napa Municipal Code Title 1 to add a new Chapter 1.10 ("District-Based Elections"), and approving the district boundary map and sequence of elections for Councilmembers, to be brought back to City Council for additional public input at a public hearing on April 28, 2020, and consideration of final adoption at a public hearing on May 5, 2020.

DISCUSSION:

The City of Napa is in the process of transitioning from the current at-large election system, to a district-based election system for Councilmembers. Under the at-large system, the incumbent members of (and future candidates for) the City Council may reside anywhere in the City limits. Under a district-based system, the City will be divided into four separate geographical districts, and the voters residing in each district will vote for one Councilmember who also resides in that district. The office of the Mayor will remain a separate office and be directly elected by the voters citywide.

This transition process is in response to a petition letter received by the City on January 2, 2020. On February 11, 2020, the City Council adopted a Resolution of Intent (R2020-017) which declared the City's intent to transition from at-large elections to district-based elections for Councilmembers, outlined specific steps to facilitate the transition, and estimated a timeframe for the transition. This transition will be implemented to allow for district-based elections of Councilmembers for the next general municipal election on November 3, 2020.

The transition process outlined in the Resolution of Intent complies with the requirements of Elections Code Section 10010, and identifies: (a) two public hearings to consider input from the public before any district boundary maps were drawn (which were held on February 25 and March 4, 2020); (b) one community meeting to provide an opportunity for members of the public to draw proposed district boundary maps (which occurred on March 8, 2020, on a Sunday, in two sessions at 10:00 a.m., and

2:00 p.m.); and (c) three public hearings for Council to consider input from the public on proposed district boundary maps, and to adopt an ordinance to establish the district-based election system for Councilmembers (which were initially scheduled to be held on March 17, April 7, and April 21, 2020).

To implement the transition process, City staff have been working with the City's consulting demographer, Paul Mitchell of Redistricting Partners, to provide information to the public, and to actively solicit public input regarding the preparation of proposed district boundary maps through a variety of mechanisms. In addition to the public meetings summarized above, the City has issued press releases to various outlets and groups, posted information on social media, posted notices at various City facilities, provided information via the City's electronic newsletter "Napa News Weekly," published in the Napa Valley Marketplace magazine, included information in the Napa Valley Unified School District parent newsletter, and distributed information on the City's website in both Spanish and English. The City's website (www.cityofnapa.org/districtelections <<http://www.cityofnapa.org/districtelections>>) has been regularly updated with new information, including information received from the public in the form of "Community of Interest Worksheets," as well as proposed district boundary maps drawn by members of the public, and information received from the public via email sent to districts@cityofnapa.org <<mailto:districts@cityofnapa.org>>.

On February 25, 2020 and March 4, 2020, the City Council held its first and second Public Hearings before drawing a draft map, to receive input on the composition of district boundaries for a district-based election system for Councilmembers.

On March 8, 2020, the City conducted two Community Workshop sessions (at McPherson Elementary School and at St. John the Baptist Church Parish Hall) at which the City's demographer provided information and guidance to members of the public regarding the parameters for drawing district boundary maps, and the public was provided an opportunity to prepare and submit proposed maps for City Council's consideration. The Workshops were well attended, and the City received approximately 44 proposed district boundary maps from the public, all of which are posted on the City's website.

The City's demographer considered all of the public input (including proposed district boundary maps, as well as Community of Interest Worksheets), along with 2010 census population data and the most recently available estimates from the American Community Survey, and prepared four draft district boundary maps for consideration by City Council at this public hearing. Those four draft maps (which are identified as Plans A, B, C, and D) were posted on the City's webpage at <<https://www.cityofnapa.org/902/MAPS>> on March 10, 2020. The City's webpage also identifies, for each of the four districts in each of the four draft map Plans, the proposed sequence of elections based on public input.

Consistent with the Resolution of Intent, the City scheduled the first public hearing to consider the draft maps and sequence of elections for Councilmembers on March 17, 2020. However, due to the need to manage limited and constrained resources in response to the unprecedented impacts of the Coronavirus pandemic identified as COVID-19 (as documented in the City Manager's Proclamation of Local Emergency on March 15, 2020 [P2020-001], and as ratified and continued by the City Council on March 16, 2020 [R2020-037]), previously scheduled map hearings on March 17, 2020 and April 7, 2020, were cancelled.

On April 7, 2020, as a part of the City Council's continuation of the declaration of Local Emergency

due to the impacts of COVID-19, the Council authorized the rescheduling of public hearings to transition to district-based elections for Councilmembers, including this hearing on April 21, 2020. In order to slow the spread of COVID-19, the City will conduct the April 21, 2020 public hearing as a teleconference in compliance with the Governor's Executive Order N-29-20; therefore, the City Council Chambers will be closed to the public, and members of the public may participate in the meeting by viewing the meeting live, and submitting comments, as described in the City's Coronavirus (COVID-19) meeting procedures:

<https://www.cityofnapa.org/920/CORONAVIRUS-COVID-19-Notice-of-Meeting-P>

At the public hearing on April 21, 2020, City staff and the City's consulting demographer will provide a presentation, and members of the public will have an opportunity to provide input, regarding the draft district boundary maps, the proposed sequence of elections, and the proposed ordinance establishing district-based elections for Councilmembers.

Selection of District Boundary Map

Staff recommends that the City Council provide direction regarding the district boundary map to be incorporated into the ordinance establishing district-based elections for Councilmembers. The Council has discretion to select a district boundary map that complies with the legal criteria and order of priority established by California Elections Code Section 21621, as identified below.

- Substantially equal population of residents (+/- 10%) in each district based on census data.
- Compliance with the Constitutions of the United States and California, and with the Federal Voting Rights Act ("FVRA"). This criteria is satisfied by developing districts that have substantially equal populations, are not designed with discriminatory intent, and are not designed with race as the predominant consideration. Although the creation of majority-minority districts may be required by the FVRA, it is not legally possible to create a majority-Latino district in the City using currently available Census data and estimates.
- Geographically contiguous, to the extent practicable. A district is not contiguous if it includes areas that: (a) meet only at the point of adjoining corners, or (b) are separated by water and not connected by a bridge.
- Geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division, to the extent practicable. 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.
- 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.
- Districts shall be geographically compact in a manner that nearby areas of population are not bypassed in favor of more distant populations, to the extent practicable.
- Districts must not be adopted for the purpose of favoring or discriminating against a political party.

Selection of Sequence of Elections of Councilmembers

Staff recommends that the City Council provide direction regarding the sequence of elections for Councilmembers to be incorporated into the ordinance establishing district-based elections for

Councilmembers. The sequence of elections will define which two districts will be up for election in 2020 (and every four years thereafter), and which two districts will be up for election in 2022 (and every four years thereafter). The Council has discretion to establish the sequence of elections based on the City's constitutional authority as a charter city, and based on the criteria set forth in California Elections Code Section 10010(b): "give special consideration to the purposes of the California Voting Rights Act," and "take into account the preferences expressed by members of the districts."

The "purposes of the California Voting Rights Act," as identified in the legislative history, reflects an intent to consider providing the opportunity for majority-minority districts (e.g., majority Latino Citizen Voting Age Population) to be on the ballot during the Presidential election cycle. However, there are no such districts in any proposed map developed for the City.

As a part of the public input provided during the Community Workshops, members of the public identified a sequence of elections that would provide that the two districts in which the two incumbent Councilmembers reside (Alessio and Lueros) would be up for election in 2022; and candidates in the remaining two districts, in which incumbents do not reside or have decided not to run for Councilmember, would be up for election in 2020. Based on this input from members of the public, staff proposed this sequence of elections, and included that on the City's website for each of the four district boundary maps developed by the City's demographer. By establishing a sequence of elections in this manner, it will ensure that each district will have a resident Councilmember beginning in 2020; since Councilmembers Alessio and Lueros will remain in office through 2022 (at which time there will be an election for those two districts), and the other two districts will each have an opportunity to elect a new Councilmember in 2020.

Introduction of Ordinance Establishing District-Based Elections

Staff recommends that the City Council introduce an ordinance establishing district-based elections for Councilmembers by amending Napa Municipal Code Title 1 to add a new Chapter 1.10 ("District-Based Elections"), and approving the district boundary map and sequence of elections for Councilmembers. As noted below, the ordinance will be subject to additional review at the public hearing on April 28, 2020; and City staff will recommend that City Council vote to approve the ordinance after the public hearing on May 5, 2020.

The remainder of the process is as follows:

- April 28, 2020 Public Hearing #4 (Second Hearing with Draft Map and Sequence of Elections, and Proposed Ordinance)
- May 5, 2020 Public Hearing #5 (Adoption of Ordinance)

FINANCIAL IMPACTS:

There will be significant staff time needed to transition to district-based elections and to administer the process, including the need for the public hearings and public meetings outlined in this report. The City will also incur the costs for the City's consulting demographer, special legal counsel, translation services, and public outreach. Staff anticipates these costs being approximately \$50,000 - \$70,000. Additionally, it is anticipated that the City will be required to reimburse the proponent of the request for district-based elections for their documented attorney's fees and costs up to a combined total of \$30,000, plus cost of living adjustments from 2017. At this time, staff is recommending no additional budget adjustments. There is a possibility current budget savings may absorb costs that

will occur for the remainder of FY 2019-20. The related costs that will occur in FY 2020-21 will initially be absorbed with current budget and if additional appropriation is required staff will return to council during the FY 2020-21 mid-cycle budget review.

CEQA:

The City Clerk has determined that the recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - Plan A Draft Map

ATCH 2 - Plan B Draft Map

ATCH 3 - Plan C Draft Map

ATCH 4 - Plan D Draft Map

ATCH 5 - Ordinance with EX A

EX A - Chapter 1.10 District-Based Elections

ATCH 6 - Public Correspondence, Draft Map Submissions, and Community of Interest Worksheets received after the last public hearing held on March 4, 2020

NOTIFICATION:

A public hearing notice was published in the Napa Valley Register on Friday, April 10, 2020.