



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: January 25, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Jennifer Brizel, Assistant City Manager

SUBJECT: Hold Third Public Hearing to:
1) Receive Community Input Regarding the Boundaries and Composition of Districts to be Established for District-Based Elections for City Council Members; and
2) Provide Direction to Staff and the City's Independent Demographer Regarding Preferred Configurations and Changes to the Draft Maps

BACKGROUND: It is recommended that the City Council hold a third public hearing to 1) receive community input regarding the boundaries and composition of districts to be established for district-based elections for City Council Members; and 2) provide direction to staff and the City's independent demographer regarding preferred configurations and changes to the draft maps.

DISCUSSION: At the March 10, 2020, meeting, the City Council adopted Resolution 2020-21, which expressed the Council's "intent to transition from an at-large election system to a by-district election system for the City Councilmembers as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020 or November 2022." Additionally, at the same meeting, the City Council requested that staff bring the item back to the next meeting for further discussion (meeting minutes attached).

On March 24, 2020, the City Council passed a motion to postpone demographic analysis and community meeting on by-district elections in calendar year 2020 and instead "discuss and decide if we are going to go to district elections in 2022 after community outreach and public input."

On June 8, 2021, the City Council received a report confirming a date for transition to a By-District Method of City Elections process and adopted a Resolution appropriating \$46,000 from the General Fund Balance authorizing the City Manager to enter into a contract with National Demographics Corporation for Districting Services for the November 2022 General Municipal Election.

Additionally, the City has retained the services of Tripepi Smith to enhance public outreach and community engagement for the districting process. Tripepi Smith will provide facilitation of in-person and virtual public discussions, agenda development, documentation of

community feedback, as well as development and hosting of a dedicated districting website, which is required to be publicly available for 10 years. The cost for this work is approximately \$40,000 and funding is included in the adopted FY 2021-22 budget.

The first step in the transition process is to hold two public hearings to invite public input regarding the composition of the City's voting districts before any draft maps are drawn.

After these two public hearings are complete, the City Council must hold at least two additional public hearings during a 45-day period on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The purpose of the first two public hearings is to inform the public about the districting process and to receive public input on communities of interest in the City. 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.

To increase the accessibility of these hearings, cities often take the following steps:

- Hold at least one hearing on a Saturday, Sunday, or after 6 p.m. on a weekday;
- If a redistricting hearing is consolidated with another local government meeting, the redistricting hearing portion should begin at a pre-designated time;
- Ensure that local public redistricting hearings are made accessible to people with disabilities.
- Ensure that access to information on the redistricting process is made available to those that speak languages other than English.

Legal Criteria

In creating district boundaries, the City must ensure compliance with the following state and federally-mandated criteria. The Council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21601(c)):

1. Comply with the federal requirements of equal population and the Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and "communities of interest" (socio-economic geographic

areas that should be kept together)

4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

1. Minimize the number of voters delayed from voting in 2022 to 2024
2. Respect voters' choices / continuity in office
3. Future population growth

Public Engagement

The City has established a timeline for conducting a public process to solicit public input and testimony on proposed district-based electoral maps. The timeline includes the dates for the four required public hearings. As per the draft timeline, on October 19, 2021 the City Council conducted Public Hearing #2 for the purpose of seeking additional public input. Following that hearing, draft district maps and proposed election sequencing were posted to the City website and available at City Hall. The City conducted a virtual Community Workshop to provide an informational presentation and discussion of community interest on November 1, 2021 and an in-person Community Workshop on November 13, 2021 which included informational presentation and demo of public mapping tools located at City Hall. The results of community responses and any possible new or revised maps are to be discussed at City Council hearings on January 25, 2022, and February 22, 2022.

Directly Elected Mayor & Alternative Voting Mechanisms

The City Council had previously discussed several possible actions in connection with establishing district elections, including transitioning from a directly elected mayor to an appointed mayor, and implementing alternative voting mechanisms (such as ranked choice voting or some other variant) for district elections. However, both of these changes would require a vote of the people.

San Bruno's mayoral voting method of a directly elected mayor was adopted by the people in the 1977 general election (Measure F), and therefore would require a vote of the people to repeal. The districting process must be completed by April 17, 2022, and it would be impossible to draw district maps and hold the five required public hearings until after the electorate voted on the issue, since that decision would determine how many districts to draw. There is not sufficient time to hold a special election and meet the April 2022 deadline.

Staff and the City's consultants have examined the possibility of the City Council considering alternative voting mechanisms simultaneous with the districting process. In short, while further research and discussion of alternative voting mechanisms are possible, there are legal and timing hurdles for simultaneous implementation, as detailed below.

Per state law, alternative voting mechanisms (such as “ranked choice” or “instant run-off” processes for electing City Council members) are only available to Charter Cities. Because the City of San Bruno is a General Law city, the City Council is not currently empowered to implement alternative voting mechanisms for council member elections.

State law requires voters to authorize a transition from a General Law to a Charter City at a regular election. As the next regular election is not until November 2022 and the districting process must be completed in a manner that allows for the election of council members in districts under the current (majority wins) voting system.

Additionally, it is important to note that the City Council has directed staff (via a Strategic Initiative) to analyze and prepare a ballot measure to ask voters if they desire to change the City’s structure from a General Law to a Charter City, as permitted by the California Constitution. Prior direction to staff has been to limit the Charter City measures to legally mandated transition items and potential implementation of a real estate transfer tax, focused on commercial properties, which is also subject to voter approval.

Staff discussed timing and logistical items related to the directly elected mayor structure and alternative voting mechanisms with the City Council at the September 28 hearing as well as the quarterly update on Strategic Initiative on October 26, 2021. At this meeting, staff sought final direction on potential ballot items that required analysis and measure preparation for the November 2022 regular election.

To increase public awareness of the transition to district elections, the City has activated a variety of public communication channels to engage members of the community. Districting information is featured on the City’s website and City social media platforms. Numerous frequently asked questions (FAQs) have been posted on the dedicated districting webpages on the City’s website. Members of the community may also visit Tanforan to access the map kiosk.

Next Steps

Public Hearing 4 will take place virtually on February 22, 2022 at 7:10PM via Zoom to discuss and revise the draft maps and discuss the election sequence. Public Hearing 5 will take place on March 8, 2022 for the first reading and introduction of the ordinance. Public Hearing 6 will be on March 22, 2022 at 7:10PM for the Second reading/adoption of the ordinance. The final map must be posted at least 7 days prior to adoption and the second reading/adoption is at least five days after introduction. The submitted maps can be found on the City’s dedicated website: <https://districtingsanbruno.org/draft-maps/>

FISCAL IMPACT: The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$101,000 which includes the cost of the consultant demographer, communications firm as well as publication notices, translation fees for communications, and the cost for interpreters at all public hearings. The FY 2021-22 adopted budget includes funds for District Elections. No additional appropriation is required at this time.

ENVIRONMENTAL IMPACT: The action is not a project subject to CEQA. City Council's action is not considered a "Project" per CEQA Guidelines and therefore no further environmental analysis is required.

RECOMMENDATION: Hold Third Public Hearing to:

- 1) Receive community input regarding the boundaries and composition of districts to be established for district-based elections for City Council Members; and
- 2) Provide direction to staff and the City's independent demographer regarding preferred configurations and changes to the draft maps.

ALTERNATIVES: Request an Additional Information from the City's Independent Demographer

ATTACHMENTS:

1. Attachment 1 - Presentation from TRIPEPI SMITH on community outreach efforts.
2. Attachment 2 - Presentation from NDC on draft district formation maps