



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: February 22, 2022

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Jennifer Brizel, Assistant City Manager

SUBJECT: Hold Fourth Public Hearing to 1) Receive Public Comments on Proposed Council District Map Alternatives; 2) Identify a Preferred Map; 3) Request Any Revisions to Maps, If Desired, and 4) Provide Direction for Introduction of an Ordinance Adopting One or More Council District Maps

BACKGROUND: The Public Hearing scheduled for February 22, 2022, represents the fourth in a series of six Public Hearings to create population-balanced districts in San Bruno for the purposes of electing City Council Members, to ensure that each Council Member represents a similar number of constituents. Under a district-based election system, the City of San Bruno would be divided into equally populated districts. A City Council candidate must reside within an election district and is elected only by voters residing within that same election district. Currently, the San Bruno City Council consists of four Council Members and a directly elected Mayor. All five Councilmembers are elected at-large. The districting process will determine which neighborhoods and communities are grouped together into districts for purposes of electing Councilmembers. The City Council sought community input over the past five months so that proposed district-based election maps could be submitted through community workshops and interactive mapping tools. Submitted maps were provided to the City's demographic consultants, NDC, to generate the population numbers for each proposed district and other demographic details, and the proposed maps were then posted for public view on the City's dedicated webpage: <https://districtingsanbruno.org/draft-maps/> As of February 10, 2022 the City has received 28 unique map submissions from the public. Of the public submissions, a total of 13 maps meet basic requirements for equal population and contiguity. NDC prepared and presented three additional maps for consideration.

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

On March 24, 2020, the City Council passed a motion to postpone demographic analysis and community meetings 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 retained the services of Tripepi Smith to enhance public outreach and community engagement for the districting process. Tripepi Smith has provided 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 was approximately \$40,000 and funding was included in the adopted FY 2021-22 budget.

The first step in the transition process had been 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 those two public hearings were complete, the City Council was required to 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 was 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, the City has taken the following steps throughout the process:

- Held one hearing on a Saturday, in person, and others during evening hours, accessible via

Zoom;

- Districting meetings have been publicly noticed and scheduled for a pre-designated time;
- Provide accessibility for districting hearings to people with disabilities;
- Provide access to information on the districting process 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 City Council is required to 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

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 as well as newly presented and revised maps were discussed at the City Council hearing on January 25, 2022. The Councilmembers identified Rollingwood and the east side of the city as Communities of Interest that should not be divided by district boundaries. The final date to submit a map was February 8, 2022. Maps will be discussed during this February 22, 2022 Public Hearing. To increase public awareness of the transition to district elections, the City 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 also visited Tanforan to access the map kiosk.

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, which would result in establishing five districts instead of four, and implementing alternative voting mechanisms (such as ranked choice voting or some other variant) for district elections, which requires that the voters adopt a charter. As more fully explained below, both of these changes would require a vote of the people.

San Bruno's 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 there is therefore not sufficient time per state law to hold an election before that date to propose the repeal of the directly elected mayoral process. However, **the City Council is not prohibited from considering and adopting at this time both a four-district map that would be used in the November 2022 general election, and a five-district map that could be used in 2024 if the voters repeal the directly elected mayoral process in November 2022.** The five-district map could not be used prior to the 2024 election because if the voters repeal the directly elected mayoral process in 2022, state law requires that the repeal can operate only prospectively, and in the case of the Mayor, at the end of the two year term that will begin after the November 2022 election. It has been suggested that the voters of the City could adopt a Charter at a special election that would by its terms repeal Measure F and establish a rotational Mayor before the November 2022 general election. This is not possible because a Charter must be voted on at a general election. However, at the November 2022 election, the City Council could propose a Charter that itself repeals the directly elected mayoral process, or place a stand-alone measure on the ballot for this purpose, but in either event, the change would operate only prospectively.

Should the City Council desire to utilize the current districting process to adopt a four-district map (that would be used in the November 2022 general election) and a five-district map (that could be used in 2024 if the voters repeal the directly elected mayoral process in November 2022), it would be desirable to receive such direction at the February 22 meeting. If this option is selected, staff recommends that the City Council proceed with identifying a preferred four-district map at the February 22 meeting. This will continue the process of transitioning to district selections for the November 2022 ballot and allow the City to meet all of the statutory and County election requirements. Following the February 22 meeting, the City's demographic consultant will embark on a process to prepare sample five-district maps and staff will develop options for a five-district map that the City Council can consider and receive public comment on at the next Public Hearing, scheduled for March 8, 2022. Staff estimates that this alternative may add approximately \$25,000-30,000 of costs to the current project. This will eliminate the need to redo the full districting process if voters repeal the directly elected mayoral process in November 2022, which would save considerable money and time. As noted in the fiscal impact section of this report, the current districting effort is estimated to cost \$101,000.

Below is a proposed amended schedule, should the City Council decide to proceed with adopting a four-district map (that would be used in the November 2022 general election) and a five-district map (that could be used in 2024 if the voters repeal the directly elected mayoral

process in November 2022).

Proposed Schedule Modification w/ an Alternative 5-District Map

Date	<u>Current Process</u> 4-District Map (w/ directly elected mayor)	<u>Amended Process</u> 4-District Map (w/ directly elected mayor) and 5-District Map* (if directly elected mayoral process is repealed)
February 22	Public Hearing 4 Select Preferred 4-District Map	Public Hearing 4 Select Preferred 4-District Map
March 8	Public Hearing 5 First Reading	Public Hearing 5 Select Alternative 5-District Map
March 22	Second Reading & Ordinance Adoption	Public Hearing 6 First Reading
April 12		Second Reading & Ordinance Adoption
May 12	Deadline to Submit to San Mateo County Registrar	Deadline to Submit to San Mateo County Registrar

*If voters repeal the directly elected mayoral process in November 2022, the 5-District Map will be used for the November 2024 election.

It has also been suggested that the City Council could adopt a four-district map with an at-large district, which could at a later date be assigned either to the fifth councilmember or the at-large Mayor, should that office remain. The CVRA prohibits an at-large district unless it is assigned to a directly elected Mayor.

Staff and the City’s consultants have also 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 is possible, there are legal and timing hurdles for simultaneous implementation, as detailed below.

Per state law, alternative voting mechanisms (such as “ranked choice,” “approval voting,” 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.

As noted above, 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, 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. However, the City Council could propose to the voters at the November 2022 general election a Charter that includes an alternative voting mechanism, or place a separate measure on the ballot to adopt such a system prospectively should the voters also approve the Charter.

Additionally, the City Council has previously directed staff to limit the Charter provisions only to those that are legally mandated and potential implementation of a real estate transfer tax, focused on commercial properties, which can only be adopted by Charter Cities. Including additional policy items in the Charter may jeopardize voter approval of the Charter as a whole, and hence the tax.

Next Steps

Public Hearing 5 will take place on March 8, 2022 at 7:10 p.m. for the first reading and introduction of the ordinance. The second reading/adoption of the ordinance would occur on March 22, 2022. 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. 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.

Should the City Council desire to utilize the current districting process to adopt a four-district map (that would be used in the November 2022 general election) and a five-district map (that could be used in 2024 if the voters repeal the directly elected mayoral process in November 2022), it is estimated that the process change may add approximately \$25,000-30,000 of costs to the current project. However, if voters repeal the directly elected mayoral process in November 2022, adding a five-district alternative to the current process will eliminate the need to redo the full districting process.

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 Fourth Public Hearing to 1) Receive Public Comments on Proposed Council District Map Alternatives; 2) Identify a Preferred Map; 3) Request Any

Revisions to Maps, If Desired, 4) Provide Direction for Introduction of an Ordinance Adopting One or More Council District Maps

ALTERNATIVES:

1. Request Additional Information from the City's Independent Demographer.

ATTACHMENTS:

1. Legally Compliant Draft Maps