DATE: March 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 Sixth Public Hearing, Waive Second Reading and Adopt an
                   Ordinance to Adopt a District Map and Amend Municipal Code Chapter
                   2.32.010 General Municipal Elections

BACKGROUND:

Over the last several years, cities, school districts, and community college districts throughout the State of California have been changing from at-large to by district elections to comply with the California Voting Rights Act of 2001 (CVRA) and/or to avoid litigation regarding compliance with the Act. During its 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." Six public hearings were held on September 28, 2021, October 19, 2021, January 25, 2022, February 22, 2022, March 8, 2022 and March 22, 2022, as well as two community workshops on November 1, 2021 and November 13, 2021.

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 was designed to determine which neighborhoods and communities would be 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/. The City received 30 unique map submissions from the public. Of the public submissions, a total of 16 maps, met basic requirements for equal population and contiguity. NDC prepared and presented three additional maps for consideration.

On February 22, 2022, the City held the fourth in a series of five Public Hearings to create population-balanced districts in San Bruno for the purposes of electing City Councilmembers to ensure that each Councilmember represents a similar number of constituents. During this meeting the City Council identified a four-district map for adoption. A City Council candidate must reside within an election district and is elected only by voters residing within that same election district. Maps were discussed during the February 22, 2022 Public Hearing and a Map #104 (Attachment 2) was identified for adoption. 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 was 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.

The City Council has 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 and other variants) 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. The City Council was provided information during the February 22nd Public Hearing that they were not prohibited from considering and identifying 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. The City Council selected a four-district map (that would be used in the November 2022 general election).

On March 8, 2022, the City Council held a fifth public hearing at which it confirmed the selection of Map #104 and established the sequencing of district elections. The selected map does not affect the current terms of any Councilmembers, however, due to residency requirements, the selected sequencing will not allow one incumbent (Mason) to run for re-election as a District Councilmember when her term expires in 2022. Should the incumbent (Mason) desire to serve as a District 3 Councilmember in the future, the soonest the Councilmember can run is November 2024. The sequencing for District-based elections based for the selected Map #104 will be follows:

 - November 2022: District 1 and District 4
 - November 2024: District 2 and District 3

The City Council also waived first reading and introduced amendments to section 2.32.010 of the Municipal Code as noted below.

The proposed Ordinance adds Section D to Municipal Code Chapter 2.32.010. Per the amendments, City councilmembers will be elected on a by-district basis from four council districts and the Mayor will continue to be elected at large for a term of two years until otherwise changed

in accordance with the law.

Section D:

City councilmembers will be elected on a by-district basis from the council districts described in subsection 1 below and depicted on the map attached to the ordinance codified in this section as Exhibit "A" and incorporated by this reference. To the extent there is a conflict between the map incorporated herein and the descriptions contained in subsection 1. below, the description will prevail. The Mayor will continue to be elected at large for a term of two years until otherwise changed in accordance with state law.

1. District Boundaries:

District 1
Starting at the intersection of Interstate 280 and the City's northern border; thence proceeding southerly along I-280 to Sneath Lane; thence proceeding westerly along Sneath Lane to Skyline Blvd; thence proceeding southerly along Skyline Blvd approximately 310 yards to where Skyline Blvd first adjoins the City's western border; thence proceeding counter-clockwise along the city border to the point of beginning.

District 2
Starting at the intersection of the City's northern border and El Camino Real, thence proceeding southerly along El Camino Real to Interstate 380; thence proceeding westerly along the southern portion of I-380 to Interstate 280; thence proceeding southerly along I-280 to Crestmoor Dr; thence proceeding easterly along Crestmoor Dr and continuing northeasterly along Crystal Springs Rd and its extension to the City's southern border; thence proceeding clockwise along the city border and continuing along Skyline Blvd to Sneath Lane; thence proceeding easterly along Sneath Lane to I-280; thence proceeding northerly along I-280 to the City's northern border; thence proceeding easterly along the City border to the point of beginning.

District 3
Starting at the intersection of the City's northern border and El Camino Real, thence proceeding southerly along El Camino Real to Interstate 380; thence proceeding westerly along the southern portion of I-380 to Interstate 280; thence proceeding southerly along I-280 to Crestmoor Dr; thence proceeding easterly along Crestmoor Dr and continuing easterly along Crystal Springs Rd and its extension to the City's southern border; thence proceeding counter-clockwise along the city border to El Camino Real; thence proceeding northerly along El Camino Real to San Bruno Ave; thence proceeding easterly along San Bruno Ave to Huntington Ave; thence proceeding northerly along Huntington Ave to I-380; thence proceeding easterly along I-380 to the Bay Area Rapid Transit (BART) rail line; thence proceeding northerly along the rail line to the City's northern border; thence proceeding counter-clockwise along the City border to the point of beginning.

District 4
Starting at the intersection of City's southern border and El Camino Real; thence proceeding northerly along El Camino Real to San Bruno Ave; thence proceeding easterly along San Bruno Ave to Huntington Ave; thence proceeding northerly along Huntington Ave to I-380; thence proceeding easterly along I-380 to the Bay Area Rapid Transit (BART) rail line; thence

proceeding northerly along the rail line to the City's northern border; thence proceeding clockwise along the City border to the point of beginning.

DISCUSSION:
At tonight's meeting, the City Council will consider waiving the second reading and adopting the ordinance as previously introduced. The ordinance would become effective immediately after adoption pursuant to Government Code Section 36937(a) as it is an Ordinance relating to an election for the City.

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.

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 Sixth Public Hearing, Waive Second Reading, and Adopt an Ordinance to Adopt a District Map and Amend Municipal Code Chapter 2.32.010 General Municipal Elections.

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

ATTACHMENTS:
1. Ordinance 2.32.020 – General Municipal Elections
2. Map #104/ Exhibit A – City of San Bruno District Map