

SUPPLEMENTAL MEMO

DATE: September 10, 2019

TO: City Council

FROM: Mike Webb, City Manager
Kelly Stachowicz, Assistant City Manager
Diane Parro, Business and Community Engagement Director
Zoe Mirabile, City Clerk

SUBJECT: District Elections Public Hearing #2 – Supplemental Information

The City Council held the first required public hearing for the transition to District elections on Tuesday, September 3, 2019. At the meeting, the Council received a presentation from demographer Paul Mitchell of Resdistricting Partners. The presentation covered the rules and considerations that the City must pay attention to when drawing district maps. As per the state requirements to hold a second public hearing with the same information as the first public hearing, Mr. Mitchell will make his presentation again for the record on September 10.

Council Size and Sequencing of Elections. The Council consensus as of the September 3 meeting was for the demographer to concentrate on drawing map options for 5 and 7 districts.

Options for the sequencing of elections must by law be included with the release of the preliminary maps, although the Council does not need to make a final decision about sequencing until it votes on the final maps. Staff will work with the demographer to recommend options both for a 5-person Council and a 7-person Council. Absent other direction from Council, staff would recommend a 5-person Council will have 3 districts with elections in 2020 and 2 with elections in 2022. A 7-person Council will require 5 districts with elections in 2020. Of these, 1 or 2 districts should be for 2-year terms so as to stagger the election dates of the overall Council.

Public Input/Communities of Interest. The first two public hearings are held for the purpose of gathering information about Communities of Interest and other considerations that will assist the demographer in drawing draft maps. The City has already received information from multiple sources, and staff is in the process of reaching out to other groups and individuals to encourage participation in the process.

In addition to a dozen people who spoke during the public hearing at the September 3rd City Council meeting, as of Thursday, September 5, the City has received more than twenty emails, Community of Interest forms and online Community of Interest submittals. These have all been shared with the demographer. Communities of Interest that have been noted to date by citizens include the following:

- South Davis (south of I-80)
- Stonegate

- Single family residential homeowners
- Women
- Grandparents with children in Davis schools
- Retirees/Seniors
- Several arts communities and community groups
- Evergreen and area around Arroyo Park
- West Davis (west of 113, between Covell and Russell)
- Aggie Village
- Concept of Communities of Interest may be counterproductive for Davis
- Southeast Davis (south of I-80, near Mace)
- South Davis including Target store area
- North Davis
- East Davis – Old East and New East
- Latino
- Spanish-speaking residents
- UC Davis students
- Renters

The staff report from September 3, 2019 is attached.

STAFF REPORT

DATE: September 3, 2019 and September 10, 2019

TO: City Council

FROM: Mike Webb, City Manager
Kelly Stachowicz, Assistant City Manager
Zoe Mirabile, City Clerk
Diane Parro, Director of Business and Community Engagement

SUBJECT: Transition to City Council District Elections

Recommendation

1. Receive presentation on Davis demographics creating districts by Paul Mitchell of Redistricting Partners.
2. Hold Public Hearing to receive input about city council district considerations, communities of interest and other issues related to the drawing of district maps.
3. Ultimately, provide direction on the following issues prior to the creation of draft map(s):
 - a. Guiding Principles
 - b. Selection of Mayor
 - c. Number of districts
 - d. Sequencing of elections

Fiscal Impact

By transitioning voluntarily to districts, the City is not exposed to potentially high costs of litigation. The costs to transition to district-based elections include the costs of the demographer (approximately \$35,000), to be paid out of the existing budget, and staff time to complete the process, which is also included as part of the existing budget. Additionally, the City will be required by law to pay up to \$30,000 in attorney fees to Rexroad Law.

Council Goal(s)

These actions do not pertain to a specific Council Goal, however, fall under the Goals to secure a safe, healthy, equitable community and to ensure fiscal resilience.

Background and Analysis

On August 13, 2019, the City Council voted unanimously to approve Resolution 19-130, which declared the intention to transition from at-large to district-based City Council elections. This decision came as a result of a demand letter sent to the City by Rexroad Law in July, which alleged that the City's current at-large election system has resulted in voters not having "...had proper representation on the city council because of the at-large election system" and that Davis' current system violates the California Voting Rights Act (CVRA). Under the CVRA, the City must complete the transition to district elections in a 90-day timeframe with a minimum of five

public hearings. More information and background on the transition to district elections can be found on the City’s webpage at www.cityofdavis.org/districts.

Schedule. The City has developed a schedule for the transition that meets the legal requirements of the CVRA, as shown below.

CITY COUNCIL DISTRICT TRANSITION TIMELINE

Date	Task
Tuesday, August 13, 2019	Special Council Meeting <ul style="list-style-type: none"> • Adopt Resolution of Intention
Tuesday, September 3, 2019	Public Hearing #1 <ul style="list-style-type: none"> • Discuss process • Identify neighborhoods and communities of interest • Consider criteria for the formation of districts
Tuesday, September 10, 2019	Public Hearing #2 <ul style="list-style-type: none"> • Discuss process • Identify neighborhoods and communities of interest • Consider criteria for the formation of districts
Saturday, September 21, 2019	Community Workshops <ul style="list-style-type: none"> • 11am to 3pm, with presentations at 11am and 1pm • Davis Senior Center, 646 A Street
Monday, September 30, 2019	Preliminary District Maps Released
Tuesday, October 8, 2019	Public Hearing #3 <ul style="list-style-type: none"> • Receive input on proposed district maps • Final opportunity to provide direction to modify map options
Tuesday, October 15, 2019	Revised District Maps Released
Tuesday, October 22, 2019	Public Hearing #4 <ul style="list-style-type: none"> • Receive input on proposed district maps • Select final district map • Introduce ordinance to transition to districts
Tuesday, November 5, 2019	Public Hearing #5 <ul style="list-style-type: none"> • Adopt ordinance to transition to districts

Demographer. The City has hired a firm skilled in demographic research and experienced with transitions to district elections. Sacramento-based Redistricting Partners is currently performing an analysis of Davis population numbers and demographics and will prepare draft district maps based on CVRA requirements, community input, and Council direction. Principal Paul Mitchell will present at the City Council meeting on September 3 about the population of the city and the considerations involved in creating maps. Redistricting Partners staff will be available at the remainder of the public meetings to assist with questions and provide guidance to the City Council related to the development of the district maps. After the completion of two public hearings and a set of community workshops, Redistricting Partners will draw draft versions of maps for public review and comment before the City Council selects or revises a final map.

Public Outreach and Community Input. Community members will be able to provide comments on communities of interest and potential district map concerns or ideas during the Public Hearing at the Council meeting on September 3 and again on September 10. The public can also communicate with the City Council and the demographer in writing by sending an email to districts@cityofdavis.org.

To ensure that the community is informed, staff has developed a multi-faceted outreach plan to include messaging to community groups and organizations, with an emphasis on those that may include members who are specifically mentioned under the CVRA. Messaging will include emails, website information at www.cityofdavis.org/districts, electronic and paper forms, social media, print news, and public meetings. In addition to the formal public hearings held at the City Council meeting, staff will hold community workshops on Saturday, September 21 at the Davis Senior Center. Redistricting Partners will give presentations at 11:00 am and 1:00 pm, with hands-on exercises to draw sample maps after each presentation, but community members are welcome to drop in any time between 11am and 3pm, as their schedules permit.

District Map Considerations. There are several considerations that go into developing district maps, in addition to population numbers and general geography.

- **Guiding Principles** – The City Council may wish to create guiding principles to set the stage for how the City Council will govern under a district-based system. In addition to the rules set forth in federal laws and the CVRA for the creation of districts (equal population, allowing minority voices to be heard, geographic proximity, etc.), some communities adopt guiding principles for governance such as:
 - Make decisions in the best interests of the entire city.
 - Follow good governance principles.
 - Expect all councilmembers to be involved with all city issues, regardless of district.
 - Allocate resources based on the overall needs of the city.

If Council is interested in guiding principles, staff can elaborate on the above or return on September 10 with a resolution to incorporate such principles.

- **Communities of Interest** – One of the primary purposes of the first two public hearings is for the public to provide feedback to the City Council on “Communities of Interest” or COI. A COI is any cohesive group of people that live in a geographically definable area and should be considered as a potential voting bloc in current or future elections.

There are some communities of interest that are considered “protected classes” in that they have rights through state or federal civil rights or voting rights laws. Some examples of protected classes in districting would be ethnic and racial minorities such as a concentration of Latino, Asian, or African American people. Protected classes can be described through public input, and there are federal databases that must be used wherever applicable to define these areas and make sure that they are not being harmed by the district boundaries.

There are other COI that can also be considered in districting, but don't have the higher legal requirements as ethnic or racial minorities. Identifying these other COI are still critical to the process. These could be clusters of senior citizens in one community, a group of college students living in a densely populated area near a campus, people who live in the downtown area or a specific neighborhood, or even people who share concerns such as parents with young children, bicycle enthusiasts, topic interest group, etc.

Staff has prepared a Communities of Interest Worksheet for members of the public to complete. This may be completed in hard copy, online or via a PDF attachment. These forms will be widely distributed between now and the creation of the draft maps. A sample worksheet is attached. (Attachment 1)

- Selection of Mayor - Currently, the tradition is that the City Council votes to affirm the individual with the highest number of votes in the last election as the mayor pro tem, and then votes again two years later for that person to become mayor. With district-based elections, the mayor can be chosen at the will of the Council or by rotating districts. The position can be for a one-year or two-year term. Some cities have opted to divide into four districts and elect a mayor at-large. In the past, other plaintiffs' attorneys have made the argument that an at-large mayor still constitutes an at-large system, however. The Council will need to provide direction on this early in the process, as it may affect the number of districts drawn.
- Number of districts – There are currently five Council seats, so absent any other changes, the City Council would need to vote on a map with five districts, however, there is no requirement to have five districts. Some communities have seven or even nine councilmembers. The determination of the selection of the mayor, as noted above, could have an effect on the number of districts. To assist the demographer in knowing what maps to draw, decisions that affect the number of districts should be made early in the process.
- Sequencing of elections - The Council will need to determine which districts will vote in which years, prior to the third public hearing, as this will be critical information for the public. Currently, three councilmembers are elected at one election and two councilmembers are elected at the next election, allowing for staggering of seats. If the number of districts remains at five, then presumably three Council seats will be elected by district at the next General Municipal Election, followed by two in 2022. If the number of districts changes, there may be some seats that are elected only for a two-year period. Regardless, the Council will need to decide how many seats and which districts will be up for election in 2020 and in 2022. The sequencing is required to be published at the same times as district maps.

Attachments

1. Communities of Interest Form