



**Date:** February 8, 2018

**To:** Ad Hoc Advisory Districting Committee

**From:** City Attorney and Assistant City Manager

**Subject:** Initial Meeting of the Ad Hoc Advisory Committee on Council Districting

### **EXECUTIVE SUMMARY**

The following report provides information regarding the initial meeting of the Ad Hoc Advisory Committee ("Committee"), which is to be held on February 8, 2018 at 5:00 p.m. at City Hall in the Staff Conference Room. At this orientation meeting, the Committee will be provided background information, legal requirements, and the schedule of public hearings. The Committee will also be asked to appoint a chair.

As background, there are two distinct processes that will be occurring simultaneously: first, a Ballot Measure for a Charter Amendment to move to district elections leading to the June 2018 Special Election and secondly, the public hearings leading to the development of a boundary map ordinance to be presented to the Council in May 2018. The work of this Committee will be focused on the effort to develop a boundary map of the two districts.

### **Ballot Measure: Council District Elections**

At the January 30, 2018 meeting, Council adopted Resolutions related to calling a Special Election to place a ballot measure on the June 5, 2018 Gubernatorial Primary Election. In December 2017, Council approved the Charter Review Committee's recommendation on the proposed Charter amendment language to:

- Elect City Council Members by two districts with three members representing each district (e.g. District 1 and District 2).
- Elect the three members at the same time alternating district elections between gubernatorial and presidential election years.
- Transition to include:
  - In 2018, elect two members to four-year terms in District 1
  - In 2020, elect one member to a two-year term in District 1 and three members to four-year terms in District 2.
- Utilize Single Transferrable Vote form of Ranked Choice Voting for election of Council Members when Santa Clara County Registrar of Voters can support it in 2020.
- Change the voting method for Mayor, City Clerk, and Chief of Police to match the voting method of Council Members beginning in 2020 with the election of City Clerk and Chief of Police, and then with subsequent elections thereafter.

For background, please review the attached January 30, 2018 Council agenda report and for information related to the work by the Charter Review Committee, please visit the City's website at [www.santaclaraca.gov/charterreview](http://www.santaclaraca.gov/charterreview)

### **City Ordinance: Council Districts & District Boundaries**

Also at the meeting of January 30, 2018, the City Council authorized the City Manager to establish an Ad Hoc Advisory Districting Committee. Membership to this committee has been drawn from the Planning Commission, the Library Board of Trustees Commission (both charter-established commissions), as well as the Senior Advisory Committee.

### **Statutory Requirements**

In accordance with California Elections Code Section 10010, the following must be done before the City Council can take action on an Ordinance establishing district boundaries for a by-district electoral system:

- 1) Prior to drawing a draft map of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings within a thirty-day period to elicit public input on the composition of the districts.
- 2) After public input is received, a draft map will be drawn, which will be published and made available to the public. The City is required to hold at least two (2) additional public hearings over a period of no more than forty-five (45) days to elicit public input on the draft map and potential sequence of elections. The first version of the map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted.

In addition, certain legally required criteria apply to the creation of districts and must be observed, including:

- 1) Each City Council district shall contain a nearly equal population;
- 2) A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- 3) Council may consider the following factors: topography and geography (major roads, freeways, creeks, railroad lines, or other barriers); cohesiveness, contiguity, integrity, and compactness of territory; and community of interest of the districts (school district boundaries, voting precincts, neighborhood boundaries, retail/commercial districts).

### **Role of the Committee**

Before participation on the Committee, each member was asked to sign a waiver with the following criteria:

- 1) Committee members may not work for, volunteer for, or make a campaign contribution to a candidate for City of Santa Clara elective office while serving on the Committee.
- 2) Committee members may not run for a City of Santa Clara elective office for 5 years commencing on the date of his/her appointment to the Committee.
- 3) Committee members may not currently be a registered lobbyist nor register for 10 years commencing on the date of his/her appointment to the Committee.
- 4) Committee members may not be a family member, staff member or paid campaign staff member of an elected Santa Clara city official.

The role of the Committee is to:

- Hold the required four public hearings
- Listen to and consider all the input received from the public
- Review the recommendations from the demographer and
- Based on all these factors, provide a recommendation on a draft map indicating two districts.

This advisory committee will also consider input and criteria on the sequencing of the elections, which involves determining which of the two districts will be designated as District 1. That designation will determine the sequencing of the election: in 2018, two Council members will be elected to four-year terms in District 1 and in 2020, one member to a two-year term in District 1, and three members to four-year terms in District 2.

Following Public Hearings 1 and 2, a line creating two districts will be proposed. At Public Hearings 3 and 4, the public will be asked to present comment on the location of the line as well as comment on the sequencing of the elections based on that line. After hearing the public input, the committee will make recommendations to the Council regarding the districting ordinance that will include a map showing the recommended districts and the designation of which district will be District 1 and which will be District 2. Council will then consider the committee's recommendation and adopt an ordinance that will become effective if the ballot measure passes.

The Committee is subject to all applicable provisions and requirements of the California Ralph M. Brown Act.

### **Public Hearings and Timeline**

The purpose of the public hearings is to inform the public about the districting process. Future staff reports will detail the legal requirements for drawing district boundary lines.

Attached is a Public Hearing schedule which meets the legal requirements to hold four hearings on the composition of Districts. Two hearings must be held before the draft district boundary lines are drawn and two after they are shown on maps. These meetings are dispersed geographically for the convenience of people living in different parts of the City as shown on the schedule. The Committee will develop its recommendations at the fourth public hearing on April 12. It is expected that the Council will consider an ordinance that includes the recommendations of the Committee on a draft map indicating two districts at the May 8 Council meeting.

After the Committee makes its recommendation, the Council will consider the ordinance of the 2 district map on May 8, 2018.

### **Project Team**

Staff from the City Manager's Office and the City Attorney's Office will be working with the Committee. To assist with the analysis and drawing of the district map/line, the City has retained the services of Dr. Jeanne Gobalet of Lapkoff and Gobalet Demographic Research. In addition, the City has retained the services of Elaine Costello, FAICP from Management Partners to assist with the overall facilitation of the public hearings.

**RECOMMENDATION**

Appoint a chair for the Ad Hoc Advisory Districting Committee on Council Districting.



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Brian Doyle  
City Attorney



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Nadine Nader  
Assistant City Manager

*Documents Related to this Report:*

- 1) January 31, 2018 Council Agenda Report
- 2) District Elections Process Timeline



## AGENDA REPORT

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**Date:** January 30, 2018

**To:** City Manager for Council Action

**From:** City Attorney and Assistant City Manager

**Subject:** Council actions to place a Charter Amendment on the June 5, 2018 Ballot; including appropriation of funding for a special municipal election and authorization of an ad hoc committee to hold public hearings on potential council districts

### EXECUTIVE SUMMARY

The following report provides information on next steps regarding a proposed Charter Amendment for Council District Elections. At the December 5, 2017 Council meeting, the Council approved the Charter Review Committee's recommendation on the proposed Charter amendment language to:

- a) elect City Council Members by two districts (District 1 and 2) with three Council Members representing each district;
- b) elect the three Council Members at the same time per district alternating/staggering between gubernatorial and presidential election years;
- c) utilize Single Transferable Vote, a form of Ranked Choice Voting, as soon as the Santa Clara Registrar of Voters (ROV) can support such a system and continue with the City's current voting method of plurality until the County can support the new voting method (estimated as 2020);
- d) transition to elect two members to four-year terms in District 1 in 2018 and elect one member to a two-year term in District 1 and three members to four-year terms in District 2 in 2020; and
- e) change the voting method of all other elected officers, including Mayor, City Clerk and Chief of Police, to match the recommended voting method for Council Members (Ranked Choice Voting by means of Single Transferable Vote) beginning in 2020 (it should be noted that this is dependent on the Santa Clara County Registrar of Voters ability to support the system) with the election of the City Clerk and Chief of Police and then with subsequent elections thereafter.

For more background and to view Charter Review Committee meeting minutes and the full proposed ballot measure, visit the City's website at [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections).

### **Special Election to place charter amendment language on the June 5, 2018 Special Election**

The City Council must adopt a Resolution in order to submit the proposed Charter amendments to the voters of the City of Santa Clara at a Special Municipal Election. The proposed Charter amendments would modify Charter Sections 600 and 700.1, and add a new Section 700.2. By

adopting this resolution, one City of Santa Clara ballot measure will appear on the Gubernatorial Primary Election on June 5, 2018. Accordingly, attached for City Council consideration are a series of Resolutions formally calling the special election, requesting that the special election be consolidated with the Gubernatorial Primary Election, submitting the measure to voters and authorizing certain related actions, including directing the City Attorney to prepare an impartial analysis of the measure.

### **Ballot Arguments and Impartial Analysis**

The City Council determines whether the Council or members of the Council authorized by the Council will draft the argument supporting the ballot measure, or whether it will instead allow a third party to do so. The City Charter and the California Elections Code authorize, but do not require, the City Council to write the argument in support of the ballot measure to establish District Elections.

If the City Council chooses to write the ballot argument, it should designate a maximum of three Council Members to draft the argument. These designees would prepare and sign the argument and submit it to the City Clerk. Alternatively, the Council can designate the Mayor to sign on behalf of the entire Council. A total of five individuals and/or organizations may sign the ballot argument, and the Council may designate which individuals or organizations fill any available signature slots.

If the City Council decides not to draft the argument itself, any registered voter or bona fide association of citizens may submit a proposed argument to the City Clerk. If the Clerk receives multiple proposed arguments, the Clerk shall select one of the arguments in adherence to Elections Code § 9287. Ballot arguments must be submitted no later than March 13, 2018 to the City Clerk and rebuttal arguments must be submitted no later than March 20, 2018 to the City Clerk. The City Attorney shall draft an impartial analysis on the measure, which is also due March 20, 2018.

### **Public Hearings/Outreach Plan**

In accordance with California Elections Code Section 10010, the following must be done before the City Council can take action on an Ordinance establishing district boundaries for a by-district electoral system:

- 1) Prior to drawing a draft map of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings within a thirty-day period to elicit public input on the composition of the districts.
- 2) After public input is received, a draft map will be drawn, which will be published and made available to the public. The City is required to hold at least two (2) additional public hearings over a period of no more than forty-five (45) days to elicit public input on the draft map and potential sequence of elections. The first version of the map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted.

The purpose of the public hearings is to inform the public about the districting process and hear from residents on factors they believe should be taken into consideration when creating new voting districts, including suggestions for drawing district boundary lines.

Certain legally required criteria apply to the creation of districts and must be observed, including:

- 1) Each City Council district shall contain a nearly equal population;
- 2) A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- 3) Council may consider the following factors: topography and geography (major roads, freeways, creeks, railroad lines, or other barriers); cohesiveness, contiguity, integrity, and compactness of territory; and community of interest of the districts (school district boundaries, voting precincts, neighborhood boundaries, retail/commercial districts).

At these meetings, the public is encouraged to provide further input on other criteria that should be considered. The City Council may choose to include some, all, or none of any additional criteria brought forth, or may choose to develop alternative criteria that the City Council believes are applicable to the City.

The districts will be required to be updated after the next federal census data are published, which is expected in 2021.

To assist with the analysis and drawing of the district map/line, the City has retained the services of Lapkoff & Gobalet Demographic Research, Inc. Dr. Jeanne Gobalet has assisted the City in the past with demographic services.

In addition, given the tight timeline and complexity of the issue leading to the June 2018 special election, a contract with Management Partners to assist with the facilitation of the public hearings was awarded without a competitive process but within the City Manager's authority. Management Partners is a leader in offering assistance to the public sector with facilitating public engagement.

A draft District Elections Process Timeline (attached) outlining key dates and events associated with this project and a dedicated City website has been established at [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections).

#### **Ad-Hoc Advisory Districting Committee**

Given the tight timeline, staff is recommending that the Council authorize the City Manager to establish membership to a 5-member ad-hoc Advisory Districting Committee (the "Committee"). Committee members will be selected from the City's various commissions, depending on availability and agreement to each of the requirements listed in the waiver (noted below). It is expected that the Committee will hold four public hearings.

The role of the Committee is to hold the public hearings; consider all the input received; review the recommendations from the demographer; and, based on public input and professional recommendations, provide a recommendation to City Council on one draft map providing for two districts of equal population. The Committee will also consider input on the sequencing.

In order to avoid the perception of self-interest, we are requesting that each member of the Committee agree to each of the following in writing (based on state's restrictions placed on the Citizens Redistricting Commission, with the exception of limiting members from running for elective office for a total of 5 years versus the state's 10 year requirement):

- 1) Committee members may not work for, volunteer for, or make a campaign contribution to a candidate for City of Santa Clara elective office while serving on the Committee.
- 2) Committee members may not run for a City of Santa Clara elective office for 5 years commencing on the date of his/her appointment to the Committee.
- 3) Committee members may not currently be a registered lobbyist nor register for 10 years commencing on the date of his/her appointment to the Committee.
- 4) Committee members may not be a family member, staff member or paid campaign staff member of an elected Santa Clara city official.

### **Election Sequencing**

The proposed ballot measure contains the following sequencing of the election: in 2018, elect two members to four-year terms in District 1 and in 2020, elect one member to a two-year term in District 1 and three members to four-year terms in District 2. Following Public Hearings 1 and 2, a district line will be proposed and options for the order in which district elections would be held will be presented in Public Hearings 3 and 4.

### **Additional Outreach Efforts**

A separate webpage to the City's website has been created to provide information related to district-based elections, including opportunities for when and how the public can contribute to providing their input. In addition, the City will utilize social platforms to share information, and will take input on the proposed maps and election sequencing from the community via Open City Hall. Utility bill inserts will be included in billing cycles beginning the first week of February and will include all the public meeting/hearings, where more information can be found via the City's website and encouraging residents to register to vote prior to the June election. In addition, a direct mail piece will be mailed to all residents with helpful information and encouraging participation. Information will also be included on the City's government access channel. Flyers will also be distributed to City facilities, including the libraries, Senior Center, Community Recreation Center, etc. and schools. The Ad hoc Advisory Districting Committee agendas and Council agenda reports will be translated into five languages to provide additional assistance to non-English speaking residents. The translated documents will be available on the City's website at [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections).

### **ADVANTAGES AND DISADVANTAGES OF ISSUE**

Adoption of the proposed Resolutions within this agenda report is required under the California Elections Code.

### **ECONOMIC/FISCAL IMPACT**


The estimated cost for the proposed ballot measure, including translation services and other related costs, is approximately \$188,000 and an additional appropriation in the same amount to the City Clerk's Office Contractual Services (001-2313-87870) will be necessary to fund the election. Other costs associated with this effort, including the consulting services of a professional demographer and for professional civic engagement services will be absorbed in the City Manager's Office current FY2017-18 budget.

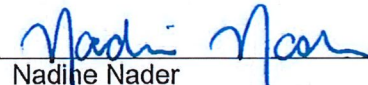


**RECOMMENDATION**

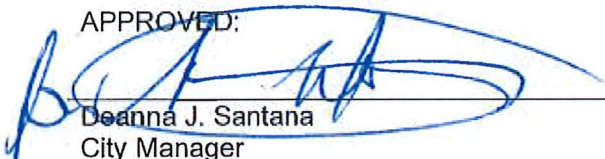
That the Council:

1. Adopt a Resolution Calling a Special Municipal Election to be held on Tuesday, June 5, 2018 for a vote on a ballot measure related to the implementation of district elections and method of elective officers that, if passed, would amend Charter Sections 600 and 700.1, and add Section 700.2;
2. Adopt a Resolution requesting that the Santa Clara Board of Supervisors consolidate the election with the Gubernatorial Primary Election on June 5, 2018;
3. Adopt a Resolution ordering the submission of a ballot measure to the electors of the City of Santa Clara regarding the proposed Charter Amendment to establish by-district elections and voting method and directing the City Attorney to prepare an Impartial Analysis;
4. Authorize the appropriation of \$188,000 to Contractual Services to fully fund the ballot measure;
5. Authorize the City Manager to establish a five (5)-member Ad-hoc Advisory Districting Committee;
6. Authorize the City Manager to take other related actions necessary.

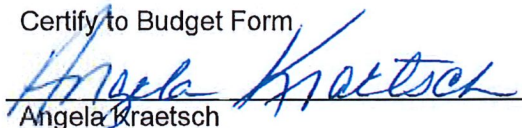
  
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Brian Doyle  
City Attorney

  
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Nadine Nader  
Assistant City Manager

APPROVED:

  
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Deanna J. Santana  
City Manager

Certify to Budget Form

  
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Angela Kraetsch  
Director of Finance

*Documents Related to this Report:*

- 1) Resolution Calling Special Election
- 2) Resolution Consolidation Election for Ballot Measure
- 3) Resolution for Charter Amendment re By-District Elections and Voting Method with Exhibit A
- 4) District Elections Process Timeline

## PROJECT TIMELINE

DATES	EVENT
January 30, 2018	Calling Special Election and authorizing the City Manager to establish an ad-hoc Advisory Districting Elections Committee
Feb-April	<p>Public Hearings and Outreach</p> <ul style="list-style-type: none"> <li>- 2 before the draft district boundary line option(s) is drawn (tentative February 12 at Northside Branch Library, March 8 at City Hall Council Chambers)</li> <li>- 2 after the draft district boundary line option(s) is drawn (tentative March 26 at Northside Branch Library, April 12 at Central Park Library)</li> </ul>
May 8, 2018	First Reading of the Ordinance Regarding District Boundaries
May 22, 2018	Second Reading of the Ordinance Regarding District Boundaries
June 21, 2018	Ordinance goes into effect

