



City Council Agenda Report

FROM: Nat Rojanasathira, Assistant City Manager

SUBJECT: Second Public Hearing to Receive Public Input Regarding the Composition of City Councilmember Districts Before Drawing a Draft Map or Maps (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

RECOMMENDATION:

That the City Council conduct the Second Public Hearing to Receive Public Input Regarding the Composition of City Councilmember Districts Before Drawing a Draft Map or Maps.

POLICY IMPLICATIONS:

Conducting multiple public hearings for the implementation of by-district elections is required under State law. The City's policy is to uphold the federal and California constitutions and to take any steps necessary to ensure equal protection under the law and the right to vote. In addition, this public hearing supports the City Council's value drivers that includes "maintaining and expanding an environment that solicits, welcomes and appreciates input from all."

FISCAL IMPLICATIONS:

Sufficient funds are available for staff and a consultant to conduct this public hearing and additional public engagement efforts to shift from an at-large to district-based election system. Staff estimates the cost for this unbudgeted and unplanned work program to range between \$75,000 and \$100,000, excluding staff time. The unbudgeted cost for this program will be included as a modification in the Mid-Year Budget adjustments.

ENVIRONMENTAL DETERMINATION:

The City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability.

ALTERNATIVES:

The City Council could choose not to conduct the public hearing or to postpone this item. However, this is not recommended, as this second public hearing is required to meet the legal timeline for implementing district-based elections.

DISCUSSION:

Overview

The City of Monterey currently utilizes an at-large election system. This means that all voters, no matter where they live in the City, have a say in electing every member of the City Council. A district based election system is one where the City is divided into separate geographical areas making up the districts, and voters residing within the district elect a representative who also resides within the district. On November 16, 2021, the Monterey City Council adopted Resolution 21-119, indicating its intention to convert to a by-district system (see Attachments 4 and 5).

At the first public hearing on district-based elections on December 7, 2021, the City Council voted to establish four councilmember districts and a mayor elected at-large (see Attachment 2). This approach is consistent with the City's Charter.

The second public hearing in a series of five public hearings will take place during the Monterey City Council Meeting on December 21, 2021 at 7:00 p.m., with the goal of receiving public input regarding the composition of city councilmember districts before draft map(s) are drawn and presented to the public. At this meeting, City staff and the City's demographer, Redistricting Partners, will be available to answer questions about the mapping process.

Criteria for Creating Districts

The City must comply with several mandatory criteria when the districts are created. These factors include: population equality across districts (no greater than a 10% deviation), race cannot be the "predominant" factor or criteria when drawing districts, and compliance with the Federal Voting Rights Act (FVRA), which prohibit districts that dilute minority voting rights.

In addition, the California Elections Code requires to the extent practicable that district lines be adopted using the following criteria: geographically contiguous districts, maintaining communities of interest, easily identifiable boundaries, geographical compactness, and boundaries that do not favor or discriminate against a political party. More information about the criteria for creating districts is explained in the December 7, 2021 Agenda Report (Attachment 2).

Public Hearing and Engagement

To avoid a California Voting Rights Act (CVRA) lawsuit, final maps must be adopted by February 14, 2022, 90 days after adopting the resolution. The public hearing process, with set requirements for each public hearing, is mandated under State law. The current schedule is attached (see Attachment 1).

Since early November 2021, the City has been working to educate the public and seek feedback from the community to help plan, draw, and define councilmember districts, and provide feedback on the districting process. The City has launched a website about the districting process on the City's "Have Your Say Monterey" public engagement portal at haveyoursaymonterey.org/districting. On this portal, the public can learn about the process, ask questions, review the implementation timeline, download "Communities of Interest" forms to submit, draw maps, view draft and proposed district maps when available, and read all public comments submitted to the City.

Other efforts include social media, e-mail blasts, media outreach, live video updates from the City Manager, a postcard mailer to all households, a mapmaking station at the Monterey Public Library, a virtual neighborhood engagement and community workshop, and print advertisements in the *Monterey Herald*, *Monterey County Weekly*, and the region's Spanish-language newspaper, *El Sol*.

Public hearing notices, agenda reports, and essential documents are also available and have been published in Spanish, in accordance with State law.

Next Steps

After the second Public Hearing on December 21, 2021, the City's mapping consultant, Districting Partners, will prepare draft maps for consideration. No later than December 28, 2021, these draft maps will be published at haveyoursaymonterey.org/districting and physically posted at the agenda posting board outside the City Council Chamber (580 Pacific Street), as well as the windows to the front entrances of the Monterey Public Library (625 Pacific Street), El Estero Park Center (777 Pearl Street), Casanova Oak Knoll Park Center (735 Ramona Street), and Scholze Park Center (280 Dickman Avenue).

The third Public Hearing will be held on January 4, 2022 at 7:00 p.m. in the City Council Chamber (Few Memorial Hall of Records), Monterey City Hall, 580 Pacific Street, and virtually on ZoomGov.

- Attachments:
1. Current CVRA District Election Timeline
 2. Agenda Report – First Public Hearing (December 7, 2021)
 3. Agenda Report – Districting Process (November 16, 2021)
 4. Agenda Report – Resolution of Intention (November 16, 2021)
 5. Resolution of Intention – City of Monterey Resolution No. 21-119 (Adopted November 16, 2021)
 6. Informational Flyer - Council District Election Process / Proceso de Elecciones de los Distritos del Consejo
 7. Communities of Interest Form and Community Mapping Tool

Attached Spanish Language Translations

Agenda Report – Second Public Hearing (December 21, 2021)

Current CVRA District Election Timeline

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Communities of Interest Form and Community Mapping Tool

Writings distributed for discussion or consideration on this matter within 72 hours prior to the meeting, pursuant to Government Code § 54957.5, will be made available at the following link:
<https://monterey.org/Submitted-Comments>.