



City Council Agenda Report

ATTACHMENT 5

FROM: Nat Rojanasathira, Assistant City Manager

SUBJECT: Receive a Presentation on the Districting Process to Convert from an At-Large Method of Election to a By-District System (Not a Project Under CEQA per Article 20, Section 15378 and Under General Rule Article 5, Section 15061)

RECOMMENDATION:

That the City Council receive a presentation on the process to convert from an at-large method of election to a by-district system.

POLICY IMPLICATIONS:

The City Council's value drivers includes "maintaining and expanding an environment that solicits, welcomes and appreciates input from all." A presentation on the process by which the City could convert from an at-large method of election to a by-district system would help foster community education and engagement on an important topic that affects the City's governance.

FISCAL IMPLICATIONS:

Sufficient funds are available for staff and a consultant to conduct mapping and public engagement work on the shifting from at-large to district-based election system.

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 receive the presentation. However, this is not recommended as it is a best practice for the community to learn about the districting process before public hearings and the mapping process begins.

DISCUSSION:***Conversion Process Timeline***

Should the Monterey City Council adopt a Resolution of Intention to Transition from At-Large to District-Based Elections, the City Council will need to conduct a series of public hearings concerning to-be-drafted district boundaries. It will be important for the City Council to receive public feedback and public comment through public hearings, and other engagement efforts.

If the City Council adopts the Resolution of Intention to Transition from At-Large to District-Based Elections at its meeting on November 16, 2021, 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 goal of these hearings is to identify the neighborhoods, “communities of interest,” and other factors that can be used as factors for when the drawing of draft maps begins. During the public hearing and community feedback process, the public is invited to propose complete districting maps.

The following is a tentative schedule for public hearings, to be heard as required by State law for adoption of the final district maps and the transition to district-based elections:

- **Nov. 16, 2021 Regular Meeting: Monterey City Council considers adopting Resolution of Intention to Transition from At-Large to District-Based Elections**
Monterey City Council also receives presentation on the conversion process.
- **Dec. 7, 2021 Regular Meeting: First Hearing**
Council and the community receives overview of the process and information on how to provide feedback on “communities of interest” and how to propose maps. Public provides input.
- **Dec. 21, 2021 Regular Meeting: Second Hearing**
Council receives further feedback from the community regarding communities of interest.
- **Dec. 28, 2022: First Maps Published**
Demographer (City consultant) provides three map options for the City Council to consider and provide feedback on a final map. City publishes at least seven days prior to Jan. 4, 2022 third hearing.
- **Jan. 4, 2022 Regular Meeting: Third Hearing**
Council reviews proposed maps, election sequence, and receives public input.
- **Jan. 11, 2022: Revised Maps Published (if applicable)**
City publishes at least seven days prior to Jan. 18, 2022 fourth hearing.
- **Jan. 18, 2022 Regular Meeting: Fourth Hearing on Final Map, Introduce Ordinance**
Council reviews final map and election sequence, receives public input.
- **Jan. 25, 2022: Final Map Published (if applicable)**
City publishes at least seven days prior to Feb. 1, 2022 final hearing.

- **Feb. 1, 2022 Regular Meeting: Fifth Hearing , Adopt Map and Ordinance for District Elections**
Council receives public input on map and election sequence, votes on map and ordinance establishing district-based elections.
- **February 14, 2022: Deadline to hold all public hearings**
This is 90 days after resolution adoption.

Pursuant to the California Elections Code, "...the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs." These public hearings will likely take place at 7:00 p.m.

Criteria for Creating Districts

The City Council will welcome and encourage feedback from the community on the composition of the yet-to-be-formed voting districts. There are several mandatory criteria that the City must comply with when the districts are created:

- a) Population equality across districts (districts shall be nearly as equal in population).
- b) Race cannot be the "predominant" factor or criteria when drawing districts.
- c) Compliance with the Federal Voting Rights Act (FVRA), which, among other things, prohibits districts that dilute minority voting rights, and encourages a majority-minority district, if the minority group is sufficiently large, and such a district can be drawn without race being the predominant factor.

In addition, the California Elections Code requires to the extent practicable, that district lines compliant with the Federal Voting Rights Act and be adopted using the following criteria, in the following order of priority:

1. Geographically contiguous districts (each city council district should share a common border with the next). Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
3. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

4. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
5. The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

Mapping criteria has recently changed with the enactment of the Fair Maps Act, which became effective January 1, 2020. It specifies new criteria and deadlines for cities to adopt new district boundaries. Although this law also specifies new timelines for redistricting, those do not apply to a city that is adopting districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to district based elections. (Elections Code section 21625(e).)

District Mapping and Public Feedback Process

Under State law, cities are prohibited from drawing a draft map or maps of proposed council boundaries until after the first public hearing is held. After the City of Monterey's first public hearing on December 7, 2021, the City's demographic and mapping consultant, Redistricting Partners, can begin to draw maps based on feedback from the community.

As stated above, the criteria for the final council district boundaries is prescriptive, requiring districts to be nearly equal in population, geographically contiguous, respectful of "communities of interest," be easily identifiable by residents, and is geographically compact. In any community, including Monterey, this is no small feat given the diversity of Monterey's geographical features, neighborhoods, and boundaries. Monterey is comprised of 30,218 residents (2020 Census) across 16 defined neighborhoods (with their own associations), features significant military populations on U.S. Army and U.S. Navy property, and is home to families, students, and other special populations.

Between late November and the end of December 2021, the City is expected to solicit feedback from the community to help plan, draw, and define councilmember districts. City staff and consultants will ask the public to:

- Share their feedback
- Define their neighborhood or community of interest
- Submit draft maps
- Share feedback on draft maps
- Connect with their fellow community members about district process and why it matters

In addition to our social media engagement tools, the City has launched a webpage on the district and mapping process on the City's public engagement portal Have Your Say Monterey, located at: www.haveyoursaymonterey.org/districting with links available from the City's main website, www.monterey.org.

This website will also include information about how feedback can be given to the City, the calendar of public hearing dates, recording or written summaries of each public workshop, each

draft map considered by the council, and the adopted final map. Our most recent experience during the commercial cannabis public outreach process has proven that the interactive *Have Your Say Monterey* web portal is a successful method of community engagement.

In addition to public hearings, the State requires information on redistricting to be provided in “any language that is spoken by a group of city residents with a limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined.” Per the California Secretary of State, the City of Monterey must also provide this information to residents in Spanish. Of the population 5 years of age or older, 3.6% are Spanish-language speakers who speak English less than “very well,” according to U.S. Census Bureau estimates. Public Hearing notices will be published in Spanish. The City will make information available in Spanish and encourage non-English-speaking communities to participate in the mapping process.

Next Steps

City staff, along with the City’s mapping and districting consultant, Redistricting Partners, will deliver a presentation on November 16, 2021 on the by-district election conversion process. Staff and the consultant will be on hand to answer any questions from the City Council and public. Staff encourages the public to visit www.haveyoursaymonterey.org/districting to stay informed and engaged about the topic.

The next public meeting is expected to take place on December 7, 2021 when the first public hearing is held. At that time, the City Council and the community will receive another overview of the process and specific information on how to provide feedback on “communities of interest” and how to propose maps.

Attachment: 1. Draft CVRA District Election Timeline

Attached Spanish Language Translations

Agenda Report

Draft CVRA District Election Timeline

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>.