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REPORT TO COUNCIL

SUBJECT

Public Hearing Pursuant to Elections Code Section 10010(a)(2) to Receive Public Comment Regarding the Content of the Refined Draft City Council Districting Maps Published on October 1, 2019, and the Proposed Sequence of Elections

BACKGROUND

On September 5, 2018, the City Council held a public hearing regarding changing the City's current at-large with numbered seats system for electing City Council members to a district-based form of elections (RTC No. 18-0776). Council directed staff to scope a public outreach and education plan for receiving public input on transitioning to district-based elections.

In October 2018, the City received a certified letter from attorney Laura Ho of the law firm Goldstein, Borgen, Dardarian & Ho, alleging on behalf of potential plaintiff Samir Kalra that the City's current electoral system violates the California Voting Rights Act ("CVRA") because it "dilutes the voting power of Asian American voters." Three additional potential plaintiffs, Sunnyvale residents Galen Kim Davis, Kathy Higuchi, and Bowman Ching, joined the CVRA challenge in January 2019.

Council adopted a resolution of intent to change to district-based elections pursuant to Elections Code section 10010 in November 2018, which provided a 90-day "safe harbor" period during which the City could not be sued. In adopting that resolution, the Council restated its prior direction to move forward with a change to district based elections, and its commitment to do so with public outreach and engagement.

In December 2018, Council adopted a community outreach plan and directed staff to return in February 2019 with an update on initial outreach. Based on the results of the initial public outreach as well as legal issues and risks, Council adopted an amended Resolution of Intent, Resolution No. 931-19 (Attachment 1), on March 19, 2019 to place a charter amendment on the ballot in March 2020.

Staff presented information on outreach efforts from December 2018 through April 2019, public input and polling results regarding the preferred structure of a district-based Council election system, as well as legal analysis on a community alternative (the 4+3 model) at a study session on June 11, 2019 (RTC No. 19-0524).

On June 18, 2019 Council provided direction to staff to prepare a ballot measure amending the City Charter to change the electoral system from seven at-large numbered seats to six district seats and an at-large, directly elected mayor and engage in a public process for district-map drawing to determine the boundaries for six city council districts (RTC No. 19-0362).

Phase 2 of the public engagement process is outreach with the community to develop proposed

district maps for Council consideration. The City hired National Demographics Corporation (NDC) to facilitate the map making process with the community and PlaceWorks to continue to support the City with the community engagement. This outreach and map development began in August 2019 and community members submitted 26 initial maps through the online and paper tools offered and three maps were prepared by the City demographer NDC.

On September 10, 2019 Council reviewed the initial map submissions and selected seven preferred maps (RTC No. 19-0675) to be shared with the community for comment and refinements. The deadline for submitting refined maps was September 29, 2019.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a “project” with the meaning of the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines sections 15320, 15378 and 15061 (b)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

DISCUSSION

State law has strict process requirements for creating district boundaries. The City is required to hold a minimum of four public hearings and make maps under consideration publicly available for at least seven days before a public hearing. Districts must comply with the following state and federally mandated legal criteria:

1. each council district shall contain a nearly equal population as required by law;
2. each council district shall be drawn in a manner that complies with the Federal Voting Rights Act; and
3. no council district shall be drawn with race as the predominant factor in violation of the principles established by relevant case law.

In addition to these legal criteria, other factors may be considered, such as communities of interest and geographic boundaries. Residents will be encouraged to comment on maps created by others at community meetings, pop-up events, and four Council hearings all prior to the Council selecting a final map in November. The Council will be informed of public input, but has the discretion to balance criteria and input when making a final selection.

Outreach Efforts

After the Council selected the seven preferred maps on September 10, the City posted the preferred maps on the City’s project website (*SunnyvaleElections.org*) and requested the community make refinements.

The City’s outreach consultant, PlaceWorks, operated a booth at the State of the City event held in downtown Sunnyvale on September 14, 2019. They spoke with approximately 300 residents about district-based elections and the seven preferred maps selected by Council. Residents were provided the opportunity to use three dots to place on their preferred maps and to provide comments on the maps. The City received 190 dots placed on the maps.

The results were as follows:

Map #	Dots Received
107	42
111	13
112	8
120	38
121	60
126	8
127	21

The City also held a community meeting at Sunnyvale Community Center on September 26, 2019 to receive community comments on the maps and to provide community members with technical assistance in submitting refined maps. NDC made a presentation and was available to provide technical assistance. Approximately 25 community members attended, as well as a local boy scout troop. We added a line for the boy scouts to include dots on their preferred maps. Community comments on each of the maps are included with this report as Attachment 4. Following the same model as State of the City, each attendee was provided three dots to place on their preferred map(s).

The results were as follows:

Map #	Dots Received
107	4
111	7
112	1
120	12
121	7
126	3
127	3

Social Media efforts: Along with the City sponsored website *SunnyvaleElections.org*, the City has used Facebook, Twitter and Nextdoor, totaling 26 posts reaching 158,820 individuals.

Overview of Refined Maps Submitted

Refined maps submitted as well as additional information provided by each map maker were made available for public review on the *SunnyvaleElections.org* website on October 1, 2019, 7 days before the October 8, 2019 meeting, in compliance with California Elections Code section 10010(a)(2).

Map Submissions: A total of eight refined maps deemed qualified were submitted by the public. The refined maps submitted were refinements to original maps numbered 107, 111, 120 and 121. The qualifying refined maps submitted as well as the initial seven preferred maps are included in this

report as Attachment 2. Comments on the maps is included as Attachment 3.

The focus of tonight's hearing is to provide an opportunity for the Council to review all maps, the preferred seven and the refined eight, and narrow them to a group of up to five maps, which will then be the subject of further community outreach and refinement. NDC will make a presentation to the Council on the refined maps.

Map Sequencing: Prior to passage of Elections Code section 10010, sequencing was typically not discussed or determined until the end of the mapping process, when mapping options are significantly narrowed. Elections Code section 10010 now requires that proposed sequencing be published for every draft map. However, at the current stage-15 maps-discussion of sequencing is premature and potentially confusing, since the Council will ultimately narrow the maps under consideration to two or three before making a final decision.

Staff applied random sequencing to all maps submitted without sequences from the map makers. The only maps that included sequencing from the original maker are maps 120 and 121. In addition, with the submission of refined maps, the map maker for 121A and 121B, sequencing was included with the maps. A table showing map sequencing is provided in Attachment 5.

After Council further narrows and receives public input on a more focused group of maps, the Council will be able to have a more robust and effective public discussion on election sequencing. We anticipate that discussion can start at the November 5, 2019 Council meeting. A separate informational presentation on tonight's agenda will introduce legal requirements and principles related to sequencing to help inform future public and Council discussion.

Next Steps

At tonight's meeting the Council is being asked to narrow the maps under consideration to no more than five maps. Following this meeting, the community will be asked to review and make comments on the maps selected by Council. The community will be asked to submit refined maps by October 25, 2019.

Starting October 10, the City will be hosting nine pop-up events to further engage the community on the preferred maps. On November 5, 2019, there will be a public hearing for the Council to review the community comments and narrow the maps under consideration to two or three maps. Finally, at a public hearing on November 12, 2019, Council will be asked to select a single map and election sequence for Council elections beginning in November 2020.

FISCAL IMPACT

No new fiscal impacts are anticipated at this time from the issues discussed in this report.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

1. Provide direction to staff on specific maps to be considered for further community comment and refinement, and consideration of the sequencing of election in the districts of each map.
2. Other direction as provided to staff by the Council.

STAFF RECOMMENDATION

Staff makes no recommendation.

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Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Resolution No. 931-19
2. Preferred and Refined Draft Maps
3. Map Maker Comments
4. Community Comments on Maps
5. Randomized District Sequencing