



File #: 19-0677, Version: 1

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 29, 2019, and the Proposed Sequence of Elections

BACKGROUND

The City began exploring changing from 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) in the fall of 2018, shortly before receiving a letter from a potential plaintiff alleging the City's current electoral system violates the California Voting Rights Act ("CVRA") because it "dilutes the voting power of Asian American voters."

Council adopted a resolution of intent to change to district-based elections in November 2018 and adopted an amended Resolution of Intent on March 19, 2019 (Resolution No. 907-18) declaring its intent to place a charter amendment measure on the March 2020 ballot to transition to district-based elections.

After a robust community outreach effort, on June 18, 2019 (RTC No. 19-0362) Council directed staff to move forward with a six-district model with a directly-elected, at-large mayor. The Community-Driven Mapping process began in July with support from National Demographics Corporation (NDC). NDC provided an online mapping tool using 2010 census, 2012-2016 American Community Survey (ACS), and California Statewide Database data. Residents were given training and access to the online mapping tool to develop proposed 6-district maps. A total of 26 maps were submitted by the public. Council has received public input and narrowed the preferred district maps to four maps: 107A, 120A, 120C, and 121A. The public was given the opportunity to submit refinements of these maps by October 25, 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

This is the third of four public hearings required by state law for creating district boundaries for City elections. Council 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.

Other factors may be considered, such as communities of interest and geographic boundaries.

Outreach

Staff outreach focused on gathering input on the four Council-preferred maps (maps 107A, 120A, 120C, and 121A) selected by Council for further consideration on October 8. In addition to educating residents on the process for developing Council districts, residents were encouraged to provide input at nine pop-up events and through an Open City Hall survey. Specifically, residents were asked what they liked and didn't like about each map. They were also asked to select their preferred map and identify other maps they could support.

Pop-up events were scheduled throughout the City, including the Sunnyvale Library, Sunnyvale Community Center, Columbia Neighborhood Center, farmer's market, Plaza del Rey mobile home park, St. Cyprian Parish and two ethnic festivals. At the pop-ups, residents had the opportunity to view the four Council-preferred maps on large poster boards, provide comments, and participate in a dot-placing exercise. The City's outreach consultant, Placeworks, estimates that they reached a total of 350 people through the pop-up events. A total of 171 people participated in the dot-placing exercise. An estimated additional 176 people were informed of the project and gave some input but chose not to participate in dot-voting either because they had no opinion, or they wanted to look up more information on their own or on the SunnyvaleElections.org website.

Results from the pop-ups are detailed in Attachment 1. Overall, map 107A received the most support followed by map 120C, 121A, and 120A respectively. Support for 107A, which was sponsored by the Sunnyvale Mobile Home Park Alliance, was driven by the large turnout at the Plaza del Rey mobile home park.

The Open City Hall survey opened on October 17 and will close on November 1. Results from this survey will be presented to Council at this evening's meeting.

Preferred and Refined Maps

In addition to the four Council-preferred maps, one additional refined map was submitted by the public by the October 25 deadline. The map submission is a refinement of map 120C and is labeled 120D. The City's demographer has reviewed all maps and determined that they meet legal requirements. In compliance with California Elections Code section 10010(a)(2), these maps were made publicly available on the City's project website (SunnyvaleElections.org) on October 29, seven days' prior this public hearing. The five maps are included in this report as Attachment 2. Attachment 3 includes comments from map submitters.

Unfortunately, a refinement of map 121A was submitted before the deadline but never received by staff. Consequently, this refined map was not posted as required for consideration at the November 5 Council meeting. Staff was made aware during public comments at the October 29 Council meeting. The map submitter, Martin Pyne, plans to submit his refinement in writing to Council for consideration at the November 5 Council meeting. Mr. Pyne's written comments will be made available to the public. Council may direct staff to refine map 121A per written or oral public comments at the meeting if it so desires.

Sequencing Options

Per Elections Code section 10010, proposed sequencing must be published for every draft map. A proposed map sequencing table is shown in Attachment 4. Sequencing was proposed by the map submitter for all Council-preferred maps except for map 107A. Map 107A was assigned random sequencing prior to the October 8 Council hearing as no sequencing proposal was submitted.

While state law requires a sequencing proposal for every draft map, Council has the authority to assign the final sequence of elections to the map it chooses for the November 2020 elections, even if the final sequence differs from that proposed by the author of the map. For this reason, staff will prepare sequencing options for each map based on Council feedback received at the October 29 study session. Given the short turn-around time, a supplemental memo discussing selected sequencing priorities and options will be made available on November 4 and presented at the November 5 Council meeting.

Next Steps

This hearing provides Council the opportunity to (1) be informed of public input efforts regarding Council's four preferred maps, (2) review the submitted map refinement, and (3) consider sequencing options. Council has the discretion to balance criteria and input when making a final map and sequencing selection.

Council is being asked to narrow the maps under consideration to two or three maps. On November 12, 2019, Council is scheduled 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 consideration of election sequencing for each map at the Council's November 12 meeting.
2. Provide other direction to staff.

STAFF RECOMMENDATION

Alternative 1: Provide direction to staff on specific maps to be considered for further community comment and consideration of election sequencing for each map at the Council's November 12 meeting.

Prepared by: Jaqui Guzmán, Deputy City Manager
Reviewed by: Teri Silva, Assistant City Manager
Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Summary of October Pop-up Events
2. Preferred and Refined Draft Maps (November 5 Hearing)
3. Map Maker Comments (as of October 29)
4. Proposed Sequencing