



File #: 19-0678, 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 November 5, 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 Phase 2: 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 viable maps were submitted by the public in August 2019. Council has received public input and narrowed the preferred district maps to seven on September 10, 2019, then four on October 8, 2019. On November 5, 2019, Council selected two maps (107A and 120D) to be considered for review and selection of a final map at this evening's meeting.

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 fourth public hearing as 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.

Per Council direction on November 5, staff has posted information on Council-preferred maps 107A and 120D on the City's project website (SunnyvaleElections.org). In compliance with California Elections Code section 10010(a)(2), these maps were publicly available at least seven days' prior this public hearing. The two maps are included in this report as Attachment 1.

Proposed sequencing is also included for each draft map in Attachment 1 per Elections Code section 10010. Sequencing was proposed by the map submitters or assigned random sequencing. Initially, map 107A was assigned random sequencing; however, the map submitter proposed an election sequence at the November 5 Council meeting. Both the initial random sequencing and proposed sequencing by submitter are included in the proposed sequencing chart for map 107A in Attachment 1.

As discussed at the November 5 Council meeting, 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 map submitters. Per Council direction at the November 5, 2019 Council meeting, staff revised the sequencing options chart with additional information (see Attachment 2).

Next Steps

This hearing provides Council the opportunity to hear public testimony regarding Council's two preferred maps and 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 select a single map and election sequence for Council elections beginning in November 2020 and direct staff to prepare an ordinance adopting the preferred map for introduction on December 6 and adoption on December 10, 2019.

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. Select a single map and election sequence and provide direction to staff to bring an Ordinance for Council's consideration and introduction consistent with the selected map and election sequencing at its December 3, 2019 meeting.
2. Provide other direction to staff.

STAFF RECOMMENDATION

Alternative 1: Select a single map and election sequence and provide direction to staff to bring an Ordinance for Council's consideration and introduction consistent with the selected map and election sequencing at its December 3, 2019 meeting.

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ATTACHMENTS

1. Preferred Draft Maps and Sequencing
2. Sequencing Considerations