



File #: 19-0679, Version: 1

REPORT TO COUNCIL

SUBJECT

Introduce an Ordinance Amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Add Provisions Relating to City Council District Elections, Adopting a Map Describing District Boundaries and Establishing District Election Sequencing

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.

The Phase I: Education and Input focused on educating the public on the CVRA and gathering input on the number of districts and selection of the mayor. 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 six-district maps. A total of 26 viable maps were submitted by the public in August 2019. Council received public input and narrowed the preferred district maps during four public hearings held between September and November 2019.

On November 12, Council selected Map 120D as the preferred map with Districts 2, 4, and 6 and the Mayor position up for election in November 2020, and Districts 1, 3, and 5 up for election in November 2022 (see Attachment 1, Exhibit A). Council also adopted a resolution calling a Special Municipal Election to place the proposed charter amendment on the March 3, 2020 ballot (RTC No. 19-1198).

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

Per Council direction at the November 12, 2019 City Council meeting, staff prepared a draft ordinance amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to codify Map 120D and the election sequencing selected by the Council. The ordinance will become effective if Sunnyvale voters approve the charter amendment ballot measure on March 3, 2020 (see Attachment 1).

The City's mapping process empowered members of the public to develop, propose, and refine district maps. The four public input hearings to receive public input on the viable maps submitted by community members satisfy the requirements of the Elections Code. Council's preferred map, Map 120D, was submitted by a coalition of diverse community members from many geographic areas of the City. Most importantly, Map 120D and the sequencing selected by the Council satisfy the safe harbor provisions of the CVRA, which would protect the City against CVRA lawsuits.

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. Introduce an Ordinance Amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Add Provisions Relating to City Council District Elections, Adopting a Map Describing District Boundaries and Establishing District Election Sequencing.
2. Introduce the Ordinance Amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Add Provisions Relating to City Council District Elections, Adopting a Map Describing District Boundaries and Establishing District Election Sequencing, with modifications.
3. Do not introduce the Ordinance.

STAFF RECOMMENDATION

Alternative 1: Introduce an Ordinance Amending Chapter 2.28 (Elections) of Title 2 (Administration and Personnel) of the Sunnyvale Municipal Code to Add Provisions Relating to City Council District Elections, Adopting a Map Describing District Boundaries and Establishing District Election Sequencing.

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Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Draft Ordinance