



City of Sunnyvale

Agenda Item-No Attachments (PDF)

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REPORT TO COUNCIL

SUBJECT

Discussion and Direction on Ordinance Establishing a Public Process for Redistricting

BACKGROUND

Sunnyvale voters adopted a six-district Council election system with a directly-elected mayor (Measure B) on March 3, 2020. Council placed Measure B on the ballot after a robust community engagement process. The process involved education and outreach related to the California Voting Rights Act (CVRA), community input on the number of preferred districts and selection of the mayor, and a community-driven map-making process. Council adopted a district map designed by community members on December 3, 2019 (RTC No.19-0679). It became effective with the passage of Measure B and was used in the first Council district elections in November 2020. This map used 2010 Census data for total population counts.

Jurisdictions with district-based election systems, like Sunnyvale, must review and re-draw their district boundaries every ten years after each decennial census. This process is called redistricting. Redistricting keeps population counts within each district relatively equal to ensure equal representation. As such, Sunnyvale must re-draw its six Council district boundaries using new 2020 Census data.

As part of Measure B (Sunnyvale City Charter section 609(b)), Council is required to adopt an ordinance establishing a public process for redistricting. Staff provided an overview of the redistricting process at a study session on January 12 (see Attachment 1). Council also discussed options and considerations for a public redistricting process at their Council Strategic Session on January 28.

EXISTING POLICY

Sunnyvale City Charter section 609(c): "The City Council shall adopt an ordinance establishing a public process for redistricting. Such ordinance shall be adopted in sufficient time for redistricting following release of the 2020 federal Census."

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

As the governing body of the City of Sunnyvale, City Council has the authority to adopt Council district boundaries for Council elections (the district plan). There are strict guidelines and requirements established in the California Elections Code (sections 21620 through 21630) for the

redistricting process, including redistricting criteria, timelines, public hearings, noticing, and public outreach. This redistricting process required by state law is intensive and time consuming. Regardless of the process the Council adopts for redistricting, it will require many meetings between June and December, and likely several outside of the regular City Council meeting schedule.

The next step in the City's process toward redistricting is for the Council to adopt an ordinance establishing the public redistricting process as required by City Charter section 609(b). To accomplish this step, staff is seeking direction from Council on key elements so that a draft ordinance can be prepared. Key areas for Council to provide direction include:

1. Should the Council and/or a commission make decisions on redistricting?

As discussed at the study session, the Council could make decisions about redistricting itself, as it did in 2019 for the initial district maps. It could also choose to enlist the assistance of a redistricting commission to manage all or some of the redistricting process.

2. If the Council chooses to include a redistricting commission, what type of commission?

There are three commission types that cities generally use for redistricting:

a. Advisory Commission. Advisory commissions typically draw maps and review map submissions from the public and provide recommendations regarding map selection. However, the City Council has authority and full discretion to select the final district plan.

b. Hybrid Commission. Hybrid commissions generally manage the entire redistricting process with City Council involvement that is more limited than an advisory commission model, such as providing input to the Commission on the final map, making the final decision from options presented by the Commission that cannot be modified.

c. Independent Commission. Independent commissions have full authority to adopt a district plan without Council input.

3. If a commission, what are the desired requirements for commission members and the purview of the commission?

In addition to commission type, Council must consider several other factors (outlined in more detail in the study session presentation, Attachment 1):

- a. Size
- b. Qualifications and selection criteria, including requirements, prohibitions, and preferences
- c. Selection method
- d. General direction for the Commission

FISCAL IMPACT

There is no fiscal impact at this time. Staff estimates that the public process for redistricting will cost

approximately \$150,000. Staff will request funding as part of the FY 2021/22 budget process.

PUBLIC CONTACT

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

STAFF RECOMMENDATION

Staff recommends that the Council discuss a draft ordinance establishing a public process for Sunnyvale City Council redistricting and provide direction on key elements to facilitate drafting an ordinance for Council's consideration and approval at a future meeting.

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Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Study Session Presentation on Redistricting (January 12, 2021)
2. California Elections Code 21620-21630