



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report

MEETING DATE:	2/15/2022
AGENDA SECTION:	Public Hearing
SUBJECT:	Continued Public Hearing No. 4 Under the California Voting Rights Act Regarding the Composition of the City’s Voting Districts Pursuant to Elections Code Section 10010
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council continue with the fourth public hearing under Section 10010 of the Elections Code to: (1) receive community input on the draft “preferred” map prepared by the City’s demographer with City Council input on February 8, 2022, (2) select a “preferred” map, (3) continue to discuss election sequencing if necessary, and (4) provide direction for the next public hearing scheduled for February 22, 2022.

BACKGROUND / ISSUE

On July 27, 2021, the City Council adopted a Resolution of Intention to transition from at-large to by-district elections. The City Council conducted the fourth of five required public hearings on February 8, 2022 and moved to continue the hearing to a special meeting on February 15, 2022 in order for the community to have an opportunity to provide input on the draft “preferred” map prepared by the City’s demographer with City Council input on February 8, 2022.

POLICY / RULE

California Government Code Section 34886 authorizes the legislative body of a city to adopt an ordinance that requires the members of the legislative body to be elected “by district”. The change must be made in furtherance of the purposes of the California Voting Rights Act.

ANALYSIS

1. SUMMARY OF PAST PUBLIC HEARINGS

The process to transition to by-district election requires five public hearings where the community is invited to provide input regarding the composition of future City Council districts. Pursuant to California Elections Code Section 10010, the first two public hearings to inform the public about the districting process (held on September 14 and October 12, 2021) are required before any map of district boundaries for the proposed voting districts can be drawn. The Council reviewed proposed maps at the third public hearing on January 11, 2022 and identified 8 focus maps.

The City Council held the fourth public hearing on February 8, 2022, reviewed the focus maps, worked on a draft “preferred” map with the City’s demographer, and discussed election sequencing. Following preparation of a draft “preferred” map, the City Council discussed election sequencing and tentatively determined that members of the City Council from **Council Districts 1, 3, and 5** shall be elected on a by-district basis beginning with the General Municipal Election **in 2022**, and members of the City Council from **Council Districts 2 and 4** shall be elected on a by-district basis beginning with the General Municipal Election **in 2024**.

The City Council voted to continue the fourth public hearing to February 15, 2022 to give the community an opportunity to provide input on the draft “preferred” map. At the February 15th meeting, the City Council is requested to identify a “preferred” map and election sequencing. The City Council will adopt a final district map at the fifth public hearing scheduled for February 22, 2022.

2. ELECTION SEQUENCING

As the City transitions from at-large to by-district elections, the City Council must set a “sequence of elections” as required by the Elections Code so that the terms of the Councilmembers remain staggered pursuant to the City Charter, with 3 Councilmembers elected for a four-year term in 2022 and every 4 years thereafter, and 2 Councilmembers elected for a four-year term in 2024 and every 4 years thereafter.

Accordingly, when the City Council adopts a final district map, the Council will also have to identify which 3 Council Districts will be up for election in 2022 and which 2 Council Districts will be up for election in 2024. In determining the sequence of the district elections, the City Council is required to give special consideration to the purpose of the California Voting Rights Act (i.e., not to impair the ability of voters who are members of a race, color or language minority group to elect candidates of their choice or their ability to influence the outcome of an election) and shall take into account the preferences expressed by members of the districts.

In a Council District sequenced for election in 2022 or 2024 that has no currently serving Councilmember, any eligible registered voter in that Council District may run for election in that District.

A Councilmember whose term ends in 2022 residing in a Council District sequenced for the 2022 election can run for election in 2022 to represent that Council District. Similarly, a Councilmember whose term ends in 2024 residing in a Council District sequenced for the 2024 election can run for election in 2024 to represent that Council District.

A Councilmember whose term ends in 2022 residing in a Council District sequenced for the 2024 election will leave office at the end of his or her term in 2022, and can run for election when that District is up for election in 2024.

A Councilmember whose term ends in 2024 residing in a Council District sequenced for the 2022 election has the option to either serve out his or her term representing the City at-large until 2024, or run for election in 2022 to represent that Council District for a new four-year term. If the Councilmember chooses to run in 2022 and wins a new four-year term representing the District, a vacancy for the remaining two years of that Councilmember's at-large term will be filled by the City Council by appointment or special election.

3. MAPPING CRITERIA

Cities must comply with the following legally required criteria under federal and state law:

1. Each district must have substantially equal population as determined by the census.
2. Race cannot be the predominant factor or criteria when drawing districts.
3. Council districts shall not be adopted for the purpose of favoring or discriminating against a political party.
4. Incarcerated persons may not be counted toward a city's population, except if their last known place of residence is assigned to a census block in the city.
5. The districting plan must comply with the Federal Voting Rights Act, which prohibits districts from diluting minority voting rights and encourages a majority-minority district if the minority group is sufficiently large and such a district can be drawn without race being the predominant factor.
6. The City Council shall adopt district boundaries using the following criteria as set forth in the following order of priority:
 - A. To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

- B. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation (e.g., school district boundaries, neighborhood boundaries, homeowners’ associations, retail/commercial districts, etc.). Communities of interest do not include relationships with political parties, incumbents, or political candidates.

- C. Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

- D. To the extent practicable, and where it does not conflict with the preceding criteria, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

4. PUBLIC HEARING SCHEDULE

The City has scheduled the required public hearings as follows:

Date	Meeting Type	Public Hearing	Item Topic at Meeting
9/14/2021	Public Hearing	1	Completed. Public input on composition of districts (before maps are drawn, hold 2 public hearings on composition of districts over period of no more than 30 days)
10/12/2021	Public Hearing	2	Completed. Continue to receive public input on composition of districts (must be held within 30 days of Public Hearing No. 1)
1/11/2022	Public Hearing	3	Completed. Discussion of proposed district maps. First draft of map must be published 7 days before Public Hearing No. 3
2/8/2022	Public Hearing	4	Public input and identify preferred District Map (hold 2 public hearings within 45 days of Public Hearing No. 3). Discuss sequence of elections

2/15/2022	Special Meeting – Continued Public Hearing	4	Public input and identify preferred District Map. Discuss sequence of elections
2/22/2022	Public Hearing	5	Adoption of final District Map, transition to district elections Ordinance introduced
3/8/2022	Regular Meeting		Second reading of Ordinance (effective 30 days after)

To increase public awareness of the transition to district elections, the City has activated a variety of public communication channels to engage the Folsom community. Districting information is featured on the City’s website and City newsletters. Numerous frequently asked questions have been posted on the dedicated districting webpages on the City’s website.

5. NEXT PUBLIC HEARING

At the fifth public hearing scheduled for February 22, 2022, the City Council will adopt a final district map and introduce an Ordinance to complete the transition process. The public is encouraged to provide input via emails to attydept@folsom.ca.us. Input may also be dropped off at City Hall. The City Council is the final decision-making body on adopting district boundaries.

FINANCIAL IMPACT

The services of a demographer are required to assist the City transition to a by-district election system under specific aggressive timelines as required by the California Elections Code. Staff anticipates the cost to be approximately \$40,000.

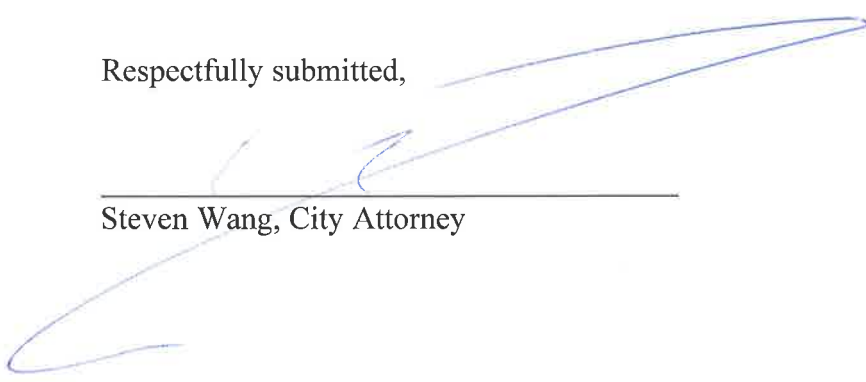
ENVIRONMENTAL REVIEW

The California Environmental Quality Act (CEQA) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment (CEQA Guidelines §15061(c)(3)), or is otherwise not considered a project as defined by Public Resources Code §21065 and CEQA Guidelines §15060(c)(3) and §15378. The Council’s decision regarding by-district elections meets the above criteria and is not subject to CEQA. No environmental review is required.

ATTACHMENTS

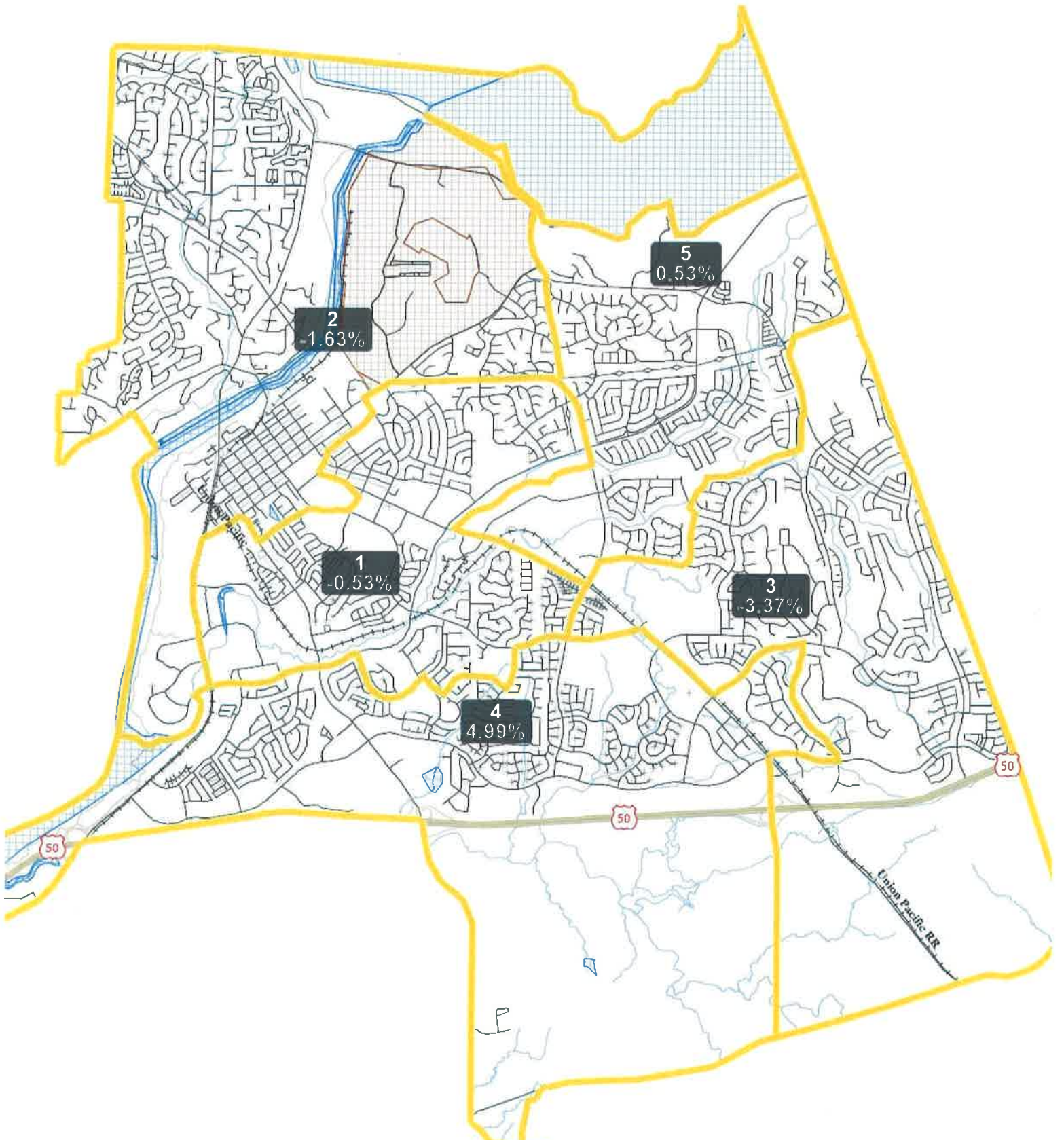
1. Draft “preferred” map prepared by the City Council on February 8, 2022
2. Sequencing Scenarios

Respectfully submitted,



Steven Wang, City Attorney

ATTACHMENT 1



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District		1	2	3	4	5	Total
	Total Pop	14,929	14,763	14,502	15,757	15,087	75,038
	Deviation from ideal	-79	-245	-506	749	79	1,255
	% Deviation	-0.53%	-1.63%	-3.37%	4.99%	0.53%	8.36%
Total Pop	% Hisp	13.8%	12%	9%	10%	12%	11%
	% NH White	59%	72%	52%	52%	59%	59%
	% NH Black	2%	3%	2%	2%	2%	2%
	% Asian-American	19%	9%	33%	32%	24%	23%
Citizen Voting Age Pop	Total	10,176	11,936	7,456	10,222	9,494	49,286
	% Hisp	8%	11%	9%	11%	9%	10%
	% NH White	75%	81%	68%	68%	72%	73%
	% NH Black	1%	1%	1%	3%	1%	1%
	% Asian/Pac.Isl.	13%	6%	21%	17%	17%	14%
Voter Registration (Nov 2020)	Total	9,355	10,621	9,355	9,384	9,574	48,289
	% Latino est.	0%	0%	0%	0%	0%	8%
	% Spanish-Surnamed	0%	0%	0%	0%	0%	8%
	% Asian-Surnamed	0%	0%	0%	0%	0%	8%
	% Filipino-Surnamed	0%	0%	0%	0%	0%	1%
	% NH White est.	0%	0%	0%	0%	0%	81%
Voter Turnout (Nov 2020)	Total	8,166	9,412	8,467	8,296	8,621	42,982
	% Latino est.	0%	0%	0%	0%	0%	8%
	% Spanish-Surnamed	0%	0%	0%	0%	0%	8%
	% Asian-Surnamed	0%	0%	0%	0%	0%	8%
	% Filipino-Surnamed	0%	0%	0%	0%	0%	1%
	% NH White est.	0%	0%	0%	0%	0%	81%
Voter Turnout (Nov 2018)	Total	5,938	7,339	5,491	5,786	6,431	30,985
	% Latino est.	0%	0%	0%	0%	0%	7%
	% Spanish-Surnamed	0%	0%	0%	0%	0%	7%
	% Asian-Surnamed	0%	0%	0%	0%	0%	6%
	% Filipino-Surnamed	0%	0%	0%	0%	0%	1%
	% NH White est.	0%	0%	0%	0%	0%	84%
ACS Pop. Est.	Total	15,588	15,301	12,095	15,181	15,174	73,339
Age	age0-19	30%	20%	34%	28%	28%	28%
	age20-60	53%	49%	53%	57%	54%	53%
	age60plus	18%	31%	13%	15%	18%	19%
Immigration	immigrants	16%	11%	21%	18%	22%	17%
	naturalized	49%	63%	65%	54%	50%	55%
Language spoken at home	english	79%	86%	73%	75%	73%	77%
	spanish	8%	6%	3%	4%	3%	5%
	asian-lang	7%	3%	11%	11%	12%	9%
	other lang	6%	5%	13%	11%	11%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	6%	3%	5%	6%	5%	5%
Education (among those age 25+)	hs-grad	37%	40%	21%	28%	26%	31%
	bachelor	29%	30%	39%	33%	37%	33%
	graduatedegree	16%	15%	28%	27%	28%	22%
Child in Household	child-under18	39%	25%	52%	39%	41%	36%
Pct of Pop. Age 16+	employed	66%	60%	70%	71%	68%	67%
Household Income	income 0-25k	12%	14%	4%	7%	7%	9%
	income 25-50k	15%	15%	6%	9%	8%	11%
	income 50-75k	13%	14%	8%	14%	11%	12%
	income 75-200k	44%	43%	50%	52%	53%	48%
	income 200k-plus	15%	14%	32%	18%	21%	19%
Housing Stats	single family	73%	81%	94%	79%	74%	79%
	multi-family	27%	19%	6%	21%	26%	21%
	rented	39%	31%	15%	32%	30%	30%
	owned	61%	69%	85%	68%	70%	70%

Total population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates, NH White and NH Black registration and turnout counts estimated by NDC, Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2013-2017 American Community Survey and Special Tabulation 5-year data.

ATTACHMENT 2

Sequencing Scenarios



	Incumbent Resides in District electing in 2022	Incumbent Resides in District electing in 2024
Term ends in 2022	<p>Runs for election in district at end of current term</p> <p>Option 1: Leaves office at end of current term in 2024. Can run (but not as incumbent) when district is up for election again in 2026.</p>	<p>Leaves office at end of current term in 2022. Can run (but not as incumbent) when district is up for election in 2024.</p>
Term ends in 2024	<p>Option 2: In 2022, runs for by-district seat. If elected, is sworn into by-district 4-year term, creating a vacancy for remaining two years of at-large term, which is filled by appointment or special election.</p>	<p>Runs for election in district at end of current term</p>

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