



CITY OF
FOLSOM
DISTINCTIVE BY NATURE

Folsom City Council Staff Report

MEETING DATE:	2/8/2022
AGENDA SECTION:	Public Hearing
SUBJECT:	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 hold the **fourth** of five public hearings to: (1) receive community input on the eight “focus” maps selected by the City Council on January 11, 2022, (2) select one “preferred” map for further consideration, (3) discuss election sequencing, 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. This is the fourth of five required public hearings to start the transition process.

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.

At this fourth public hearing, the City Council is requested to further review the focus maps, receive public input and comment, identify a “preferred” map, as well as to discuss election sequencing. The City Council will adopt a final district map at the fifth public hearing.

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
2/22/2022	Public Hearing	5	Adoption of 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. Two maps prepared by the City's demographer based on City Council guidance at the January 11, 2022, meeting
2. Eight focus maps selected by the City Council at the January 11, 2022, meeting
3. Sequencing Scenarios
4. Public comment on review of 8 district maps

Respectfully submitted,

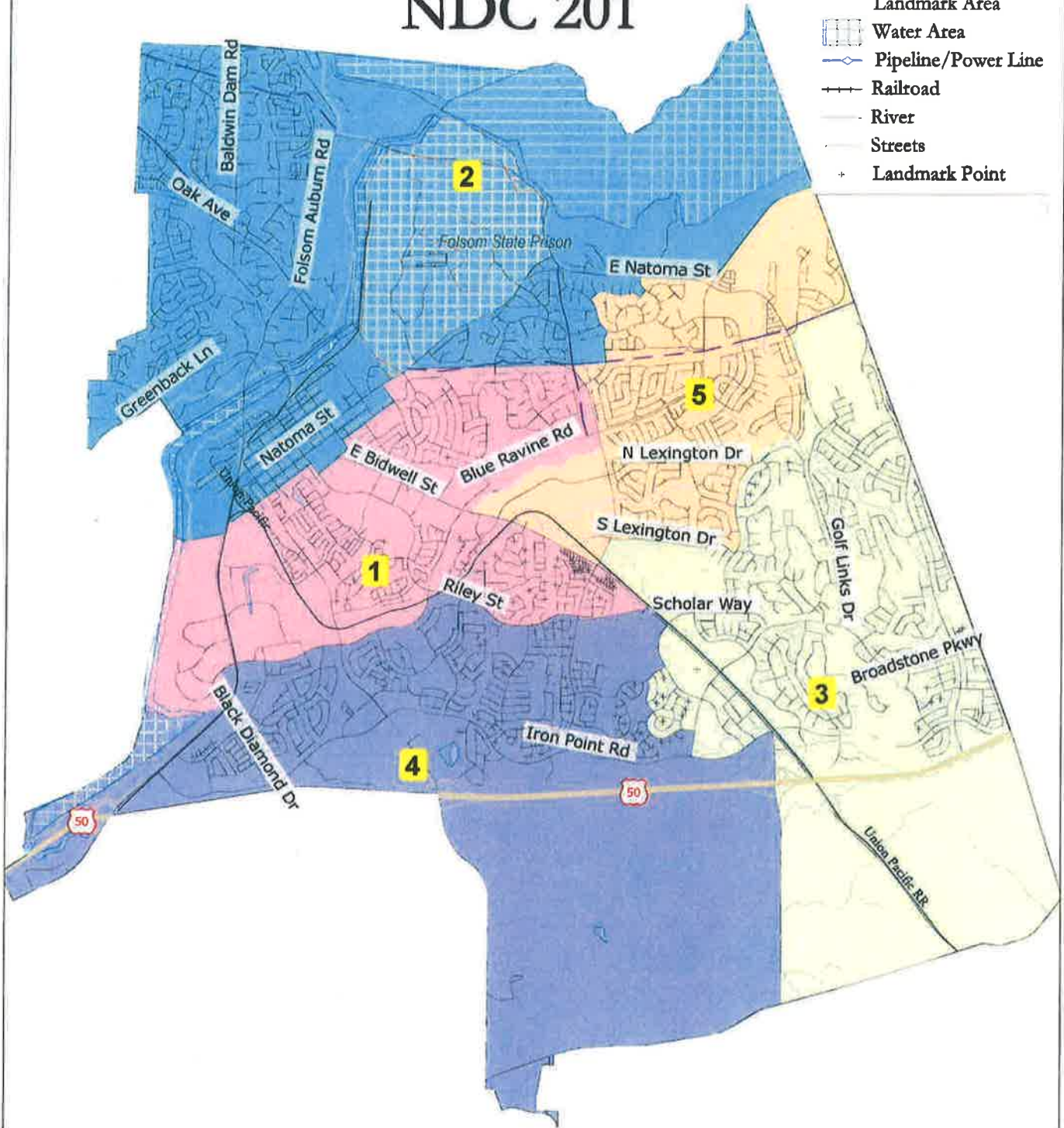
Steven Wang, City Attorney

ATTACHMENT 1

Folsom 2022 Districting

NDC 201

- Map layers**
- NDC 201
 - Landmark Area
 - Water Area
 - Pipeline/Power Line
 - Railroad
 - River
 - Streets
 - Landmark Point



NDC 201							
District		1	2	3	4	5	Total
	Total Pop	14,866	15,033	14,636	16,352	15,131	75,039
	Deviation from Ideal	-122	25	-372	344	123	716
	% Deviation	-0.81%	0.17%	-2.48%	2.20%	0.82%	4.77%
Total Pop	% Hisp	14.3%	11%	9%	10%	12%	11%
	% NH White	58%	72%	50%	52%	60%	58%
	% NH Black	2%	2%	2%	2%	2%	2%
	% Asian-American	17%	8%	35%	32%	23%	23%
	Total	10,167	12,085	7,899	9,782	9,553	49,289
Citizen Voting Age Pop	% Hisp	8%	11%	9%	11%	8%	10%
	% NH White	76%	81%	67%	67%	73%	73%
	% NH Black	1%	1%	1%	2%	1%	1%
	% Asian/Pac.Isl.	12%	6%	22%	18%	16%	14%
	Total	9,134	10,997	9,342	9,159	9,657	48,289
Voter Registration (Nov 2020)	% Latino est.	8%	7%	8%	8%	7%	8%
	% Spanish-Surnamed	8%	7%	8%	8%	7%	8%
	% Asian-Surnamed	8%	3%	13%	10%	8%	8%
	% Filipino-Surnamed	1%	1%	2%	2%	1%	1%
	% NH White est.	83%	87%	72%	78%	82%	81%
	% NH Black	1%	1%	1%	2%	1%	1%
	Total	7,965	9,786	8,420	8,119	8,681	42,882
Voter Turnout (Nov 2020)	% Latino est.	9%	7%	8%	8%	7%	8%
	% Spanish-Surnamed	9%	7%	8%	8%	7%	8%
	% Asian-Surnamed	6%	3%	13%	9%	8%	8%
	% Filipino-Surnamed	1%	1%	2%	2%	1%	1%
	% NH White est.	83%	88%	73%	79%	83%	81%
	% NH Black	1%	1%	1%	2%	1%	1%
	Total	5,665	7,682	5,251	5,836	6,551	30,885
Voter Turnout (Nov 2018)	% Latino est.	8%	8%	8%	8%	7%	7%
	% Spanish-Surnamed	8%	6%	8%	7%	7%	7%
	% Asian-Surnamed	5%	2%	11%	8%	6%	6%
	% Filipino-Surnamed	1%	1%	2%	1%	1%	1%
	% NH White est.	85%	88%	78%	81%	84%	84%
	% NH Black est.	1%	1%	1%	2%	1%	1%
	Total	15,530	15,446	12,287	14,834	15,143	73,339
ACS Pop. Est.	Total	15,530	15,446	12,287	14,834	15,143	73,339
Age	age0-18	29%	20%	33%	29%	28%	28%
	age20-60	53%	49%	54%	57%	54%	53%
	age60plus	18%	31%	13%	15%	18%	19%
Immigration	immigrants	15%	11%	22%	18%	21%	17%
	naturalized	47%	64%	65%	53%	50%	55%
Language spoken at home	english	80%	88%	72%	74%	74%	77%
	spanish	8%	5%	3%	4%	3%	5%
	asian-lang	7%	3%	12%	11%	12%	9%
	other lang	5%	5%	14%	11%	11%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	7%	3%	5%	6%	5%	5%
Education (among those age 25+)	hs-grad	39%	38%	21%	27%	27%	31%
	bachelor	28%	30%	38%	34%	37%	33%
	graduate degree	16%	15%	29%	27%	28%	22%
Child in Household	child-under18	38%	25%	51%	41%	41%	38%
Pct of Pop. Age 18+	employed	65%	60%	70%	72%	68%	67%
Household Income	income 0-25k	13%	12%	4%	7%	7%	9%
	income 25-50k	16%	14%	8%	9%	9%	11%
	income 50-75k	13%	14%	8%	14%	10%	12%
	income 75-200k	44%	44%	48%	53%	53%	48%
	income 200k-plus	14%	16%	34%	17%	21%	19%
Housing Stats	single family	74%	82%	81%	79%	74%	79%
	multi-family	26%	18%	6%	21%	26%	21%
	rented	39%	28%	18%	32%	30%	30%
	owned	61%	71%	82%	68%	70%	70%

Total population data from the 2020 Decennial Census.

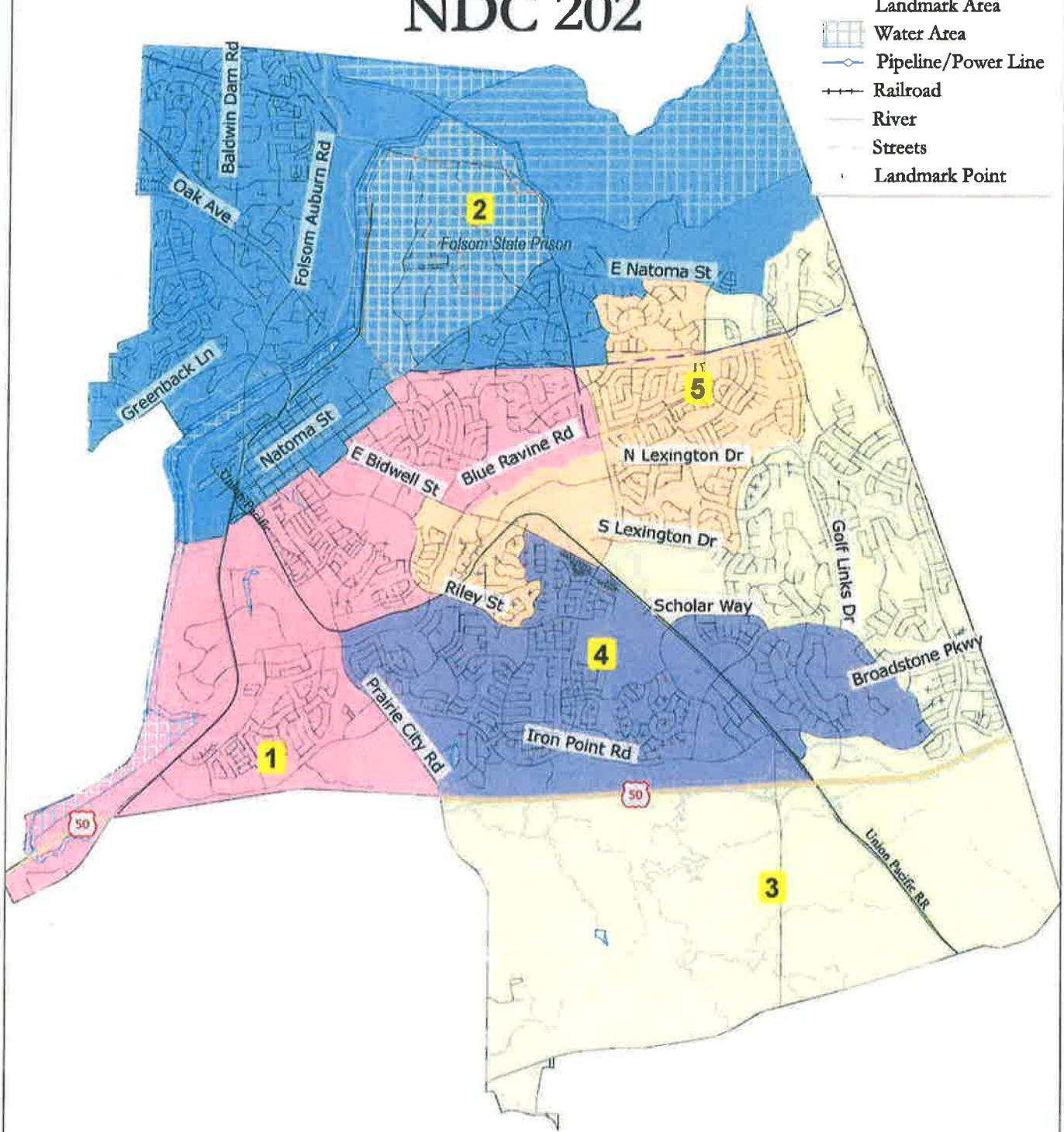
Surname-based Voter Registration and Turnout data from the California Statewide Database.

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 2015-2018 American Community Survey and Special Tabulation 5-year data.

Folsom 2022 Districting

NDC 202

- Map layers
- NDC 202
 - Landmark Area
 - Water Area
 - Pipeline/Power Line
 - Railroad
 - River
 - Streets
 - Landmark Point



NDC 202

District		1	2	3	4	5	Total
	Total Pop	15,121	15,343	14,015	15,259	15,300	75,038
	Deviation from ideal	113	335	-893	251	292	1,328
	% Deviation	0.75%	2.23%	-6.32%	1.67%	1.95%	8.85%
Total Pop	% Hisp	14.1%	12%	9%	10%	12%	11%
	% NH White	58%	72%	51%	50%	61%	59%
	% NH Black	3%	2%	2%	2%	2%	2%
	% Asian-American	18%	9%	35%	34%	20%	23%
Citizen Voting Age Pop	Total	10,512	12,247	7,011	9,715	8,900	48,285
	% Hisp	11%	11%	8%	9%	8%	10%
	% NH White	73%	81%	65%	67%	76%	73%
	% NH Black	2%	1%	1%	1%	1%	1%
	% Asian/Pac. Isl.	12%	6%	25%	20%	13%	14%
Voter Registration (Nov 2020)	Total	9,347	11,161	8,787	9,131	9,863	48,289
	% Latino est.	9%	7%	8%	9%	7%	8%
	% Spanish-Surnamed	9%	7%	7%	8%	7%	8%
	% Asian-Surnamed	6%	3%	13%	11%	8%	8%
	% Filipino-Surnamed	1%	1%	2%	2%	1%	1%
	% NH White est.	82%	87%	73%	77%	83%	81%
% NH Black	2%	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2020)	Total	8,116	9,827	7,963	8,122	8,854	42,982
	% Latino est.	9%	7%	8%	9%	7%	8%
	% Spanish-Surnamed	9%	7%	8%	8%	7%	8%
	% Asian-Surnamed	5%	3%	12%	11%	8%	8%
	% Filipino-Surnamed	1%	1%	2%	2%	1%	1%
	% NH White est.	82%	88%	74%	78%	83%	81%
% NH Black	2%	1%	1%	1%	1%	1%	
Voter Turnout (Nov 2018)	Total	5,862	7,771	4,957	5,888	6,707	30,885
	% Latino est.	8%	6%	8%	8%	7%	7%
	% Spanish-Surnamed	8%	6%	8%	8%	7%	7%
	% Asian-Surnamed	5%	3%	10%	9%	8%	6%
	% Filipino-Surnamed	1%	1%	2%	1%	1%	1%
	% NH White est.	84%	89%	78%	80%	85%	84%
% NH Black est.	2%	1%	1%	1%	1%	1%	
ACS Pop. Est.	Total	15,775	15,727	11,701	14,711	15,425	73,339
Age	age0-19	29%	20%	34%	29%	28%	28%
	age20-60	54%	49%	53%	57%	53%	53%
	age60plus	18%	31%	13%	14%	19%	19%
Immigration	immigrants	14%	12%	22%	20%	21%	17%
	naturalized	40%	64%	64%	60%	50%	55%
Language spoken at home	english	82%	85%	68%	72%	76%	77%
	spanish	7%	5%	3%	3%	5%	5%
	asian-lang	6%	4%	16%	12%	9%	9%
	other lang	5%	5%	13%	12%	11%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	5%	3%	5%	6%	8%	5%
Education (among those age 25+)	hs-grad	40%	39%	18%	25%	28%	31%
	bachelor	28%	30%	41%	34%	35%	33%
	graduatedegree	16%	16%	29%	27%	27%	22%
Child In Household	child-under18	38%	26%	54%	41%	38%	38%
Pct of Pop. Age 16+	employed	68%	60%	70%	70%	68%	67%
Household Income	income 0-25k	12%	12%	4%	8%	8%	9%
	income 25-50k	13%	14%	6%	7%	13%	11%
	income 50-75k	12%	14%	9%	14%	11%	12%
	income 75-200k	46%	44%	51%	51%	49%	48%
	income 200k-plus	16%	16%	31%	20%	19%	19%
Housing Stats	single family	81%	82%	93%	78%	66%	79%
	multi-family	19%	18%	7%	22%	34%	21%
	rented	34%	28%	14%	31%	40%	30%
	owned	66%	71%	88%	69%	60%	70%

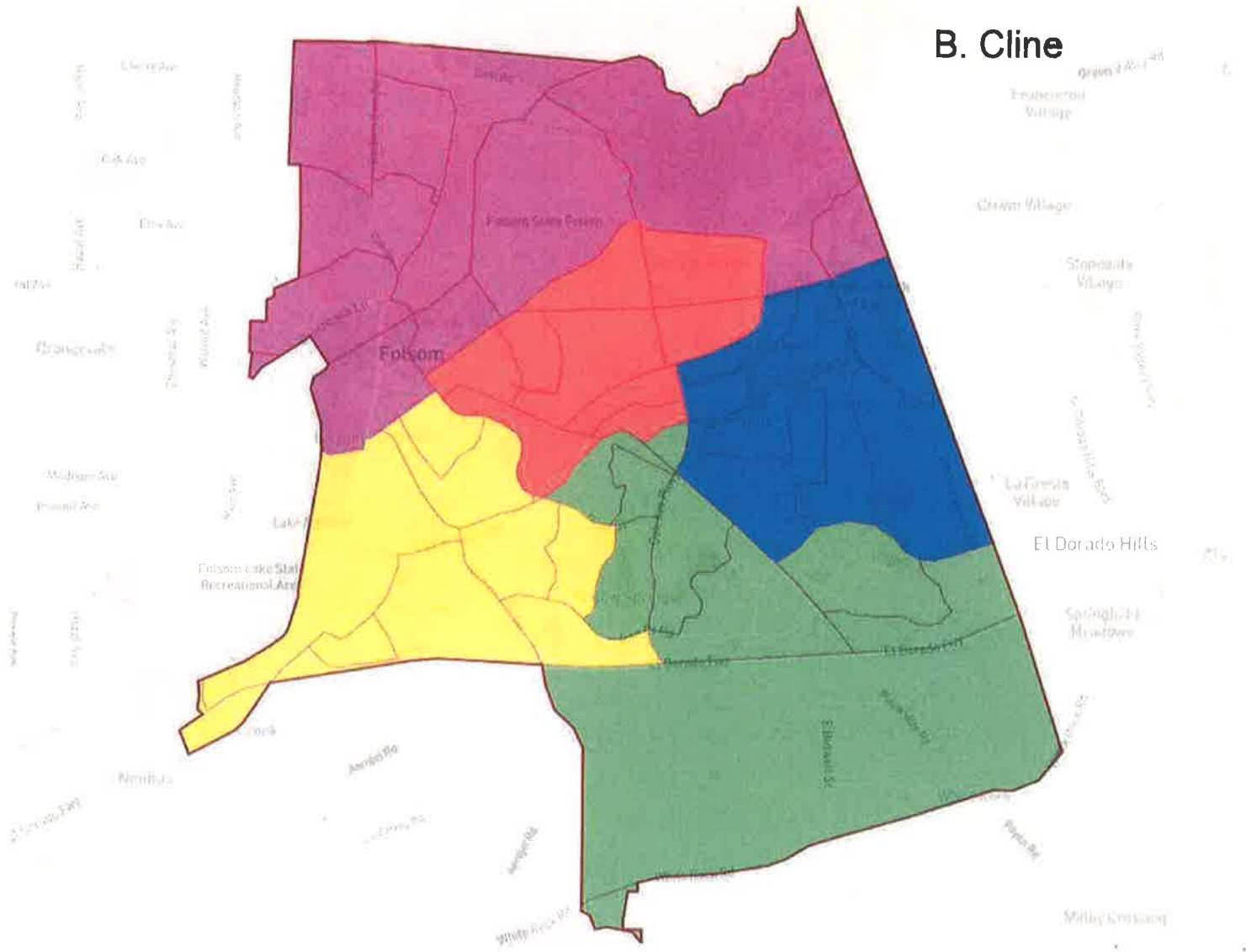
Total population data from the 2020 Decennial Census

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 2015-2019 American Community Survey and Special Tabulation 5-year data

ATTACHMENT 2

B. Cline





CITY OF
FOLSOM
DISTINCTIVE BY NATURE

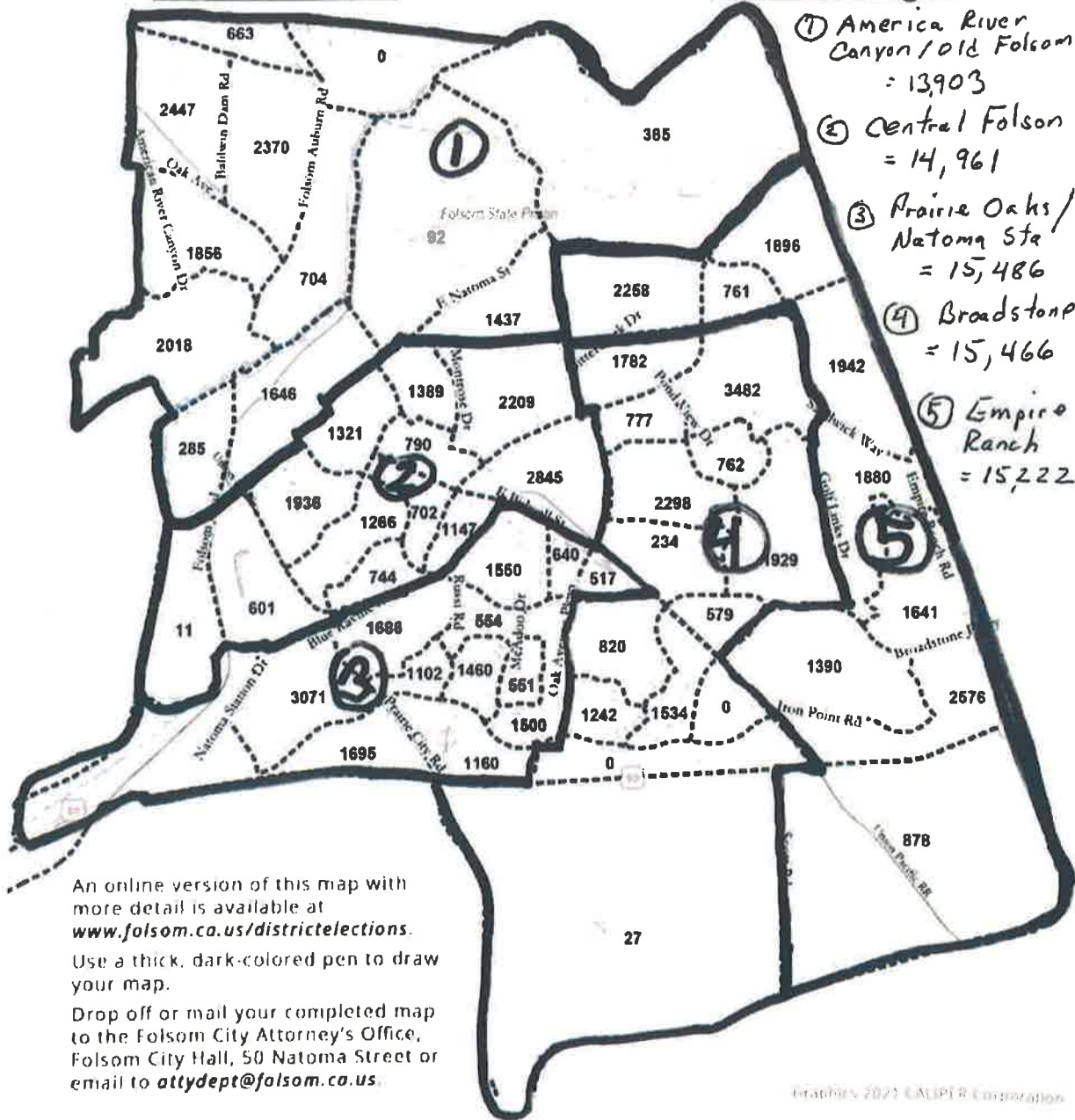
By-District Elections Paper Map Drawing Kit

Population Based Census Areas

Use this map to outline the five districts you feel would best represent each area's population. The number in each outlined area indicates the total population of that "population unit." Each district must be as close as possible to the same population, with no more than a 1,500-person difference between the largest and smallest districts. If perfectly divided, each district in Folsom would have 15,008 people.

Your Name: Nick Ferrari

Your Email and/or Phone Number: _____

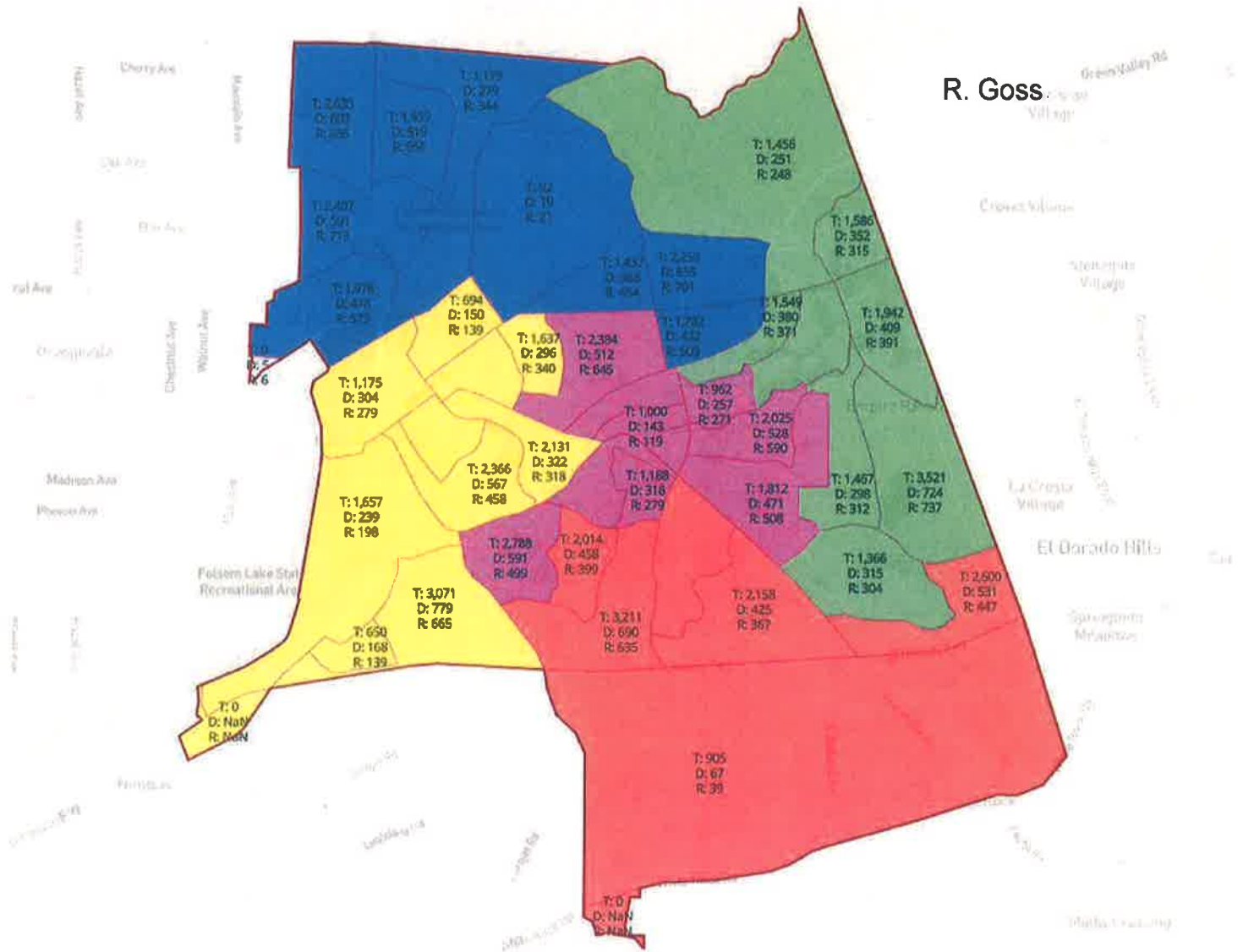


An online version of this map with more detail is available at www.folsom.ca.us/districtelections.

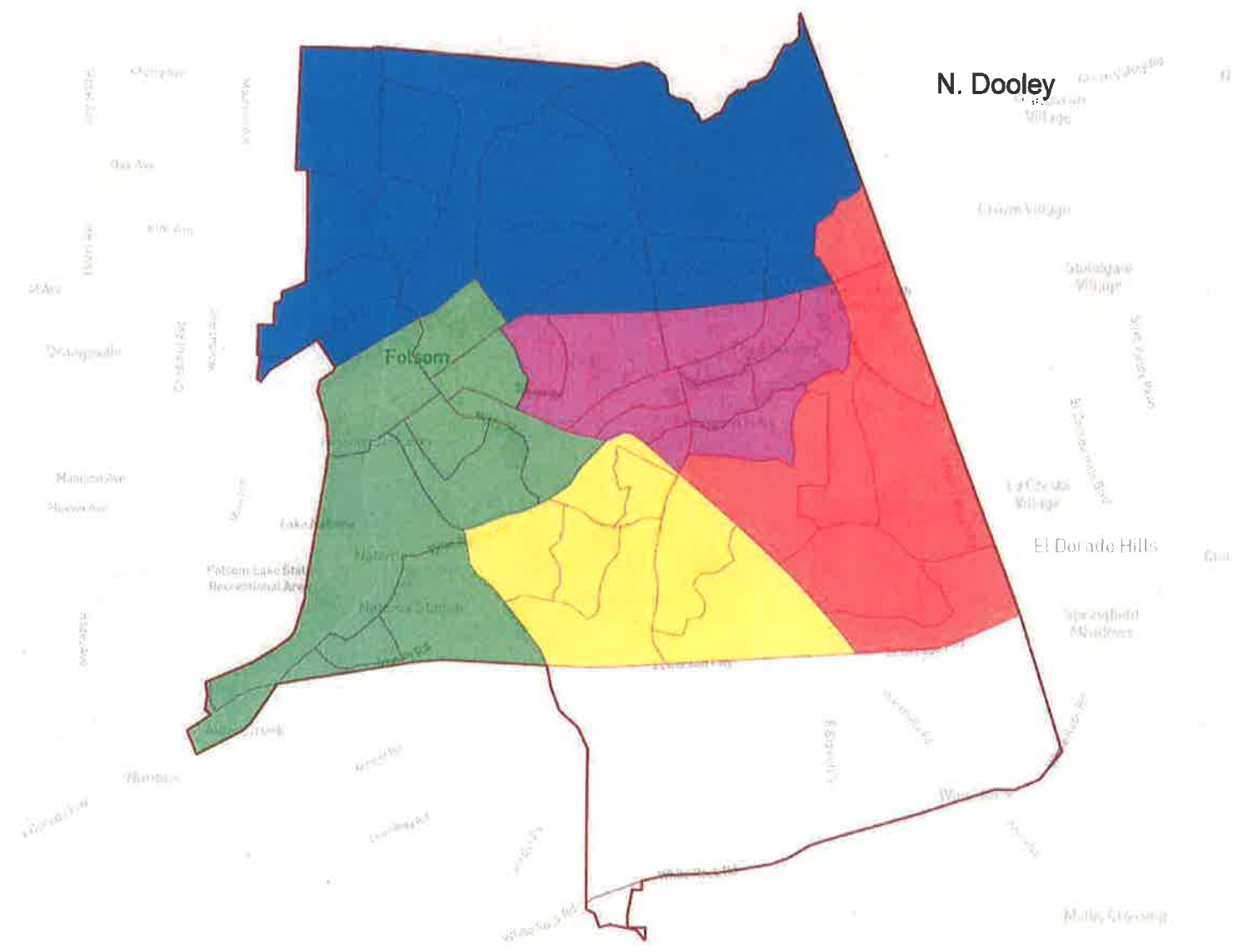
Use a thick, dark-colored pen to draw your map.

Drop off or mail your completed map to the Folsom City Attorney's Office, Folsom City Hall, 50 Natoma Street or email to attydept@folsom.ca.us.

R. Goss



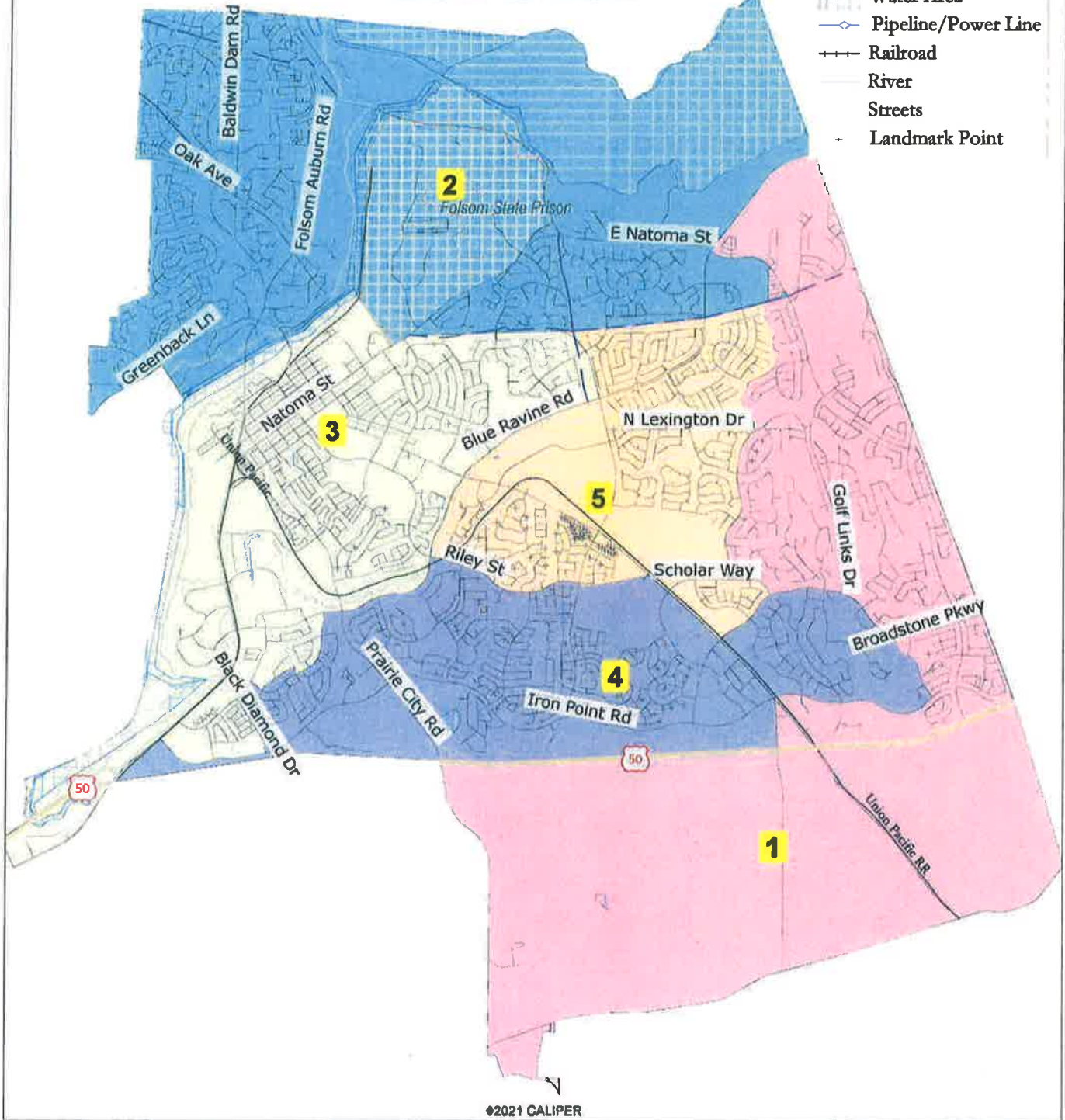
N. Dooley



Folsom 2022 Districting

NDC 101

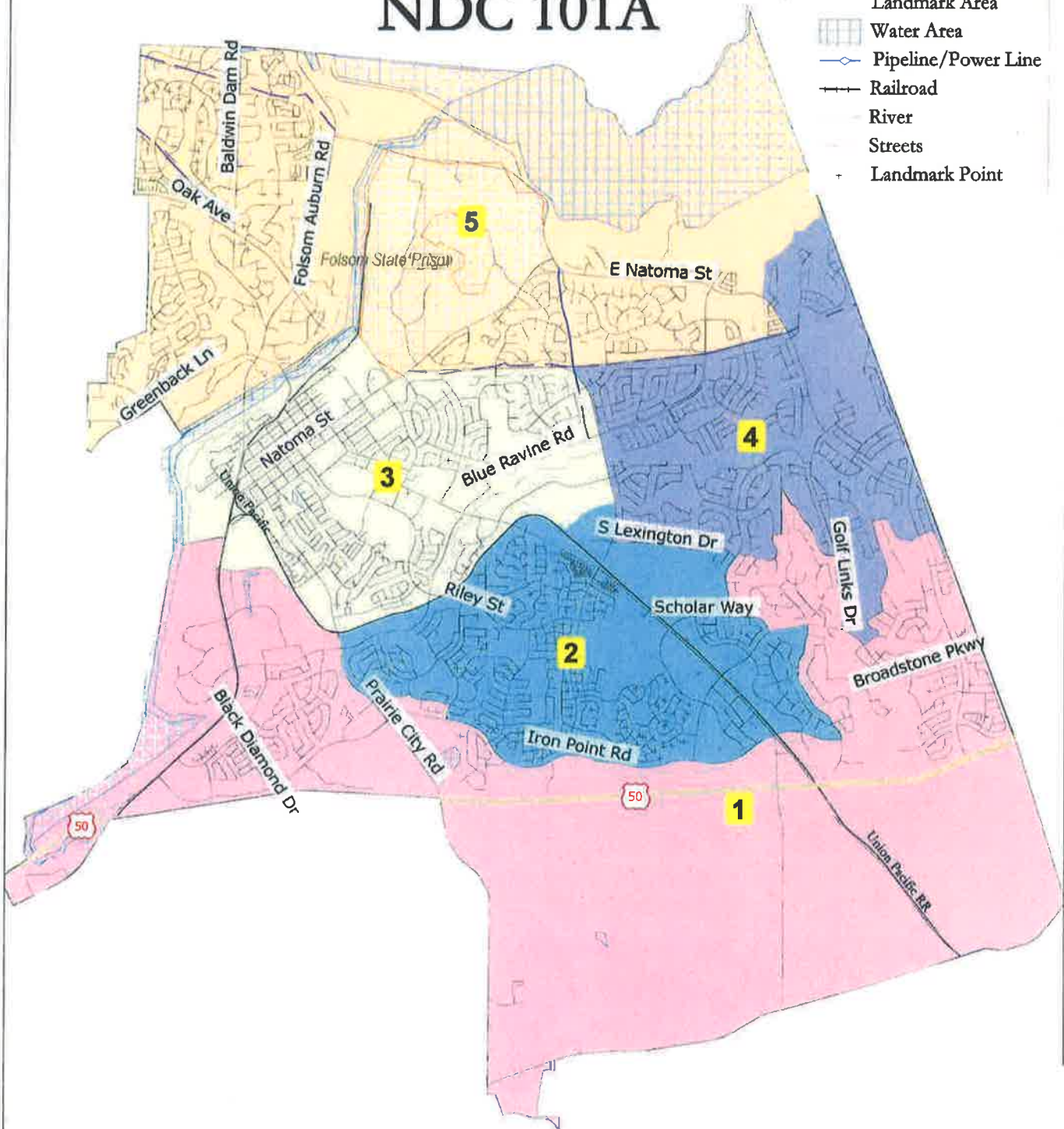
- Map layers**
- NDC 101
 - ▨ Landmark Area
 - ▧ Water Area
 - Pipeline/Power Line
 - +— Railroad
 - River
 - Streets
 - + Landmark Point



Folsom 2022 Districting

NDC 101A

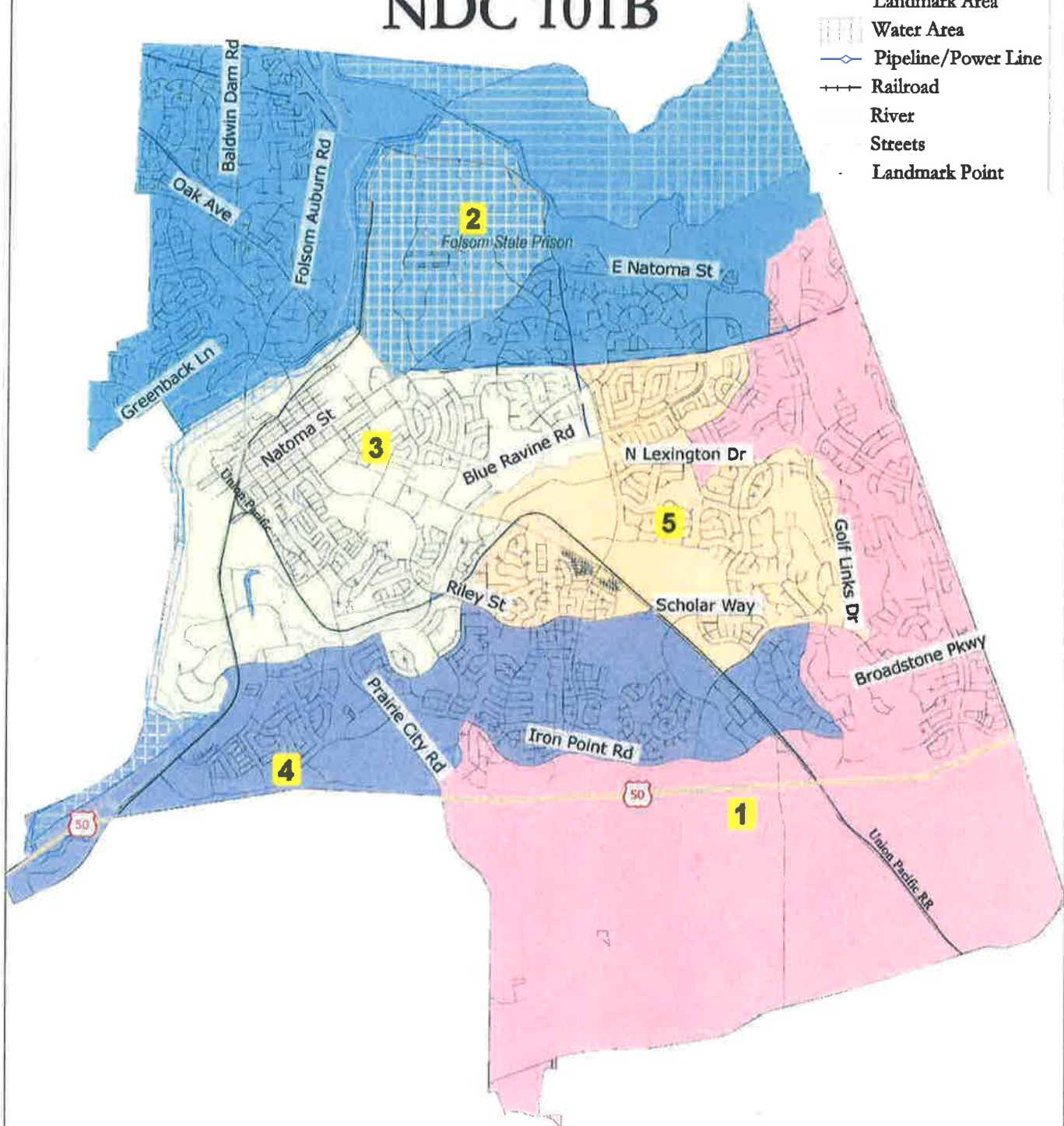
- Map layers
- NDC 101A
 - Landmark Area
 - Water Area
 - Pipeline/Power Line
 - Railroad
 - River
 - Streets
 - Landmark Point



Folsom 2022 Districting

NDC 101B

- Map layers**
- NDC 101B
 - Landmark Area
 - Water Area
 - Pipeline/Power Line
 - Railroad
 - River
 - Streets
 - Landmark Point



ATTACHMENT 3

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>

ATTACHMENT 4

Lynn Gonzales

From: Cheryl Davis <cheryldavis844@gmail.com>
Sent: Monday, January 31, 2022 5:50 PM
To: Rosario Rodriguez; Sarah Aquino; YK Chalamcherla; mkizlowski@folsom.ca.us; AttorneyCityWebsiteMail; kerri@atlanticcorrosionengineers.com
Cc: Robert Dresser
Subject: PUBLIC COMMENT ON REVIEW OF 8 DISTRICT MAPS
Attachments: District Election Petition supporters.jpg

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Mayor Howell, Members of the City Council and City Attorney Wang,

We appreciate the opportunity to review the eight selected draft district maps.

And we were pleased that Mayor Howell proposed including the Dooley map in the final review. This map is the work product of a group of Folsom residents from five different neighborhoods across the city. We are two of those residents. Our group held four Zoom get-togethers between Thanksgiving and New Year's to draft a submission.

We believe the Dooley map differs from the other submissions in several important respects. Our group varied population only to the extent justified by the exclusive factors set forth in the statute. We did not seek to advantage any political party. We did not split communities of interest for any reason other than equalizing current population, maintaining contiguity, or respecting the integrity of a more compelling community of interest. Therefore, we did not consider where current council members reside.

The move to neighborhood elections has broad support from residents of every political affiliation from every corner of the city. Districting cannot become a partisan exercise. We took exception to a comment by former city attorney Bruce Cline at the January 11 public hearing, dismissing this map as the creation of "Dooley and her little Democratic club." We do not know the position of local Republican clubs but are aware that the Folsom Area Democratic Club circulated a petition last year at farmers' markets. We have attached a map of the registration addresses of those who signed, showing how broad the support is. The petition did feature a big blue donkey, which makes it even more remarkable that more than 40% of the signatories were NOT Democrats. The Dooley map is not a partisan map because the law does not allow drawing a map to favor a political party.

After the close of the recent public hearing, Councilmembers shared their thoughts about features of a district map they found important. Our group then met twice after the January 11 public hearing to review the eight final draft maps using Councilmember comments as a guide. Below is a review of the Dooley map in relation to the comments Councilmembers made:

District 1: The Dooley map does keep neighborhoods north of the river in one district. To provide enough population, we include adjacent neighborhoods in the north extending through Briggs Ranch.

District 2: The Dooley map does keep Historic Folsom in a separate district which includes surrounding older neighborhoods down through Natoma Station. The original town and neighborhoods of Folsom have unique concerns such as through traffic, parking, older infrastructure.

District 3: The Dooley map keeps The Parkway and Lexington Hills together as one district.

District 4: The Dooley map groups Prairie Oaks, Willow Springs, Broadstone to East Bidwell plus the new South of 50 neighborhoods

District 5: The Dooley map does keep Empire Ranch intact.

With appropriate revisions to address your approach to South of 50, the Dooley map meets the Council's desired features and does the best job of respecting neighborhoods and communities of interest, consistent with other legal criteria.

Finally, we are concerned that all three consultant maps are designed to retain each current councilmember in separate districts because this appears to be at the expense of FAIR MAPS Act criteria. All three maps split neighborhoods such as Empire Ranch, Prairie Oaks and Broadstone. Two do not create a district in which Asian-American voters, who are a protected class, will have strong influence. An area's relationship to an incumbent does not define a community of interest, so dividing neighborhoods or crossing major roads to separate incumbents is not appropriate. The purposes of the CVRA require that the high-Asian district chooses its councilmember in the same year as the presidential election, when Asian turnout has historically been higher.

We look forward to the public hearing on February 8.

Thank you,

Cheryl Davis
Hildebrand Circle
Folsom

Robert Dresser
Sprig Circle
Folsom

