



# Folsom City Council Staff Report

<b>MEETING DATE:</b>	10/12/2021
<b>AGENDA SECTION:</b>	Public Hearing
<b>SUBJECT:</b>	Public Hearing No. 2 Under the California Voting Rights Act Regarding the Composition of the City's Voting Districts Pursuant to Elections Code Section 10010
<b>FROM:</b>	City Attorney's Office

## **RECOMMENDATION / CITY COUNCIL ACTION**

Staff recommends that the City Council hold the **second** of five public hearings to introduce the public to the districting process, welcome and encourage public participation, and receive public input on the composition of future City Council districts in preparation for the 2022 General Municipal Election.

## **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 first 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**

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 are to inform the public about the districting process, present options, and receive community input on the criteria for drawing the boundaries of the voting districts. These two initial public hearings (Public Hearing Nos. 1 and 2) must be held over a period of no more than 30 days before any map of district boundaries for the proposed voting districts can be drawn. Based on public input, the City Council will outline the criteria used to create one or more proposed district maps in accordance with legal requirements and present the draft map or maps for public comment and review in two subsequent public hearings (Public Hearing Nos. 3 and 4).

At the fifth public hearing, the City Council will introduce and conduct first reading of an Ordinance and adopt a district map to complete the transition process. The City Council is the final decision-making body on adopting district boundaries.

The City has scheduled the required public hearings as follows:

<b>Date</b>	<b>Meeting Type</b>	<b>Public Hearing</b>	<b>Item Topic at Meeting</b>
9/14/2021	Public Hearing	<b>1</b>	<b>Completed.</b> 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	<b>2</b>	Continue to receive public input on composition of districts (must be held within 30 days of Public Hearing No. 1)
11/9/2021	Public Hearing	<b>3</b>	Discussion of proposed district maps and sequence of elections. First draft of map must be published 7 days before Public Hearing No. 3
12/14/2021	Public Hearing	<b>4</b>	Public input and possible revisions to proposed District Map (hold 2 public hearings within 45 days of Public Hearing No. 3)
1/11/2022	Public Hearing	<b>5</b>	Adoption of District Map, transition to district elections Ordinance introduced
1/25/2022	Regular Meeting		Second reading of Ordinance (effective 30 days after)

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.

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.

Soon Folsom residents will be able to submit draft maps by either drawing on a paper map or through an electronic mapping software that will be made available to the public. Draft maps must be submitted to the City **no later than October 28, 2021** in order for the City's demographer to compile population data for each map prior to Public Hearing No. 3 scheduled for November 9, 2021. The public is encouraged to provide input via emails to [attydept@folsom.ca.us](mailto:attydept@folsom.ca.us). Input may also be dropped off at City Hall.

### **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.

### **ATTACHMENT**

None.

Respectfully submitted,

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Steven Wang, City Attorney