



Folsom City Council Staff Report

MEETING DATE:	10/26/2021
AGENDA SECTION:	Old Business
SUBJECT:	Update on Online Mapping Tools and Public Hearing Dates for By-District Election Under the California Voting Rights Act
FROM:	City Attorney's Office

RECOMMENDATION / CITY COUNCIL ACTION

Staff recommends that the City Council receive updates from the City's demographic consultant, National Demographics Corporation, on the progress of making the online mapping tools available for Folsom residents to use.

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 has completed the initial two of the five public hearings required for the transition process. While the City had anticipated that the online mapping tools would be available by now, the overwhelming demand for mapping tools nationwide unfortunately have resulted in a supply chain bottleneck.

The City's demographic consultant will update the Council and the public on the delay, as well as when the online mapping tools will likely be made available for the public to use.

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. The first two public hearings were held on September 14 and October 12, 2021 to inform and educate the public about the districting process. The City is required to publish draft districting maps at least 7 days prior to holding the third public hearing.

Notwithstanding the City’s efforts in engaging the community early and educating the public about the upcoming online mapping tools, the digital mapping tools have been delayed significantly due to the overwhelming demand across the country for districting purposes following the release of the 2020 Census. City staff have been informed that the online mapping tools may finally be available on or prior to December 1, 2021, thus in order to allow the public time to draw and submit their suggested and preferred districting maps, the public hearing schedule has been adjusted 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	Discussion of proposed district maps and sequence of elections. First draft of map must be published 7 days before Public Hearing No. 3
2/8/2022	Public Hearing	4	Public input and possible revisions to proposed District Map (hold 2 public hearings within 45 days of Public Hearing No. 3)
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)

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.

Folsom residents may submit draft maps by either drawing on a paper map or through an electronic mapping software that will be made available to the public on or prior to December 1, 2021. Draft maps must be submitted to the City **no later than January 3, 2022** in order for the City's demographer to compile population data for each map prior to Public Hearing No. 3 scheduled for January 11, 2022. The public is encouraged to provide input via emails to 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,

Steven Wang, City Attorney