



## City Council Agenda Report

**Meeting Date:** October 22, 2024

**Prepared By:** Jon Maginot

**Approved By:** Gabriel Engeland

**Subject:** Hold Public Hearing No. 7 to receive a presentation from the City of Los Altos' ("City") consulting demographer, Redistricting Partners, solicit public input on draft district maps and the order of elections of the five new districts, including whether candidates for City Council must be residents and electors of the district in which they seek election for any period of time prior to filing their nomination papers and declaring their intent to run; reach agreement on the map to become the City's final district elections map; and to consider an ordinance adopting district-based elections and approving the final district map for the City of Los Altos.

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### COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

### RECOMMENDATION

Hold Public Hearing No. 7 to receive a presentation from the City's consulting demographer, Redistricting Partners, regarding draft maps developed by the public and Redistricting Partners, and reach agreement on the map to become the City's final district elections map; open, hold, and close the public hearing on draft maps, including approving the final district map for the City of Los Altos and determining which specific districts will constitute the two (2) districts on the ballot in November 2026 and the three (3) on the ballot in November 2028; introduce and adopt an ordinance establishing five (5) districts for the election of City Councilmembers, establishing the boundaries and the identification number of each district, establishing the election order of each district, and adding Sections 2.04.070 through 2.04.100 to Chapter 2.04 of the City of Los Altos Municipal Code; and determine whether candidates for City Council must be residents and electors of the district in which they seek election for any period of time prior to filing their nomination papers and declaring their intent to run.

### FISCAL IMPACT

There is no fiscal impact to hold this meeting as the City has already retained the services of outside legal counsel and a demographer to assist in the transition to district-based elections.

## **ENVIRONMENTAL REVIEW**

Not applicable.

## **PREVIOUS COUNCIL CONSIDERATION**

On April 18, 2024, the City received a Notice of Violation of the California Voting Rights Act ("CVRA"). The letter asserts that the City is in violation of the CVRA because the City's Councilmember elections are at-large and there is racial polarization and vote dilution within the jurisdiction. On May 28, 2024, the City Council adopted a resolution declaring its intent to transition to a district-based electoral system commencing in November of 2026.

Currently, voters across the City vote "at-large" for all five (5) City Councilmembers. A "by-district" election is one in which the City is divided into separate districts, each represented by one City Councilmember who resides in that district and is chosen only by that district's voters. The first by-district City Council election will occur in the November 2026 general municipal election, when two (2) districts will select Councilmembers, with the transition to district-based elections fully completed in the November 2028 general election, when the final three (3) districts will select Councilmembers.

Although only five (5) public hearings are required by the CVRA, the City Council has already held six (6) public hearings related to the City's transition to by-district elections.<sup>1</sup> At these hearings, the City's demographer made presentations regarding the requirements for by-district elections, and the process for taking public input to help determine how the City Council districts might be constructed. The City Council then heard from the public on the various communities of interest that exist in the City, and how the districts might be drawn to recognize these communities of interest. The City Council and City staff also sponsored several community workshops and outreach at community events in September 2024.

On June 11 and July 13, 2024, the City Council held the first and second of five required public hearings required for the City's transition to by-district elections. Public hearings nos. 1 and 2 were held prior to any draft maps being drawn. Redistricting Partners made presentations at both public hearings regarding the requirements of the CVRA. Those presentations covered the composition and number of districts, as well as the public input process. Members of the public provided input at both hearings regarding various communities of interest in and the various attributes of the City of Los Altos. At its July 13th hearing, the City Council, with public input, provided direction to begin drawing draft maps for a by-district election system comprised of five districts and a rotational mayor.

At the August 28, 2024 public hearing, the City Council received a presentation on the first set of three draft maps (Maps A-C) and began a robust community outreach process. At the August 28<sup>th</sup> hearing, Redistricting Partners presented three draft maps as a way for the City Council and community to visualize proposed district boundaries. The City Council also provided further direction on the additional information the City should examine when forming the district

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<sup>1</sup> Although the CVRA requires the City to hold only five (5) public hearings, the October 22, 2024 City Council meeting will be the seventh (7) public hearing – not including the additional community workshops held by City Staff.

boundaries, such as the distribution and of information regarding socio-economic status, age, school boundaries, shopping districts, and parks.

At the September 24, 2024 public hearing, the City Council reviewed two additional draft maps prepared by Redistricting Partners (Maps D-E) and received an update on the community outreach efforts conducted by the City. The City Council also provided direction on draft maps, including keeping El Camino Real in one district, keeping the Downtown and Civic Center in one district, placing Rancho Shopping Center and Loyola Corners into separate districts and keeping the Highlands in one district.

At the October 8, 2024 public hearing, the City Council reviewed Maps F-F5 which were based on direction received at the September 24<sup>th</sup> meeting and provided direction to create two new versions of Maps C and F2 (Maps C, C2, F2, and F2a).

At the October 21, 2024 public hearing, the City Council has scheduled a review of four maps created by Redistricting Partners, as well as maps submitted by the public, and discussed potential changes to the boundaries in those draft maps.

By law, the City Council has until October 31, 2024 as the final legal deadline to adopt the City Council district boundary map and determine the order of election for the five (5) City Council districts, that is – which two (2) districts will select a Councilmember in the November 2026 general election, and which three (3) districts will do so in November of 2028.

## **DISCUSSION/ANALYSIS**

### *Public Input Received*

Over several months, the City Council oversaw an extensive community outreach process and received substantial comments related to district boundaries in the City and draft maps. In response to this input, the City's demographer developed revised maps to address the public's concerns and the direction provided by the City Council, all the while ensuring that the City complied with the criteria mandated by the CVRA and the Federal Voting Rights Act.

### *District Formation Criteria*

In creating the district boundaries, the City must ensure compliance with the following criteria mandated by the CVRA and the Federal Voting Rights Act:

- Each district must contain a nearly equal population (no more than a 10% variance but best practices encourage no more than a 5% population deviation);
- The districting plan must be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and,
- The districts must not be drawn with race as the predominant factor because the overall population balance between districts is the highest priority.

Additionally, Election Code section 21130 requires general law cities like the City to adopt districts using the following criteria, which are set forth in order of priority:

- Districts shall be geographically contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest must be respected and maintained. A “community of interest” is a population that shares common social, economic and geographic interests that should be included within a single district for purposes of its effective and fair representation.
- District boundaries should be easily identifiable and understandable. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the jurisdiction.
- To the extent practicable, and where it does not conflict with the preceding criteria, districts shall be drawn to encourage geographical compactness.

### *Drawing and Considering Draft Maps*

At the October 22, 2024 meeting, the City Council will again hear public feedback on draft Maps A, B, C, C2, D, E, F, F2, F2a, F3, F4, and F5, and will be asked to approve the final map as well as the sequence of elections. The draft maps comply with the district formation criteria required under California and Federal law. The City is using the latest 2020 Census data provided by the Statewide Database with the state prison population reallocated, as required under the Fair Maps Act. These maps will use the underlying Census tract geography to establish the boundaries of individual City Council districts. In drawing these maps, the utmost care will be taken to honor neighborhoods and communities of interest and the public input received.

Along with any draft maps proposed by the public at least seven (7) days in advance of the October 22<sup>nd</sup> meeting, draft Maps A, B, C, C2, D, E, F, F2, F2a, F3, F4, and F5 will be considered by the City Council. One map will ultimately be selected for adoption as the five-district electoral map for City Council elections. The public is again invited to provide their input on these draft maps before the City Council selects one of the maps.

Regarding the sequence of elections, the City Council will consider which two (2) districts will select a Councilmember in the November 2026 general election and which three (3) districts will do so in November of 2028, As required by law, the City Council will make this decision "in the spirit of the California Voting Rights Act" and will give "special consideration" to community input.

At the October 22<sup>nd</sup> meeting, the City Council will also determine whether candidates for City Council must be residents of the district in which they seek election for any period of time prior to filing their nomination papers. Pursuant to Government Code section 34882, a candidate running for a city councilmember position is not eligible to hold that office unless they reside in the geographical area making up the district from which they are elected at the time their nomination papers are issued. There is no requirement related to a minimum residency period, and the City is not required to impose such a requirement. In fact, neighboring cities have taken different positions on this issue – some have imposed a 30-day residency requirement while others have imposed no minimum residency requirement. The City Council invites the public to provide their input on this topic.

The proposed ordinance for City Council consideration is Attachment 1 to this staff report. This ordinance may be used for any map and the sequence of elections selected by the City Council.

This ordinance requires two readings, and the second reading is scheduled for the November 12, 2024 City Council meeting.

### **ATTACHMENTS**

1. Ordinance No. 2024-xxx
2. Draft Maps A, B, C, C2, D, E, F, F2, F2a, F3, F4, F5
3. Draft Maps submitted by members of the public (as of October 15, 2024)