



CITY OF ORLAND STAFF REPORT

MEETING DATE: April 21, 2026

TO: Honorable Mayor and City Council Members

FROM: Scott Drexel, City Attorney

SUBJECT: 4th Public Hearing requesting public input regarding the composition of potential Council election districts

ANALYSIS:

The City Council is currently elected under an at-large election system, whereby Council Members are elected by voters of the entire City.

On December 2nd, 2025, the Council adopted a Resolution of Intent to Change Election Systems. Moving to by-district elections would require a Council Member (and all candidates for that position) to reside within a designated district boundary, and each Council Member would be elected only by voters of the appropriate district.

The districting process

As required by Elections Code Section 10010, on March 3 and March 17 the City held two (2) public hearings prior to the release of draft maps of Council election districts. Tonight's public hearing is the first of at least an additional two (2) or more public hearings to solicit public input regarding the content of the draft maps and the proposed sequence of elections. Then an additional public hearing will be held to select a map and election sequence prior to the approval of an ordinance implementing a Council election district map.

Today's hearing partially fulfills the requirement of California Elections Code Section 10010 that states:

"(2) . . . The political subdivision shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections . . .

No draft maps were received from the public. The maps shown tonight were drawn by the City's demographer. These draft maps are intended as starting points for discussion, and the public and Council are encouraged to offer feedback on the maps and to request revisions. The public is also welcome to propose complete districting maps, but it is not required.

This hearing will also remind residents of the City's public mapping tool and interactive map review website, provided by our districting consultant (National Demographics Corporation, or NDC). These tools are located on our project website, at DrawOrland.org. The tools have been updated to allow residents to draw both 4- and 5-district maps.

Draft maps with 4 districts are named with a "4" as the initial digit: 401 and 402.

Draft maps with 5 districts are named with a "5" as the initial digit: 501 and 502.

These proposed election sequences, along with the draft maps, are published on the project website's "Draft Maps" page at draworland.org/draft-maps/

Election sequencing

Elections Code Section 10010 requires that draft maps be accompanied by a draft election sequence. For now, a generic draft election sequence is provided as follows:

4-district maps: Districts 1 and 3 in 2026 and Districts 2 and 4 in 2028.

5-district maps: Districts 1, 3 and 5 in 2026 and Districts 2 and 4 in 2028.

The FAIR MAPS Act requires that maps be drawn and selected while not "favoring or discriminating against an incumbent, potential candidate, or political party," and the draft maps were drawn by the City's demographer without any attention to incumbent Councilmember locations.

Once a map is selected, however, Councilmember locations may be considered in the selection of a final election sequence (in addition to other considerations). Thus, these initial draft election sequences are likely to change prior to final adoption.

Council Preferences

While not required, it is recommended that the Council provide direction tonight on its preference for 4 districts with a citywide-elected Mayor, or for 5 districts with a rotating Mayor. Giving such direction now allows residents to focus on the advantages and disadvantages of specific draft maps at the later hearings.

Additional Hearings

Additional hearings are already scheduled:

- May 5th public hearing and selection of map and election sequence (which districts will be up for election in which years). Any Map selected at this hearing must have been posted on the project website by April 28.

By the end of June, the County Registrar must finish the implementation work with whatever map the Council adopts. To allow sufficient time to avoid mistakes in that implementation process, it is recommended to have final adoption of a map by the end of May.

Implementation Year: 2026 versus 2028

There have been questions about the potentially delaying the transition to by-district elections until the 2028 Council election, rather than implementing for this November's 2026 Council election.

If that is the Council's preference, there are three options available to the Council:

- A. **(the recommended approach)** On the existing timeline, the Council would complete the process of selecting a map and adopting an ordinance implementing the change, but the ordinance would state the change takes effect with the November 2028 Council election. The ordinance could include the election sequence for the adopted map, or leave that task for the Council to do by resolution following the November 2026 election (so that the election sequencing could take into account the locations of the Councilmembers voters elect in November 2026).

This approach completes the process envisioned in the Council's Resolution of Intent and preserves the City's "safe harbor" from a plaintiff's attorney potentially demanding the statutory up to \$40,000 for sending a demand letter to the City.

Any delay does, however, create some legal exposure for the City. A plaintiff's attorney could still send a demand letter insisting the City implement the adopted map for the November 2026 Council election. If such a letter is received on or before May 16th, and if the City wishes to avoid litigation, the provisions of the California Voting Rights Act give the City 45 days from the receipt of such a demand letter to modify its ordinance to take effect in November 2026.

If such a letter arrives after May 16th, the City is in a legal grey area, as the 45 day timeline would put the City's ordinance modification after the July 1 deadline for the County Registrar to implement the new map (125 days prior to Election Day the Registrar must submit the precinct map for the November election to the Secretary of State, and the precincts must be drawn to follow the lines in the Council district map). Theoretically, however, a Judge could order the implementation of the map if a lawsuit was filed and the City were to enter a settlement agreement with the plaintiff. Such a scenario is possible but unlikely, and the two jurisdictions knows to have take the "delayed implementation" approach (Claremont Unified School District and the City of Chula Vista) did not receive any such demand letter insisting they accelerate their change.

- B. The Council could halt its existing process and adopt a revised Resolution of Intent with a new schedule that includes holding the remaining hearings after the November 2026 Council election.

The revised Resolution of Intent would preserve the safe harbor from the \$40,000 demand letter.

But postponing the remaining hearings would make it much more difficult to complete the process within the 45 day window available if a plaintiff demand letter were to be received.

To complete the process in that tight timeframe would require a rushed series of special meetings and reduce the community's ability to fully participate in the process. It would also reduce the time available for the Council to consider any potential map adjustments. But such steps could be considered necessary as the failure to complete the process within that 45 day window would expose the City to litigation. Such litigation can cost over \$200,000 to settle, even if settled immediately after filing.

- C. The Council could rescind the Resolution of Intent entirely, re-opening the decision on whether to go to by-district elections for the Council to consider following the November 2026 election.

This approach would both expose the City to the litigation risks described in options A and B, plus an additional risk of existing the statutory safe harbor from the requirement to pay around \$40,000 to a plaintiff attorney, if a plaintiff attorney sends a demand letter.

This approach would also require re-starting from the beginning the required five-hearing districting process. This would result in additional cost for the City's demographic consultant.

RECOMMENDATION:

It is recommended that the City Council:

1. Conduct the public hearing and receive public input regarding the composition of the potential Council election districts and the draft maps.
2. Provide direction on the Council's preference for 5 Council districts with a rotating Mayor, or for 4 Council districts with a citywide-elected Mayor. If 4 districts with a Citywide-elected Mayor is preferred, provide guidance on whether the Mayoral term should be 2 years or 4 years.
3. Provide direction to potentially narrow the list of draft maps to a subset of "focus" maps, and/or direct that the demographer develop any new or revised maps for consideration at a subsequent hearing.

FISCAL IMPACT OF RECOMMENDATION: None

Alternatively, if the Council wishes to postpone implementation to November 2028, Options A and B create some limited legal liability and related financial impacts if a demand letter is received. Option C would involve that potential liability; potential liability of around \$40,000 from a plaintiff demand letter; and financial impact plus the staff and consultant expenses related to re-starting the hearing process.

ENVIRONMENTAL ANALYSIS:

No environmental review is required because the proposed action is not a project governed by the California Environmental Quality Act.