

CITY COUNCIL STAFF REPORT

MEETING DATE: May 18, 2022

PREPARED BY:

Michelle Bigelow, City Clerk

APPROVED BY: City Manager

ADOPT CITY COUNCIL DISTRICT MAP "NDC GREEN" OR AN ALTERNATIVE LEGALLY ACCEPTABLE MAP

RECOMMENDATION(S)

1. Review and adopt an alternative redistricting map based upon the court order from May 9, 2022, directing the City Council to adopt a new legally acceptable district map; and
2. Approve an amended resolution identifying the alternative City Council District map.

Estimated Time: 45 Minutes

COUNCIL PRIORITIES, GOALS & STRATEGIES

City Council Ongoing Priorities

Supporting our Youth, Seniors, and Entire Community
Preserving and Cultivating Public Trust
Preserving our Community History
Enhancing Diversity and Inclusiveness

2022-2023 Strategic Priorities

Fiscal Sustainability
Community Engagement, Outreach, and Messaging

REPORT NARRATIVE:

On March 2, 2022, the Council adopted Map 103 as the new district map for City Council elections. Map 103 largely retains the existing districts, which were established in 2017. Following the 2017 ordinance establishing district elections, the state enacted the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act ("FAIR MAPS Act"). Among other things, the FAIR MAPS Act adds prioritized criteria for redistricting.

On March 23, 2022, the City Council received a letter from the Nielsen Merksamer law firm demanding that the City cure its violation of the FAIR MAPS Act. On April 6, 2022, the City Council reaffirmed its action adopting Map 103 as the City's new district map.

Following this action, the plaintiffs filed a lawsuit against the City challenging Map 103,

alleging that the map was not legal and did not meet the requirements of the Fair Maps Act. At the hearing on March 9, 2022, the judge determined that Map 103 was not legal due to lack of compliance with the contiguity requirement and directed the City Council to select a map that met the Fair Maps Act criteria. The purpose of this hearing is to comply with the court order and give the Council the opportunity to adopt a new district map that conforms to the legal requirements.

The Council may only adopt a map that has been circulated for at least 7 days and one that meets the requirements of the FAIR MAPS Act. Only the NDC Green Map, NDC Map 108, Public Map 104, and Public Map 106 meet these criteria. The Court has ordered the Council to adopt a legal map and return to Court on May 23, 2022, to demonstrate that the court order has been complied with. Due to the seven-day map circulation requirement, the Council does not have time to make changes to any of these maps and still meet the Court deadline. Should the Council fail to act, the Court will likely adopt any map proposed by the Plaintiffs. It is likely that plaintiffs would request that the NDC Green Map be adopted. Two of the five members of the City Council have already voted in favor of adopting the NDC Green Map, so that map may be an appropriate starting point for the discussion.

Redistricting Background

Every ten years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have a nearly equal population. The redistricting process for the City of Morgan Hill had a deadline of April 17, 2022.

The City adopted its current district boundaries on September 6, 2017, based on 2010 census data as required by law. The districts must now be redrawn using the 2020 census data and in compliance with the FAIR MAPS Act, adopted by the California legislature as AB 849, which took effect January 1, 2020.

Under the Act, the City Council shall draw and adopt boundaries using the following criteria in the **listed order of priority** (Elections Code 21601(c)):

- Comply with the US Constitution, the California Constitution, and the federal Voting Rights Act of 1965, including the federal requirement that districts maintain equal populations
- Geographically contiguous
- Undivided neighborhoods and “communities of interest” (socio-economic geographic areas that should be kept together)
- Easily identifiable boundaries
- Compact (do not bypass one group of people to get to a more distant group of people)
- Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

- Minimize the number of voters delayed from voting in 2022 to 2024; Respect voters' choices/continuity in office
- Future population growth

Elections Code Section 21607.1 directs that the City must conduct at least four (4) public hearings throughout the redistricting process; one (1) Public Hearing before maps are drawn, at least two (2) Public Hearings after draft maps are drawn, and one (1) public hearing scheduled on an evening or weekend, at which time the public is invited to provide input regarding the composition of the districts.

The required public hearings have been held.

COMMUNITY ENGAGEMENT:

Consult.

The City Clerk's Office and Communications Team implemented the following community outreach plan:

Public Messaging via Social Media, City's Website, Press Releases, newsletters, and other public communications, in English and Spanish, including:

- At least four City Council Public Hearings
- Social media engagement on Facebook, Instagram, Twitter, and NextDoor
- Updated webpage on City's website for redistricting updates and information
- Information provided via website newsflashes, eblasts, "Morgan Hill Weekly 411," and print
- Press releases sent to various outlets and groups, including individuals and churches who have connections to our Spanish-speaking community
- Public notices posted at City facilities
- Display advertisements on local public access network by using Channel 17
- Informational tables at the Farmer's Market, Friday Night Music Series, local coffee shops, St Catherine's Church following the English and Spanish mass, and other public spaces
- Virtual Town Halls
- Online Interactive Tools:
 - Updated online interactive mapping tools were available to allow residents to draw their district boundary lines. The City's consulting demographer provided training for the public on how to use the new online mapping tools.

ALTERNATIVE ACTIONS:

The City Council can determine whether to

1. Adopt the NDC Green Map; or
2. Approve an amended resolution identifying a different district map – NDC Map 108, Public Map 104, or Public Map 106.

PRIOR CITY COUNCIL AND COMMISSION ACTIONS:

- January 29, 2021, Annual Goal Setting Workshop - City Council received a presentation outlining the requirements and process for redistricting.
- [May 5, 2021](#), City Council Meeting - the City Council voted to move forward with a staff-led redistricting process.
- August 6, 2021, Mid-Year Goal Review Workshop - City Council received an update on the redistricting process.
- [August 18, 2021](#), City Council Meeting- The City Council held the first of four required public hearings in the redistricting process to receive an update on the process and request feedback on Communities of Interest.
- [October 20, 2021](#), City Council Meeting- The City Council held the second of four required public hearings in the redistricting process to receive an update on the state-adjusted Census data, and receive a demonstration on available mapping tools.
- [December 15, 2021](#), City Council Meeting - The City Council held the third of four required public hearings in the redistricting process to review the draft maps submitted to date.
- [February 16, 2022](#), City Council Redistricting Workshop - The City Council and community reviewed and discussed the draft maps and Council directed staff to bring maps 103, 104, 106, 108, and NDC green to the March 2, 2022 Public Hearing for discussion and possible adoption.
- [March 2, 2022](#), the City Council held the fourth of four required public hearings and adopted Map 103.
- [April 6, 2022](#), the City Council held a public hearing and reaffirmed the adoption of map 103.

FISCAL AND RESOURCE IMPACT:

The legal action brought against the City as a result of the adoption of Map 103, led to legal costs in the approximate range of \$80,000 to \$100,000. Once total costs are known, staff will determine whether a budget amendment is necessary.

CEQA (California Environmental Quality Act):

Not a Project.

The reformatting of electoral districts is not a project as defined in Section 15060(c) of the State CEQA Guidelines.