

## **CITY COUNCIL STAFF REPORT**

### **MEETING DATE: April 6, 2022**

PREPARED BY:

Michelle Bigelow, Deputy City Clerk

APPROVED BY: City Manager

## **RECONSIDER ACTION TO ADOPT CITY COUNCIL DISTRICT MAP 103 - FROM MARCH 2, 2022 CITY COUNCIL ACTION**

### **RECOMMENDATION(S)**

1. Review and discuss whether an alternative map should be adopted in light of a demand to cure a violation of the FAIR MAPS Act; and
2. Determine whether to: a) affirm the adoption of Map 103, or 2) approve an amended resolution identifying an 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:**

This item is being brought back on a request for reconsideration by Mayor Constantine.

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. The top priority for redistricting is that all districts must be contiguous. Current District D (as retained in Map 103) is not contiguous.

On March 23, 2022, the City Council received a letter from the Nielsen Merkskamer law

firm demanding that the City cure its violation of the FAIR MAPS Act. The purpose of this hearing is to give the Council the opportunity to reconsider the adoption of Map 103 and consider adopting a map that conforms to the legal requirements.

### **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 must be completed by 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)):

1. 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.
2. Geographically contiguous
3. Undivided neighborhoods and “communities of interest” (socio-economic geographic areas that should be kept together)
4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

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

1. Minimize the number of voters delayed from voting in 2022 to 2024
2. Respect voters’ choices/continuity in office
3. 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 purpose of this public hearing is to reconsider the prior adoption of Map 103 and

determine whether to 1) affirm the adoption of Map 103, or 2) approve an amended resolution identifying a different district map.

### **COMMUNITY ENGAGEMENT:**

Consult.

The City Clerk's Office and Communications Team have 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) affirm the adoption of Map 103, or 2) approve an amended resolution identifying a different district map.

### **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 a public hearing and adopted Map 103.

**FISCAL AND RESOURCE IMPACT:**

For the FY 2021-2022 redistricting process, staff estimates that the currently budgeted funds will be sufficient. If legal action is brought against the City based on the adoption of Map 103, legal costs could be between \$100,000 to \$500,000 and have not been included in the adopted budget.

**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.