



**CITY OF ELK GROVE
CITY COUNCIL STAFF REPORT**

AGENDA TITLE: **A public hearing to receive input regarding the content of draft maps for transitioning to by-district (district-based) City Councilmember elections consistent with Elections Code section 10010**

MEETING DATE: **October 9, 2019**

**PREPARED BY/
DEPARTMENT HEAD:** **Jason Lindgren, City Clerk**

RECOMMENDED ACTION:

Receive input from the public and City Council regarding the content of draft maps and the proposed sequence of elections for transitioning to by-district (district-based) City Councilmember elections.

BACKGROUND INFORMATION:

The City of Elk Grove currently has a “from-district” election method for its four Councilmembers, with a directly elected Mayor. Under this method, the Councilmembers must live within a designated district to be eligible to run for office in that district, with the voters of the entire City eligible to vote for each of the four Councilmembers, regardless of districts. The City’s Mayor is also elected directly by the voters of the entire City, but the Mayor may live in any district. Councilmembers serve for staggered four-year terms, and the Mayor serves a two-year term.

The current from-district map was developed through public outreach conducted after the 2010 decennial census (Attachment 1). In developing the current district map, the City retained a professional demographer and engaged the community through outreach workshops from May to June of 2011, which generated 28 maps for consideration. The current district map was adopted by Resolution No. 2011-142 on July 13, 2011.

On August 28, 2019, the City Council adopted Resolution No. 2019-191 expressing its intent to transition to a by-district (district-based) system of election for its four City Councilmembers consistent with Elections Code section 10010 (Attachment 2). Pursuant to section 10010, the City must hold at least two public hearings over a period of not more than 30 days, at which the public is invited to provide input regarding the composition of the proposed districts. Following those public hearings, and after all proposed maps are drawn, the City will need to hold at least two additional hearings over a 45-day period to provide input on the proposed maps, and prior to a vote to adopt or reject an ordinance establishing district-based elections. The City may adopt such ordinance without submitting the ordinance to the voters for approval. (Gov. Code § 34886)

ANALYSIS:

Public Hearing input on the composition of districts

Public hearings were held September 11, 2019 and September 25, 2019 to invite public input regarding the composition of the districts. At the public hearing of September 11, 2019, eleven speakers provided comment at the public hearing: four speakers supported keeping a from-district system of election and seven speakers voiced support for a by-district system of election. Regarding input on the composition of election districts, a speaker in support of the from-district system of election noted a highly diversified representation of people in the current District 2, and a desire to preserve the rural lifestyle of Elk Grove. Speakers supporting by-district systems of election provided input on the composition of election districts voicing support to use the existing district map, to use existing census data (and to not wait for the 2020 census data), and to consider inclusion of more council seats.

The public hearing of September 25, 2019 resulted in public comment from four speakers: two speakers supported keeping a from-district system of election and two speakers voiced support for a by-district system of election. A speaker supporting by-district systems of election provided input on the composition of election districts voicing support to use the existing 2010 Census data. The City Council also provided input regarding the potential composition of the districts at the September 25, 2019 public hearing.

Proposed Map

At the public hearing, state law requires that the City Council consider at least one draft map drawn as part of the transition process. The currently drawn draft map under consideration reflects the current districts of the City. (Attachment 1). This map was published on the City website for public review as required by state law. Public notice of this public hearing to consider the draft map was also published in the Elk Grove Citizen on October 2, 2019. Staff expects to have potential draft map revisions available for consideration at the public hearing on October 9, 2019, based on Councilmember comments at the previous public hearings. Due to time constraints, such map revisions were not available as of the publication of this staff report. Note, however, that under state law the City Council will not be able to adopt a map at the October 9, 2019 public hearing. The City Council must hold at least one more public hearing before approval of an ordinance adopting a map and establishing district-based elections.

The transition to by-district (district-based) City Councilmember elections would not alter the proposed sequence of elections for Elk Grove. For the November 3, 2020 General Election Districts 1 and 3 will be up for consideration, as well as the office of the directly elected mayor.

In order to meet the time-frames set forth by state statute, staff has tentatively scheduled an additional public hearing for October 23, 2019, subject to direction and input from the City Council. The public hearing of October 23, 2019 would be the first opportunity to consider an ordinance for transitioning to by-district (district-based) City Councilmember elections and adopting a final map. Additional public hearings may be necessary.

FISCAL IMPACT:

Demographer services to assist with the public hearing processes to transition to a by-district system of election were authorized in an amount not to exceed \$40,000 on August 28, 2019 by Resolution No. 2019-192.

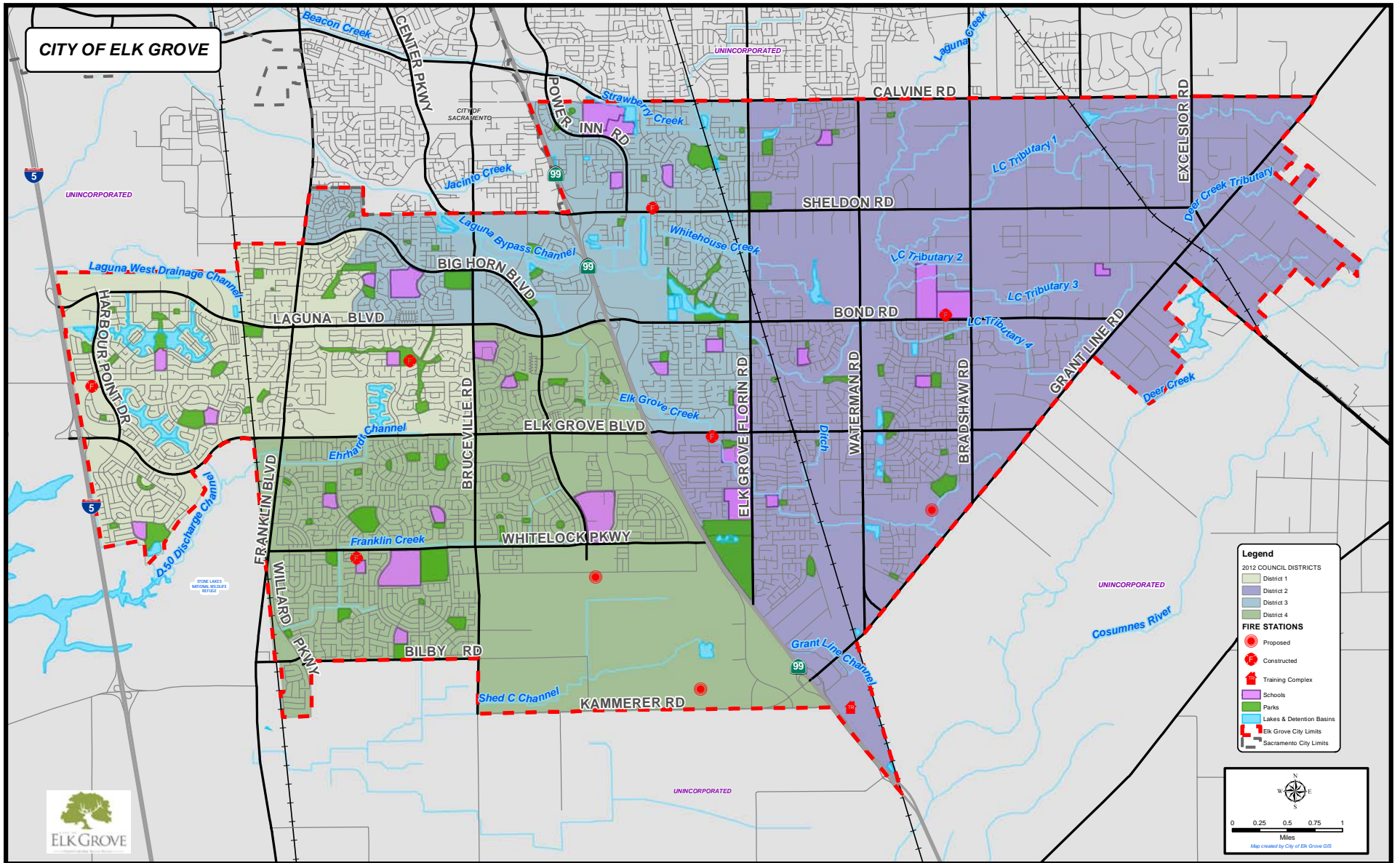
If the City transitions to a by-district method of election, staff anticipates future election costs will increase by an estimated \$42,500, for a total estimated election cost for November 2020 of \$181,000, based on the current registered voter count of 95,000. Attachment 3 provides a review of election costs comparing by-district and from-district councilmember elections (with a directly elected mayor). The Sacramento County Voter Registration and Elections Office released estimates of the November 2020

fees, and the finalized cost guide is expected to publish in spring 2020, which serves as the basis for the election budget submittal by the Office of the City Clerk for Fiscal Year 2020-21.

If the City Council ultimately adopts an ordinance moving to a by-district method of election, the City may also be liable for statutory costs to the prospective plaintiffs of up to an additional \$30,000 (as adjusted by inflation). The matter of those costs is dependent upon the City Council's future action on the decision whether to transition to a by-district election method following the public hearing process; therefore, such costs will be addressed at a later date as necessary.

ATTACHMENTS:

1. Current from-district map/Potential by-district map
2. Resolution No. 2019-191 - Intent to Transition to By-District Elections
3. Cost Comparisons of by- and from-district systems of election



RESOLUTION NO. 2019-191

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE
DECLARING ITS INTENT TO TRANSITION TO BY-DISTRICT (DISTRICT-BASED)
CITY COUNCILMEMBER ELECTIONS CONSISTENT WITH
ELECTIONS CODE SECTION 10010**

WHEREAS, the City of Elk Grove ("City") is a general law city and currently has a "from-district" election method whereby four members of the City Council are required to reside within designated districts of the City, with voters of the entire City electing these four members of the City Council, which election method is considered an "at-large method of election" under Elections Code section 14026; and

WHEREAS, the City has an elected Mayor, pursuant to Government Code section 34902, whereby the Mayor is directly elected on a citywide basis by the voters of the entire City for a two-year term; and

WHEREAS, on July 15, 2019, the City received a letter by certified mail from the law firm of Shenkman & Hughes, P.C. asserting that the City's at-large City Council electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation against the City if the City does not voluntarily change its at-large system of electing City Councilmembers; and

WHEREAS, Government Code section 34886 authorizes the City to adopt an ordinance to change to a by-district system without submitting the ordinance to the voters for approval; and

WHEREAS, while the City Council feels that the City's current system of election is consistent with applicable law, including, without limitation, the California Voting Rights Act of 2001 (Elections Code sections 14025, *et seq.*) given the risk and costs of potential litigation over the City's election method, and other considerations of the City Council, the City Council intends to transition to a by-district (district-based) method of election whereby four members of the City Council would be elected by voters of an identified district within the City alone, all in furtherance of the purposes of the California Voting Rights Act of 2001; and

WHEREAS, the City intends to retain an elected mayor, who shall remain elected on a citywide basis by the voters of the entire City for a two-year term.

NOW, THEREFORE, BE IT RESOLVED that:

- 1) The City Council hereby expresses its intent to transition to a by-district (district-based) system of election for its four City Councilmembers, as set forth herein; and
- 2) The City Council intends to commence the process for drawing of district maps for district boundaries consistent with the procedures set forth at Elections Code section 10010, including the holding of public hearings and meetings as required by Elections Code section 10010 and/or other

applicable law; the estimated time frame to facilitate this transition to a by-district (district-based) election method is ninety (90) days from the date of passage of this resolution, which estimated time frame is subject to revision; and

- 3) The City Council directs the City Manager to retain the services of a qualified demographic consultant to assist in the development of districts maps; and
- 4) Following the development of district maps, the City Council intends to adopt an ordinance transitioning to a by-district (district-based) election method, pursuant to Elections Code section 10010 and Government Code section 34886, utilizing the district maps developed through the district mapping process; and
- 5) The City intends by the ordinance transitioning to a by-district (district-based) election method to retain the position of a directly elected mayor as an office elected on a citywide basis by the voters of the entire City for a two-year term.

PASSED AND ADOPTED by the City Council of the City of Elk Grove this 28th day of August 2019



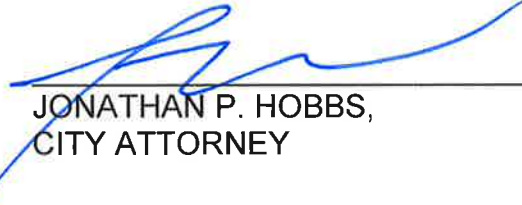
STEVE LY, MAYOR of the
CITY OF ELK GROVE

ATTEST:



JASON LINDGREN, CITY CLERK

APPROVED AS TO FORM:



JONATHAN P. HOBBS,
CITY ATTORNEY

CERTIFICATION
ELK GROVE CITY COUNCIL RESOLUTION NO. 2019-191

STATE OF CALIFORNIA)
COUNTY OF SACRAMENTO) ss
CITY OF ELK GROVE)

I, Jason Lindgren, City Clerk of the City of Elk Grove, California, do hereby certify that the foregoing resolution was duly introduced, approved, and adopted by the City Council of the City of Elk Grove at a regular meeting of said Council held on August 28, 2019 by the following vote:

AYES: **COUNCILMEMBERS:** *Ly, Hume, Detrick, Nguyen, Suen*

NOES: **COUNCILMEMBERS:** *None*

ABSTAIN: **COUNCILMEMBERS:** *None*

ABSENT: **COUNCILMEMBERS:** *None*



Jason Lindgren, City Clerk
City of Elk Grove, California

Comparison of “From” and “By” District General Election Costs^A

	Set-Up Fee per Contest	First contest (Mayor)	Additional Contests	Total	Cost Difference
<p>Current “From” district General Municipal Election Cost Model</p> <p>Mayor plus two districts per election – all voted at large = one ballot for all voters</p>	<p>\$ 2,008.00</p>	<p>\$ 0.9051 / registered voter</p> <hr/> <p>95,000^B x \$0.9051^C</p> <p>\$ 85,984.50</p>	<p>\$ 0.0556 / registered voter Two subsequent contests</p> <p>95,000 x \$0.0556^C x 2 subsequent contests</p> <hr/> <p>\$ 10,564.00</p>	<p>\$ 98,556.50</p>	<p>N/A</p>
<p>“By” district General Election Cost Model</p> <p>Mayor plus two districts per election – one at large contest plus two additional “by” district contests = three separate ballots for three different voter groups</p>	<p>\$ 2,008.00 x 3 contests</p> <hr/> <p>\$ 6,024.00</p>	<p>\$ 0.9051 / registered voter</p> <hr/> <p>95,000^B x \$0.9051</p> <p>\$ 85,984.50</p>	<p>\$ 0.9051 / registered voter Two additional contests</p> <p><i>District 1 or 2 (alternating elections)</i> 23,750^D x \$0.9051 = \$ 21,496.125</p> <p><i>District 3 or 4 (alternating elections)</i> 23,750^D x \$0.9051 = \$ 21,496.125</p> <hr/> <p>\$ 42,992.25</p>	<p>\$ 135,000.75</p>	<p><i>Increase of</i> \$ 36,444.25</p>

- A. Based on the Sacramento County Voter Registration and Election Specialized Services Schedule of Fees and Charges for 2018 and 2019.
- B. Assumptions use a Registered Voter population of 95,000.
- C. Individual contest multiplier of 0.9051 per voter; multiplier of 0.0556 per voter for subsequent contests with same voter base.
- D. Assumption that the district maps utilized would approximately divide the registered voter count evenly (95,000 ÷ 4 = 23,750).

Running a measure (City-sponsored) and/or initiative/referendum/recall (voter-sponsored) under either the “from” or “by” district model has a cost of \$5,282 (a measure is considered a subsequent contest voted citywide (95,000 x 0.0556)).



Incorporated July 1, 2000

8401 Laguna Palms Way
Elk Grove, California 95758

CITY OF ELK GROVE

Telephone: (916) 683-7111
Fax: (916) 627-4400
www.elkgrovecity.org

City of Elk Grove – City Council NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on **Wednesday, October 9, 2019, at 6:00 p.m.**, or as soon thereafter as the matter may be heard, at the City Hall Council Chambers, 8400 Laguna Palms Way, Elk Grove, California, the City Council of the City of Elk Grove shall hold a public hearing whereby oral and written presentations may be made and consideration given in regard to adoption of a four district map implementing a by-district election system for City Councilmembers. The public is invited to provide input regarding the content of the draft map or maps.

Public hearings were held September 11, 2019 and September 25, 2019 to receive input regarding the composition of the districts for a by-district election system. Draft maps are published, as directed by the City Council, on the City of Elk Grove website and can be accessed at the following location:

http://www.elkgrovecity.org/city_hall/city_government/city_council/district-based_voting

At its meeting on August 28, 2019, the Elk Grove City Council adopted Resolution No. 2019-191 expressing the intent to transition and take steps toward implementing a by-district election system for City Councilmembers. Additional public hearings are upcoming.

Information regarding this item is available in the Office of the City Clerk of the City of Elk Grove located at 8401 Laguna Palms Way, Elk Grove, California, 95758. All interested persons are invited to present their views and comments on this matter. Written statements may be filed with the City Clerk at any time prior to the close of the hearing scheduled herein, and oral statements may be made at said hearing.

If you challenge the subject matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City Clerk, 8401 Laguna Palms Way, 1st Floor, Elk Grove, CA, 95758, at or prior to the close of the public hearing.

Dated / Published: October 2, 2019

JASON LINDGREN
CITY CLERK, CITY OF ELK GROVE

ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (916) 478-3635. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.