



## City Council Agenda Report

**Meeting Date:** June 11, 2024

**Prepared By:** Melissa Thurman, City Clerk

**Approved By:** Gabriel Engeland, City Manager

**Subject:** Hold a Public Hearing and receive public input and a presentation from the City's consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections of the City Council

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### COUNCIL PRIORITY AREA

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

### RECOMMENDATION

Hold a Public Hearing and receive public input and a presentation from the City of Los Altos' ("City") consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections pursuant to the California Voting Rights Act ("CVRA") for the City Council. The City Council should further discuss the following topics:

- 1.) The Communities of Interest within the City that should define the boundaries and composition of districts before any maps of any proposed district boundaries are drawn; and
- 2.) Whether the City should implement a directly elected Mayor with four districts, or retain a City Council-selected Mayor with five districts

### FISCAL IMPACT

The City will be required to retain the services of a demographer in order to successfully transition to district elections. The cost of such services is approximately \$50,000. The City also must retain outside legal counsel to oversee the project in its entirety. The cost of outside legal services is approximately \$35,000. Lastly, it is contemplated that Shenkman & Hughes, PC, the author of the letter received on April 18, 2024, will send an invoice to the City at the end of the transition process as allowed under the CVRA for costs associated with the investigation that gave rise to the letter received on April 18, 2024 – usually for the services of a demographer and also attorneys' fees. The amount of that invoice is capped by the statute at \$30,000 (plus an annual adjustment based on the Consumer Price Index for inflation since passage of the statute) if the City meets the CVRA time limits. The City has sufficient funds to cover these anticipated costs but may need to request special allocations for final payments.

## **ENVIRONMENTAL REVIEW**

Not applicable.

## **PREVIOUS COUNCIL CONSIDERATION**

During the regular meeting of May 28, 2024, the City Council adopted a Resolution declaring its Intent to Transition to District-Based Elections pursuant to California Elections Code Section 10010, with the transition taking effect at the November 2026 and 2028 Elections.

## **DISCUSSION/ANALYSIS**

The City currently has an at-large election system, where each of the City's five Councilmembers are elected by voters throughout the City. Currently, Councilmembers in Los Altos are elected for a four-year term and the Mayoral seat is rotated annually among the five Councilmembers. This rotation takes place in December of each year.

On April 18, 2024, the City received a Notice of Violation of the CVRA from attorney Kevin Shenkman and his law firm, Shenkman & Hughes, PC of Malibu, CA. The letter asserts that the City is violating the CVRA because: the City's councilmember elections are at-large as opposed to by district; the City's elections are characterized by racially polarized voting; and, there is vote dissolution in that minority voters have difficulty in electing councilmembers of their choice because they are never a majority or close to a majority in an at-large election. The notice demands that the City immediately transition from an at-large elections system to a district-based one. District-based elections is a method of electing the members of the City Council in which the candidate must reside within an election district and is elected only by voters residing within that election district.

At-large voting systems allow all voters to vote for each councilmember seat that is on the ballot in a given electoral year. Racially polarized voting means that block voting among different racial groups may be occurring, such that there is too high a correlation between race and electoral choice – that is, that voters vote according to race. Vote dissolution occurs where minority voters – never having a majority across the City – are unable to elect candidates of their choice because they do not have the voting power to do so in an at-large scheme. Elections by district may address this issue by constructing districts where there are greater concentrations of minority voters such that they have more voting power within an individual district when compared to an at-large system.

The CVRA provides a “Safe Harbor” provision to local government agencies with at-large election systems pursuant to Elections Code Section 10010. Under this provision, a local agency has approximately 135 days from the receipt of the letter to transition from at-large to district-based elections. The City has secured additional time from Mr. Shenkman, until October 31, 2024, to complete this transition. If the City complies with the “Safe Harbor” provisions, the amount of attorney’s fees and costs Mr. Shenkman can collect is expected to be approximately \$30,000, adjusted annually to the Consumer Price Index.

The City has engaged a demographer, Redistricting Partners, to support the transition effort to district-based elections. During this process, the City must:

- Hold at least five public hearings to receive public input and to consider draft maps. The public hearing on June 11, 2024 will be the first of two required public hearing for the

public to provide input on communities of interest and the composition of districts, as well as whether the City should implement a directly elected mayor with four districts, or retain a City Council-selected mayor with five districts. The City will not consider any maps at this public hearing or the next one (second public hearing), which has tentatively been scheduled for July 9, 2024, pending Council approval of this hearing date.

- After the two required initial hearings to gather public input, the City Council is planning to hold at least three additional public hearings starting in August (September?) 2024 to consider and select a map with district boundaries based on the public input received regarding the City's communities of interest and the City Council's direction as to whether the transition will produce a directly elected mayor with four districts or retain a City Council-selected mayor with five districts. Redistricting Partners will produce one or more maps for consideration by the City Council and the public before each meeting, which will be available to the public at least 7 days before any hearing at which the City Council considers the maps. Redistricting Partners will present those maps – explaining each map's attributes and the differences between or among them. During one or more of these three hearings the City Council will discuss the proposed sequence of election.

During the first public hearing, the City's demographer, Redistricting Partners, will make a presentation on the CVRA and the transition process for preparing district boundaries. The intention of this hearing is to identify the neighborhoods or "communities of interest" within the City, as well as other local factors that should be considered by Redistricting Partners when drawing draft maps. The public will be invited to ask questions about the process and to provide input on communities of interest in the City. This will allow the demographer to better understand the jurisdiction and allow the drawing of maps based on sound demographic and legal principles. The public is welcome to propose complete districting maps, though it is not required. (See below for more on the district formation criteria.) The public is also invited to provide input as to whether the City should move to a directly-elected mayor with four districts or to maintain the current system where the five City Councilmembers select a mayor. (See below for more information regarding the number of districts and a potentially directly elected Mayor.) This hearing will also identify and highlight resources available to the public on the City's website related to the transition to district-based elections. (See below for more information regarding the City's public outreach process.)

The format for the second hearing on July 9, 2024 will be the same. At the end of the second public hearing with full consideration of the input offered by the public, the City Council will provide direction to City staff and the City's demographer regarding the criteria to be considered, consistent with the required legal parameters, to create proposed district maps. The City Council will also be asked to provide direction on the number of districts to be created, as well as whether the City would like to establish a directly elected mayor.

The City Council will then host subsequent public hearings for the public to consider the draft maps created by the City's demographer. In preparation for these hearings, maps created by the City's demographer will be posted on the City's website and otherwise available at least one week before the hearings. After taking public comment at these hearings, the City Council will provide further direction to the City's demographer as to how to change and/or finalize a proposed map.

Final direction on district maps and election sequencing will be sought at a final public hearing and will be incorporated into an ordinance to be considered by the City Council.

### **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;
- 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.

Additionally, Election Code section 21130 requires cities to adopt districts using the following criteria to the extent practicable, 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 or economic 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.

The City's demographer – Redistricting Partners – only will present maps that comply with these criteria.

### **Public Outreach**

In addition to the formal public hearing process, the City is implementing a robust effort to encourage participation and inclusivity as a part of the districting process. To this end, the City is doing the following:

- Hosting a webpage dedicated to districting, which includes an explanation of the districting process, relevant demographic data, the process for getting public input (in all legally required languages), a calendar of public hearings and/or workshop dates, the notice and agenda for each hearing/workshop, audio/video records of the hearings/workshops, a copy of the draft map(s) considered, and a copy of the final adopted map; and
- Promoting the public workshop and hearing dates on all City social media channels and advertising the hearings and workshops in the Los Altos Town Crier and/or the Daily Post, depending on advertising deadlines and availability

The City's districting webpage can be found via this weblink and is updated regularly to provide current information: <https://www.losaltosca.gov/cityclerk/page/district-based-elections>.

**Number of Districts and Possible Transition to A Directly Elected Mayor**

Early in the process of transitioning to district-based elections, the City Council will provide direction to staff and consultants on the number of districts to be created, including whether or not to transition from an appointed Mayor to a directly-elected Mayor. The City Council currently annually appoints a member of the City Council to serve for one year as Mayor of the City. Staff would welcome City Council input and possibly direction.