

CITY OF YUBA CITY
STAFF REPORT

Date: September 21, 2021
To: Honorable Mayor & Members of the City Council
From: Administration
Presentation By: Dave Vaughn, City Manager

Summary

Subject: Public Hearing No. 1 to Receive Input from the Community Regarding a District Based Election System for City Council
Recommendation: Hold a Public Hearing to receive input from the community regarding a district-based election system for City Council
Fiscal Impact: TBD

Purpose:

To receive a report on the districting process and permissible criteria to be considered to create district boundaries; and conduct a Public Hearing to receive public input on district boundaries.

Background:

The members of the Council are currently elected at-large. Under an at-large system of elections, every voter in the City votes for each member of the Council, regardless of where the voter or the candidate is registered to vote in the City. Under a district-based system of elections, the City is divided into districts, candidates may only run for the seat representing the district in which they are registered to vote, and voters may only vote for a candidate from their division.

All California county board of supervisors are already elected by district. The transition to district elections for cities is now becoming increasingly common in California. Regionally, the cities of Chico, Davis, Citrus Heights, Elk Grove, and Roseville have all recently transitioned to district elections. One of the reasons for these transitions is that district elections are consistent with the California Voting Rights Act (CVRA), which encourages district elections for communities with a significant population of minority groups. Additionally, if certain jurisdictions do not transition themselves, they could be compelled to do so by a judge through a process that could potentially restrict community input or set aside election results.

To address these issues, in late 2020/early 2021 City staff were well on their way preparing the groundwork for the Council regarding whether to switch to district-based elections. As part of this process, it was determined that it would be preferable to use the latest data from the 2020 federal

census once it was released rather than using the last census from 10 years ago. The results from the 2020 Census were originally scheduled to be released in April of 2021. However, due to delays resulting from the COVID-19 pandemic, the U.S. Census Bureau anticipated that initial data would not be released until August 16, 2021, and statistics involving age, sex, race and ethnicity would be “available later” after September 30, 2021.

The initial 2020 Census data was finally released on August 12, 2021. The day before, the City received a letter from attorney Matthew Rexroad on behalf of a prospective person allegedly residing in the City, claiming that the City’s at-large system of elections violates the CVRA. The letter demands that the City switch to a division-based system of elections, and threatens to sue the City if the City does not voluntarily switch to a district-based system of elections (“Letter”). The Letter specifically alleges that the District’s at-large election system dilutes the ability of Latinos and those of Indian Ancestry to elect candidates of their choice or otherwise influence the outcome of the City’s elections.

On September 7, 2021, the Council adopted a Resolution with an effective passage date of September 25, 2021, declaring the Council’s intention to transition from at-large elections for members of the City Council, to division-based elections.

Analysis:

Process

The process of considering whether to transition to district elections involves using census and geographic data to develop districts of the City from which Councilmembers will be elected. Ultimately, the City Council chooses whether to transition to district elections and, if so, where the district lines will be drawn. During the process, the public will have the opportunity to draw and submit district maps for the City Council’s consideration, and the City may develop its own maps for consideration. The City Council must conduct at least four Public Hearings (two hearings before any maps are drawn, and at least two hearings after maps are drawn) to take public input on whether to transition to district elections, and if so, which districts map should be selected.

The first step is to hold two Public Hearings to invite public input regarding the composition of the City’s voting districts before any draft maps are drawn. These hearings are currently scheduled for September 21, 2021 (tonight) and October 5, 2021. At these two initial public hearings the City will be asking its residents what criteria should be used in developing and drafting the boundaries for the five divisions to be drawn at the end of this process and what the public would like to see in the composition of initial drafts. Before the City can commence the actual drawing of division maps, the City Council is required to have a second public hearing on the criteria for consideration of how and where the district lines should be drawn. It is the intent of the first two Public Hearings to help identify the neighborhoods, or other communities of interest, and other local factors that should be considered or used when drawing draft voting division maps. The public is welcome to proposed division maps, but this is not required.

The City Council must then hold at least two additional Public Hearings on proposed maps drawn by the public, staff, and/or the City Council. The maps must be publicly available for at least seven days before the Public Hearing, and if a change is made to the map after the Public Hearing, the revised map must be available at least seven days before the districts are adopted.

At the conclusion of the final Public Hearing, the City Council will adopt an ordinance establishing a map with the voting division boundaries. Thereafter, the division-based elections will be implemented, commencing with the 2022 election cycle. The ordinance will also state when each division is up for election.

Mandatory Criteria for Creating Districts

While public input concerning the composition of the City's yet-to-be formed voting divisions will be considered, there are several mandatory criteria that the City must comply with when the actual divisions are created:

1. The divisions must be as nearly equal in population as possible
2. Race cannot be the "predominant" factor or criteria when drawing divisions
3. Compliance with the Federal Voting Rights Act (FVRA)
4. Compliance with the California Voting Rights Act (CVRA)

Optional Criteria for Creating Districts

In accordance with Elections Code Section 21601 and Government Code Section 34884, the City Council may consider the following factors when establishing divisions, which criteria are not exclusive:

1. Topography;
2. Geography;
3. Cohesiveness, continuity, integrity, and compactness of territory; and
4. Communities of interests.

A community of interest is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
 - (1) Similar levels of income, education, or linguistic insolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

Other traditional districting principles include:

1. Respect voters' choices / continuity in office
2. Future population growth

Alternatives:

1. Decline to hold a Public Hearing at this time.

Recommendation:

A. Hold a Public Hearing to receive input from the community regarding a district-based election system for City Council

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[SLC by email](#)