

MEETING DATE: June 1, 2022

ITEM # 14

SUBJECT:

**CONSIDERATION OF SECOND READING OF AND ADOPTION OF ORDINANCE 22-17
AMENDING CHAPTER 2.16 OF THE WEST SACRAMENTO MUNICIPAL CODE TO
ESTABLISH A DISTRICT-BASED SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY
COUNCIL**

INITIATED OR REQUESTED BY:

Council Staff
 Other

REPORT COORDINATED OR PREPARED BY:

Jon Robinson, Deputy City Manager
City Manager's Office

ATTACHMENT Yes No Information Direction Action

OBJECTIVE

The purpose of this report is to facilitate the second reading and adoption of Ordinance 22-17, which would amend Chapter 2.16 of the West Sacramento Municipal Code to establish a district-based system of elections for members of the City Council.

RECOMMENDED ACTION

Staff respectfully recommends that the City Council:

1. Find that the adoption of Ordinance 22-17, which would amend Chapter 2.16 of the West Sacramento Municipal Code to establish a district-based system of elections for members of the City Council, is not a project that is subject to CEQA because it is not an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; CEQA Guidelines §§ 15060(c), 15378(a).); and
2. Waive the second reading and adopt Ordinance 22-17 amending Chapter 2.16 of the West Sacramento Municipal Code to establish a district-based system of elections for the City Council.

BACKGROUND

Since February, 2022, the City has been engaged in an extensive public outreach program designed to encourage public participation in the City's transition from its current at-large election system to district-based elections.

At its special meeting of May 18, the Council adopted a resolution formally selecting a final district map, which is included as Attachment 1. This map is not operative until the City officially adopts a district-based election system, which is the purpose of Ordinance 22-17. As shown in Attachment 2, Ordinance 22-17 would amend Chapter 2.16 of the West Sacramento Municipal Code to officially adopt a district-based election system. In order to comply with the settlement agreement with Grijalva, et al., the Council must conduct the second reading and adopt Ordinance 22-17 at this evening's meeting. Ordinance 22-17 may not be changed at this point.

Following the Council's adoption of Ordinance 22-17, the Council will have taken all the actions necessary for staff to file paperwork with Yolo County to effectuate the City's transition to district-based elections in time for the November, 2022 election.

ANALYSIS

The Council has followed a long and difficult path to get to this point. After determining to proceed with the adoption of a district-based elections system in January, the Council has conducted an expansive community outreach effort, including advertisements through online messaging, a comprehensive districting website, thousands of utility bill inserts that reached every residential water customer, and even roadside electronic signs. Staff and the City's consultant presented four community workshops, which were also staffed with Spanish and Russian interpreters. Map-making materials were also translated into Spanish and Russian. To facilitate participation from residents who don't own computers, staff created a completely analog pathway for interested residents to submit maps at the Arthur F. Turner Library.

The result of this outreach was a set of over fifty community-submitted maps that the Council considered and narrowed down to a smaller set of "finalists," from which the Council ultimately chose Map 4A (originally a community-submitted map) as its final selection.

On May 18, the Council adopted Resolution 22-51, formally approving Map 4A for submittal to the County. When the Council has completed the second reading and adoption of Ordinance 22-17, and received approval of the map from the court in accordance with the terms of the settlement agreement with Grijalva, et al., staff and the City Attorney will submit the necessary materials to the County to allow the City's Council elections of November, 2022 to be conducted on a district basis for the first time.

With the exception of the issue of the mayoral term, which is being presented in a workshop format under another agenda item, the Council's legislative activity related to districting is complete following implementation of the actions recommended in this report. However, the City must continue to fulfill its obligations under the settlement agreement with Grijalva, et al., which includes responding to any related complaints or additional filings from the plaintiff. As with all City legal matters, the City Attorney will seek Council direction on that case as needed via closed session.

Environmental Considerations

This action is not a project that is subject to CEQA because it is not an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; CEQA Guidelines §§ 15060(c), 15378(a).)

Commission Recommendation

N/A

Strategic Plan Integration

N/A

Alternatives

The Council's primary alternatives are summarized below:

1. Find that the adoption of Ordinance 22-17, which would amend Chapter 2.16 of the West Sacramento Municipal Code to establish a district-based system of elections for members of the City Council, is not a project that is subject to CEQA because it is not an activity that may cause either a direct or reasonably foreseeable indirect physical change in the environment. (Pub. Resources Code, § 21065; CEQA Guidelines §§ 15060(c), 15378(a).); and waive the second reading and adopt Ordinance 22-17, amending Chapter 2.16 of the West Sacramento Municipal Code to establish a district-based system of elections for the City Council.
2. Decline to conduct the second reading and adoption of Ordinance 22-17.

Alternative 1 is staff's recommended action. Staff and the City Attorney strongly recommend against Alternative 2, which would jeopardize the City's ability to conduct district elections in 2022.

Coordination and Review

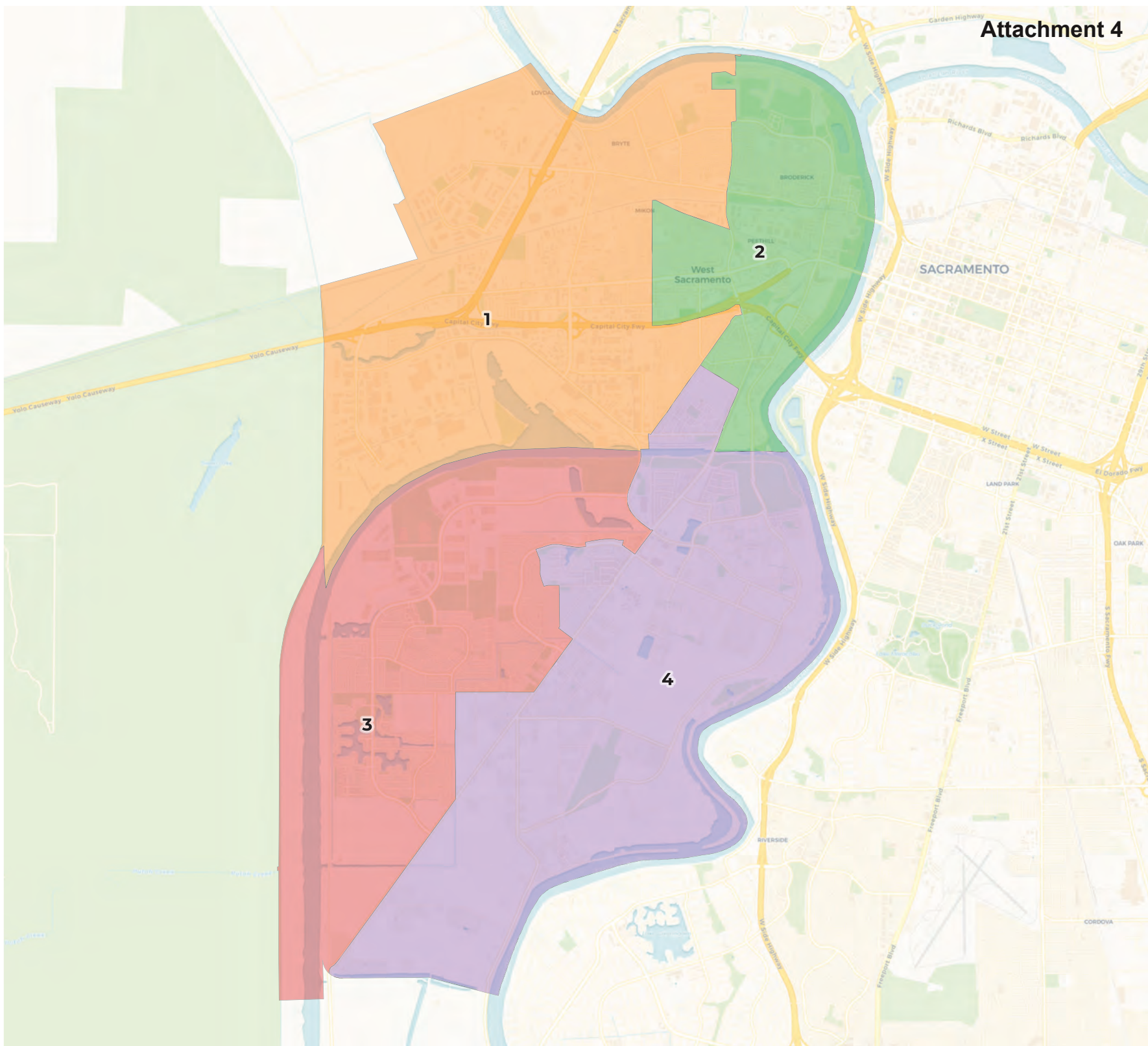
This report was prepared by the City Manager's Office, in collaboration with the City Attorney and Redistricting Partners.

Budget/Cost Impact

N/A

ATTACHMENTS

1. Map 4A
2. Ordinance 22-17



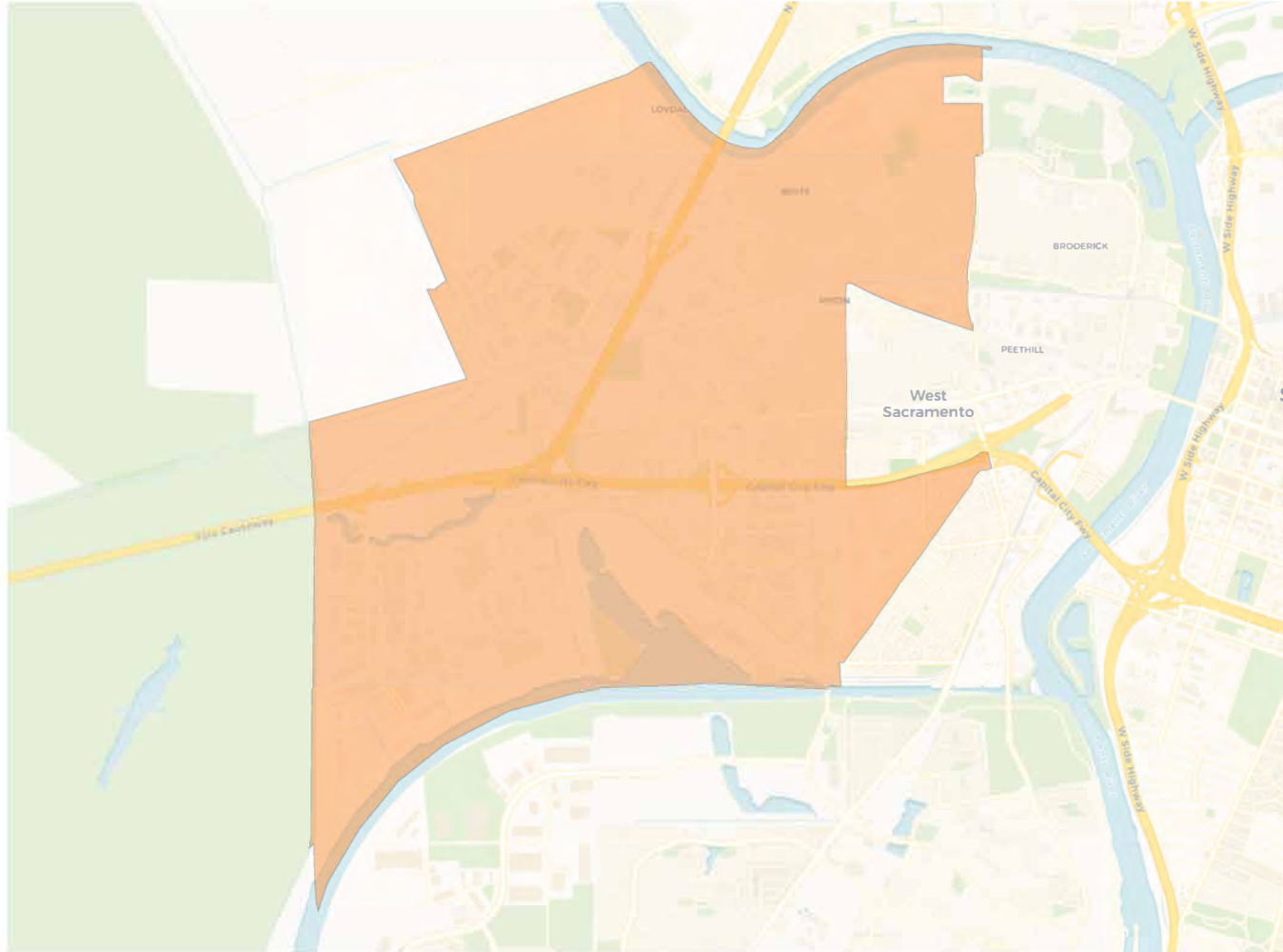
2020 Census

	1	2	3	4
Population	14,309	13,519	13,177	13,072
Deviation	790	0	-342	-447
Deviation %	5.8%	0.0%	-2.5%	-3.3%
Other	6,634	5,950	7,067	7,435
Other %	46.4%	44.0%	53.6%	56.9%
Latino	6,006	5,435	2,948	2,935
Latino %	42.0%	40.2%	22.4%	22.5%
Asian	1,137	1,348	2,408	2,251
Asian %	7.9%	10.0%	18.3%	17.2%
Black	532	786	754	451
Black %	3.7%	5.8%	5.7%	3.5%

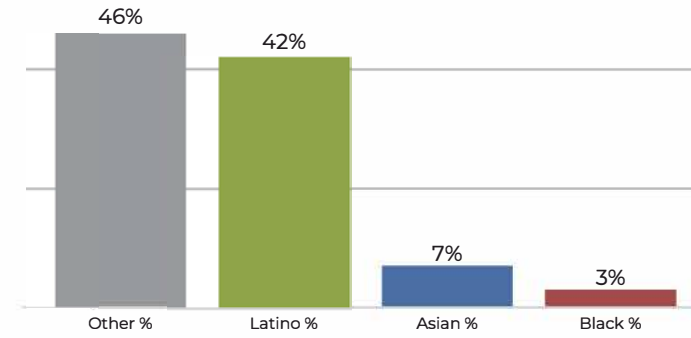
Citizen Voting Age Population (CVAP)

	1	2	3	4
Total CVAP	8,290	7,722	8,702	8,830
Other CVAP	4,819	4,326	5,522	5,982
Other CVAP %	58.1%	56.0%	63.5%	67.7%
Latino CVAP	2,268	2,191	1,424	1,262
Latino CVAP %	27.4%	28.4%	16.4%	14.3%
Asian CVAP	615	566	1,137	1,362
Asian CVAP %	7.4%	7.3%	13.1%	15.4%
Black CVAP	588	639	619	224
Black CVAP %	7.1%	8.3%	7.1%	2.5%

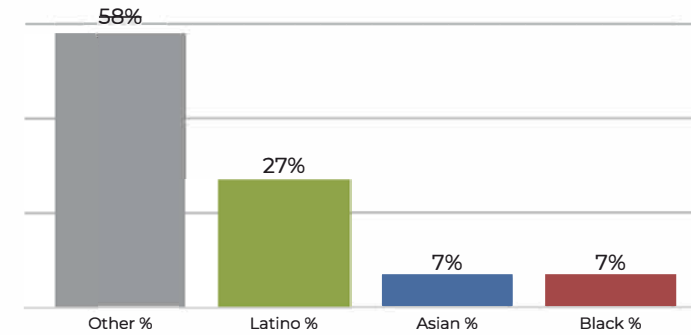
District 1



2020 Census

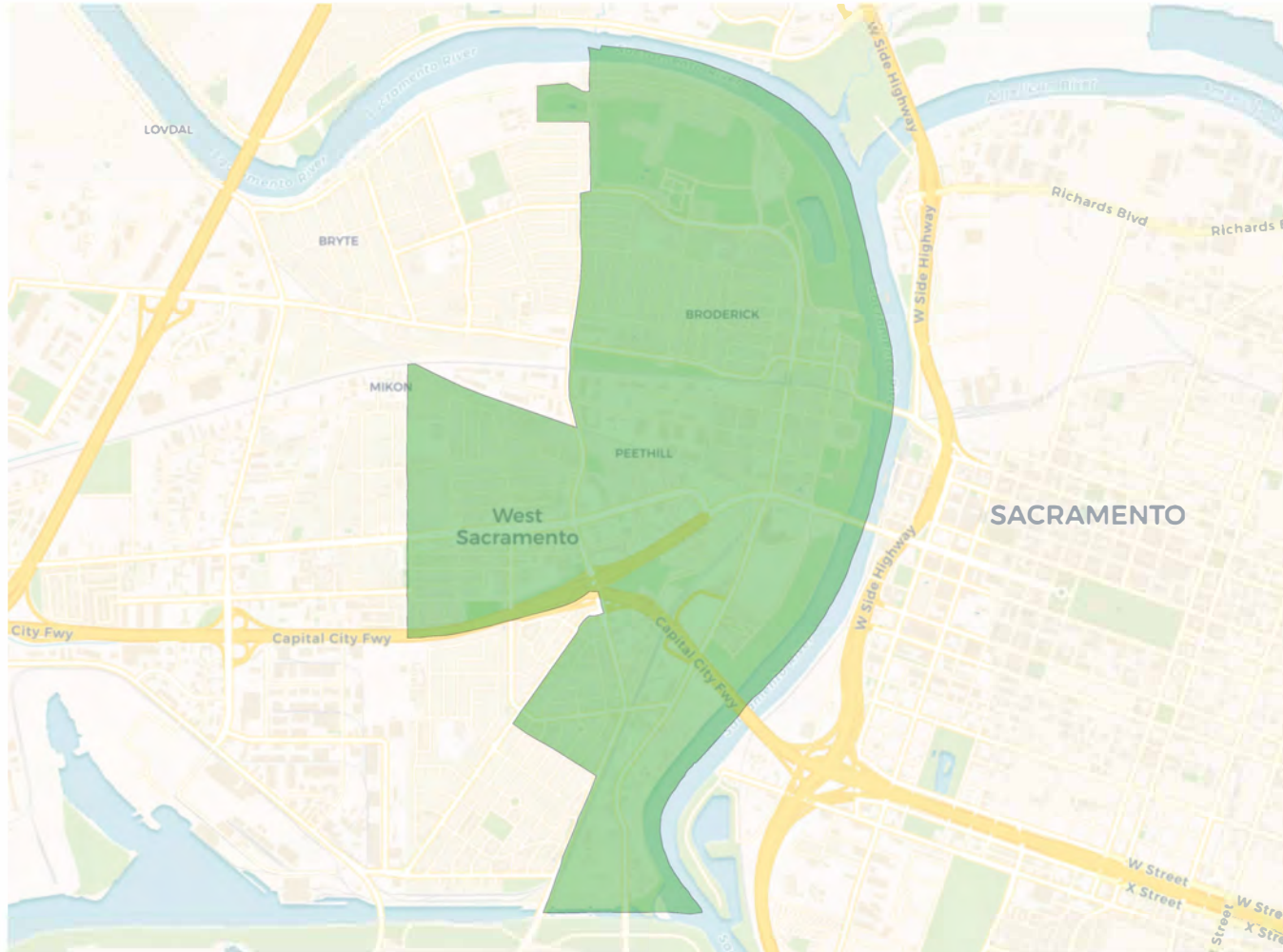


Citizen Voting Age Population

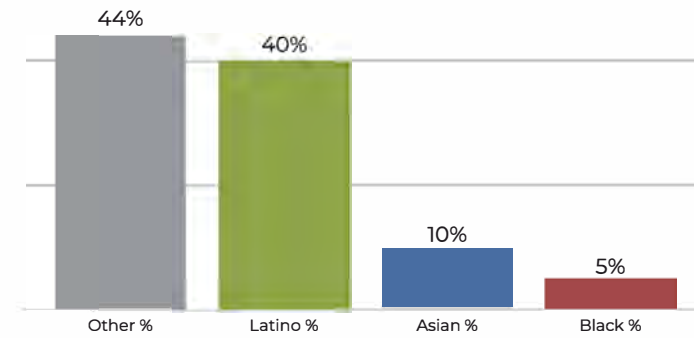


Population	Deviation	Deviation %	Other	Other %	Latino	Latino %	Asian	Asian %	Black	Black %
14,309	790	5.8%	6,634	46.4%	6,006	42.0%	1,137	7.9%	532	3.7%
Total CVAP	Other CVAP	Other CVAP %	Latino CVAP	Latino CVAP %	Asian CVAP	Asian CVAP %	Black CVAP	Black CVAP %		
8,290	4,819	58.1%	2,268	27.4%	615	7.4%	588	7.1%		

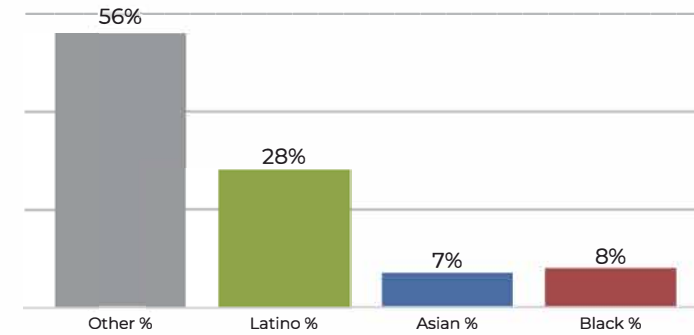
District 2



2020 Census

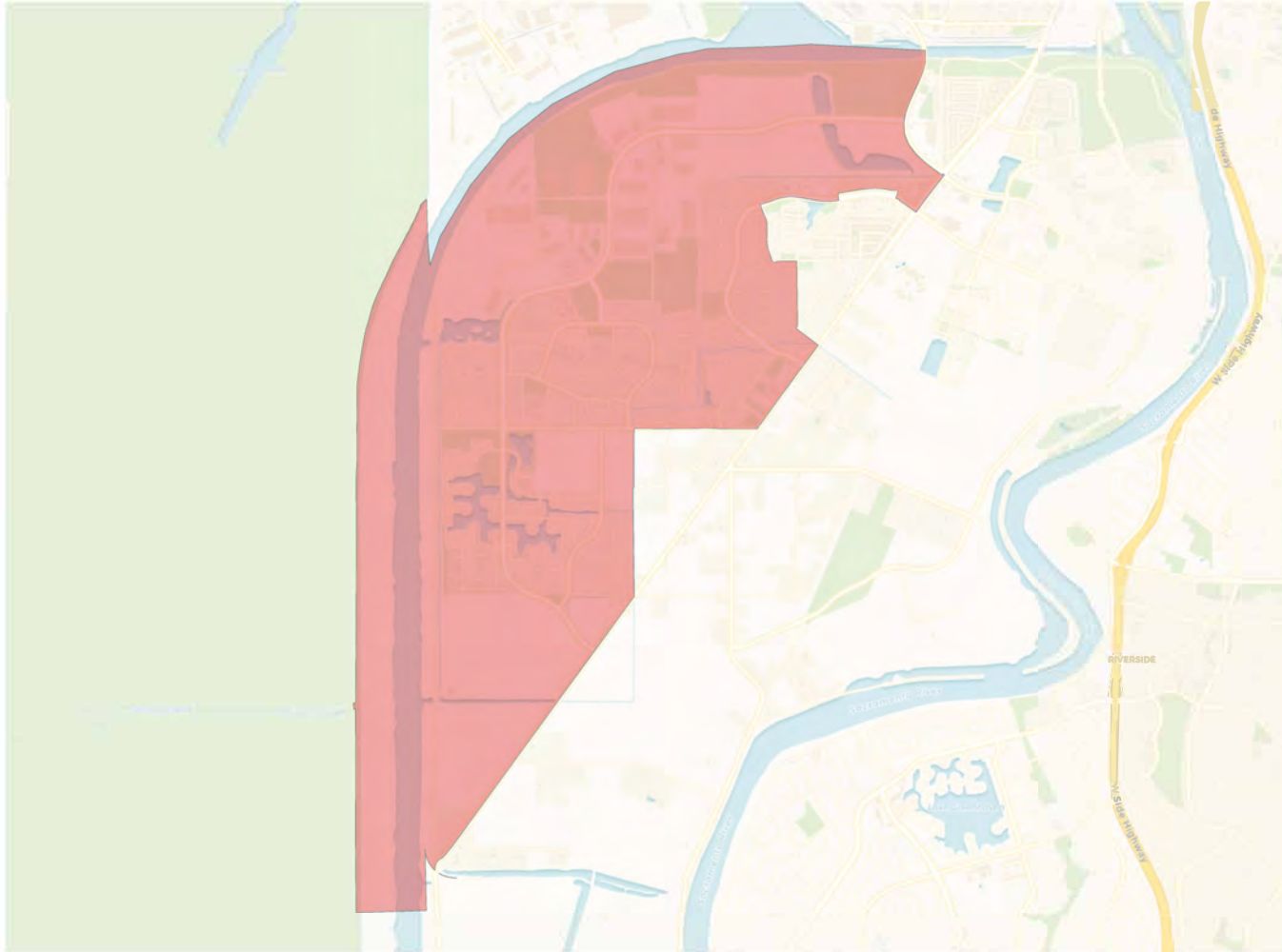


Citizen Voting Age Population

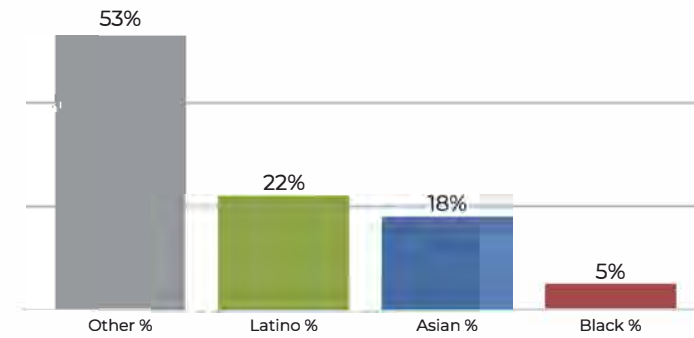


Population	Deviation	Deviation %	Other	Other %	Latino	Latino %	Asian	Asian %	Black	Black %
13,519	0	0.0%	5,950	44.0%	5,435	40.2%	1,348	10.0%	786	5.8%
Total CVAP	Other CVAP	Other CVAP %	Latino CVAP	Latino CVAP %	Asian CVAP	Asian CVAP %	Black CVAP	Black CVAP %		
7,722	4,326	56.0%	2,191	28.4%	566	7.3%	639	8.3%		

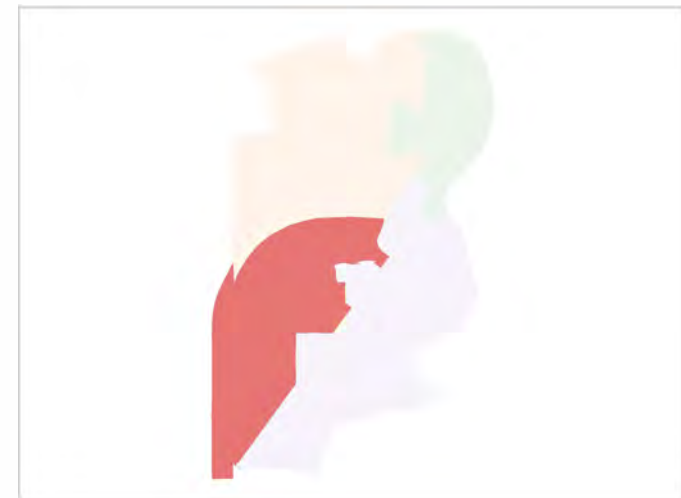
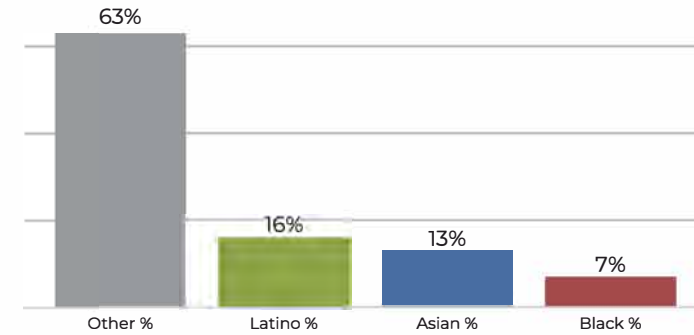
District 3



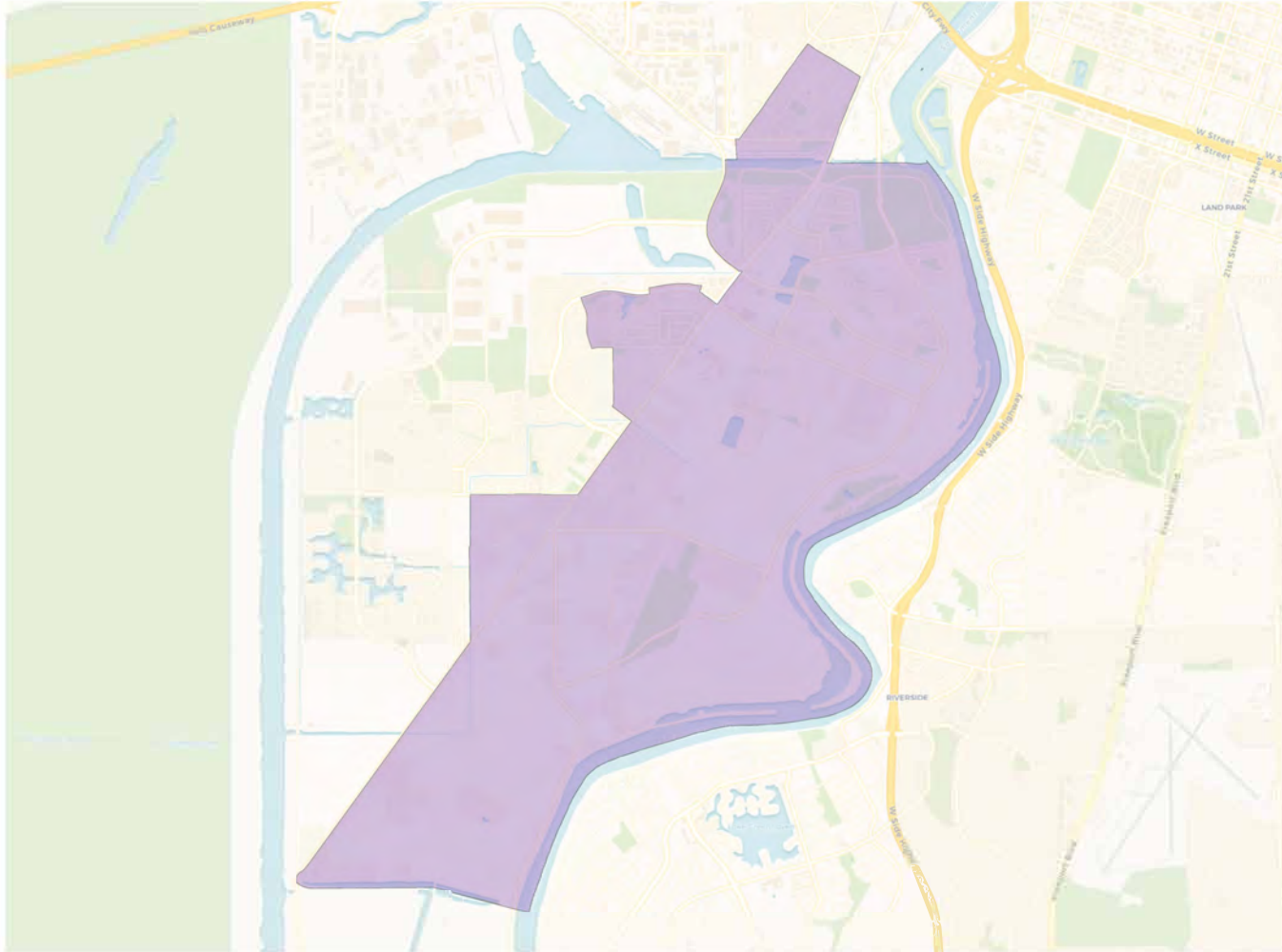
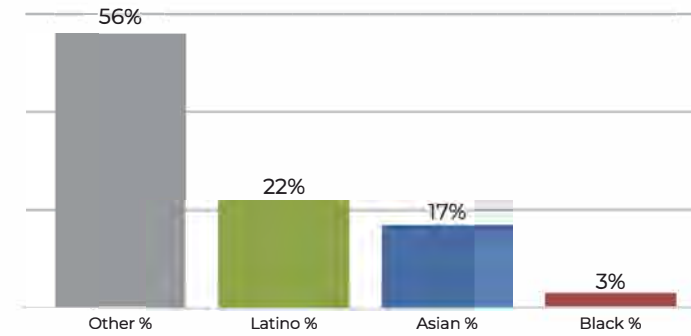
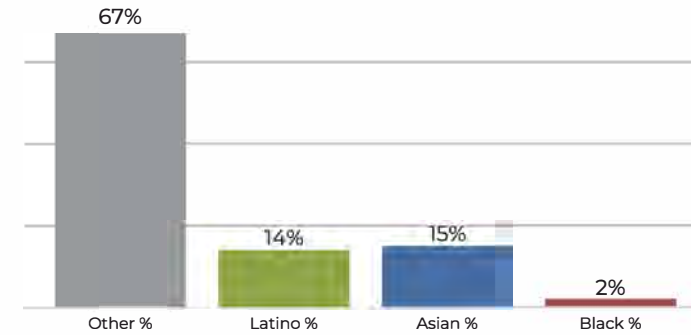
2020 Census



Citizen Voting Age Population



Population	Deviation	Deviation %	Other	Other %	Latino	Latino %	Asian	Asian %	Black	Black %
13,177	-342	-2.5%	7,067	53.6%	2,948	22.4%	2,408	18.3%	754	5.7%
Total CVAP	Other CVAP	Other CVAP %	Latino CVAP	Latino CVAP %	Asian CVAP	Asian CVAP %	Black CVAP	Black CVAP %		
8,702	5,522	63.5%	1,424	16.4%	1,137	13.1%	619	7.1%		

District 4

2020 Census

Citizen Voting Age Population


Population	Deviation	Deviation %	Other	Other %	Latino	Latino %	Asian	Asian %	Black	Black %
13,072	-447	-3.3%	7,435	56.9%	2,935	22.5%	2,251	17.2%	451	3.5%
Total CVAP	Other CVAP	Other CVAP %	Latino CVAP	Latino CVAP %	Asian CVAP	Asian CVAP %	Black CVAP	Black CVAP %		
8,830	5,982	67.7%	1,262	14.3%	1,362	15.4%	224	2.5%		

ORDINANCE 22-17

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO
AMENDING CHAPTER 2.16 OF THE WEST SACRAMENTO MUNICIPAL CODE TO
ESTABLISH A DISTRICT-BASED SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY
COUNCIL**

WHEREAS, the members of the City Council of the City of West Sacramento (“City”) are currently elected at-large, whereby all members are elected by all of the voters of the City; and

WHEREAS, the City also has an elective Mayor, who is elected every two years to a two-year term, as approved by the voters of the City in March 2004; and

WHEREAS, pursuant to Government Code sections 34886 and 34871(c), the City has the authority to adopt an ordinance requiring members of the City Council to be elected by district in four districts with an elective mayor; and

WHEREAS, pursuant to Elections Code section 10010, the City Council held public hearings on February 2, 2022, March 2, 2022, March 16, 2022, April 6, 2022, April 20, 2022 and May 10, 2022 to receive public input regarding district based elections, the composition of district maps, and sequences of elections; and

WHEREAS, in order to further the purposes of the California Voting Rights Act of 2001, the City Council now wishes to adopt an ordinance providing that the members of the City Council shall be elected by-district in four districts with an elective mayor beginning at the November 8, 2022 general municipal election; and

WHEREAS, the City Council electoral districts are to be established by resolution of the City Council.

NOW, THEREFORE, the City Council of the City of West Sacramento does ordain as follows:

Section 1. The above-listed recitals are true and correct, have served as a basis for the findings, and are a substantive part of this Ordinance.

Section 2. Pursuant to Government Code section 34886, it is declared that this change in the method of electing members of the City Council of the City of West Sacramento is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Elections Code sections 14025 *et seq.*).

Section 3. The City of West Sacramento is hereby divided into four (4) Council districts with boundaries to be set by a resolution of the City Council.

Section 4. The provisions of Chapter 2.16 of the City of West Sacramento Municipal Code are amended to add Sections 2.16.100 through 2.16.120 as follows:

Section 2.16.100. District-Based City Council Electoral System.

Pursuant to Government Code sections 34886 and 34871(c), each member of the West Sacramento City Council shall be elected through district based elections in four (4) single-member districts. Each Councilmember shall serve a term of four years. The City's district based electoral system shall be conducted in accordance with California Government Code section 34871(a).

Section 2.16.110. Establishment of City Council Electoral Districts.

A. The City Council shall, by resolution, determine the boundaries of each of the four City Council districts in accordance with Elections Code Sections 21601 *et seq.*, and shall adjust those boundaries by resolution following each decennial census and as required by state law. The Districts so created shall be numbered Districts 1 through 4.

B. Pursuant to Section 2.16.100 and beginning with the general municipal election in November 2022, the members of the City Council from Districts 3 and 4, shall be elected on a by-district basis as that term is defined in Government Code section 34871.

C. Pursuant to Section 2.16.100 and beginning with the general municipal election in November 2024, the members of the City Council from Districts 1 and 2 shall be elected on a by-district basis as that term is defined in Government Code section 34871.

Section 2.16.120. Residency; Council Vacancies

A. Except as provided in subdivision (B) of this section, all candidates for the City Council and all appointed and elected Councilmembers shall fully comply with applicable law including but not limited to Government Code sections 34882 and 36502, and Elections Code section 201. Termination of residency in a district by a Councilmember shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.

B. Notwithstanding any other provision of this Chapter, each of the Councilmembers in office at the time this Chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Any vacancies in Councilmember seats elected at-large prior to the November 2022 general election shall be filled in the manner prescribed by law. At the end of the term of each Councilmember, that member's successor shall be elected on a by-district basis in the districts established in accordance with Section 2.16.110.A and as subsequently reapportioned as provided by law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, consistent with applicable law.

Section 5. Severability. If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 6. Effective Date and Notice. This ordinance shall take effect thirty (30) days after its adoption, provided it is published in full or in summary within fifteen (15) days of its adoption, in a newspaper of general circulation published and circulated in the City of West Sacramento.

PASSED AND ADOPTED this 1st day of June, 2022 by the following vote:

AYES:
NOES:
ABSENT:

Martha Guerrero, Mayor

ATTEST:

Jennifer Cusmir, City Clerk

Approved as to Form:

Jeffrey Mitchell, City Attorney

CODIFY X UNCODIFY _____