

MEETING DATE: May 18, 2022

ITEM # 26

SUBJECT:



CONSIDERATION OF RESOLUTION 22-51 ADOPTING A MAP OF CITY COUNCIL DISTRICTS AND CONSIDERATION AND FIRST READING 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 Council consideration of Resolution 22-51, which would adopt the district map for the November 2022 Council election and subsequent elections, and first reading 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. Additionally, this report provides a further opportunity for Council and community discussion of the term of the City's mayor.

RECOMMENDED ACTION

Staff respectfully recommends that the Council:

1. Approve Resolution 22-51, which adopts a map of City Council districts;
2. Waive first reading and read by title and number only, 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; and,
3. Authorize the City Manager or his designee to take any actions necessary to effectuate the City's transition to district-based elections consistent with the Council's intent as articulated in Resolution 22-51 and Ordinance 22-17, including but not limited to filing all necessary paperwork with the Yolo County Elections Office.

BACKGROUND

Since February, 2022, the City has been engaged in transitioning from its current at-large election system to district-based elections. To facilitate public input into this important process, the Council has held six public hearings, and the City has facilitated four community workshops. This process resulted in over 50 community-created maps being submitted for Council consideration.

At its special meeting of May 10, the Council selected a final district map, which is included as Exhibit A to Resolution 22-51 (see Attachment 1). Pursuant to state law, the Council's selected map (formerly known as Map 4A) has been published for at least a week. This map cannot be changed at this evening's meeting; however, the Council does need to take final action to formally adopt it. Staff is recommending approval of Resolution 22-17, which would formalize the Council's selection of this map for use in future elections.

Ordinance 22-17 (Attachment 2) would amend Chapter 2.16 of the West Sacramento Municipal Code to officially adopt a district-based election system. Staff recommends that the Council conduct the first reading of Ordinance 22-17 this evening and conduct the second reading and adoption of the ordinance at its meeting of June 1, 2022. Concurrent with the above actions, the Council must select two of the four districts to hold district-based elections in 2022.

When the above actions are complete, the Council will have made the changes necessary for staff to file the appropriate paperwork with Yolo County to effectuate the City's transition to district-based elections in time for the November, 2022 election.

ANALYSIS

The recommended actions in this evening's staff report largely formalize decisions that the Council has already made, namely transitioning to district-based elections, and adopting a map to delineate the associated district boundaries. However, there are two related decisions that the Council must still make: (1) selecting two districts that will be up for election in 2022 (with the other two up in 2024) and (2) determine whether to change the current two-year mayoral term. Each of these decisions is discussed separately below.

Sequencing of District Elections

To maintain staggered terms, Council members from two of the newly formed districts will need to be elected in 2022, and the others in 2024. Elections Code Section 10010(a)(2) requires the City to put forward a potential sequencing of elections and conduct at least two public hearings to facilitate discussion of that sequencing. The staff reports presented on April 6 and May 10 both delineated a potential sequence of elections, so the Council has satisfied this requirement.

How to sequence the upcoming district elections is entirely the Council’s prerogative, provided that the Council “gives special consideration to the purposes of the [California Voting Rights Act or CVRA]” and to the preferences expressed by members of the districts. Salient CVRA–related arguments can be made for various combinations of districts and election cycles. However, staff notes that by scheduling Districts 3 and 4 to run in 2022, the Council would accomplish two beneficial purposes at once. First, and most importantly, this approach would position Districts 1 and 2 (home to the city’s largest concentration of Hispanic voters) to vote in presidential election years, when turnout tends to be highest. This would potentially amplify the voting power of a protected class, a key goal of the CVRA.

A secondary, but still highly relevant, consideration, is avoiding misalignments between the terms of existing Councilmembers, and the timing of the elections for the districts in which they live. As shown in the table below, such misalignment can create unwanted complications. For example, if a Councilmember’s term expires in 2022, but the Council chooses to schedule the district in which that member lives to elect in 2024, that Councilmember simply terms out, and must wait until 2024 to run for that district seat (upper right orange cell). Conversely, if a Councilmember whose term expires in 2024 is placed in a district that is up for election in 2022, they can either choose to run in 2022, or serve out the rest of their at-large term (lower left green cell).

	Councilmember’s District Selected for 2022 Election	Councilmember’s District Selected for 2024 Election
Councilmember’s Term Expires in 2022	Councilmember may run in 2022 as new district aligns to their normal election date.	Councilmember term will expire and councilmember may run for the seat in 2024. Residents of this district will be represented by the remaining two at-large councilmembers.
Councilmember’s Term Expires in 2024	Councilmember may run in 2022, or serve out the remainder of their at-large term. If they don’t win, they will continue in their at-large seat until 2024. If they win in the new district, they will resign their at-large seat and the council will either appoint a replacement or call a special election to fill the at-large seat on an at-large basis, with the new councilmember completing the remainder of at-large term.	Councilmember serves out their at-large term and can run for their new district which is aligned to their normal election date.

Either of these misalignments has the potential to be construed as a politically motivated machination, reducing trust among Councilmembers, and between Councilmembers and the community. Therefore, all other things being equal, it is preferable to align Councilmember terms with the timing of the election in the districts in which they live.

As it happens, by scheduling Districts 3 and 4 to run in 2022 the Council would situate Districts 1 and 2 to run in presidential election years (potentially amplifying their residents’ voting power), and while simultaneously aligning the terms of existing Councilmembers with the election timing of the districts in which they live. Therefore, staff recommends that the Council direct that Districts 3 and 4 run in 2022, as shown in Ordinance 22-17 (Attachment 2). If the Council prefers a different election sequence, as part of its action on May 18 it can direct that the new sequence be substituted into Ordinance 22-17 prior to first reading.

Mayoral Term

The settlement agreement with Maria Grijalva, *et al* requires that the City Council receive public testimony on potentially changing the mayoral term, which is currently two years. This meeting provides another opportunity

for the Council and/or members of the community to discuss this issue. If the Council wishes to change the term of the mayor position, it can add an action to that effect, which would be memorialized in Ordinance 22-17 and would take effect in the 2024 mayoral election. If the Council takes no action, the mayoral term remains at its current two years.

Next Steps

The actions recommended this evening are functionally the end of the Council's districting process. If the Council approves staff's recommended actions, staff will immediately begin working with the County Elections Office to effectuate district-based elections in West Sacramento and will bring Ordinance 22-17 back for second reading and adoption on June 1, 2022.

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. Approve Resolution 22-51, which adopts a map of City Council districts; Waive first reading and read by title and number only, 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; and, Authorize the City Manager or his designee to take any actions necessary to effectuate the City's transition to district-based elections consistent with the Council's intent as articulated in Resolution 22-51 and Ordinance 22-17, including but not limited to filing all necessary paperwork with the Yolo County Elections Office.
2. Approve Resolution 22-51 and conduct the first reading of Ordinance 22-17, subject to Council-directed changes.
3. Direct staff to return at a future date with a modified resolution and/or ordinance for Council consideration.
4. Decline to approve Resolution 22-51 or conduct the first reading of Ordinance 22-17.

Alternative 1 is staff's recommended action. Staff is prepared to effectuate Alternative 2, provided the change proposed by the Council is legally acceptable. Staff strongly recommends against Alternatives 3 or 4, which would violate the terms of the City's settlement agreement with Grijalva, *et al* and potentially lead to legal consequences. In addition, Council may decide to change the mayoral term to four years, effective with the 2024 election.

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. Resolution 22-51
2. Ordinance 22-17

RESOLUTION 22-51**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WEST SACRAMENTO
ADOPTING MAP OF CITY COUNCIL MEMBER DISTRICTS**

WHEREAS, the City of West Sacramento (“City”) currently elects four (4) members of the City Council using an at-large election system, and separately elects a Mayor; and

WHEREAS, the City is transitioning to district-based elections beginning with the November 8, 2022 general municipal election; and

WHEREAS, in a by-district election system, a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, pursuant to Elections Code section 10010 and before any maps of the proposed boundaries of the districts were considered, the City Council held public hearings on February 2, 2022 and March 2, 2022 to receive input from the public on the proposed composition of the districts; and

WHEREAS, community outreach meetings were held by City staff and the City's demographer (Redistricting Partners) on February 22 and 26, and on March 26 and 29; and

WHEREAS, on March 16, 2022, pursuant to Elections Code section 10010, the City published and made available for public review, three (3) draft maps for consideration and invited members of the public to submit their own draft maps using the mapping tool available through the City's website; and

WHEREAS, pursuant to Elections Code section 10010, the City held a third public hearing on March 16, 2022, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, pursuant to Elections Code section 10010, the City held a fourth public hearing on April 6, 2022, at which the public was again invited to provide input regarding district based elections, the composition of district maps, and sequences of elections; and

WHEREAS, pursuant to Elections Code section 10010, the City held a fifth public hearing on April 20, 2022, at which the public was again invited to provide input regarding district based elections, the composition of district maps, and sequences of elections; and

WHEREAS, at its meeting of April 20, 2022, the Council selected a group of draft maps, including Draft Map 4A, for further consideration at its meeting of May 10, 2022, and posted these maps and associated demographic data on the City's districting website on or about April 21, 2022; and

WHEREAS, pursuant to Elections Code section 10010, the City held a sixth public hearing on May 10, 2022, at which the public was again invited to provide input regarding district based elections, the composition of district maps, and sequences of elections; and

WHEREAS, at its meeting of May 10, 2022, the Council selected Draft Map 4A as the map it wished to adopt formally to effectuate the transition to district-based elections; and

WHEREAS, on May 18, 2022 the City Council introduced and held first reading on Ordinance 22-17, dividing the City into four (4) Council districts; and

WHEREAS, based on all information received, the City Council finds that map 4A, attached hereto as Exhibit A, is consistent with the California Voting Rights Act and serves the best interest of the City.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of West Sacramento does hereby resolve, declare, determine, and order 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 Resolution.

Section 2: Through Ordinance 22-17, the City of West Sacramento is divided into four (4) Council districts. In accordance with Section 2.16.110 of the Municipal Code, the City Council hereby establishes the boundaries of the districts as shown in Exhibit A, which is attached hereto and incorporated by this reference.

PASSED AND ADOPTED this 18th day of May 2022 by the following vote:

AYES:

NOES:

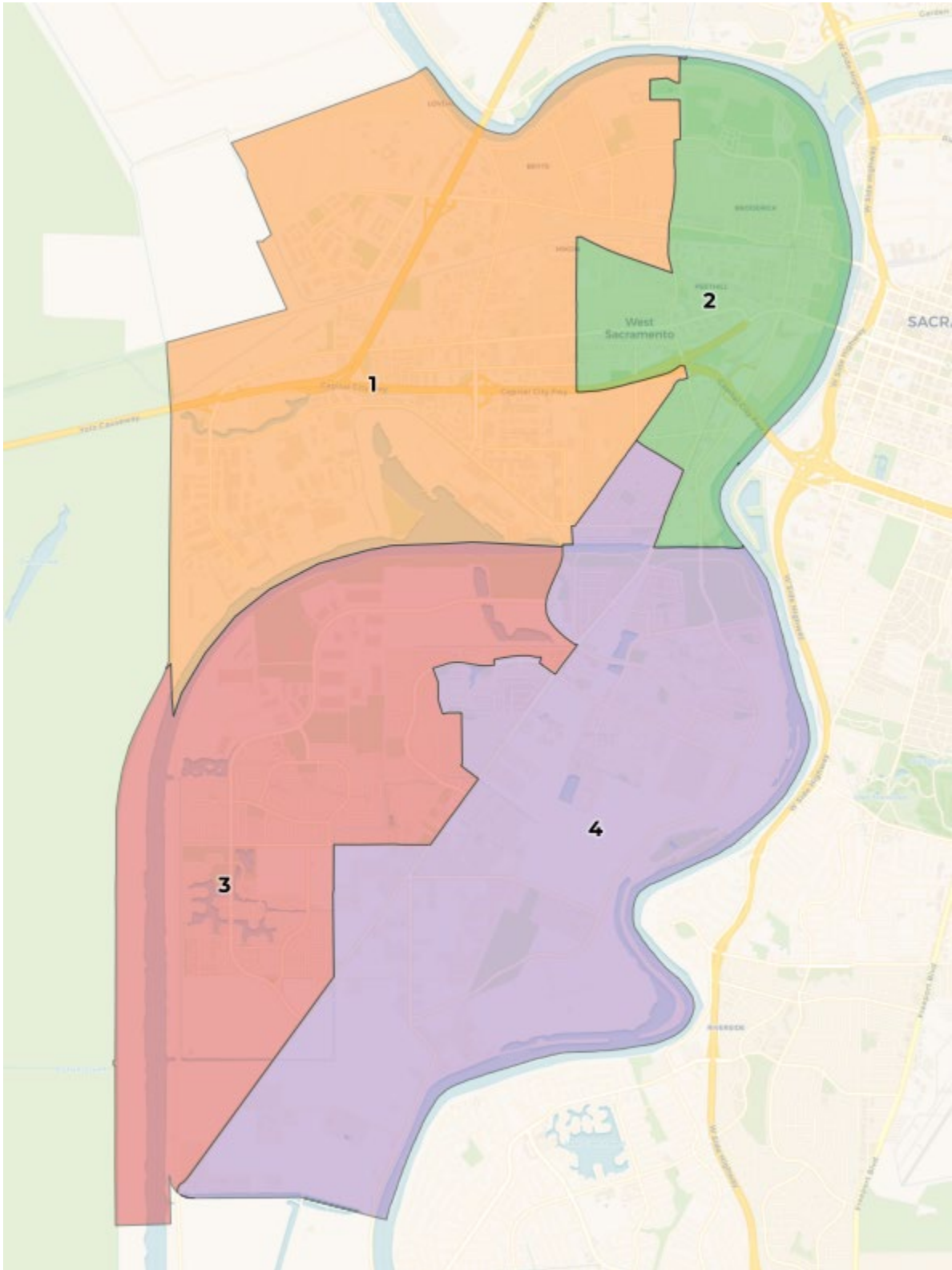
ABSENT:

Martha Guerrero, Mayor

ATTEST:

Jennifer Cusmir, City Clerk

Exhibit A



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 _____ day of _____ 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 _____