



## Agenda Report

18-332

Agenda Date: 5/8/2018

### REPORT TO COUNCIL

#### **SUBJECT**

Introduction of an Ordinance Establishing District Boundaries and Sequencing related to Implementing By-District Elections in Santa Clara; Information on Voter Education for Measure A; and, Consideration by the City Council of adopting a resolution to endorse Measure A

#### **EXECUTIVE SUMMARY**

On March 6, 2018, the Council took action to call a Special Election for the purpose of placing a ballot measure on the June 5, 2018 Special Election, which would change the way City Council members are elected, from by-seat at large elections to by-district elections and to change the method of voting. In by-district election systems, candidates run for City Council in the district they live in, and are elected only by the voters residing in that district. This change to district elections was recommended by the Charter Review Committee in December 2017, and approved by City Council.

If the ballot measure (Measure A) is passed by voters, Council Members would be elected from two districts with three Council Members representing each district, and when available by the Santa Clara County Registrar of Voters, would be elected using the single transferable vote form of ranked choice voting. More detail on a Voter Education Plan is provided in this report. Also included in this report is a resolution for Council consideration to endorse Measure A.

Council delegated authority to the City Manager the appointment of an Ad Hoc Advisory Districting Committee (Committee) to hold hearings and receive public input related to the district boundaries and sequencing of elections, and to return to City Council with recommendations for each. The Committee received detailed demographic information and analysis from a professional demographer, held four public hearings, considered three maps developed by the demographer, received and considered five alternate district boundary plans from members of the public, and, in addition to the input received during the public hearings, also obtained public input from Open City Hall and via email. At their April 12, 2018 meeting, based on all the foregoing, the Committee selected one of the eight plans to recommend to Council, which establishes a northern Council district and a southern Council district (Recommended Map). Attachment 1 provides detail and information from the demographer on the Recommended Map.

The Committee also made a recommendation as to which District would vote first in the 2018 election. The proposed Charter Amendment in Measure A provides:

- District 1 shall elect two Council Members to four-year terms in 2018.
- District 2 shall elect three Council Members to four-year terms in 2020.
- District 1 will also elect one Council Member to a two-year term in 2020.

The goal of this transitional process is so that each of the two districts will elect 3 Council Members at the same election.

The Committee recommended that the Recommended Map's southern district be designated as District 1.

The Committee's recommendation has been incorporated into an ordinance for Council consideration. The ordinance shall only be effective if Measure A passes on June 5, 2018. If passed, voters in District 1 (the southern district) will elect 2 Council members in November 2018.

The following report provides information on:

1. The Community Based process leading to district elections, and the attached Ordinance;
2. Voter outreach plan for the June 5, 2018 Special Election; and
3. Council consideration of a resolution endorsing Measure A.

## **BACKGROUND**

After some years of discussion in the community and at previously convened charter review committees, on April 11, 2017, the City Council appointed a Charter Review Committee to evaluate the City's at-large by-seat election method for electing Council Members and to make a recommendation regarding districts or other methods of election with enough time to add a ballot measure on the June 2018 election, if so recommended by the Committee. The Charter Review Committee met ten times, and presented its recommendations to the Council in July 2017; the Council then requested the Committee to bring back a Charter Amendment in accord with its recommendation. At the December 5, 2017 Council meeting, the Council approved the Charter Review Committee's recommendations for a Charter amendment to move to by-district elections and, when available by Santa Clara County Registrar of Voters, use the single transferrable vote form of ranked choice voting to elect Council Members and all City elected officers (Mayor, City Clerk and Chief of Police).

The Council adopted requisite Resolutions to call a Special Election, placing a measure on the June 5, 2018 Primary Election ballot to amend the Charter to:

- Elect City Council members by two districts with three members representing each district (e.g. District 1 and District 2).
- Elect the three members at the same time, alternating district elections between gubernatorial and presidential election years.
- Transition to include:
  - In 2018, elect two members to four-year terms in District 1 (gubernatorial election).
  - In 2020, elect one member to a two-year term in District 1 and three members to four-year terms in District 2 (presidential election).
- Utilize the single transferable vote form of ranked choice voting for election of Council Members when the Santa Clara County Registrar of Voters is able to implement it. Change the voting method for Mayor, City Clerk and Chief of Police to also utilize the single transferable vote form of ranked choice voting when the Registrar of Voters is able to implement it.
- Mayor, City Clerk, and Chief of Police shall remain elected at-large.

## Ad Hoc Advisory Districting Committee Role in Developing the District Boundary Map

On January 30, the City Council authorized the City Manager to establish an Ad-Hoc Advisory Districting Committee (Committee) to initiate the process of holding public hearings with the intent of developing a Council District Boundary Map based on public outreach, demographic information, and statutory requirements. Membership of this committee was drawn from the Planning Commission (Ms. Yuki Ikezi), the Library Board of Trustees Commission (Mr. Stephen Ricossa) and the Senior Advisory Committee (Ms. Barbara A. Estrada).

The role of the Committee was to:

- Hold four public hearings to develop a district boundary plan;
- Listen to and consider all the input received from the public;
- Review the recommendations from the demographer; and
- Based on all these factors, provide a recommendation on a Council District Boundary Map indicating two districts, and the sequencing of the elections, which involves designating which of the two districts will be District 1.

## Legal Requirements for Establishing Council Districts & District Boundaries

In accordance with California Elections Code Section 10010, the required hearings were all held as described here:

1. Prior to drawing a draft map of the proposed boundaries of the districts, the City held at least two (2) public hearings within a thirty-day period to elicit public input on the composition of the districts. These two public hearings were held by the Committee on February 12, 2018 and March 8, 2018.
2. The City was also required to hold at least two (2) public hearings over a period of no more than forty-five (45) days to elicit public input on the draft maps, and potential sequence of elections. After public input was received, three draft maps were drawn, which were required to be published and made available to the public at least seven days before the third public hearing, which was held by the Committee on March 26, 2018. The draft maps were prepared by Dr. Jeanne Gobalet, of Lapkoff & Gobalet Demographic Research, Inc., the City's demographer, and published on March 19, 2018 and made available at [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections) <<http://www.santaclaraca.gov/districtelections>>. In late March and early April, members of the public submitted five additional complete maps, which were published on April 5, 2018, before the Committee considered all eight plans at their fourth and final hearing on April 12, 2018. Copies of all of these plans are available at [www.santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections) <<http://www.santaclaraca.gov/districtelections>>.

As information, there are legally required criteria that apply to the creation of districts and must be observed, including:

1. Each City Council district shall contain a nearly equal population based on the 2010 Census (after 2020 Census data are available, the City will need to review whether district populations still are nearly equal). The City of Santa Clara's Census 2010 population was 116,468. Each of the two City Council districts must contain approximately half of this total (about 58,234 residents). There is some leeway, but there can be no more than a 10% total deviation--the

- difference between the districts' populations must not exceed 5,823;
2. A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution. Election districts should provide members of protected groups (all Federal race/ethnic categories except non-Hispanic whites) the opportunity to elect representatives of their choice (or possibly to influence the election of representatives of their choice); and
  3. Council may consider the following factors: topography and geography (major roads, freeways, creeks, railroad lines, or other barriers); cohesiveness, contiguity, integrity, and compactness of territory; and community of interest of the districts (school district boundaries, voting precincts, neighborhood boundaries, retail/commercial districts, and possibly incumbency).

District boundaries may need to be adjusted to maintain population balance after 2020 Census data is published, which is expected to occur in early 2021.

## **DISCUSSION**

### **Ad Hoc Advisory Districting Committee Recommendation**

Attachment 2 provides the draft ordinance approving the City of Santa Clara Council District Map and designation of Districts 1 and 2. A detailed demographic analysis was a key foundation of the Committee's recommendation. At each of the four public hearings, Dr. Gobalet, the professional demographer, presented demographic information. At the third public hearing, she presented and analyzed three draft maps. At the final public hearing, Dr. Gobalet presented, analyzed and compared eight plans, the three she had developed earlier, and five maps submitted by members of the public.

The Committee heard public testimony at four public hearings (Attachment 3) held at various locations in the City. The Committee also reviewed the results of three Open City Surveys on the public's preferences for district boundaries and election sequencing, as well as emails from the public. Based on all input received, the Committee approved the following recommendation to the Council for consideration:

1. Selected a map labeled HH2. The HH2 map was one of two submitted by Hosam Haggag, a member of the public who had served on the Charter Review Committee. The map is a variation on a north/south split that had been prepared by the demographer and establishes an east to west boundary line mostly along El Camino Real, dividing the City into a northern district and a southern district. (Note: this option is now referenced as the "Recommended Map")
2. Selected the southern district as District 1, with voting in the 2018 election, and the northern district as District 2, which would vote in the 2020 election.

The majority of the Committee recommended the Recommended Map in order to keep the northern section of Santa Clara intact because they, and numerous members of the public, expressed that the needs of the northern and southern sections of the City differ. Public input gathered during public hearings and on Open City Hall expressed that northern Santa Clara residents are impacted by Levi's Stadium, Great America, large housing and other projects, and other common interests, and that the north side is currently underrepresented on the Council. In addition to the interest in keeping

the northern part of the City intact, the Committee's recommendation was based on the HH2 plan's high Asian Citizen Voting Age Population (CVAP). The HH2 plan's northern district has an estimated 2012 - 2016 CVAP of 37% and the southern district has an estimated CVAP of 23%. It was noted by one Committee member that the Asian CVAP in these districts will grow as young US-born Asian citizens turn 18.

At the public hearings, there had been considerable discussion and testimony about the importance of Citizen Voting Age Population (CVAP). The opportunities for protected groups to elect a representative of their choice are measured using a group's Citizen Voting Age Population (CVAP) share of the entire Voting Age Population (VAP). Under the Single Transferable Vote Form of Ranked Choice Voting with two election districts, the protected group's share must be 25% plus one person to provide protected groups the opportunity to elect one Council member of their choice.

The Recommended plan reflects compliance with legal requirements and input from members of the public in the following ways:

- Plan's population is balanced using both 2010 Census counts and estimates of post-2010 housing growth. It is possible that the boundary will not need to be adjusted after Census 2020 population counts are available.
- Plan does not divide areas with Asian, Hispanic, and Filipino population concentrations.
- Plan has an election district (the north, District 2) in which Asians have an estimated 37% of those eligible to vote (Citizen Voting Age Population). In the 2016 Presidential election, an estimated 25% of those who voted in the proposed northern district had Asian surnames.
- Plan has a very simple boundary: it follows the centerline of El Camino Real from the eastern city limit to Lawrence Expressway, then approximately .28 miles south along the Lawrence Expressway centerline.
- Plan does not split election precincts.

In addition to recommending a proposed Council district boundary map, the Committee was tasked with recommending the sequencing of elections. In making this recommendation, the Committee had to give special consideration to the purposes of the California Voting Rights Act, which include removing impediments to the ability of minority voters to influence elections (e.g., elect candidates of its choice), and take into account the preferences expressed by residents of the districts. The Committee unanimously recommended that the Southern District should be District 1 and thus vote for City Council members in the 2018 election (a gubernatorial election), and the northern district should be District 2 and vote for City Council members in the 2020 election (a presidential election).

The Committee wanted the Northern District to vote for Council members in 2020, and every four years thereafter, because there is a much larger voter turnout rate in presidential election years than in gubernatorial election years. The demographer and members of the public presented data that showed that in the last gubernatorial election year (2014), 35.7% of Santa Clara's registered voters voted. In the last presidential election year (2016), 83.1% of Santa Clara's registered voters voted. A larger turnout increases the chances that members of protected groups (such as Asians and Hispanics) could elect or influence the election of candidates of their choice in that Council district. The Committee wanted the benefit of that increased turnout to go to the northern district, which has larger Asian and Hispanic populations.

## **Next Steps to Complete the Establishment of District Boundaries for Council Districts (Districts 1 And 2)**

The ordinance is being introduced and will have its first reading on May 8, 2018 and is scheduled for second reading and adoption on May 22, 2018. Pursuant to Charter Section 812, all ordinances relating to elections are effective upon adoption. Although the ordinance would be effective May 22, 2018, the provisions of the ordinance shall be suspended pending the June 5 election results. The ordinance must be effective on or prior to the County's final canvass of votes to ensure compliance with Election Code section 12262, which requires any boundary changes to occur to no less than 125 days before an election for the boundary changes to be effective, which is July 5 for the November 6, 2018 election.

The Registrar of Voters completes the final canvass for the June 5 Election on July 5, 2018, which is also the last day to submit the adopted map to the Registrar of Voters so that District 1 may vote in the November 2018 election by district, which is why the ordinance must be adopted before knowing whether Measure A passes or does not pass.

## **Voter Education and Outreach for the June Special Election**

Public education has been disseminated related to the June Special Election. Several efforts have been underway to inform and receive public input.

### Voter Outreach

A separate webpage on the City's website for Measure A was established at [www.santaclaraca.gov/measurea](http://www.santaclaraca.gov/measurea). The recommended boundary map has been posted in the following City facilities: City Hall, Central Library, Northside Branch Library, Community Recreation Center and the Senior Center along with a flyer on how to get more information. On the Measure A webpage, a link to an interactive map has been included, which provides residents the opportunity to enter their addresses to see in which Council District they reside.

In addition, educational direct mail pieces were developed (Attachment 4), which includes information on how to register to vote, where to vote, and neutral, un-biased information on Measure A. The first mail piece will begin delivery to residents of Santa Clara during the week of April 30 and the second on or around May 17. A final direct mail piece with information on where and how to vote, as well as neutral, un-biased information on Measure A, will be sent to just registered voter households on or around May 25 in advance of the June 5 election.

For the districting process, a special website was established at [santaclaraca.gov/districtelections](http://www.santaclaraca.gov/districtelections) <http://www.santaclaraca.gov/districtelections>, including opportunities for when and how the public may provide input. The districting webpage includes demographic information, background and other information that was provided to the Committee. A new dedicated email address was established so that the public could provide input on District Elections, [districts@santaclaraca.gov](mailto:districts@santaclaraca.gov) <https://exchange02.managementpartners.com/owa/redir.aspx?C=AEIWGZ9K3x00sq8xbYNyoOWAzBGMJuFdAeH3pgErU-u4yrBGMnrVCA..&URL=mailto%3Adistricts%40santaclaraca.gov>. The Committee was given all the emails that had been received before they made their recommendation.

Inserts were also included in utility bills, which provided information about all the public

meeting/hearings, the district election's website and encouraged residents to register to vote prior to the June election. Information was also posted to the City's social media channels and on the City's government access channel.

### Voter Education on Measure A

The Charter Review Committee determined that two Districts would further the goal of allowing that council members from across the geography of Santa Clara to be elected. The Districting Committee selected the 2 Districts to provide members of protected groups (all Federal race/ethnic categories except non-Hispanic whites) the opportunity to elect or influence the election of representatives of their choice, as explained in this report.

Further public education will be conducted to demonstrate how the single transferable vote form of ranked choice voting for Council Members will work when it is implemented by the Santa Clara County Registrar of Voters (ROV), which will not be in place for the November 2018 election. The Registrar of Voters has not committed to an exact date, but it could occur as early as 2020. Once available by the ROV, ranked choice voting would also be used to elect the Mayor, City Clerk, and Police Chief.

With the planned outreach for the single transferable vote form of ranked choice voting staff will inform voters about the voting method as outlined here. With the single transferable vote form of ranked choice voting, voters can rank as many candidates as they want in order of choice. With rank choice voting, candidates do best when they attract a strong core of first-choice support, while also reaching out for second and even third choices.

Candidates who receive a certain share of votes, the election threshold, will be elected. That threshold is the number of votes that mathematically guarantees that the candidate cannot lose. For example, when three candidates will be elected in a Council District, the threshold is 25% plus 1 vote. Initially, every vote counts for its first choice only. If enough candidates have more votes than the threshold needed to win and all three seats are filled, then those candidates win and the vote counting is over.

Otherwise, votes are counted in rounds: If any candidates have more votes than the election threshold, those candidates are elected. The number of votes that elected candidates received in excess of the threshold are then added to the totals of continuing candidates. This works by counting a fraction of each vote for the elected candidate for the candidate ranked next. For example, if a candidate has 10% more votes than the election threshold, every one of their voters will have 10% of their vote count for their next choice.

If no candidate has more votes than the election threshold, the candidate with the fewest votes is eliminated. When a voter's top choice is eliminated, their vote counts for their next choice. The process of counting surplus votes and eliminating last-place candidates repeats until all seats are filled.

### **Council consideration of a Resolution Endorsing Measure A**

Council may consider taking action to endorse Measure A, which would be in the form of adopting the attached Resolution (Attachment 5).

As noted above, on March 6, 2018, the Council took action to call a Special Election for the purpose of placing a ballot measure on the June 5, 2018 Special Election, which would change the way City Council members are elected, from by-seat at large elections to by-district elections and to change the method of voting. In by-district election systems, candidates run for City Council in the district they live in, and are elected only by the voters residing in that district. This change to district elections was recommended by the Charter Review Committee in December 2017, and approved by City Council.

If the ballot measure (Measure A) is passed by voters, Council Members would be elected from two districts with three Council Members representing each district, and when available by the Santa Clara County Registrar of Voters, would be elected using the single transferable vote form of ranked choice voting. The Charter amendment details are noted in the background section of this report.

It should be noted that the Council previously took action to appoint Mayor Gillmor, Council Member Caserta and Council Member O'Neill to author the argument in favor of Measure A.

### **ENVIRONMENTAL REVIEW**

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

### **FISCAL IMPACT**

There is no fiscal impact associated with this recommendation except for the use of staff time.

### **COORDINATION**

This report has been coordinated with the City Attorney's Office.

### **PUBLIC CONTACT**

See above in section Voter Education and Outreach for more detail on public contact. Additionally, public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email [clerk@santaclaraca.gov](mailto:clerk@santaclaraca.gov) <<mailto:clerk@santaclaraca.gov>> or at the public information desk at any City of Santa Clara public library.

### **ALTERNATIVES**

1. Approve introduction of an Ordinance implementing the Ad Hoc Advisory Districting Committee's Recommendation for the Council District Boundary Map and Designation of Districts 1 and 2.
2. Provide Direction to use one of the other maps provided to the Ad Hoc Committee, however, due to the tight timeline, it would be difficult to analyze a new map other than the ones submitted.
3. Adopt a Resolution indicating Council's endorsement of Measure A.
4. Any other action taken by Council.



**RECOMMENDATION**

Alternative 1:

1. Approve introduction of an Ordinance implementing the Ad Hoc Advisory Districting Committee's Recommendation for the Council District Boundary Map and Designation of Districts 1 and 2.
2. Staff makes no Recommendation regarding the adoption of a Resolution indicating Council's endorsement of Measure A.

Reviewed by: Jennifer Yamaguma, Acting City Clerk

Approved by: Deanna J. Santana, City Manager

**ATTACHMENTS**

1. Recommended Plan Map with Demographic Information
2. Ordinance approving the Ad hoc Advisory Districting Committee's Recommended Council District Boundary Map and Designation of Districts 1 and 2
3. Summary of Public Testimony for Districting Process
4. Educational Mail Piece
5. Draft Council Resolution endorsing Measure A