



“The City with a Heart”

Rico Medina, Mayor
Marty Medina, Vice Mayor
Tom Hamilton, Councilmember
Linda Mason, Councilmember
Michael Salazar, Councilmember

GOVERNOR’S EXECUTIVE ORDER N-25-20**** CORONAVIRUS COVID-19

On March 17, 2020, the Governor of California issued Executive Order N-29-20 suspending certain provisions of the Ralph M. Brown Act in order to allow for local legislative bodies to conduct their meetings telephonically or by other electronic means. Pursuant to the CDC’s social distancing guidelines which discourage large public gatherings, the San Bruno City Council is now holding meetings via Zoom.

If you would like to make a Public Comment on an item not on the agenda, or comment on a particular agenda item, you may address the Council orally during the meeting, or you may email us at mthurman@sanbruno.ca.gov. The length of all emailed comments should be commensurate with the three minutes customarily allowed per speaker, which is approximately 300 words total. Emails received before the special or regular meeting start time will be forwarded to the City Council, posted on the City’s website and will become part of the public record for that meeting. If emailed comments are received after the meeting start time, or after the meeting ends, they will be forwarded to the City Council and filed with the agenda packet becoming part of the public record for that meeting.

Individuals who require special assistance of a disability-related modification or accommodation to participate in this meeting, or who have a disability and wish to request an alternative format for the agenda, agenda packet or other writings that may be distributed at the meeting, should contact Melissa Thurman, City Clerk 48 hours prior to the meeting at (650) 619-7070 or by email at mthurman@sanbruno.ca.gov. Notification in advance of the meeting will enable the City of San Bruno to make reasonable arrangements to ensure accessibility to this meeting, the materials related to it, and your ability to comment.

AGENDA

SAN BRUNO CITY COUNCIL SPECIAL MEETING

September 28, 2021

5:30 p.m.

Zoom Meeting Details:

<https://sanbruno-ca-gov.zoom.us/j/82294822527?pwd=NzgvQ280VHJTeGxnSFpZYVBLYldjdz09>

Webinar or Meeting ID: 822 9482 2527

Webinar or Meeting Password: 071078

Zoom Phone Line: 1-669-900-9128 (same webinar ID and password as above)

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

Individuals allowed three minutes. It is the Council’s policy to refer matters raised in this forum to staff for investigation and/or action where appropriate. The Brown Act prohibits the Council from discussing or acting upon any matter not agendized pursuant to State Law.

4. **PUBLIC HEARING**

- a. Hold Public Hearing to 1) receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; 2) direct staff on the possible formation of a districting commission; and 3) conduct a public hearing to receive public input on district boundaries.

5. **ADJOURNMENT:** The next Regular City Council Meeting will be held on September 28, 2021 at 7:00 p.m.



City Council Agenda Item Staff Report

CITY OF SAN BRUNO

DATE: September 28, 2021

TO: Honorable Mayor and Members of the City Council

FROM: Jovan Grogan, City Manager

PREPARED BY: Jennifer Brizel, Assistant City Manager

SUBJECT: Hold Public Hearing to 1) receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; 2) direct staff on the possible formation of a districting commission; and 3) conduct a public hearing to receive public input on district boundaries.

BACKGROUND:

It is recommended that the City Council: 1) receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; 2) direct staff on the possible formation of a districting commission; and 3) conduct a public hearing to receive public input on district boundaries.

DISCUSSION:

At the March 10, 2020, meeting, the City Council adopted Resolution 2020-21, which expressed the Council's "intent to transition from an at-large election system to a by-district election system for the City Councilmembers as authorized by Government Code section 34886 for use in the City's General Municipal Election for City Councilmembers commencing in November 2020 or November 2022." Additionally, at the same meeting, the City Council requested that staff bring the item back to the next meeting for further discussion (meeting minutes attached).

On March 24, 2020, the City Council passed a motion to postpone demographic analysis and community meeting on by-district elections in calendar year 2020 and instead "discuss and decide if we are going to go to district elections in 2022 after community outreach and public input."

On June 8, 2021, the City Council received a report confirming a date for transition to a By-District Method of City Elections process and adopted a Resolution appropriating \$46,000 from the General Fund Balance authorizing the City Manager to enter into a contract with National Demographics Corporation for Districting Services for the November 2022 General Municipal Election.

Additionally, the City has retained the services of Tripepi Smith to enhance public outreach and community engagement for the districting process. Tripepi Smith will provide facilitation

of in-person and virtual public discussions, agenda development, documentation of community feedback, as well as development and hosting of a dedicated districting website, which is required to be publicly available for 10 years. The cost for this work is approximately \$40,000 and funding is included in the adopted FY 2021-22 budget.

The first step in the transition process 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. After these two public hearings are complete, the City Council must hold at least two additional public hearings during a 45-day period on the map(s) of the districts themselves. 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 first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The purpose of the first two public hearings is to inform the public about the districting process and to receive public input on communities of interest in the City. 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.

To increase the accessibility of these hearings, cities often take the following steps:

- Hold at least one hearing on a Saturday, Sunday, or after 6 p.m. on a weekday;
- If a redistricting hearing is consolidated with another local government meeting, the redistricting hearing portion should begin at a pre-designated time;
- Ensure that local public redistricting hearings are made accessible to people with disabilities.
- Ensure that access to information on the redistricting process is made available to those that speak languages other than English.

Legal Criteria

In creating district boundaries, the City must ensure compliance with the following state and federally-mandated criteria. The Council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21601(c)):

1. Comply with the federal requirements of equal population and the Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together)

4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

1. Minimize the number of voters delayed from voting in 2022 to 2024
2. Respect voters' choices / continuity in office
3. Future population growth

Commission Options

Elections Code sections 23000 - 23004 provide additional methods for adjusting boundaries. There are five methods available to general law cities such as the City of San Bruno:

- (1) The City Council may adopt districts itself;
- (2) The City Council may appoint an advisory commission to recommend district boundaries for City Council adoption;
- (3) The City Council may establish an independent redistricting commission to adopt new boundaries;
- (4) The City Council may establish a hybrid independent redistricting commission to draw two maps with the City Council required to adopt one of the two maps; and
- (5) A City may contract with the County to draw boundaries (if the County creates its own independent commission).

The options mentioned above are discussed in further detail below. It is important to note each option includes various forms of community outreach, required public hearings and community discussions.

(1) **City Council draws own map**

State law authorizes the City Council to draw its own map. This could include a process of draft map submission from the public and demographer for Council review and consideration.

(2) **Advisory Commission**

The process for establishing an advisory commission is similar to other local boards and commissions. The commission would consist of residents living in San Bruno and the City may specify the qualifications and selection process for commissioners. Current City Council members or their family, staff members, or paid campaign staff of a City Council member may not serve on the commission.

(3) **Independent Commission**

State law authorizes the City Council to transfer redistricting authority to an independent redistricting commission. The manner of appointment is set by the City Council, but commissioners cannot be appointed directly by the City Council. Commissioners must pass an extensive list of possible disqualifications and there

are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment or otherwise contract with the City.

(4) **Hybrid Commission**

A hybrid commission is formed in a manner similar to an independent commission and has similar pre-service and post-service limitations, but a hybrid commission is required to submit two or more maps to the City Council and the City Council must select one of the submitted maps. The City Council is not permitted to alter the selected map in any way except as needed to comply with Federal or State law.

(5) **Contract with County Redistricting Commission.**

Under new State law, cities may also contract with a county independent redistricting commission to adjust the City's map boundaries. San Mateo County currently does not have an independent districting commission. The County commission is required to hold at least three public hearings in the local jurisdiction before adopting the new boundaries. It is possible that any such County Commission would not include any San Bruno residents.

Next Steps

The City has established a timeline for conducting a public process to solicit public input and testimony on proposed district-based electoral maps (Attachment 1). The timeline includes the dates for the four required public hearings. As per the draft timeline, on October 19, 2021 the City Council is tentatively scheduled to conduct Public Hearing #2 for the purpose of seeking additional public input. Following that hearing, draft district maps and proposed election sequencing will be posted to the City website and available at City Hall on or before December 31, 2021, and those maps (and any possible new or revised maps) are scheduled to be discussed at City Council hearings on January 25, 2022, and February 22, 2022.

Directly Elected Mayor & Alternative Voting Mechanisms

The City Council had previously discussed several possible actions in connection with establishing district elections, including transitioning from a directly elected mayor to an appointed mayor, and implementing alternative voting mechanisms (such as ranked choice voting or some other variant) for district elections. However, both of these changes would require a vote of the people.

San Bruno's mayoral voting method of a directly elected mayor was adopted by the people in the 1977 general election (Measure F), and therefore would require a vote of the people to repeal. The districting process must be completed by April 17, 2022, and it would be impossible to draw district maps and hold the five required public hearings until after the electorate voted on the issue, since that decision would determine how many districts to draw. There is not sufficient time to hold a special election and meet the April 2022 deadline.

Staff and the City's consultants have examined the possibility of the City Council considering alternative voting mechanisms simultaneous with the districting process. In

short, while further research and discussion of alternative voting mechanisms are possible, there are legal and timing hurdles for simultaneous implementation, as detailed below.

Per state law, alternative voting mechanisms (such as “ranked choice” or “instant run-off” processes for electing City Council members) are only available to Charter Cities. Because the City of San Bruno is a General Law city, the City Council is not currently empowered to implement alternative voting mechanisms for council member elections.

State law requires voters to authorize a transition from a General Law to a Charter City at a regular election. As the next regular election is not until November 2022 and the districting process must be completed in a manner that allows for the election of council members in districts under the current (majority wins) voting system.

Additionally, it is important to note that the City Council has directed staff (via a Strategic Initiative) to analyze and prepare a ballot measure to ask voters if they desire to change the City’s structure from a General Law to a Charter City, as permitted by the California Constitution. Prior direction to staff has been to limit the Charter City measures to legally mandated transition items and potential implementation of a real estate transfer tax, focused on commercial properties, which is also subject to voter approval.

Staff will be prepared to discuss timing and logistical items related to the directly elected mayor structure and alternative voting mechanisms with the City Council at the September 28 hearing as well as the quarterly update on Strategic Initiative that is scheduled for October 26, 2021. At this meeting, staff will be seeking final direction on potential ballot items that require analysis and measure preparation for the November 2022 regular election

FISCAL IMPACT:

The fiscal impact of voluntarily converting to by-district elections is estimated to be approximately \$101,000 which includes the cost of the consultant demographer, communications firm as well as publication notices, translation fees for communications, and the cost for interpreters at all public hearings. The FY 2021-22 adopted budget includes funds for District Elections. No additional appropriation is required at this time.

ATTACHMENTS:

1. Timeline

RECOMMENDATION:

Hold Public Hearing to 1) receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries; 2) direct staff on the possible formation of a districting commission; and 3) conduct a public hearing to receive public input on district boundaries.

DATE PREPARED:

September 17, 2021

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Calendar of Public Hearings and Workshops

ATTACHMENT 1

Date	Time	Location	Meeting Type
Census Data Release August 16			Census Bureau releases official 2020 Census population data.
September 28	5:30 - 6:30 pm	Virtual	Public Hearing 1 Held prior to release of draft maps. Receive input on composition of districts.
October 19, 2021	5:00 – 6:30 pm	Virtual	Public Hearing 2 Held prior to release of draft maps. Receive input on composition of districts.
California Data Release Early October 2021 (tentative)			California Statewide Database releases California’s official ‘prisoner-adjusted’ 2020 population data.
Release Draft Maps			Must be posted 7 days prior to Public Hearing 3.
January 25, 2022	7:00 pm	Virtual	Public Hearing 3 Discuss and revise the draft maps and discuss election sequence.
February 22, 2022	7:00 pm	Virtual	Public Hearing 4 Discuss draft maps and election sequence. Final map selection and introduce ordinance.
			Map adopted by ordinance Adoption deadline: April 17, 2022