



CITY OF HEALDSBURG CITY COUNCIL AGENDA STAFF REPORT

MEETING DATE: December 16, 2024

SUBJECT: First Public Hearing to Receive Input on the Composition of Districts and Number of Districts for District Based Council Elections

PREPARED BY: Raina Allan, City Clerk

STRATEGIC INITIATIVE(S):
Provide Effective Governance

RECOMMENDED ACTION(S):

Conduct the first public hearing to receive community feedback and provide direction to staff regarding the composition of voting districts and number of districts.

COMMUNITY ENGAGEMENT/OUTREACH:

Outreach for this effort includes posting on social media channels, including Facebook, Instagram and Nextdoor. The City has also shared information on the City’s website and in the bi-weekly City Manager’s Update. A dedicated webpage has been created on the City’s website at www.healdsburg.gov/districtelections and the City will be holding a community meeting to gather feedback. Information will be available to provide the public with background information about the districting process, upcoming hearing dates, and supporting documents. This webpage will be continuously updated with dates and locations where community members can share their feedback on this issue. The website will also feature a virtual mapping tool which community members can use to draw their own district boundaries and a feature allowing submission of community interest forms. Information will be provided in both English and Spanish. Both public hearings and community meetings will include live interpretation services.

BACKGROUND:

The California Voting Rights Act (CVRA) was enacted in 2001, in part, to provide minority groups in California with tools to prevent dilution of votes in “at-large” election systems – meaning each Councilmember is elected by the registered voters of the entire City. The CVRA prohibits any at-large voting system that hinders the ability of a protected class to elect candidates of its choice or influence the outcome of an election. A violation of the CVRA is established if racially polarized voting occurs in elections for Councilmembers or other matters submitted to the voters.

The CVRA defines “protected class” as a class of voters who are members of a race, color, or language minority group, as referenced and defined in the Federal Voting Rights Act of 1965 (FVRA). “Racially polarized voting” is voting in which there is a difference in the choice of candidates or other electoral choices preferred by voters in a protected class, as compared to the rest of the electorate (i.e., the protected class members vote as a bloc, but the majority bloc usually defeats the protected class’s preferred candidate).

The CVRA does not require showing that the City, the voters, or the elected officials intended to discriminate against a protected class. Similarly, the fact that members of a protected class are not geographically concentrated does not preclude a finding of racially polarized voting. Instead, a violation of the CVRA may be established by showing that both racially polarized voting and dilution occur in elections for members of the governing body. Dilution can be shown where the protected class can show that the at-large election prevents them from electing, either on their own or with the support of crossover voters, their preferred candidate.

The City of Healdsburg currently elects its Councilmembers at-large. On October 3, 2024, the City received a letter from a potential plaintiffs’ attorney, Shenkman & Hughes PC, alleging a violation of the CVRA and threatening litigation unless the City voluntarily transitions to a district-based election system for electing Councilmembers. The letter is attached as Exhibit A. On November 18, 2024, the City Council adopted a resolution declaring the intent to transition to District-Based elections. Since Council adopted the resolution of intent a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention’s passage.

DISCUSSION/ANALYSIS:

As a part of the transition process, State law requires the City hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts. No official maps can be drawn before the completion of these two public meetings. Once the initial two meetings are complete, the demographer and public can begin to officially draw maps that will be considered in the districting process. State law requires the City to then hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections. Once a map is selected, State law requires the City to publish them map at least seven days before consideration at a hearing for introduction of an ordinance to adopt the district map.

State law also requires the City comply with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (Fair Maps) Act, which provides criteria that the City must utilize when establishing election district boundaries or when undertaking the redistricting process (which must occur every ten years after each population census). These criteria are summarized below.

- a) The election districts must be substantially equal in population based on the most recent census.
- b) The districting body must adopt election district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) and consistent with the federal Voting Rights Act,

the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district.

- c) The districting body shall adopt election district boundaries using the following criteria, in order of priority:
 1. To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and are not connected by a bridge, tunnel, or regular ferry service are not contiguous.
 2. To the maximum extent practicable, and where it does not conflict with the preceding criterion, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.
 3. To the maximum extent practicable, and where it does not conflict with the preceding criteria, election districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.
 4. To the maximum extent practicable, and where it does not conflict with the preceding criteria, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
- d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

Within 21 days of adopting final election district boundaries, the City Council will be required to issue a report that explains the basis on which it made its decisions in achieving compliance with the requirements and criteria of the Fair Maps Act, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split.

Staff has prepared a tentative timeline that identifies the preliminary schedule for the required public hearings and public outreach and complies with Elections Code 10010. City Staff met with the potential plaintiff's attorney regarding an extension of an additional sixty days beyond the ninety-day statute. Elections Code section 10010 provides that a city may enter into a written agreement to extend the 90-day period in order to provide additional time to conduct public outreach, encourage public participation, and receive public input. Staff is in the process of memorializing the extension of 60 days. With the extension, Staff anticipates completing the transition to district elections by April 2025.

The City has retained the services of Redistricting Partners, which will attend the five public hearings and provide the City Council with analysis and recommendations of the maps that will be prepared during the transition process.

At the first public hearing on December 16, 2024, the community is encouraged to participate by providing input on the composition of the districts by sharing specific thoughts on communities of interest that the public identifies within the City of Healdsburg.

The Fair Maps Act defines a “community of interest” as a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

Some examples of communities of interest in the City of Healdsburg may include the existing neighborhoods identified by the City, areas surrounding local parks and other landmarks, geographic features, etc.

Composition and Number of Districts

In addition to the foregoing, Council may also discuss and provide direction to staff regarding whether the Council would like to move forward with a total of five districts or consider four districts and a directly elected Mayor position pursuant to Government Code Section 34886. That section provides that the Council “of a city may adopt an ordinance that requires the members of the legislative body to be elected by-district or by-district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval.”

When a city utilizes a by-district election system, the mayor may be directly elected or selected by the Council. For example, the Council could establish five districts and continue to select the mayor from one of the councilmembers, or the Council could establish four districts and have a directly elected mayoral position. The Mayoral seat could serve a four-year term or two-year term.

In order to clarify as soon as possible the number of districts that will be drawn, staff seeks guidance from the City Council on the desired number of City Council seats, and whether the City should have a mayor selected by the City Council (the current practice) or an at-large mayor elected by the voters. To support that determination, staff offers the following considerations.

Option 1: Implement five districts and continue to have the Mayor selected by the City Council for one year terms.

This option may be considered because:

- This option is most consistent with the current practice and therefore unlikely to result in a disruptive shift in governance model or require a complicated transition. Generally, the role of the Mayor in a general-law City is largely ceremonial. As a result, the administrative process to make a shift to an elected mayor may not be justified.
- Given that the CVRA clearly favors a district election model because it increases the ability of communities of interest to elect their candidates of choice, an at-large mayor could undermine the benefits of the transition. Additional costly, citywide elections for mayor may be at odds with the goal of districting to enhance the inclusiveness of

representation. An at-large mayor is also not a district based election so, technically, the City could be exposed to litigation under the CVRA. However, we know of no cities that have been challenged for having an at-large mayor.

- The current system allows councilmembers to share the role of mayor, potentially resulting in a sense of shared leadership, a more even distribution of authority, and a more level playing field amongst members of the Council. Sharing the role of mayor could also support the sense of unity and focus on Citywide issues over district specific concerns.
- A generally elected mayor may result in overall instability on the council if sitting councilmembers were to become candidates for mayor. In cases where a sitting councilmember ran for mayor from a “safe seat” (i.e. one that is not up for re-election in the same year) the result could be vacancies on the council that would subsequently be filled by a City Council appointment rather than an election by the voters.

Option 2: Implement four districts and a mayor elected at-large by the entire community for a term of either two or four years.

This option may be considered because:

- An at-large, elected mayor is directly accountable to the voters, ensuring that the mayor represents the interests of the entire city rather than just a specific district.
- An elected mayor could be viewed by other Councilmembers and the community as having greater authority and stability in their role, which can lead to more effective governance and clearer leadership during crises or important initiatives.
- A mayor that serves longer than one year will benefit from greater experience in the role and will presumably become more effective as a spokesperson or chair of meetings over time as compared to the current system of shifting to a new mayor each year.

Although it could be considered, staff does not recommend a shift to a larger City Council with seven or nine members. There is already significant concern that Healdsburg is too small for five districts and that it may be challenging to generate interested candidates from each district. A greater number of smaller districts would only exacerbate this challenge. Additionally, should the Council choose to move forward with four districts and a mayor elected at large, the Council will also need to review and revise relevant City Ordinances and Council Protocols and make decisions on appropriate roles and responsibilities in the new Governance structure.

Alternative Voting Options

Ranked Choice Voting

Ranked Choice Voting allows voters to select, in addition to their first choice, a second and third choice. This system of voting is not authorized for General Law cities in California and is therefore not an option for Healdsburg.

Cumulative Voting

In a Cumulative Voting system, voters are given a number of votes equal to the number of positions to be filled. Voters may allocate all their votes to a single candidate or distribute them among multiple candidates. This allows voters to concentrate their voting power on their

preferred candidate(s) rather than spreading their votes evenly. It is unclear that switching from an “at-large method of election” to a “cumulative vote system” would satisfy the California Voters Rights Act; doing so could thus leave the City vulnerable to litigation.

Citywide Single Voting

In a Single Voting system, each voter may cast only one vote for a candidate or an issue in a city-wide election, regardless of the number of council seats up for election. Meaning, voters will cast only one vote for council, with the Council candidates receiving the most votes winning council seats.

The City of San Luis Obispo recently settled a CVRA challenge with Shenkman and Hughes PC that permitted the City to implement a version of single voting rather than switching to district based elections.

To remain in the statutory safe harbor provision and limit the City’s exposure to \$30,000 in attorney’s fees, Elections Code Section 10010(a) requires a political subdivision to “change from an at-large method of election to a district-based election.” Therefore, to fully address the City’s exposure, the City must transition from an at-large election system to a district-based election system. None of the above alternatives constituted a district-based election system. If the City transitions to any of the above alternatives, the safe harbor provision under State law will not apply. A settlement with the current potential plaintiffs does not fully insulate the City from another challenge.

Staff seeks direction from the Council on whether it wishes to further explore an alternative voting model. Doing so may impact the City’s ability to meet the timeline for a district transition under the safe harbor provision of the CVRA.

ENVIRONMENTAL STEWARDSHIP:

Not applicable.

ALTERNATIVES:

The City Council could choose not to move forward with transitioning to district-based elections or pursue a different approach. If this alternative is selected, staff requests further direction.

FISCAL IMPACT:

There is a fiscal impact due to the costs associated with the transition to District-based elections. Costs include the demographer, which are estimated to be less than \$50,000, legal costs, and payment of the plaintiffs’ attorney costs of \$30,000. The City Council appropriated a total of \$100,000 for this effort at a prior meeting.

ENVIRONMENTAL ANALYSIS:

This item does not constitute a project as defined by the California Environmental Quality Act (Public Resources Code § 21000, et seq.) (CEQA) as the adoption of the resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15378).

ATTACHMENT(S):

Tentative Timeline

Districting 101 City of Healdsburg - PowerPoint

Tentative Timeline for Consideration and Implementation of District-Based Elections

Date	Event	Code §	Comment
10/3/24	City received certified demand letter from Shenkman & Hughes	EC§10010(e)(1)	Before commencing an action to enforce Sections 14027 and 14028, a prospective plair shall send by certified mail a written notice to the clerk of the political subdivision ("City") against which the action would be brought asserting that the City's method of conducting elections may violate the California Voting Rights Act.
		EC§ 10010(e)(2)	A prospective plaintiff shall not commence an action to enforce Sections 14027 and 140 within 45 days of the City's receipt of the written notice described above (CVRA lawsuit cannot be commenced until November 17, 2024. Since this is a Sunday use the Novem 18, 2024 date).
11/18/24	Resolution is considered at City Council Meeting	EC§ 10010 (3)(A)	Within 45 days of receipt of a notice, the City may pass a resolution outlining its intention transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so. (CVRA lawsuit cannot be commenced until November 17, 2024. Since this is a Sunday use the November 18, 2024 date).
11/18/24	Resolution is adopted at City Council Meeting	EC§ 10010(e)(3)(B)	If the City begins the process of switching to districts within 45 days and adopts a resolution to that effect a potential plaintiff cannot commence an action within 90 days o the resolution's passage. (CVRA lawsuit cannot be commenced until February 16, 2025 with 60 day extension, the new date would be April 17, 2025).
Before First Public Hearing and throughout process	Conduct public outreach, encourage public participation, and receive public input	EC§ 10010(a)(1)	The City may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.(i.e farmers market, public library, public schools, places of worship, homeowners associations, and community organizations)
12/16/24	1st Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	First and second public hearings must occur within a period of 30 days. No maps for review, but take public comments on composition of districts and preferenc for district lines.
1/6/25	2nd Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	No maps for review, but take public comments on composition of districts and preferenc for district lines.
2/10/25	Publish for review first drafts of district election maps and	EC§ 10010(a)(2)	After all draft maps are drawn, at least 7 days before the 3 rd public hearing, the City sha publish and make available for release at least one draft map and, if city councilmember

Attachment: Tentative Timeline (4701 : District Elections - Public Hearing #1)

	potential sequence of elections		will be elected in their districts at different times to provide for staggered terms of office, potential sequence of the elections.
2/18/25	3rd Public Hearing (Regular Meeting)	EC§ 10010(a)(2)	The City shall also hold at least two additional hearings over a period of no more than 40 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
3/10/25	Post any new or amended maps	EC§ 10010(a)(2)	Maps available for review at least 7 days before consideration at the 4th public hearing.
3/17/25	4th Public Hearing (Regular Meeting)	EC§ 10010(a)(2)	Take public comments on proposed maps. Council may introduce ordinance adopting a map at this meeting if map is not changed and selected at this public hearing. If map is changed at this meeting, the map will need to be published again for 7 days and ordinance cannot be introduced until 7 days after amended map is published.
3/31/25	Post any new or amended maps	EC§ 10010(a)(2)	Maps available for review at least 7 days before consideration at the 5th public hearing.
4/7/25	5th Public Hearing (Regular Meeting)		<ul style="list-style-type: none"> • If Council makes revisions to map introduced on 3/17/25, Council can re-introduce ordinance establishing district elections, including district boundaries and election sequence and adopt ordinance at next regular meeting on 4/21/25; or adjourn this regular meeting on 4/7/25 to another date to adopt ordinance; <p>Or</p> <ul style="list-style-type: none"> • If no revisions to map prior to second reading of the ordinance adopting the map, Council can adopt ordinance at this meeting; <p>Or</p> <ul style="list-style-type: none"> • Make further changes to map without introduction of the ordinance adopting the map
DEADLINE 4/17/25		EC§ 10010(e)(3)(B)	

Attachment: Tentative Timeline (4701 : District Elections - Public Hearing #1)