



Fremont City Council

3300 Capitol Avenue
Fremont, CA 94538

SCHEDULED

Meeting: 04/04/17 07:00 PM
Div/Dept: City Manager's Office
Category: Presentations

STAFF REPORT (ID # 3016)

Sponsors:
DOC ID: 3016

DISTRICT-BASED ELECTIONS/COMPOSITION OF DISTRICTS - Public Hearing (Published Notice) to receive input from the community regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010

Contact Persons:

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Executive Summary: On March 21, 2017, the City adopted a resolution of intention to transition from at-large to district-based elections. Options available to the City include, among others, four (4) districts with a mayor elected at large, or six (6) districts with a mayor elected at large. Pursuant to Elections Code Section 10010, the City is required to hold at least two (2) public hearings over a period of no more than thirty (30) days before any map or maps of the boundaries for the proposed voting districts are drawn. At these public hearings, the public is invited to provide input regarding the composition of the districts. This hearing is the first of two such public hearings.

The purpose of this meeting is to inform the public about the districting process, present options, and hear from the residents on what factors should be taken into consideration when creating the new voting districts, including the following legally required criteria that apply to the creation of the actual districts:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act; and
- Each council district shall not be drawn with race as the predominate factor in violation of the principles established by the United State Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

Additional criteria have been used by other communities when defining districts. At this meeting, the public is encouraged to provide input on other criteria not mentioned above. The Council may choose to include some, all, or none of any additional criteria brought forth, or may choose to develop alternative criteria that Council believes are applicable to the City.

The next public hearing to receive and consider further input from the public concerning the composition of voting districts is scheduled for Tuesday April 18, 2017, at 7:00 p.m.

BACKGROUND: The City adopted a resolution of intention to transition from at-large to district-based elections on March 21, 2017. This transition would be implemented for the 2018 General Election. Options available to the City include, among others, four (4) districts with a mayor elected at large, or six (6) districts with a mayor elected at large. Elections

Code Section 10010 provides that before any map or maps of the boundaries for the proposed voting districts are drawn, the City must hold at least two public hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts. This hearing is the first of two such public hearings.

Since adoption of the resolution of intent, the City has been engaging in public outreach efforts to help inform the public on district-based elections and the process associated with their formation. A separate webpage to the City's website has been set up to provide information related to district-based elections including opportunities for when and how the public can contribute to the dialog.

DISCUSSION/ANALYSIS: Even though the purpose of the public hearing is to receive and consider public input, there are some legally required criteria that apply to the creation of the actual districts, such as:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act; and
- Each council district shall not be drawn with race as the predominate factor in violation of the principles established by the United State Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

Additional criteria used in other communities when defining districts include:

- Council districts may take into consideration communities of interest;
- Each council district border should follow visible natural and man-made geographical and topographical features as much as possible;
- Council districts boundaries should be drawn to mitigate geographical or man-made features that divide the City, such as freeways or water areas;
- Each council district shall attempt to avoid head-to-head contests between incumbent Councilmembers insofar as this does not conflict with federal or state law;
- Council districts known to be in areas of higher-than-average projected population growth in the years immediately following districting may be under populated as permitted by law;
- Each council district should include public facilities to the extent feasible; and
- Each council district should include commercial interests to the extent feasible.

The above criteria are examples only, and not necessarily applicable or appropriate for Fremont. The public is encouraged to provide input on some or all of these additional criteria options, and may also provide input on other criteria not mentioned above, including the number of districts to be created. The Council will be informed by the public input, but it has discretion to balance criteria, and choose to include some, all, or none of these additional criteria, or may choose to develop alternative criteria that Council believes are applicable to the City when selecting a districting plan for the City.

The next public hearing to receive and consider further input from the public concerning the composition of voting districts is scheduled for Tuesday April 18, 2017, at 7:00 p.m.

FISCAL IMPACT: There are no significant fiscal impacts associated with the holding of this public hearing.

ENVIRONMENTAL REVIEW: N/A

ATTACHMENTS: None.

RECOMMENDATION: That the City Council:

1. Receive a report from staff concerning the process for obtaining public input on the composition of voting districts for a district-based election process pursuant to Elections Code Section 10010;
2. Open a public hearing and invite members of the public to speak on the issue of how the voting districts should be composed; and
3. Close the public hearing when there is no more input from the public, and direct staff to forward all public comments to (demographic firm), the City's demographics consultant.