



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 3, 2015

TO: Mayor and Councilmembers

FROM: City Clerk Division, Administrative Services Department

SUBJECT: Civic Engagement Plan Regarding District Elections

RECOMMENDATION: That Council:

- A. Consider and approve, in concept, an outreach plan to ensure civic engagement in the question of implementing by-district Council elections; and
- B. Direct the Administrative Services Director to negotiate and return to Council with an agreement with National Demographics Corporation, Inc., in an amount to be determined, to develop tools to facilitate the public input process.

EXECUTIVE SUMMARY:

In October 2014, in an effort to resolve the question of by-district Council elections (hereinafter "district elections") in a fair and equitable way, Council directed staff to prepare a ballot measure for the next regular Council Election in November 2015, with district elections to commence, if approved by voters, in November 2017. Council also directed staff to develop a civic engagement process to involve Santa Barbara residents in drafting the ballot measure, which would include decisions about the composition and duties of an independent commission to draw the geographical boundaries of six initial council districts.

As such, staff is proposing an outreach process over the next 4-5 months with two distinct goals. The first goal will be to collect as much public input as practical to inform the City's positions in ongoing litigation of this issue, and in potential settlement discussions before an expected April 2015 trial date. The second goal will be to continue to collect public input in the drafting of a ballot measure to go to voters in November 2015, should district elections not be imposed by the court prior to that date.

DISCUSSION:

Background

Since April 29, 2014, the City Council has been actively considering the merits of proposing district elections to Santa Barbara's electorate. On May 29, 2014, the City

Council conducted a public work session at the Faulkner Gallery to discuss and receive input about its options, and made the decision to engage a demographic expert to examine whether racially polarized voting exists in Santa Barbara. In June 2014, Council formed a subcommittee which engaged in discussion of the issue of district elections with community groups supporting such a change. On July 22, 2014, the City Council reviewed results from the demographer, Douglas Johnson of the National Demographics Corporation, and asked the City Attorney to develop additional related data for consideration.

Shortly thereafter, on July 29, 2014, the City was sued pursuant to the California Voting Rights Act in *Banales, et al. v. City of Santa Barbara*, SBSC Case No.1468167, alleging that racially polarized voting patterns exist in the City and seeking the establishment of district elections. On October 1, 2014, the City answered the *Banales* lawsuit.

On October 28, 2014, in an effort to resolve the matter in an inclusive, fair and efficient manner, Council adopted a Resolution directing the City Clerk and City Attorney to prepare all necessary actions and documents for voters to consider district elections at the next regular Council Election in November 2015, with district elections to commence, if approved by voters, in November 2017. As conceived, the ballot measure would provide for an independent districting commission to work with the public to establish the geographical boundaries of six initial council districts during the period between the November 2015 and November 2017 elections.

Through adoption of the Resolution, Council also directed the Acting City Administrator to develop a civic engagement process to involve Santa Barbara residents in drafting the ballot measure. A key issue for public input would be what the ballot measure would say regarding the composition and duties of the independent districting commission charged with drawing the districts. Another would be how the ballot measure would provide for the phase-in of districts, given the staggered terms of office set forth in the City Charter.

With a trial date set for April 2015, however, the issue of district elections may not be decided by the voters and the timeline for drawing district boundaries might also be significantly affected. This possibility must also be considered in the development of a civic engagement plan.

Proposed Civic Engagement Plan

The question of political representation is critical, and the City remains committed to involving the public in the decision-making process about district elections to the maximum extent possible. Indeed, state law as amended effective January 1, 2015, requires public hearings before the adoption of district elections, even when ordered by a court. While the initial, multiphase input plan (i.e., ballot measure design through public input, public election, and selection of an independent redistricting commission) is still ideal, the City must now be prepared to argue in the public interest with regard to

geographic boundaries of potential districts and other key representation questions in the context of the April 2015 court proceedings and any potential settlement discussions.

Involving the public in districting is not just good practice, it is required by law. As noted above, under the California Elections Code (Section 10010) an agency that changes from an at-large method of election to district elections must hold at least two public hearings on a proposal to establish the district boundaries prior to a public hearing at which the governing body votes to approve or defeat the proposal. This also applies to proposal that is required due to a court-imposed change to district elections.

The City's civic engagement plan now has two distinct goals:

- Goal 1 (Pre-trial): The first goal of the public input process will be to quickly collect as much public input as practical to inform the City's positions in the April 2015 litigation and potential settlement discussions.
- Goal 2 (Ballot Measure): The second goal would be to move forward with gathering input necessary to place the question of whether to implement district elections on the November 2015 ballot, as originally planned, should the plaintiffs be unsuccessful in getting an order for district elections without approval of the voters. Ballot language decisions must be made by June 2015.

As currently envisioned, the input process over the next few months would consist of three meetings:

- Community Workshop #1 - The first workshop will be to introduce members of the public to the issue of district elections, the input process, and how they can use available input tools and opportunities. Members of the public will also be able to provide preliminary comment, including input on the following questions:
 - *Preliminary District Input*: What district boundaries should the City advocate for in litigation and potential settlement discussions, should district elections begin in November 2015?
 - *Even Year Elections*: If proposed by the plaintiffs in litigation, should the City be open to moving to even-year elections as part of a settlement?
 - *Ballot Language on Independent Districting Commission*: If district elections are not imposed through court proceedings, what will the November 2015 ballot measure say about who will be eligible to serve on the districting commission, how will they be appointed, and what their duties will be?
 - *Implementation of District Elections*: Given the staggered Council terms of office, how will the ballot measure address implementation of district elections (i.e., which districts would be first to fill positions on the Council)?
- Community Workshop #2 - The second workshop would be to introduce the results and conclusions gathered through public input during the Community

Workshop #1 and through the online public input tools. Members of the public will have the opportunity to provide additional comment.

- Community Workshop #3 - The third workshop, in the event that the litigation has been settled in the City's favor or is ongoing, will be to allow the public to review and comment on the draft ballot measure proposed by the City Attorney. Alternatively, should the litigation be decided against the City, this meeting would serve as the first of a series on public hearings on the proposed district boundaries resulting from the litigation.

The timing of these meetings will depend on the City's ability to develop and make available an online districting tool and a public input website. Ideally, Workshop #1 will be held in late February or early March, Workshop #2 would be held in late March or early April, and Workshop #3 would be held in May.

Creation of Public Input Website and Districting Tool

Staff recommends engaging Douglas Johnson of the National Demographics Corporation to facilitate public input. National Demographics already has collected a large amount of data about the City's boundaries and demographics, and is in the best position to respond quickly.

Staff will return with a proposal from National Demographics to develop a public input website, including a geographic computer model that allows the user to draw and test various district boundaries against demographic data. During the period between Workshop #1 and Workshop #2, this computer tool would be available to the public online. The public would be given the opportunity to go online to answer questions about a proposed ballot measure, consider various district maps developed by Mr. Johnson, and/or to propose alternate district maps that best reflect the public interest. This input will initially be used to inform the City's positions in the April 2015 litigation and potential settlement discussions. Should litigation be unsuccessful, and district elections ultimately be approved by the voters, this tool and the input collected from the public would later be available to the independent districting commission established by the voters.

SUBMITTED BY: Kristine Schmidt, Administrative Services Director

APPROVED BY: City Administrator's Office