

**BUSINESS OF THE COUNCIL OF THE CITY OF HALF MOON BAY**

**AGENDA REPORT**

For meeting of: **April 6, 2021**

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**TO:** Honorable Mayor and City Council

**VIA:** Bob Nisbet, City Manager

**FROM:** Jessica Blair, Communications Director / City Clerk  
Jonathan Roisman, Deputy City Clerk

**TITLE: INFORMATIONAL PRESENTATION AND OPTIONS FOR FORMING A RE-DISTRICTING COMMISSION FOLLOWING RELEASE OF THE 2020 CENSUS INFORMATION**

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**RECOMMENDATION:**

Consider options for the upcoming redistricting process following the release of the 2020 Census results and direct staff to move forward with the City Council adopted model.

**FISCAL IMPACT:**

There is no fiscal impact associated with this report. However, redistricting will require the City to retain the services of a demographer. The City Council approved such service with National Demographics Corporation on January 19, 2021. The cost of services will be no more than \$45,000. Additionally, the City will incur costs associated with communications efforts for the process such as printing, advertisements, etc.

**STRATEGIC ELEMENT:**

This action supports the Inclusive Governance element of the Strategic Plan.

**BACKGROUND:**

Until the November 3, 2020 election, Half Moon Bay's City Councilmembers were elected at-large. The transition to by-district was prompted by a letter dated February 28, 2018 from Attorney Kevin I. Shenkman of Shenkman & Hughes, PC asserting that the City's at-large elections violated the California Voting Rights Act (CVRA). The letter stated the City historically lacked Latino representation on the Half Moon Bay City Council given its sizeable population.<sup>1</sup>

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<sup>1</sup> On October 21, 2020, the California Supreme Court granted review in *Pico Neighborhood Association v. City of Santa Monica*, where the Court will consider what plaintiff must prove in order to establish vote dilution under the California Voting Rights Act. The law in this area will likely remain in flux until the Supreme Court decides the Santa Monica case.

In 2018, the City began the transition from at-large to by-district elections. The City enlisted the services of a demographer, National Demographics Corporation, to assist in drawing up such a map. On November 3, 2020, elections in Districts 2 and 3 took place using the map adopted on September 18, 2018. Elections for Districts 1 and 4, along with an at-large, elected mayor, will take place on November 8, 2022.

Once a City has transitioned to district elections, state law requires the City Council to examine and, if necessary, adjust the City Council district boundaries every 10 years following the Census to ensure compliance with the Voting Rights Act. Additionally, a new map will need to be adopted following the release of 2020 census data given the new requirements of Assembly Bill 849.

Adoption of the new map must occur sometime between August 1, 2021 and April 17, 2022. A new map may not be adopted before August 1, 2021, though cities may begin outreach hearings before August.

#### **DISCUSSION:**

Since the City Council's transition to district elections in 2018, the State has enacted additional laws governing the redistricting process, including the Fair Maps Act which creates standardized redistricting criteria aimed to keep communities together and to prohibit partisan gerrymandering. It also contains expanded community outreach and public hearing requirements and timelines, which more closely track the State redistricting schedule.

Certain Federal required criteria must be observed when re-drawing districts:

- Each City 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 the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor.

Additionally, the Fair Maps Act now requires the City Council to adopt district boundaries using specific criteria as set forth in the following order of priority:

- To the extent practicable, city council 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 not connected by a bridge, tunnel, or regular ferry service are not contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents or political candidates.

- City Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, city council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, city council 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.<sup>2</sup>

Senate Bill 1018, effective January 1, 2019, provides additional methods for adjusting boundaries. See Elections Code sections 23000 et seq. There are now five methods available to general law cities, of which the City of Half Moon Bay is one:

- (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:

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

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. This was the process the Council utilized when the City transitioned to districts in 2018. During that process, the City provided paper maps as well as an established map-drawing webpage for the public to submit proposed draft maps. If the City chooses this option again during this process, the same public mapping tools would be utilized and there would be increased public outreach, such as utilization of the City’s social media channels, which were not active in 2018. Additionally, staff would hold map-drawing workshops for the public. Staff recommends this option given the size of Half Moon Bay and level of community participation in City Council meetings.

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<sup>2</sup> Elections Code section 21601. Prior to enactment of the Fair Maps Act, State law authorized use of the following districting criteria: (1) topography; (2) geography; (3) cohesiveness, continuity, integrity and compactness of territory, and community of interests of the city council districts.

## **(2) Advisory Commission**

The process for establishing an advisory commission is similar to other local boards and commissions. The commission shall consist of residents living in Half Moon Bay and the City may specify the qualifications and selection process for commissioners.

## **(3) Independent Commissions**

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 Commissions**

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 Half Moon Bay residents.

## **Timeline**

The current tentative timeline for redistricting is as follows:

- January 2021: Staff chooses demographer consultant.
- April 2021: Council and Staff review redistricting options
- May 2021: Staff creates redistricting webpage and begins community outreach
- June, July and/or August: two initial public hearings or workshops on communities of interest and redistricting
- September or October 2021: Cities receive redistricting data from the Census Bureau and the California Statewide Database
- October 2021: community meetings to solicit additional input and prepare draft maps
- January 2021: Begin the first of the remaining two required public hearings with maps leading to adoption (more meetings are allowed if needed, but are not required)

- April 17, 2022: Deadline to adopt and submit map to registrar (requires first and second reading for adoption of ordinance)

### **Alternatives**

Staff has recommended that the City Council utilize the same process as it did in 2018 utilizing public-drawn maps as well as the demographer's draft maps and selecting a final map based on those and public input throughout the process. However, if the City Council prefers that a committee or commission be formed, staff would recommend an advisory commission.

### **Further Considerations**

Should the Council direct staff to move forward with the creation of a commission or committee and to prepare a draft resolution to be brought back to Council, there should be consideration and direction given regarding the following:

- Clarify whether there should be any additional local requirements to serving on the commission
- Establish how many residents should be on the commission
- If advisory, establish the role of the commission
- Establish selection process
- Establish timeline for commission recruitment, selection and final action; and
- Provide input on estimated number of additional community outreach meetings anticipated if a commission is created