



DATE: May 14, 2024

TO: Mayor and City Council

FROM: City Attorney

SUBJECT: Public Hearing No. 1 to Receive Input from the Community on City Council Districts to be Established for District-Based Elections Beginning in 2026.

RECOMMENDATION

That the Council conducts the public hearing, receives presentations from the demographer and consultants and receives input from the community regarding composition of City Council districts to be established for district-based elections beginning with the 2026 election cycle.

SUMMARY

On April 16, 2024 the City Council adopted a resolution declaring its intent to begin the process of transitioning from at-large elections to district-based elections beginning with the 2026 election cycle. The transition process begins with two public hearings required by Elections Code section 10010. During these hearings, the City Council receives input from the community regarding the composition of the proposed districts. Subsequent public hearings involving review and discussion of draft district maps are also required to be held. Those hearings will be scheduled at a later time. This transition process does not impact the upcoming 2024 election.

BACKGROUND

The City of Hayward currently utilizes an at-large election system for the Mayor and City Councilmembers. This means that the electors from the entire City choose the Mayor and six (6) City Councilmembers. A district-based election system is one in which the city is geographically divided into separate districts, each with one Councilmember who resides in the district and is chosen by the electors residing in that particular district.

On May 28, 2021 the City received a letter from attorney Scott Rafferty in Walnut Creek, California alleging that the City's system of at-large elections violates the California Voting Rights Act ("CVRA"). On March 10, March 21 and March 22, 2024, Mr. Rafferty sent additional letters to the City Council on this topic. The letters generally claim that Asian American voters in Hayward have different voting preferences than the rest of the Hayward electorate, a phenomenon known as "racially polarized voting," and that their electoral influence has been unlawfully diluted by the current at-large voting system. Consequently, Mr. Rafferty and his clients (Jack Wu and Neighborhood Elections Now) seek a transition to district-based elections for November 2024.

DISCUSSION

Public Hearing Timeline

Pursuant to Elections Code section 10010, the City must hold at least four public hearings in connection with the establishment of electoral districts. The City is required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts are drawn. The first two public hearings will give the community an opportunity to provide input and the City Council to provide initial direction on the composition of the wards before any maps are drawn. The second public hearing to receive input regarding composition of the proposed districts will be May 28, 2024 at 6:00 p.m. at City Hall.

Following these initial hearings, draft district maps will be developed, and two additional public hearings will be held for the purpose of receiving public input regarding the content of the draft maps and the proposed sequence of elections. Elections Code section 10010 requires that the first version of a draft map be published at least seven days before consideration at a hearing. In addition, during Public Hearings #3 and #4, the City Council will be asked to provide direction on the sequencing of future elections. Sequencing of elections refers to staggered terms of office and when each district will host its first election under the new six-district election system.

Final direction on election sequencing will be sought at Public Hearing #4. The City Council is the final decision-making authority on adopting district boundaries and the plan will be incorporated into a recommended ordinance that may be presented to the City Council during Public Hearing #4. Public Hearings #3 and #4 have not yet been scheduled. Additional public hearings may be scheduled as needed, as long as the process can be completed by July 15, 2024, pursuant to the City Council's April 16 resolution. This timeline may be extended if an extension can be agreed upon with Mr. Rafferty and his clients.

Districting Criteria

In creating the boundaries of the six districts, the process must comply with state and federally mandated criteria that require each district to be as nearly equal in population as practicable and drawn in a manner that complies with the 14th Amendment, the State and Federal Voting Rights Act, as well as the criteria outlined in Elections Code section 21130. Additional information regarding legal requirements related to districts is included as Attachment III of this item.

Community Outreach

In addition to public hearings, City staff, with assistance from an outreach consultant (Tripepi Smith), has commenced coordinating robust community outreach. To facilitate the sharing of information and gathering of input and feedback on the drawing of district-election maps, the City is establishing a website at www.maphayward.org. Community members can also ask questions and provide input and feedback by calling (510) 583-4444 or by sending an email to districting@hayward-ca.gov.

Additionally, the City's social media outlets will be updated weekly, flyers and a city-wide mailer promoting the public hearings will be distributed to the community, and direct email and phone call outreach to community groups and organizations will be performed. Additional information regarding community outreach efforts is included as Attachment IV of this item. Also, interpreters in Spanish, Mandarin, Vietnamese and Tagalog will be available at all public hearings upon request.

FISCAL IMPACT

Significant staff resources will be devoted to carrying out the process described in this report, including public outreach strategies. The City will also incur costs related to the engagement of outside legal counsel, a demographer and other consultants that may be necessary.

NEXT STEPS

The second public hearing to receive input regarding composition of the proposed districts will be May 28, 2024 at 6:00 p.m. at City Hall.

Prepared by: Michael Vigilia, Senior Assistant City Attorney

Recommended by: Michael Lawson, City Attorney

Approved by:



Dustin Claussen, Interim City Manager