



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

File #: PH 24-034

DATE: August 13, 2024

TO: Mayor and City Council

FROM: City Attorney

SUBJECT

Public Hearing No. 3 to Receive Input from the Community on City Council Districts to be Established for District-Based Elections Beginning in 2026 and Provide Initial Direction to Demographer Regarding Draft Maps

RECOMMENDATION

That the Council conduct the public hearing, receive a presentation from the demographer, receive further input from the community regarding composition of City Council districts to be established for district-based elections beginning with the 2026 election cycle, and provide initial direction to the demographer on the composition of districts before any maps are drawn.

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 election of the mayor will continue to be conducted at-large. The transition process began with two public hearings required by Elections Code section 10010. During these hearings, the City Council received input from the community regarding the composition of the proposed districts. The initial public hearings were held on May 14, 2024 and May 28, 2024.

This will be the third public hearing on this matter, which will focus on receiving further feedback from the community, as well as providing initial direction to the demographer regarding the drafting of the district maps. Following this hearing, the demographer will prepare draft district maps for community review, and subsequent public hearings will involve discussion and further review of these maps. Those hearings are anticipated to take place in September and October 2024. This transition process does not impact the upcoming 2024 election.

ATTACHMENTS

Attachment I Staff Report
Attachment II Notice of Public Hearing

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BACKGROUND

The City of Hayward currently utilizes an at-large election system for the Mayor and City Council members. This means that the voters from the entire City choose the Mayor and six (6) City Council members. A district-based election system is one in which the city is

geographically divided into separate districts, each with one Council member who resides in the district and is chosen by the voters residing in that particular district.

On March 10, 2024, the City received a letter from attorney Scott Rafferty, which asserted that the City's at-large method of election could be in violation of the California Voting Rights Act (the "CVRA"). The CVRA allows a city to declare its intent to change to district-based elections and gives it 90 days within which to adopt districts. At the time it adopted its resolution of intent, the City's deadline for adoption of districts was July 15, 2024. However, state law also allows the parties to a CVRA complaint to extend the deadline by another 90 days, and on May 15, 2024, the parties agreed that the City would have until October 14, 2024 to adopt districts for use in the 2026 elections.

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 to receive input regarding composition of the proposed districts occurred on May 14, 2024 and May 28, 2024 respectively. Copies of the staff reports, as well as video and audio recordings of these hearing, are available for the public through the following link: <https://maphayward.org/schedule/>.

This public hearing will be the third opportunity for the City Council to hear from the public regarding communities of interest and other factors that the City Council must take into account in drawing district lines. At this hearing, the demographer will provide a PowerPoint presentation, the City Council will receive additional public input, and the City Council will give the demographer sufficient guidance to draw one or more draft maps. The PowerPoint presentation from the demographer will be available on the City's website no later than Monday, August 12, 2024. The draft map or maps drawn following this third hearing, must be published at least seven days in advance of the next public hearing, and the City must hold at least three more public hearings before adopting a map, prior to the October 14, 2024 deadline. These public hearings are anticipated to take place in September and October of 2024.

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.

Community Outreach

Community outreach has commenced under the facilitation of City staff and outreach consultant Tripepi Smith. The City established a website in May (www.maphayward.org) to facilitate sharing information and gathering input on the drawing of district-election maps. The website shows the district maps and communities of interest maps that have been submitted by community members over the past three months. Community members can ask questions and provide input by calling (510) 583-4444 or by sending an email to districting@hayward-ca.gov.

Since the May 28 public hearing, the City hosted two workshops and tabled at four community events. The first workshop was held online on June 11, 2024, while the second workshop was held in person at Chabot College on July 9, 2024. Community members can find more information about those workshops, including workshop materials, on the project website at www.maphayward.org. Additionally, the City has sent emails to the 62,573 subscribers of the City's e-newsletter with information about the workshops and the public hearings in August, September, and October. The City intends to continue its outreach efforts as we move toward Public Hearings Nos. 4, 5, and 6.

Following Public Hearing No. 3, the City's demographer will create draft district maps which will be posted on the website (www.maphayward.org) by August 27, 2024. After the draft maps are posted, the City will conduct further outreach to encourage residents to review the maps and provide comment, including direct email and phone call outreach to community groups and organizations, social media posts, city-wide mailers, as well as other outreach efforts. Spanish, Mandarin, Vietnamese and Tagalog interpreters continue to 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.

Prepared by: Vadim Sidelnikov, Assistant City Attorney

Recommended by: Michael Lawson, City Attorney

Approved by:



Dustin Claussen, Interim City Manager