



CITY OF HAYWARD

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

File #: PH 24-038

DATE: September 3, 2024

TO: Mayor and City Council

FROM: City Attorney

SUBJECT

Public Hearing No. 4 to Consider Draft City Council District Maps Prepared by the Demographers Based on Input from the Community for Establishing District-Based Elections Beginning in 2026 and Provide Direction to Demographers Regarding the Draft Maps; Discussion of Election Sequencing for District-Based Elections Beginning in 2026

RECOMMENDATION

That the Council conduct the public hearing, receive a presentation from the demographers, including presentation of draft City Council district maps for district-based elections beginning with the 2026 election cycle, receive input from the community regarding the draft district maps and sequencing for district-based elections beginning in 2026 and provide direction to the demographers regarding the draft district maps.

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. Public hearings were previously held on May 14, 2024, May 28, 2024, and August 13, 2024.

This will be the fourth public hearing on this matter, which will focus on reviewing the draft City Council district maps prepared by the demographers based on input from the community. The Council will also receive further feedback from the community regarding the draft district maps, as well as provide additional direction to the demographers regarding the draft district maps. Following this hearing, the demographer will incorporate feedback from the Council and community to develop a final proposed district map for consideration and adoption. Subsequent public hearings will involve consideration and adoption of a final City Council district map, as well as introduction and adoption of an ordinance establishing district-based elections beginning in 2026. Those hearings are anticipated to take place in

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October 2024. This transition process does not impact the upcoming November 2024 election.

ATTACHMENTS

Attachment I	Staff Report
Attachment II	Notice of Public Hearing
Attachment III	PowerPoint Presentation



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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. A third public hearing occurred on August 13, 2024 where the Council received additional community input and provided initial direction to the demographer regarding preparation of draft district maps. Three draft district maps were posted to the City's districting website on August 27, 2024, as required by state law. Copies of the staff reports, as well as video and audio recordings of these hearings, and links to the three draft maps are available for the public through the following link: <https://maphayward.org/schedule>.

This public hearing will provide an opportunity for the City Council to obtain input from the community regarding the draft district maps prepared by the demographers. The demographers will provide a PowerPoint presentation and discuss the draft district maps. Attachment III is the PowerPoint presentation from the demographers.

This hearing and another hearing tentatively scheduled for October 1, will provide the community the ability to comment on the draft maps, as required by state law. The City anticipates adoption of a final district map and adoption of an ordinance establishing district elections and election sequencing by the October 14, 2024 deadline.

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.

All of the draft maps comply with the basic districting criteria required by state and federal law describe above. Additionally, the drafts maps incorporate public input, including submitted maps and Communities of Interest (COIs) and Neighborhoods. Districting is a process of constraints. Community members submitted dozens of proposed maps and communities of interest, but not all public input and all neighborhoods can be included and maintained in each map because population equality is the first legal criterion to consider. These draft maps lay out the districts in different ways to show how input can be accommodated. They can be modified within constraints established by law, based on input received during the public hearing.

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. The draft district maps prepared by the demographers are also posted to the website. 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 draft district maps were posted on the website, Tripepi Smith worked with City staff to call over 100 targeted community stakeholders to notify them of the opportunity to comment on the maps and to attend the September 3 Public Hearing. Additionally, the City has sent emails to the 62,573 subscribers of the City's e-newsletter with information about the draft maps and the public hearings in September and October. The City intends to continue its outreach efforts as we move toward the final Public Hearing No. 5.

Following Public Hearing No. 4, the City's demographers will make adjustments to draft maps consistent with direction from the City Council. Final maps will be posted on the website (www.maphayward.org) by September 17, 2024. 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, the demographers and other consultants that may be necessary.

Prepared by: Michael Vigilia, Senior Assistant City Attorney
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Recommended by: Michael Lawson, City Attorney

Approved by:



Dustin Claussen, Interim City Manager