



CITY COUNCIL STUDY SESSION AGENDA

6:00 PM - Tuesday, June 11, 2024

In-Person

SPECIAL MEETING AGENDA

PARTICIPATION: Members of the public may participate by being present at the Los Altos Council Chamber at Los Altos City Hall located at 1 N. San Antonio Rd, Los Altos, CA during the meeting. Public comment is accepted in person at the physical meeting location, or via email to PublicComment@losaltosca.gov.

RULES FOR CONDUCT: Pursuant to Los Altos Municipal Code, Section 2.05.010 "Interruptions and rules for conduct": Understanding that the purpose of the city council meetings is to conduct the people's business for the benefit of all the people, in the event that any meeting of the city council is willfully interrupted by a person or group of persons so as to render the orderly conduct of the meeting impossible, the mayor, mayor pro tem, or any other member of the city council acting as the chair may order the removal of the person or persons responsible for the disruption and bar them from further attendance at the council meeting, or otherwise proceed pursuant to Government Code Section 54957.0 or any applicable penal statute or city ordinance.

REMOTE MEETING OBSERVATION: Members of the public may view the meeting via the link below, but will not be permitted to provide public comment via Zoom or telephone. Public comment will be taken in-person, and members of the public may provide written public comment by following the instructions below.

<https://losaltosca-gov.zoom.us/j/84080988466?pwd=tWuDERVX81tgE57IDdQONK7bmkaR5P.1>

Telephone: 1-669-444-9171 / Webinar ID: 840 8098 8466 / Passcode: 777901

SUBMIT WRITTEN COMMENTS: Prior to the meeting, comments on matters listed on the agenda may be emailed to PublicComment@losaltosca.gov. Emails sent to this email address are sent to/received immediately by the City Council. Emails sent directly to the City Council as a whole or individually, and not sent to PublicComment@losaltosca.gov will not be included as a public comment in the Council packet.

Please note: Personal information, such as e-mail addresses, telephone numbers, home addresses, and other contact information are not required to be included with your comments. If this information is included in your written comments, they will become part of the public

record. Redactions and/or edits will not be made to public comments, and the comments will be posted as they are submitted. Please do not include any information in your communication that you do not want to be made public.

Correspondence submitted in hard copy/paper format must be received by 2:00 p.m. on the day of the meeting to ensure distribution prior to the meeting. Comments provided in hard copy/paper format after 2:00 p.m. will be distributed the following day and included with public comment in the Council packet.

The Mayor will open public comment and will announce the length of time provided for comments during each item.

MEETING CALLED TO ORDER

CONFIRM QUORUM

PUBLIC HEARING

- [1.](#) Hold a Public Hearing and receive public input and a presentation from the City's consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections of the City Council
- [2.](#) 06-11-2024 Written Public Comments

ADJOURNMENT

SPECIAL NOTICES TO THE PUBLIC

In compliance with the Americans with Disabilities Act, the City of Los Altos will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the City Clerk 72 hours prior to the meeting at (650) 947-2610.



City Council Agenda Report

Meeting Date: June 11, 2024

Prepared By: Melissa Thurman, City Clerk

Approved By: Gabriel Engeland, City Manager

Subject: Hold a Public Hearing and receive public input and a presentation from the City’s consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections of the City Council

COUNCIL PRIORITY AREA

- Business Communities
- Circulation Safety and Efficiency
- Environmental Sustainability
- Housing
- Neighborhood Safety Infrastructure
- General Government

RECOMMENDATION

Hold a Public Hearing and receive public input and a presentation from the City of Los Altos' ("City") consulting Demographer, Redistricting Partners, regarding the process and criteria for establishing boundaries for district elections pursuant to the California Voting Rights Act ("CVRA") for the City Council. The City Council should further discuss the following topics:

- 1.) The Communities of Interest within the City that should define the boundaries and composition of districts before any maps of any proposed district boundaries are drawn; and
- 2.) Whether the City should implement a directly elected Mayor with four districts, or retain a City Council-selected Mayor with five districts

FISCAL IMPACT

The City will be required to retain the services of a demographer in order to successfully transition to district elections. The cost of such services is approximately \$50,000. The City also must retain outside legal counsel to oversee the project in its entirety. The cost of outside legal services is approximately \$35,000. Lastly, it is contemplated that Shenkman & Hughes, PC the author of the letter received on April 18, 2024, will send an invoice to the City at the end of the transition process as allowed under the CVRA for costs associated with the investigation that gave rise to the letter received on April 18, 2024 – usually for the services of a demographer and also attorneys' fees. The amount of that invoice is capped by the statute at \$30,000 (plus an annual adjustments based on the Consumer Price Index for inflation since passage of the statute) if the City meets the CVRA time limits. The City has sufficient funds to cover these anticipated costs but may need to request special allocations for final payments.

ENVIRONMENTAL REVIEW

Not applicable.

PREVIOUS COUNCIL CONSIDERATION

During the regular meeting of May 28, 2024, the City Council adopted a Resolution declaring its Intent to Transition to District-Based Elections pursuant to California Elections Code Section 10010, with the transition taking effect at the November 2026 and 2028 Elections.

DISCUSSION/ANALYSIS

The City currently has an at-large election system, where each of the City's five Councilmembers are elected by voters throughout the City. Currently, Councilmembers in Los Altos are elected for a four-year term and the Mayoral seat is rotated annually among the five Councilmembers. This rotation takes place in December of each year.

On April 18, 2024, the City received a Notice of Violation of the CVRA from attorney Kevin Shenkman and his law firm, Shenkman & Hughes, PC of Malibu, CA. The letter asserts that the City is violating the CVRA because: the City's councilmember elections are at-large as opposed to by district; the City's elections are characterized by racially polarized voting; and, there is vote dissolution in that minority voters have difficulty in electing councilmembers of their choice because they are never a majority or close to a majority in an at-large election. The notice demands that the City immediately transition from an at-large elections system to a district-based one. District-based elections is a method of electing the members of the City Council in which the candidate must reside within an election district and is elected only by voters residing within that election district.

At-large voting systems allow all voters to vote for each councilmember seat that is on the ballot in a given electoral year. Racially polarized voting means that block voting among different racial groups may be occurring, such that there is too high a correlation between race and electoral choice – that is, that voters vote according to race. Vote dissolution occurs where minority voters – never having a majority across the City – are unable to elect candidates of their choice because they do not have the voting power to do so in an at-large scheme. Elections by district may address this issue by constructing districts where there are greater concentrations of minority voters such that they have more voting power within an individual district when compared to an at-large system.

The CVRA provides a “Safe Harbor” provision to local government agencies with at-large election systems pursuant to Elections Code Section 10010. Under this provision, a local agency has approximately 135 days from the receipt of the letter to transition from at-large to district-based elections. The City has secured additional time from Mr. Shenkman, until October 31, 2024, to complete this transition. If the City complies with the “Safe Harbor” provisions, the amount of attorney’s fees and costs Mr. Shenkman can collect is expected to be approximately \$30,000, adjusted annually to the Consumer Price Index.

The City has engaged a demographer, Redistricting Partners, to support the transition effort to district-based elections. During this process, the City must:

- Hold at least five public hearings to receive public input and to consider draft maps. The public hearing on June 11, 2024 will be the first of two required public hearing for the

public to provide input on communities of interest and the composition of districts, as well as whether the City should implement a directly elected mayor with four districts, or retain a City Council-selected mayor with five districts. The City will not consider any maps at this public hearing or the next one (second public hearing), which has tentatively been scheduled for July 9, 2024, pending Council approval of this hearing date.

- After the two required initial hearings to gather public input, the City Council is planning to hold at least three additional public hearings starting in August (September?) 2024 to consider and select a map with district boundaries based on the public input received regarding the City's communities of interest and the City Council's direction as to whether the transition will produce a directly elected mayor with four districts or retain a City Council-selected mayor with five districts. Redistricting Partners will produce one or more maps for consideration by the City Council and the public before each meeting, which will be available to the public at least 7 days before any hearing at which the City Council considers the maps. Redistricting Partners will present those maps – explaining each map's attributes and the differences between or among them. During one or more of these three hearings the City Council will discuss the proposed sequence of election.

During the first public hearing, the City's demographer, Redistricting Partners, will make a presentation on the CVRA and the transition process for preparing district boundaries. The intention of this hearing is to identify the neighborhoods or "communities of interest" within the City, as well as other local factors that should be considered by Redistricting Partners when drawing draft maps. The public will be invited to ask questions about the process and to provide input on communities of interest in the City. This will allow the demographer to better understand the jurisdiction and allow the drawing of maps based on sound demographic and legal principles. The public is welcome to propose complete districting maps, though it is not required. (See below for more on the district formation criteria.) The public is also invited to provide input as to whether the City should move to a directly-elected mayor with four districts or to maintain the current system where the five City Councilmembers select a mayor. (See below for more information regarding the number of districts and a potentially directly elected Mayor.) This hearing will also identify and highlight resources available to the public on the City's website related to the transition to district-based elections. (See below for more information regarding the City's public outreach process.)

The format for the second hearing on July 9, 2024 will be the same. At the end of the second public hearing with full consideration of the input offered by the public, the City Council will provide direction to City staff and the City's demographer regarding the criteria to be considered, consistent with the required legal parameters, to create proposed district maps. The City Council will also be asked to provide direction on the number of districts to be created, as well as whether the City would like to establish a directly elected mayor.

The City Council will then host subsequent public hearings for the public to consider the draft maps created by the City's demographer. In preparation for these hearings, maps created by the City's demographer will be posted on the City's website and otherwise available at least one week before the hearings. After taking public comment at these hearings, the City Council will provide further direction to the City's demographer as to how to change and/or finalize a proposed map.

Final direction on district maps and election sequencing will be sought at a final public hearing and will be incorporated into an ordinance to be considered by the City Council.

District Formation Criteria

In creating the district boundaries, the City must ensure compliance with the following criteria mandated by the CVRA and the Federal Voting Rights Act:

- Each district must contain a nearly equal population;
- The districting plan must be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and,
- The districts must not be drawn with race as the predominant factor.

Additionally, Election Code section 21130 requires cities to adopt districts using the following criteria to the extent practicable, which are set forth in order of priority:

- Districts shall be geographically contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest must be respected and maintained. 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.
- District boundaries should be easily identifiable and understandable. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the jurisdiction.
- To the extent practicable, and where it does not conflict with the preceding criteria, districts shall be drawn to encourage geographical compactness.

The City's demographer – Redistricting Partners – only will present maps that comply with these criteria.

Public Outreach

In addition to the formal public hearing process, the City is implementing a robust effort to encourage participation and inclusivity as a part of the districting process. To this end, the City is doing the following:

- Hosting a webpage dedicated to districting, which includes an explanation of the districting process, relevant demographic data, the process for getting public input (in all legally required languages), a calendar of public hearings and/or workshop dates, the notice and agenda for each hearing/workshop, audio/video records of the hearings/workshops, a copy of the draft map(s) considered, and a copy of the final adopted map; and
- Promoting the public workshop and hearing dates on all City social media channels and advertising the hearings and workshops in the Los Altos Town Crier and/or the Daily Post, depending on advertising deadlines and availability

The City's districting webpage can be found via this weblink and is updated regularly to provide current information: <https://www.losaltosca.gov/cityclerk/page/district-based-elections>.

Number of Districts and Possible Transition to A Directly Elected Mayor

Early in the process of transitioning to district-based elections, the City Council will provide direction to staff and consultants on the number of districts to be created, including whether or not to transition from an appointed Mayor to a directly-elected Mayor. The City Council currently annually appoints a member of the City Council to serve for one year as Mayor of the City. Staff would welcome City Council input and possibly direction.

Melissa Thurman

From: patmarriott@sbcglobal.net
Sent: Sunday, June 9, 2024 1:34 PM
To: Public Comment
Subject: PUBLIC COMMENT STUDY SESSION ITEM #1 JUNE 11, 2024

Council Members:

Overpromised. Underdelivered.

That’s the current state of public engagement on district-based elections.

One of the documents at the May 28 council meetings was:

RESOLUTION NO. 2024-

NOW THEREFORE, BE IT RESOLVED,

... 6. All public hearings shall be noticed on the City's website, and in addition, as follows: posting on the City's website at least 7 calendar days in advance of the hearing and publication at least 7 days in advance of the hearing in the newspaper adjudicated to provide notice within the City; and holding at least one hearing on a Saturday, Sunday, or after 6 pm on a weekday.

7. Adopting the proposed schedule to complete the transition from an at-large elections system to a by-district elections system:

Date	Event
June 11, 2024	Public Hearing No. 1
June 25, 2024	Public Hearing No. 2
July 2, 2024	Public Hearing No. 3
By August 27, 2024	Draft Maps Published
September 3 2024	Public Hearing No. 4
September 17, 2024	Public Hearing No. 5
October 1, 2024	Public Hearing No. 6

The first notice I got was in the CM Weekly Update today, June 8, with a link to this page:

<https://www.losaltosca.gov/cityclerk/page/district-based-elections>

It says (highlights are mine):

The transition to a districts-based elections system is an open, public process, where public input is highly sought after and appreciated. California Elections Code Section 10010 mandates that five public hearings must be held throughout the transition process, but the City Council may choose to hold as many public community workshops as necessary to gather as much public input as possible, within the time constraints for the overall project.

The staff report for the June 11 Study Session on district elections says:

Public Outreach

In addition to the formal public hearing process, the **City is implementing a robust effort to encourage participation and inclusivity** as a part of the districting process. To this end, the City is doing the following:

- *Hosting a webpage dedicated to districting, which includes an explanation of the districting process, relevant demographic data, the process for getting public input (in all legally required languages), a calendar of public hearings and/or workshop dates, the notice and agenda for each hearing/workshop, audio/video records of the hearings/workshops, a copy of the draft map(s) considered, and a copy of the final adopted map; and*
- *Promoting the public workshop and hearing dates on all City social media channels and **advertising the hearings and workshops in the Los Altos Town Crier and/or the Daily Post, depending on advertising deadlines and availability***

The switch from at large to district elections is a major shift for Los Altos Residents and one of the most significant issues you will deal with in your Council tenure. As such, it certainly deserves a much more “robust effort” to get public input.

What I’ve seen so far does not go nearly far enough to “encourage participation and inclusivity.” No snail mail to every residence, no ads in either the Town Crier or the Daily Post. Blocking Zoom comments is particularly egregious in this context.

At this point there should be a mailer enroute to every household with a short questionnaire to be mailed back or dropped off at City Hall:

- Should the city be divided into
 - o Four districts with a mayor elected by the entire city?
 - o Five districts with a mayor rotating among the council members as we have now?
- If an elected mayor, should that person serve for
 - o 1 year
 - o 2 years
 - o 4 years
- Should there be term limits for council members and mayor?
 - o 1 term
 - o 2 terms
 - o No limits

You owe it to your constituents to educate them about the possibilities and ramifications of district elections and give them every opportunity to comment on the few options we have.

So far, I am disappointed in your efforts to live up to that obligation.

Respectfully,
Pat Marriott

Melissa Thurman

From: David Roode <droode@netwiz.net>
Sent: Sunday, June 9, 2024 7:02 PM
To: Public Comment
Cc: christinac@latc.com; Gabriel Engeland
Subject: Re: racially based districts for council election

On 6/9/2024 6:52 PM, David Roode wrote:

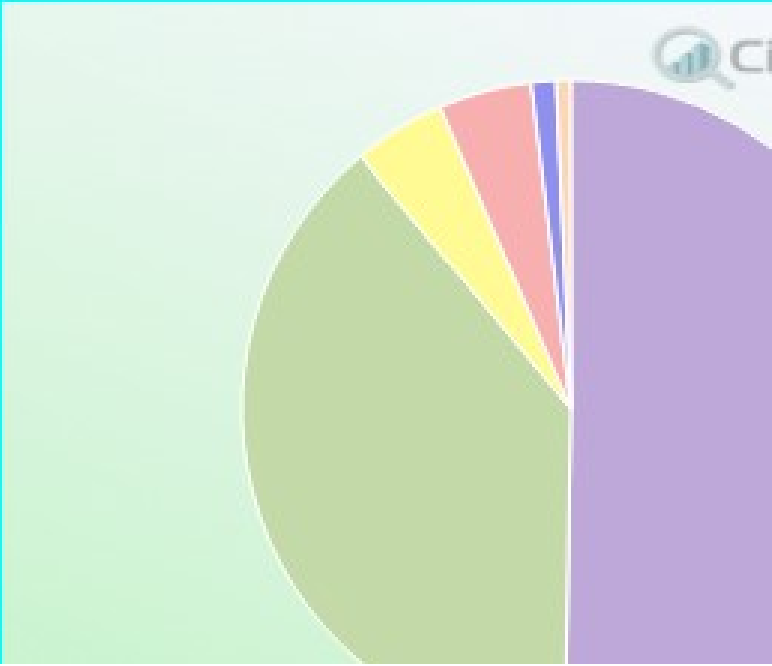
I believe that it will be futile to try to break Los Altos into districts such that there is much of increase in representation of any race in one particular subdistrict. The most you might expect would be a small variation of the racial makeup compared to the city as a whole.

I base this on the fact that both Los Altos and Los Altos Hills have a very similar makeup. These two cities together are broken into two zip codes, 94022 and 94024. However these 2 zip codes themselves although being a different geographic breakdown, still have the same racial makeup.

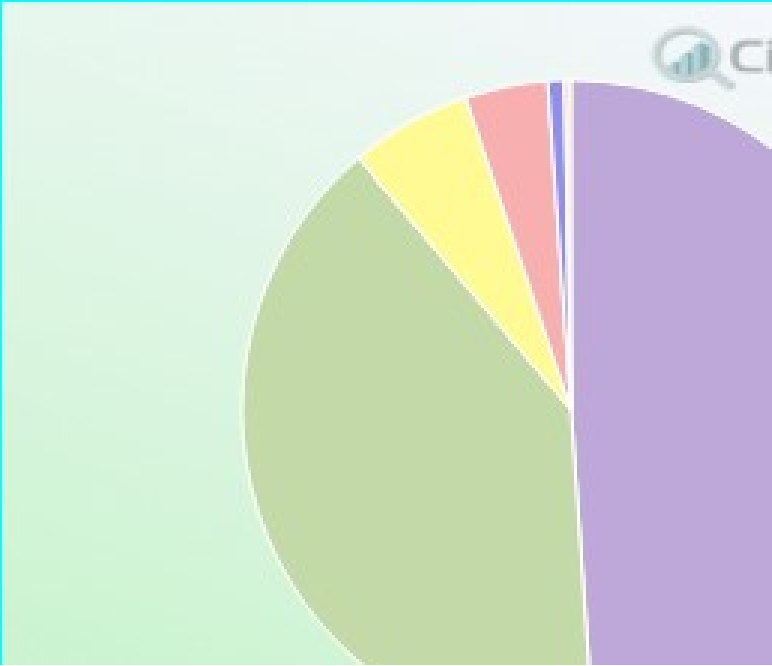
I think the legal response to the lawyer demanding the breakup should be asked at the start what they hope to achieve, specifically, in the way of an improved racial makeup of the various districts.

The below data comes from city-data.com and is based on data from the US Census.

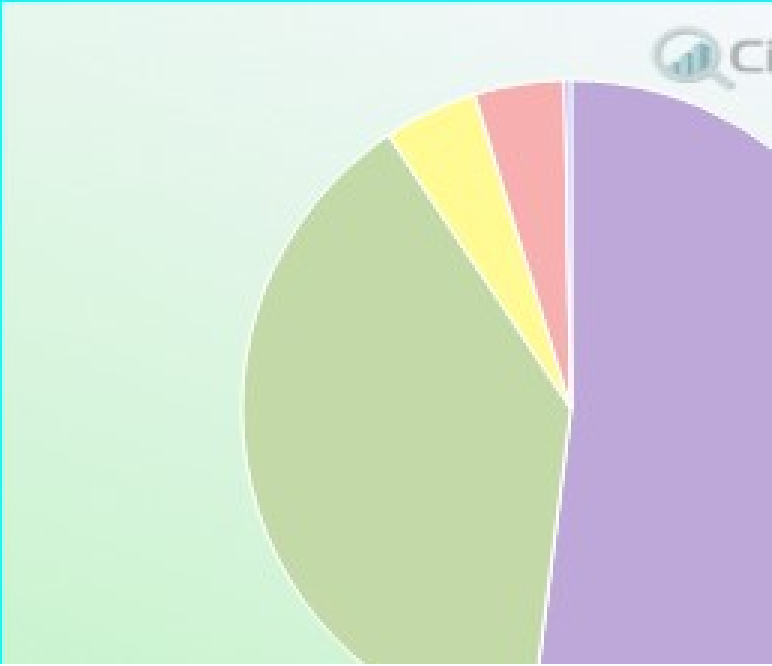
Races in Los Altos, CA



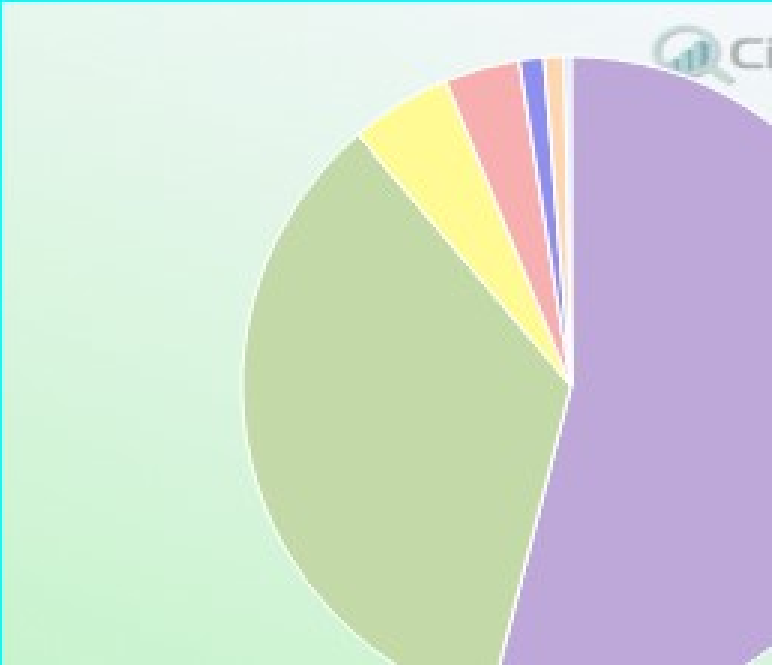
Races in Los Altos Hills, CA



Races in zip code 94024



Races in zip code 94024



By way of comparison to a nearby city:

