

- 7.2.** A Public Hearing to Hear and Receive Community Input and Provide Direction to Staff Regarding the Submitted Draft Maps and Sequence of Elections for District-Based Council Elections and Introduction of an Ordinance to Provide for the Election of Councilmembers by Five Districts; Establish District Boundaries and Election Order of Districts (to start at a time certain 7:00 p.m.)
- a) Staff Report
 - b) Open Public Hearing
 - c) Receive Public Testimony
 - d) Close Public Hearing
 - e) Action - Conduct the fourth public hearing and
 - i) Introduce Ordinance by title only, by motion waive further reading
 - ii) By motion, pass ordinance to second reading



DATE: November 18, 2024

TO: Mayor and Members of the City Council

VIA: Stefan Chatwin, City Manager

FROM: Priscilla Schaus, Communications Director/City Clerk
Benjamin L. Stock, City Attorney

DEPARTMENT: Communications/City Clerk

SUBJECT: TO START AT A TIME CERTAIN OF 7:00 P.M. -
FOURTH PUBLIC HEARING TO RECEIVE COMMUNITY INPUT
AND COUNCIL DIRECTION REGARDING THE SUBMITTED
DRAFT DISTRICT MAPS AND SEQUENCE OF ELECTIONS FOR
DISTRICT-BASED COUNCIL ELECTIONS AND INTRODUCTION
OF ORDINANCE TO PROVIDE FOR THE ELECTION OF
COUNCILMEMBERS BY FIVE DISTRICTS; ESTABLISH DISTRICT
BOUNDARIES AND ELECTION ORDER OF DISTRICTS

RECOMMENDATION

It is recommended that the City Council take the following actions:

- 1) Conduct the fourth public hearing to receive community input and provide direction to staff regarding the submitted draft maps and sequence of elections for district-based council elections;
- 2) Select a District Map;
- 3) Select the two District Seats to be up for election in 2026 (with the remaining District seats to be up for election in 2028); and
- 4) Introduce and waive further reading of an Ordinance of the City Council of the City of Foster City Amending Title 2 "Administration and Personnel" of the Foster City Municipal Code to Add Section 2.56.025 "District Elections" to Provide for the Election of Members of the City Council by Five Districts; Establish the District Boundaries; and Election Order of Each District.

EXECUTIVE SUMMARY

On August 19, 2024, the City Council discussed a letter received from a potential plaintiffs' attorney, Shenkman & Hughes PC, on July 22, 2024, alleging a violation of the California Voting Rights Act (the "CVRA")¹ and threatening litigation if the City declines to voluntarily change to a district-based election system for electing Councilmembers. While the Council strongly disagreed with the allegations in the letter, a majority of the Council gave direction to staff to proceed with agendaing the Resolution of Intent in order to take advantage of the safe harbor provisions of Elections Code Section 10010 and avoid costly litigation.

At the September 3, 2024, Council meeting, the Council adopted City Resolution No. 2024-91 to transition to district-based elections, to allow the City to take advantage of the safe harbor provisions of Elections Code Section 10010.

On October 7, 2024 and October 21, 2024, the City Council conducted the first and second public hearing to receive input regarding the composition of the districts and sequencing of the elections.

On November 4, 2024, the City Council conducted the third public hearing to receive community input and provide direction to staff regarding the submitted draft maps and sequence of elections for district-based council elections. At that meeting, the Council reviewed the draft maps submitted by the public and the City's demographer, Redistricting Partners, and provided direction to staff and the demographer regarding the various maps, including Draft Map B submitted by Redistricting Partners.

The public hearings must be scheduled to start at a time certain if it is consolidated with a regular or special meeting of the governing body that includes other substantive agenda items, to begin at a fixed time regardless of its order on the agenda.

BACKGROUND

The City of Foster City currently elects its Councilmembers at-large, which means that each Councilmember is elected by the registered voters of the entire City.

The CVRA was enacted in 2001, in part, to provide minority groups in California with tools to prevent dilution of votes in "at-large" election systems and is more expansive than the Federal Voting Rights Act of 1965 ("FVRA"). An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class.² A violation of the CVRA is established if it is shown that racially polarized voting occurs in elections for members of the governing body or in elections incorporating other electoral choices by the voters of the political subdivision.³ Any voter who is a member of a protected class and who resides in a political subdivision where a violation of the CVRA

¹ Cal. Elec. Code §§ 14025-14032.

² Cal. Elec. Code §§ 14026 and 14027.

³ Cal. Elec. Code §14028(a); see also § 14027.

is alleged may file an action in the superior court in which the political subdivision is located.⁴

Pursuant to Elections Code Section 10010, a city may rely on the “safe harbor” provisions that allows a city to adopt a resolution outlining its intention to transition from at-large to district-based elections within forty-five (45) days of receiving a demand letter from a potential plaintiffs’ attorney.⁵ These “safe harbor” provisions allow a city to transition in accordance with a statutory timeline and, if followed, insulate a city from litigation arising from alleged CVRA violations and caps attorneys’ fee liability to a maximum of \$30,000.⁶

Under those “safe harbor” provisions, a prospective plaintiff is required to send a written notice to the clerk of a city asserting that the city’s method of conducting elections may violate the CVRA.⁷ A forty-five (45) day stay is then imposed on a prospective plaintiff’s ability to bring an action.⁸ That forty-five (45) day stay allows a city to adopt a resolution outlining its intention to transition from at-large to district-based elections.⁹ If a resolution of intention is adopted by a city council to move to district-based elections, a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention’s passage.¹⁰

Since the Council adopted City Resolution No. 2024-91 to transition to district-based elections on September 3, 2024, a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention’s passage.

Staff has prepared a tentative timeline, which identifies the preliminary schedule for the required public hearings and public outreach, which complies with Elections Code Section 10010 (Attachment 1). This timeline may change depending on the level of community involvement and the complexity of the map drawing process. If the timeline needs to adjust beyond the 90 days, then the City may enter into a written agreement to extend the 90-day period up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input.¹¹

Transition to District Based Elections: First and Second Public Hearings

As a part of the transition process, the City is required to hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the communities of interest that would help to define the composition of the districts.¹²

⁴ Cal. Elec. Code §14032.

⁵ Cal. Elec. Code § 10010(e)(2).

⁶ Cal. Elec. Code § 10010(f)(1)-(3).

⁷ Cal. Elec. Code § 10010(e)(1).

⁸ Cal. Elec. Code § 10010(e)(2).

⁹ Cal. Elec. Code § 10010(e)(1)-(3).

¹⁰ Cal. Elec. Code § 10010(e)(1)-(3).

¹¹ Cal. Elec. Code § 10010(e)(3)(C)(i).

¹² Cal. Elec. Code § 10010(a)(1).

The Fair Maps Act defines a “community of interest” as a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

The City conducted the initial two public hearings on October 7, 2024 and October 21, 2024. At the first and second public hearings, the Council received a report from the City’s demographer, Redistricting Partners, about the basics of the districting process and identifying communities of interest. The video and presentation from the first and second meeting can be found on the City’s dedicated redistricting webpage which can be found here: <https://www.fostercity.org/community/page/transition-district-elections>.

The City has received thirteen submissions of the Community of Interest forms which were posted on the City’s website. The responses from those thirteen submissions are summarized as follows:

- Four people submitted testimony requesting to not transition to district elections;
- Encouraged the City Council to base criteria on three things: 1) geographic proximity; 2) dwelling type; and 3) traffic and noise;
- Homeowners Association Consideration;
- School boundary consideration;
- Renters;
- Lagoon homes (multiple submissions); and
- Elementary School communities (multiple submissions, including a specific reference to Brewer Island.
- San Mateo County Association of REALTORS’s market areas

Community of Interest forms submitted as of November 13, 2024 are attached as Attachment 2.

Transition to District Based Elections: Third and Fourth (and Fifth) Public Hearings

The City must hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections. The third public hearing was held on November 4, 2024. At the third public hearing, the City Council provided direction to the demographer that the preference was to use Draft Map B as a basis for revised maps. It was further directed for the demographer to create a live edit Draft Map B2 which divided the northern business district of the City into separate districts. Direction was also given for the demographer to create an additional map with revisions to Draft Map B to include maintaining as a community of interest, Asian Citizen Voting Age Population (CVAP) in

District 1.

This fourth public hearing on November 18th will also be held to review the submitted draft district maps and for the Council to receive public input on the draft maps and the sequence of elections. A fifth public hearing would be held to adopt the selected map. If the proposed Ordinance is introduced at this meeting on November 18, 2024, the second reading and adoption can take place at a fifth public hearing on December 2, 2024. If the Council cannot select a map or requests further revisions to a draft map at the November 18, 2024 meeting, then the Council will hold a fifth public hearing on November 25, 2024 at 6:30 p.m. to continue consideration of the draft maps and potentially introduce the ordinance at that meeting, with a second reading and adoption of the ordinance scheduled for December 2, 2024.

The City will need to comply with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (Fair Maps) Act in adopting the districts,¹³ which provides criteria that the City must utilize when establishing election district boundaries or when undertaking the redistricting process (which must occur every ten years after each population census). These criteria are summarized below.

(a) The election districts must be substantially equal in population based on the most recent census.

(b) The districting body shall adopt election district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) and consistent with the federal Voting Rights Act, the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in *Thornburg v. Gingles*, 478 U.S. 30 (1986).

c) The districting body shall adopt election district boundaries using the following criteria as set forth in the following order of priority:

(1) To the maximum extent practicable, election 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.

(2) To the maximum extent practicable, and where it does not conflict with the preceding criterion, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.

(3) To the maximum extent practicable, and where it does not conflict with the preceding criteria, election districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.

¹³ Cal. Elec. Code § 21100 et seq.

(4) To the maximum extent practicable, and where it does not conflict with the preceding criteria, election 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.

(d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.¹⁴

Within 21 days of adopting final election district boundaries, the City Council will be required to issue a report that explains the basis on which it made its decisions in achieving compliance with the requirements and criteria of the Fair Maps Act, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split.¹⁵

ANALYSIS

At this fourth public hearing on November 18th, the community and the City Council will consider the draft maps that have been submitted by members of the public and the maps that have been prepared by Redistricting Partners. All of the maps are available on the City's website: <https://www.fostercity.org/community/page/transition-district-elections>. The maps that have been submitted by members of the public through the City's "Districtr" mapping tool are identified by a numerical identification number (e.g., ID 258150), the maps that were submitted via email or outside of "Districtr" are identified as "Public Map..." and the maps that have been prepared by Redistricting Partners are identified by a letter (e.g., Draft Map A).

The City must publish the maps that will be considered at a public hearing seven days in advance of the meeting. Due to the Veteran's Day holiday, the draft maps that will be considered at the third public hearing were published on November 8, 2024.

Redistricting Partners has prepared a second FAIR MAPS Act Assessment ("Assessment") of the four maps submitted by members of the public between the third public hearing and this fourth public hearing. (Attachment 3). This Assessment analyzed all of the ranked list of criteria pursuant to the FAIR MAPS Act in the order required (i.e., population size deviation is under 10%, contiguous, maintains "communities of interest", easily identifiable and understandable lines, compact, etc.). However, as indicated in the Assessment, Redistricting Partners can assess all criteria objectively except for "maintaining communities of interest". That particular criterion is subjective by definition and should be discussed by the City Council and public at this meeting to determine how well the draft maps fulfil this criterion.

With regard to the maps prepared by Redistricting Partners, a summary of each of the maps is provided below to summarize some of the relevant aspects of those maps:

¹⁴ Cal. Elec. Code § 21130 (a)-(d).

¹⁵ Cal. Elec. Code § 21130(f).

Draft Map B2 Live Edit

Total Population Deviation: 4.5%

Draft Map B2 Live Edit is based on Draft Map B which was discussed and edited at the Council meeting on November 4, 2024. Draft Map B was inspired by Public Map 1 and drawn in a way that balanced that public map while maintaining Homeowners Associations (HOAs), when possible.

- District 1: Consists of the southern portion of the City, using main roads (Beach Park Blvd, Edgewater Blvd, and Foster City Blvd) and waterways. Due to population balance and the requirement of following census blocks given to us by the US Census Bureau, minor roads were used as dividers, as well. One HOA (Marina Point) has a minor split consisting of a parking lot and tennis courts. All residents of Marina Point are maintained in District 1.
- District 2: Consists of the middle southern portion of the City, predominantly using waterways as dividers. District 2 crosses Foster City Blvd in order to achieve balanced population.
- District 3: Consists of the eastern portion of the City commonly found in publicly drawn maps.
- District 4: Consists of the middle northern portion of the City commonly found in publicly drawn maps.
- District 5: Consists of the western portion of the City and uses main roads (Shell Blvd, Foster City Blvd, Beach Park Blvd, and Edgewater Blvd) and waterways when possible. Minor roads were used as dividers to ensure population balance.

Draft Map B3

Draft Map B3 is also a map based on Draft Map B, and ensures maintaining as a community of interest, Asian Citizen Voting Age Population (CVAP) in District 1, as instructed by the City Council.

Total Population Deviation: 7%

- District 1: Consists of the southern portion of the City, using main roads (Beach Park Blvd, and Foster City Blvd) and waterways. Due to population balance and the requirement of following census blocks given to us by the US Census Bureau, minor roads were used as dividers, as well. Two HOAs (Harbor Side and Shell Cove) had minor splits.
- District 2: Consists of the middle southern portion of the City, predominantly using waterways as dividers. This district maintains the bulk of the Harborside HOA.
- District 3: Consists of the eastern portion of the City commonly found in publicly drawn maps. This district needed to cross Foster City Blvd in order to achieve population balance.
- District 4: Consists of the middle northern portion of the City commonly found in publicly drawn maps, and uses Foster City Blvd as a logical divider. In order to balance the population, District 4 picked up a census block below East Hillside Blvd.
- District 5: Consists of the western portion of the City and uses main roads (Foster City Blvd) and waterways when possible. Minor roads were used as dividers to ensure population balance. This district maintains the bulk of the Shell Cove HOA.

On November 18, 2024, the Council will continue to hear public comments concerning the

proposed maps. Members of the public are invited to provide input regarding the content of the publicly submitted draft maps and the maps prepared by Redistricting Partners at the third public hearing. The Council and members of the public can also provide input on the sequence of elections, if desired.

Proposed Ordinance

If the Council is able to select a map at this meeting on November 18, 2024 and does not make any further revisions to the selected map, the City Council can proceed with selecting the two district seats that will be up for election in 2026 and the three district seats that will be up for election in 2028. Once the map and the sequencing are selected, the Council can proceed with introduction of the proposed Ordinance (Attachment 4).

The proposed Ordinance would amend Title 2, Chapter 2.56 of the Foster City Municipal Code to add a new section 2.56.025, "District Elections" and would provide for the election of Councilmembers by establishing five districts and identify the district boundaries by including the map in the ordinance. The proposed Ordinance would also specify that the commencement of the district elections shall be in the next general municipal election in 2026 and provide for two seats being elected in 2026 and three seats in 2028 to ensure all incoming and currently seated Councilmembers' do not have shortened terms. Finally, the proposed Ordinance authorizes Redistricting Partners to make non-substantive, technical adjustments to the map as necessary to prepare a GIS shapefile, which will be submitted to San Mateo County by the City Clerk.

If the proposed Ordinance is introduced at this meeting, the second reading and adoption can take place at the meeting on December 2, 2024. If the Council cannot select a map or requests further revisions to a draft map at the November 18, 2024 meeting, then the Council will hold a fifth public hearing on November 25, 2024 at 6:30 p.m. to continue consideration of the draft maps. Draft maps to be considered at the November 25, 2024 meeting would be published on November 18, 2024 to meet the 7-day publishing deadline.

Outreach Efforts

City staff regularly notifies residents of meetings and other engagement opportunities by posting on social media channels such as the City's Facebook, Twitter, and Nextdoor pages, as well as attending community events, sending printed mailers, promoting in the City newsletter, and hosting community workshops. Social media posts sharing information regarding the City Council's consideration of adopting a resolution of intent to transition from at-large to district-based elections began days after the August 19 meeting, and continues. These efforts include updating the nature of the outreach material throughout the process to encourage the community to get involved by submitting community of interest forms, drawing district maps, reviewing submitted maps, providing public comment, and more.

Printed outreach material notifying residents of the meetings has been placed in City Hall as well at kiosks posted along the Levee, and other City facilities. Digital content has also been posted on the marquee and posting boards at the Council Chambers and Library.

The two printed mailers sent to each residential address in Foster City promoted participation in the Community Workshops and invited community members to attend the public hearings. Outreach material such as the mailers, website, and other printed documents have been translated to Mandarin as well.

To grant ample opportunities for residents and community members to have their voice heard, City staff have attended a variety of community events including the following:

- September 20, 8:30am-10am: Second Harvest Food Bank Free Grocery Program at the Foster City Library.
- September 21, 9am-11:00am: Community Bike Ride at Booth Bay Park.
- September 28, 9am-11am: Foster City Farmers Market at 1010 Metro Center Blvd.
- September 29, 10am-12pm: Clean Air Day celebration at the Foster City Library.
- October 2, 5pm-7pm: Off the Grid at Leo Ryan Park.
- October 6, 11am-1pm: Baybasi Autumn Festival at Leo Ryan Park.
- October 16, 5pm-6:30 pm: Off the Grid at Leo Ryan Park
- October 19, 9am-11am: Foster City Farmers Market at 1010 Metro Center Blvd.
- October 23, 5pm-6:30pm: Off the Grid at Leo Ryan Park.
- October 26, 11am-12:30pm: Foster City Halloween Festival at Leo Ryan Park.
- October 30, 5pm-6:30pm: Off the Grid at Leo Ryan Park.
- November 1, 8:30 am-10:00 am: Second Harvest Food Bank Free Grocery Program at the Foster City Library.
- November 2, 10am-11:30 am: Friends of the Library Book Sale at the Foster City Library.
- Wednesday, November 6, 10am-11:30am: Baby Bounce Story Time at the Foster City Library.
- Thursday, November 7, 11am-12:30pm: Starbucks at 780 Alma Lane.
- Friday, November 15, 8:15am-10:00am: Second Harvest Food Bank Free Grocery Program at the Foster City Library.
- Sunday, November 17, 11am-12pm: Indian Classical Dance Show at the Foster City Library.

City staff and the consultant also hosted workshops on October 20, 2024, and November 13, 2024, which were well attended. The workshops were held in a hybrid format for in-person attendance at the Council Chambers and online via Zoom, and the videos were also recorded and uploaded to the City's YouTube channel for on-demand playing.

The City has created a website dedicated to this district transition process which can be found here:

<https://www.fostercity.org/districtelections>.

Information is available on the City's website that provides the public with background information about the districting process, upcoming hearing dates, and supporting documents. This webpage will be continuously updated with dates and locations where community members can share their feedback on this issue.

CALIFORNIA EQUALITY QUALITY ACT

This item does not constitute a project as defined by the California Environmental Quality Act (Public Resources Code § 21000, et seq.) (CEQA) as the adoption of the resolution does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15378.).

FISCAL IMPACT

There is no direct fiscal impact associated with this action. By transitioning to district-based elections, the costs that potential plaintiff's attorney will receive is capped at \$30,000. The City will also pay the demographer for their services, which totals \$49,500.

CITY COUNCIL VISION, MISSION, AND VALUE/PRIORITY AREA

City Council Operations and Improved Community Engagement

ATTACHMENTS

Attachment 1 – Tentative Timeline

Attachment 2 – Communities of Interest Forms

Attachment 3 – Redistricting Partners FAIR MAPS Assessment November 8, 2024

Attachment 4 – Proposed Ordinance

Tentative Timeline for Consideration and Implementation of District-Based Elections

Date	Event	Code §	Comment
July 22, 2024	City received certified demand letter from Shenkman & Hughes	EC§10010(e)(1)	Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision ("City") against which the action would be brought asserting that the City's method of conducting elections may violate the California Voting Rights Act of 2001.
		EC§ 10010(e)(2)	A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the City's receipt of the written notice described above (CVRA lawsuit cannot be commenced until September 5, 2024.)
9/3/24	Resolution is considered at City Council Meeting	EC§ 10010 (3)(A)	Within 45 days of receipt of a notice, the City may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so (Resolution to be considered no later than September 5, 2024)
9/3/24	Resolution is adopted at City Council Meeting	EC§ 10010(e)(3)(B)	If the City begins the process of switching to districts within 45 days and adopts a resolution to that effect a potential plaintiff cannot commence an action within 90 days of the resolution's passage. (CVRA lawsuit cannot be commenced until December 3, 2024)
TBD	Conduct public outreach, encourage public participation, and receive public input	EC§ 10010(a)(1)	Before public hearings, the City may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation. I.e. farmers market, public library, public schools, places of worship, homeowners associations, and community organizations
10/7/24	1st Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	First and second public hearings must occur within a period of 30 days. No maps for review, but take public comments on composition of districts and preference for district lines.
10/21/24	2nd Public Hearing (Regular Meeting)	EC§ 10010(a)(1)	No maps for review, but take public comments on composition of districts and preference for district lines.
10/28/24	Publish for review first drafts of district election maps and potential sequence of elections	EC§ 10010(a)(2)	After all draft maps are drawn, at least 7 days before the 3 rd public hearing, the City shall publish and make available for release at least one draft map and, if city councilmembers will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections.

11/4/24	3rd Public Hearing (Regular Meeting)	EC§ 10010(a)(2)	The City shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
11/11/24	Post any new or amended maps	EC§ 10010(a)(2)	Maps available for review at least 7 days before consideration at the 4th public hearing.
11/18/24	4th Public Hearing (Regular Meeting)	EC§ 10010(a)(2)	Take public comments on proposed maps. If selected map is amended, ordinance cannot be introduced until 7 days after amended map is published Council may introduce ordinance if final map is selected at this public hearing
11/25/24 or 12/2/24 DEADLINE 12/2/24	(Special) 5th Public Hearing or Regular Meeting	EC§ 10010(e)(3)(B)	Council introduces ordinance establishing district elections, including district boundaries and election sequence if map is changed at 11/18/24 meeting. Council adopts ordinance

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Wed, 09/18/2024 - 12:15pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

People who live on the waterfront.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

People who live along the water in Foster City, SFH, Apartments, Condos. People who live on the water have different housing needs, higher humidity in homes, wind issues, and groundwater / foundation issues, very different costs of home ownership and upkeep.

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

People who live along the water are a minority of Foster City people but the majority of people in Foster City benefit from the lagoon drainage. Yet, the people on the water suffer the ill effects of unkept streets, dirty streets, and rotten fruit and other waste entering the lagoon. Foster City has consistently ranked as some of the most polluted water in California yet the city has ignored the issue of basic lagoon maintenance. This affects the health and safety of the community of interest especially the children. At one time water activities were common in Foster City. Children would have swimming competitions. Today it is too polluted to do so safely.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Waterman Bill

Are you a Foster City resident?

yes

What neighborhood to you live in?

#1

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17735>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Wed, 09/18/2024 - 2:05pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

HOA

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Foster City HOA's make up a huge portion of the city. They have unique voting behaviors, needs, and are differentiated by distinctly different SES between them.

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

The HOA's represent LARGE geographically contiguous areas. Each HOA should be kept whole. It makes no sense to split them up. However MANY HOA's are cut in two by precincts. i.e. 22018 & 22017 bifurcates Isle Cove HOA. 22026 22015 22014 have full HOA's in them but also splits up Bayporte & Winston Village / Square. 22016 keeps Whalers Island and Harborside together. 22023 keeps alden crossing together along with lantern cove together. (but question is if the lantern cove deveoplemnt will add SO MANY more people to break that precinct up?

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

HOAguy

Are you a Foster City resident?

yes

What neighborhood to you live in?

Alden Crossing

Email address

[REDACTED]

Source URL: <https://www.fostercity.org/node/46662/submission/17737>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Wed, 09/18/2024 - 2:08pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

Renters

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Large rental developments across foster city.

[https://fostercity.maps.arcgis.com/apps/webappviewer/index.html?](https://fostercity.maps.arcgis.com/apps/webappviewer/index.html?id=8eed3112978f487793737478d9918e39)

[id=8eed3112978f487793737478d9918e39](https://fostercity.maps.arcgis.com/apps/webappviewer/index.html?id=8eed3112978f487793737478d9918e39)

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

Renters are more likely underrepresented as they are more likely not to be voters, not to be citizens, more likely to be green card and visa holders. A good illustration is Brewer Island School. Brewer Island has the most languages spoken of any school in SMFCSD. However, it's attendance continues to drop, now risking closure. The progress students are making at this school is heavily impacted by the number of ESL students without support.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

2nd Language Speaker

Are you a Foster City resident?

yes

What neighborhood to you live in?

Foster's Landing

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17738>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Wed, 09/18/2024 - 5:04pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.
Lagoon homes have a common interest. It is important to keep and maintain the lagoon clean and safe which our community shares.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Foster city homes that are located on the lagoon.

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

Consideration on maintenance and keeping the water quality clean and safe.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Are you a Foster City resident?

What neighborhood to you live in?

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17739>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Tue, 09/24/2024 - 8:22am

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

Brewer Island School, people who use that school.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

In the area surrounding the feeds to Brewer Island School

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

Brewer Island has the most languages spoken in the school district. It has suffered from declining enrollment and a large number of in and out students due to the extremely high rental population in our area. It would be helpful have representation on the city council here.,

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Are you a Foster City resident?

yes

What neighborhood to you live in?

1

Email address

Source URL:<https://www.fostercity.org/node/46662/submission/17748>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Fri, 10/11/2024 - 3:30pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

To me, the entire city of foster city has the same common interest. There is no need for district elections.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

No, I cannot define it. Again, the entire city is the same. Bring back at-large elections. There is no need for district elections in such a small bedroom community, such as foster city.

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

No rational. The city council impacts the entire community the same way. no matter what street you live on.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

eric

Are you a Foster City resident?

yes

What neighborhood to you live in?

[REDACTED]

Email address

Source URL:<https://www.fostercity.org/node/46662/submission/17814>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Sat, 10/12/2024 - 2:40pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

See below

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

See below

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

I believe the criteria should be based on three area of commonality: (1) Geographic proximity (2) Dwelling type: house, condo, apartment (3) Traffic & noise: busy roadway, lagoon, bay trail, place of congregation (e.g., school, church, park, shopping, restaurants), auto/aircraft proximity.

Based on this my community of interest consists of houses in neighborhood 7 (& maybe parts of 8), noise and traffic from parks, lagoon, & bay trail, noise from 101 & San Carlos Airport.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

John Lowrance

Are you a Foster City resident?

yes

What neighborhood to you live in?

Plum Island

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17820>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Sun, 10/13/2024 - 10:32pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

Our development takes great pride in maintaining our urban forest, and maintaining it's original character as designed.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Whalers Island HOA

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

Our community is unique. We have set high standards for improvements and expect those to be considered when new policy is enacted. As an HOA we do not benefit from all the benefits other non HOA neighborhoods might receive, yet our taxes don;t reflect that.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

David Kramar

Are you a Foster City resident?

yes

What neighborhood to you live in?

Whalers Island

Email address

Source URL:<https://www.fostercity.org/node/46662/submission/17827>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Mon, 10/14/2024 - 12:41pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

The entire city of foster City is my community. Betterment of the city is our shared value

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

The entire city

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

I oppose districting. Small cities should be exempt from districting.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Shankar Kenkre

Are you a Foster City resident?

What neighborhood to you live in?

Farragut Park Area

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17828>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Mon, 10/14/2024 - 1:05pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

I do not see any common interest except we live closeby

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Foster city is too small to district

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

We do not need this for Foster City

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Mukul Mittal

Are you a Foster City resident?

yes

What neighborhood to you live in?

[REDACTED]

Email address

[REDACTED]

Source URL: <https://www.fostercity.org/node/46662/submission/17829>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Mon, 10/14/2024 - 1:47pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.

My bond is with my entire community. It's a disservice to all of us in Foster City to be forced into districting.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

The entire city

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

We are one here. We are not broken out by economic class, ethnicity, nor physical boundaries. Splitting us up and giving us the right to vote for only one Councilmember while all 5 determine policy is a mistake.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Sanjay Gehani

Are you a Foster City resident?

yes

What neighborhood to you live in?

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17830>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Mon, 10/14/2024 - 8:17pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important.
Common interests of togetherness, celebrating the joys and holidays and festivals together. This helps us gain diverse perspective and reach out kids those perspectives. Helps open our minds to wonderful things, foods, traditions and customs from over the world.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

By foster city elementary school in Foster City

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

None

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Are you a Foster City resident?

yes

What neighborhood to you live in?

Edgewater townhomes

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/17833>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

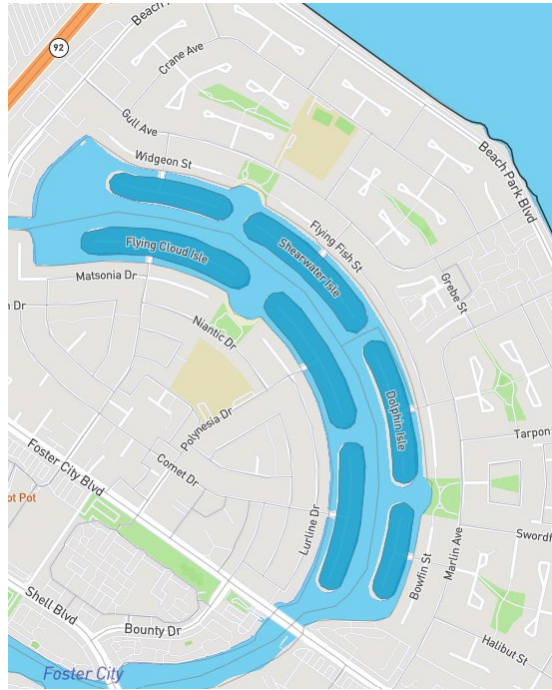
District Community of Interest Testimony Submissions

“The Original Isles”

ID 258536

Date of submission: 10/25/2024

Notes: No description included.

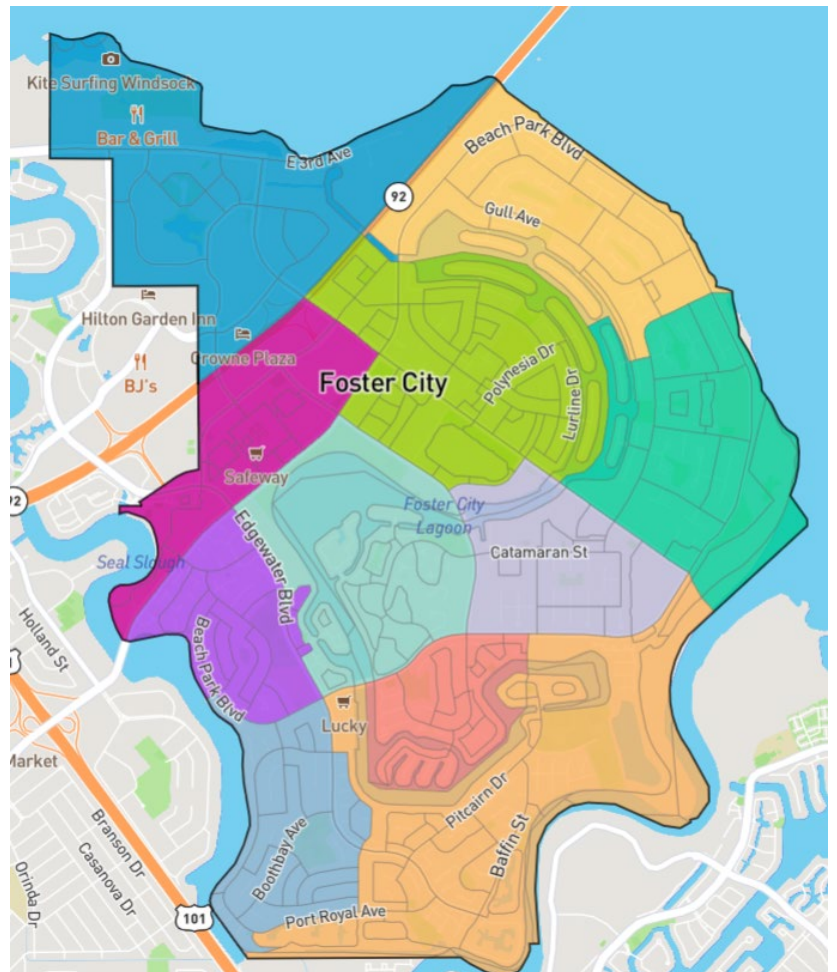


“Samcar MLS Market Areas”

ID 260491

Date of submission: 10/30/2024

- Blue: Samcar MLS Market Area 399
- Yellow: Samcar MLS Market Area 397
- Teal: Samcar MLS Market Area 396
- Green: Samcar MLS Market Area 398
- Magenta: Samcar MLS Market Area 400
- Purple: Samcar MLS Market Area 392
- Light blue: Samcar MLS Market Area 393
- Gray: 395
- Corral: 394
- Periwinkle blue: 391
- Orange: 390



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[Home](#) [Tell Us About Your Community of Interest](#) [Webform results](#) [Submission #14](#)

Submission information

Form: [Tell Us About Your Community of Interest](#) [1]

Submitted by Visitor (not verified)

Thu, 11/07/2024 - 4:44pm

What is the nature of the bond or common interest of your community? You can describe what the common interests of your community are and why or how they are important. The community as a whole is my community of interest.

Where is your community located? You can define it by cities, neighborhoods, streets, address, a key landmark such as college campus, facility, school, church, or other boundaries.

Foster City is my community.

What is the rationale for your community of interest to be used in this City Council redistricting? Please describe how the issues before the City Council has an impact on your community.

I have no rationale other than the rules provided.

The following information is optional. If you provide an email address, we will send you updates on the process.

Name

Are you a Foster City resident?

yes

What neighborhood do you live in?

Neighborhood 2

Email address

Source URL: <https://www.fostercity.org/node/46662/submission/18031>

Links

[1] <https://www.fostercity.org/cityclerk/webform/tell-us-about-your-community-interest>

Public Maps: FAIR MAPS Act Assessment

The following maps were submitted by November 8, 2024 and can be considered during the November 18 public hearing

Under the FAIR MAPS Act, the Foster City is required to follow a ranked list of criteria in their districting process:

- Relatively equal in population size – total deviation is under 10%
- Contiguous
- Maintains “communities of interest”
- Easily identifiable and understandable lines, following city, natural, and man-made boundaries
- Compact

As demographers, we can assess all criteria objectively except for “maintaining communities of interest.” This particular criterion is subjective by definition and should be discussed by the public and the City Council to determine how well these maps fulfil this criterion.

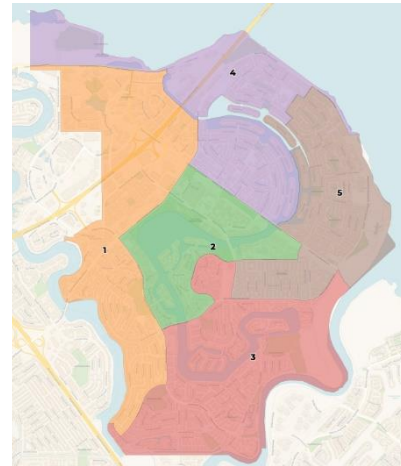
Public Map 2

M. Fok

Total Deviation: 27.6%

Date of submission: 11/6/2024

Relatively equal in population size?	✗
Contiguous?	✗
Lines are easy to understand and identify?	✓
Compact?	✓



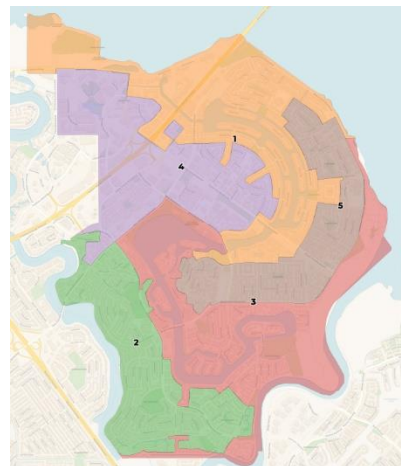
District ID: 259876

“Thought Experiment: 2CM all Lagoon Front Property”

Total Deviation: 2.6%

Date of submission: 10/29/2024

Relatively equal in population size?	✓
Contiguous?	✗
Lines are easy to understand and identify?	✗
Compact?	✗



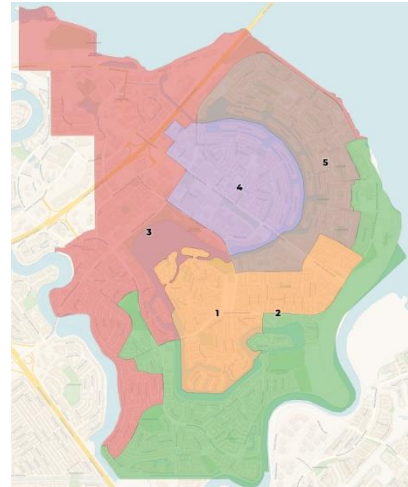
District ID: 259252

“1.75”

Total Deviation: 3.4%

Date of submission: 10/28/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓


District ID: 259227

“~lives on water/92 everyone has an island”

Total Deviation: 4.1%

Date of submission: 10/28/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓



*Water census blocks need to be assigned districts.

The following maps were submitted by October 28, 2024 and were be considered during the November 4 public hearing.

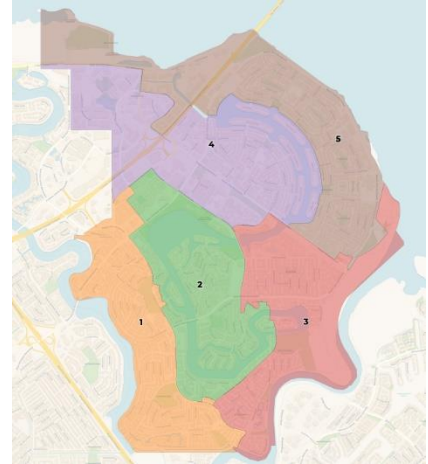
District ID: 258150

“AJayG”

Total Deviation: 4.8%

Date of submission: 10/24/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓



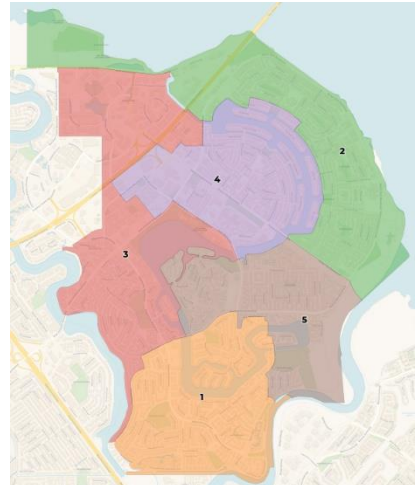
District ID: 258168

“SG_district_fostercity”

Total Deviation: 3.6%

Date of submission: 10/24/2024

Relatively equal in population size?	✓
Contiguous?	✗*
Lines are easy to understand and identify?	✓
Compact?	✓



Notes: *The map can easily be made contiguous if all populated blocks are drawn it/map remains balanced.

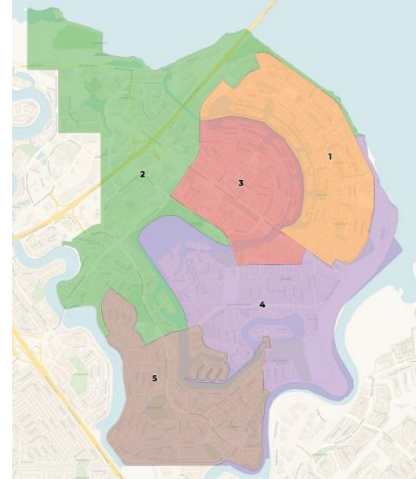
District ID: 258388

“Balanced Population”

Total Deviation: 6.2%

Date of submission: 10/25/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓

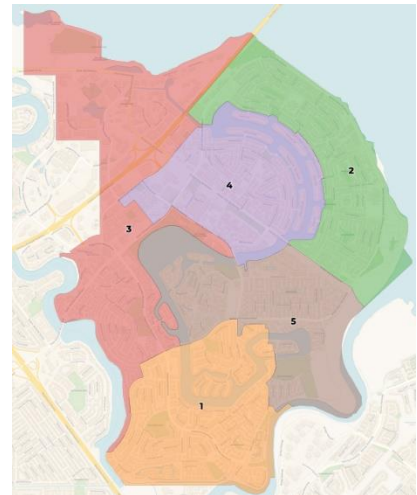

District ID: 258391

Total Deviation: 3.6%

Date of submission: 10/25/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓

Note: Discussion on travel contiguity is needed.


District ID: 258415

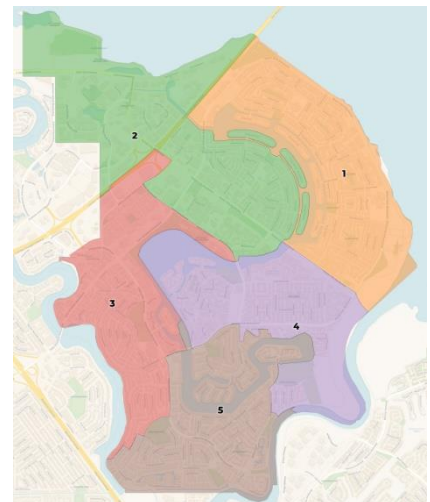
“AL1”

Total Deviation: 14.9%

Date of submission: 10/25/2024

Relatively equal in population size?	✗
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓

Note: Population must be balanced before considering this map.



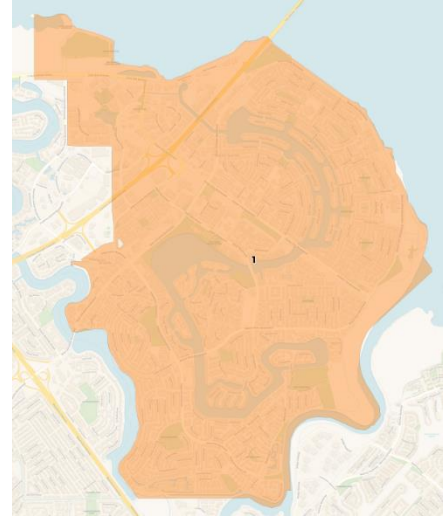
District ID: 258421

“KeepCityWholeAgain”

Total Deviation: >100%

Date of submission: 10/25/2024

Relatively equal in population size?	✗
Contiguous?	
Lines are easy to understand and identify?	
Compact?	



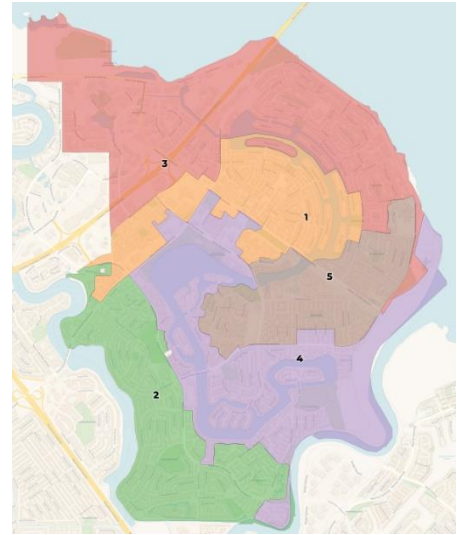
District ID: 258425

“FC Plan”

Total Deviation: 15.7%

Date of submission: 10/25/2024

Relatively equal in population size?	✗
Contiguous?	✗
Lines are easy to understand and identify?	✗
Compact?	✓

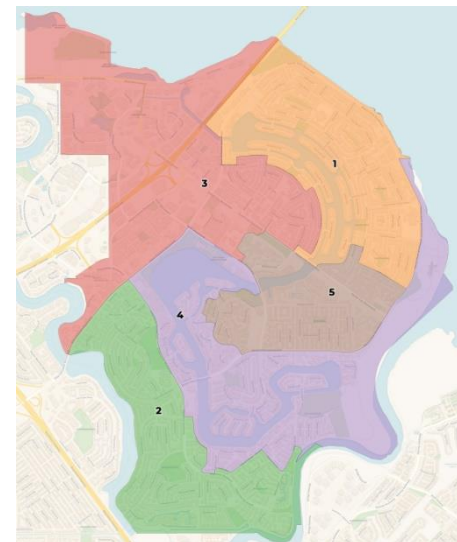


District ID: 258471

Total Deviation: 3.4%

Date of submission: 10/25/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓



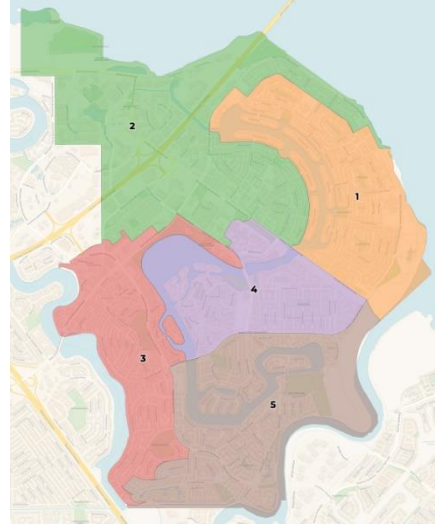
Notes: This map appears to sacrifice logical boundary dividers and communities of interest to achieve a 0% total deviation.

District ID: 258474

Total Deviation: 3.9%

Date of submission: 10/25/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓


District ID: 258535

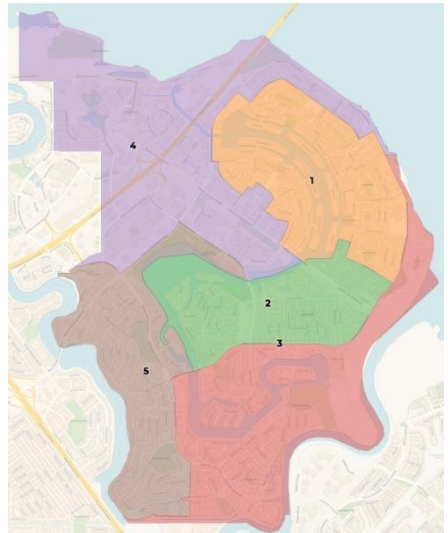
“Everyone Owns Lagoon”

Total Deviation: 13.6%

Date of submission: 10/25/2024

Relatively equal in population size?	✗
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓

Notes: Population needs to be balanced before this map can be considered.

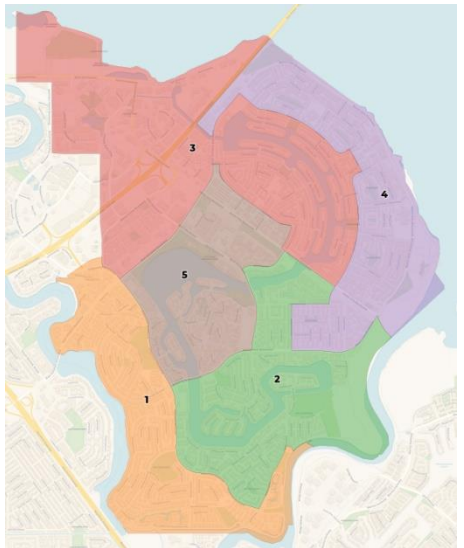

District ID: 258538

“Main Arteries & Functions”

Total Deviation: 9.3%

Date of submission: 10/25/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓



District ID: 258569

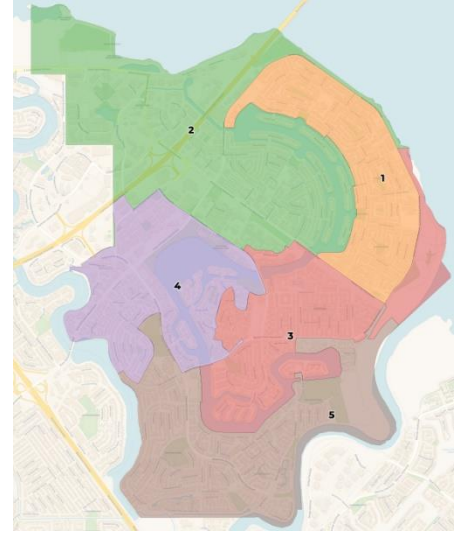
“Shashank’s Plan”

Total Deviation: 4.5%

Date of submission: 10/26/2024

Relatively equal in population size?	✓
Contiguous?	✗
Lines are easy to understand and identify?	✓
Compact?	✓

Notes: Issues with travel and literal contiguity.

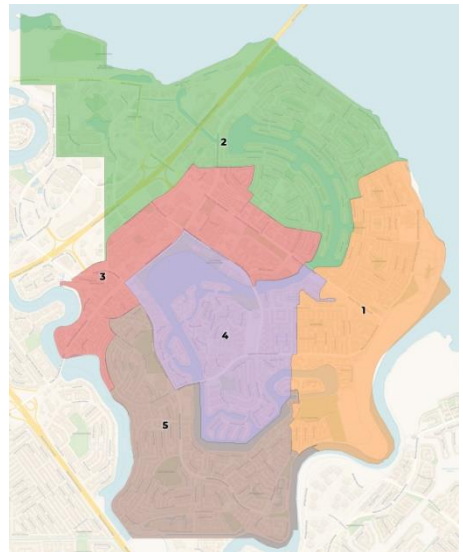

District ID: 258659

“perfect balance (just about)”

Total Deviation: 0.2%

Date of submission: 10/26/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓


District ID: 258701

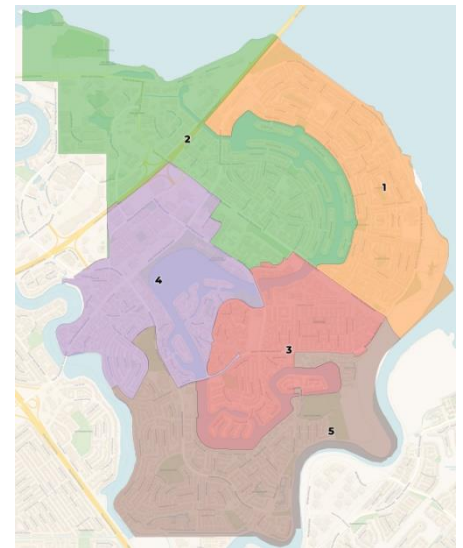
“Almost Perfectly Balanced”

Total Deviation: 0.2%

Date of submission: 10/27/2024

Relatively equal in population size?	✓
Contiguous?	✓
Lines are easy to understand and identify?	✓*
Compact?	✓

Notes: *Recommended line cleanup and possible travel contiguity issues.

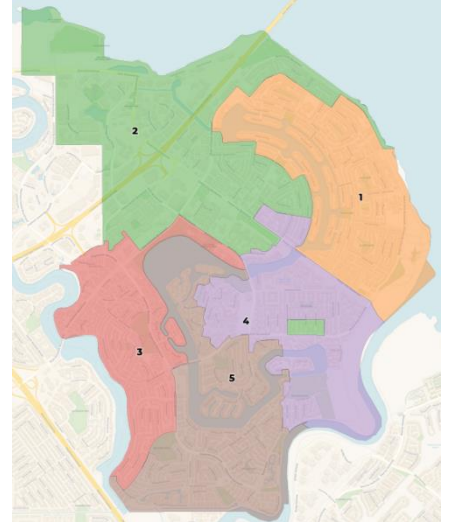


District ID: 258703

Total Deviation: 11.7%

Date of submission: 10/27/2024

Relatively equal in population size?	✗
Contiguous?	✗
Lines are easy to understand and identify?	✓
Compact?	✓

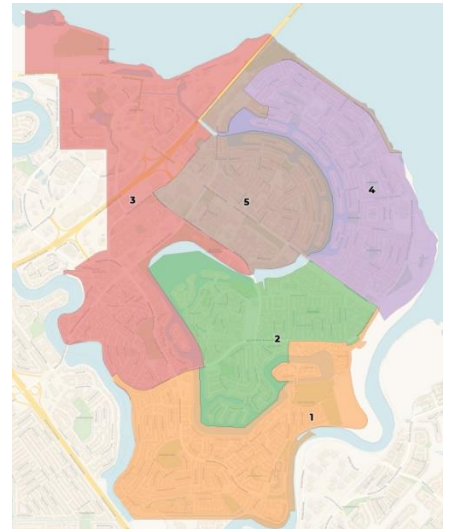

District ID: 258783

“Cunningham Plan”

Total Deviation: 11.4%

Date of submission: 10/27/2024

Relatively equal in population size?	✗
Contiguous?	✗
Lines are easy to understand and identify?	✓
Compact?	✓

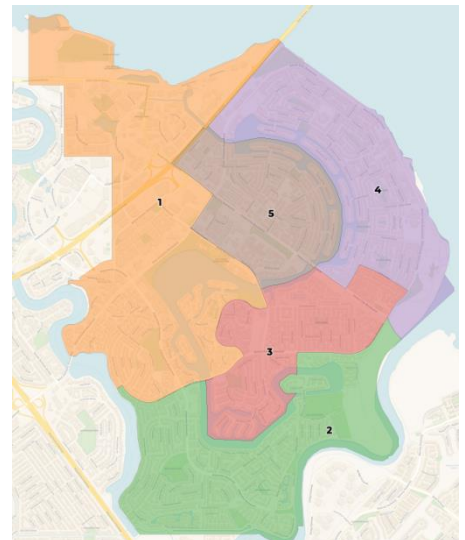

Public Map 1

Hand-drawn submission

“T. Markiewicz”

Total Deviation: 13.8%

Relatively equal in population size?	✗
Contiguous?	✓
Lines are easy to understand and identify?	✓
Compact?	✓



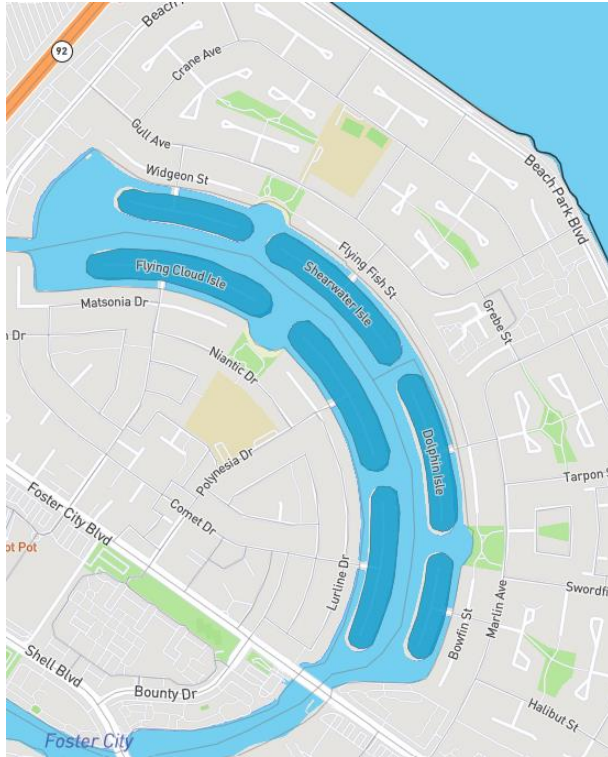
Notes: Population must be balanced in order to consider this map.

Community of Interest Testimony

“The Original Isles”

ID 258536

Date of submission: 10/25/2024



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FOSTER CITY AMENDING TITLE 2 “ADMINISTRATION AND PERSONNEL” OF THE FOSTER CITY MUNICIPAL CODE TO ADD SECTION 2.56.025 “DISTRICT ELECTIONS” TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE CITY COUNCIL BY FIVE DISTRICTS; ESTABLISH THE DISTRICT BOUNDARIES; AND ELECTION ORDER OF EACH DISTRICT

CITY OF FOSTER CITY

WHEREAS, members of the City Council are currently elected in “at-large” elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code section 34886, in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an “at-large” system to a “district-based” system in which each councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, on July 22, 2024, the City of Foster City (“City”) received a certified letter from a potential plaintiffs’ attorney, alleging a violation of the California Voting Rights Act (the “CVRA”) and threatening litigation if the City declines to voluntarily change to a district-based election system for electing Councilmembers; and

WHEREAS, while the City Council denies that its at large election system violates the CVRA or any other provision of law, the City Council determined that the public interest is better served by initiating a process for transition to a district-based election system and thereby avoiding the high costs associated with defending a lawsuit under the CVRA; and

WHEREAS, California Government Code section 34886 permits the City Council of any city to change the City’s method of election by ordinance to a “by-district” system in which each member of the City Council is elected only by the voters in the district in which the candidate resides; and

WHEREAS, Elections Code Section 10010 provides a method whereby a jurisdiction can expeditiously transition to a district-based election system and thereby avoid the high cost of litigation under the CVRA if the jurisdiction complied with the “safe harbor” provisions of Elections Code Section 10010; and

WHEREAS, under the provisions of California Elections Code section 10010(a)(1), a city that changes from an at-large city council method of election to a by-district city council method of election is required to hold at least two public hearings over a period of not more than 30 days, at which the public is invited to provide input regarding communities of interest that would help to define the composition of the districts; and

WHEREAS, under the provisions of California Elections Code section 10010(a)(2), a city that changes from an at-large election system to by district must, after the first and second public hearings hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections. A fifth public hearing would be held to adopt the selected map; and

WHEREAS, at a regular meeting held on September 3, 2024, the City Council adopted Resolution No. 2024-91 to begin the process of transitioning to a district-based election system and adopting the timeline for public hearings to conform to the requirements of California Elections Code section 10010; and

WHEREAS, thereafter, at regular meetings held on October 7, 2024 and October 21, 2024, pursuant to California Elections Code section 10010(a)(1), the City Council held public hearings where the public was invited to provide input regarding the number and composition of the City's voting districts and election sequencing, before any draft maps were drawn, and the City Council considered public input and discussed the same at those meetings; and

WHEREAS, thereafter, at regular meetings on November 4, 2024 and November 18, 2024, pursuant to California Elections Code Section 10010(a)(2), the City Council held public hearings where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the proposed sequence of elections, and the City Council received, considered and discussed the same; and

WHEREAS, at the regular meeting on November 18, 2024, at the conclusion of the public hearing, the Council formally selected the voting district and the election sequence, attached to and incorporated herein as Exhibit A to this Ordinance, which was introduced for a first reading at that time with a second reading and adoption scheduled to take place on December 2, 2024; and

WHEREAS, throughout the foregoing process, the City engaged in a significant amount of public outreach and engagement above and beyond the public procedures required by California Elections Code Section 10010 and those portions of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (Fair Maps) Act applicable to cities that are transitioning for the first time to district-based elections systems; and

WHEREAS, such outreach included but is not limited to, maintaining a City webpage dedicated to the process of transitioning from at-large elections to by district elections, regularly notifying residents of meetings and other engagements on the City's social media channels and newsletter, mailing printed promotional outreach to all residential addresses, hosting two community meetings, sharing information on digital posting boards and the City's marquee, distributing printed informational material at City facilities, posting and publishing notices (including in Mandarin) about the public hearings and attending seventeen (17) community events to discuss the districting process;

WHEREAS, in selecting the map, the City Council considered the criteria set forth in Elections Code Section 21130 of the Fair Maps Act and is adopting district boundaries in accordance with the provisions stated therein, as well as the federal Voting Rights Act and the California Voting Rights Act; and

WHEREAS, Map ___ meets all the requirements of state and federal law and was posted on November 8, 2024 on the City’s website for public consideration at least seven (7) days before the introduction of this Ordinance; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code section 34886, an ordinance providing for the election of members of the City Council of the City of Foster City by district in five single-member districts as reflected in Exhibit A to this Ordinance and to implement the guarantees of the California Constitution.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FOSTER CITY DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Recitals. The City Council hereby finds that the foregoing recitals are true and accurate and are incorporated herein by reference.

Section 2. California Environmental Quality Act (CEQA) Determination.

Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of the Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 3. Code Amendment. Title 2 “Administration and Personnel” of the Foster City Municipal Code is hereby amended to add Section 2.56.025, “District Elections,” within Chapter 2.56 to read as follows:

“Section 2.56.025 - District Elections.

A. Declaration of Purpose. The City Council of the City of Foster City hereby declares that the change of method of electing members of this Council, hereby enacted, is being made in furtherance of the California Voting Rights Act.

B. City Council Districts Established. Five City Council districts are hereby established in the City of Foster City. The district boundaries and identifying number of each district shall be as described on the Council District Map___, attached hereto as Exhibit “A” and incorporated hereby by this reference and incorporated below.

[SELECTED MAP]

C. Election of Members of the City Council by District.

1. Following the effective date of this ordinance and upon the commencement of “by district” elections pursuant to section 2.56.025(D), members of the City Council shall be elected “by district,” as defined in California Government Code Section 34871, or any successor statute.

2. Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the member is to be elected.

3. No term of any member of the City Council that commenced prior to the effective date of this ordinance shall be affected by the adoption of this ordinance.

D. Commencement of District Elections. Commencing with the general municipal election in November of 2026 and every four years thereafter the voters in districts [] and [] shall elect members of the City Council by district for full four (4) year terms. At the general municipal election in 2028 and every four years thereafter, the voters in districts [], [], and [] shall elect members of the City Council by district for full four (4) year terms.”

Section 4. Authorization for Technical Adjustments. The City’s demographer, Redistricting Partners, is hereby authorized to make non-substantive technical adjustments to Map ___ to finalize the Map as necessary and to prepare a GIS shapefile which identifies the Council district boundaries, as well as the census blocks and tracts. The final Map ___, the census blocks and tracts and the GIS shapefile shall be in a form approved by the City Clerk and City Attorney.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Foster City hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 6. Effective Date.

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

Section 7. Publication; Certification.

The City Clerk shall attest to the adoption of this Ordinance and cause the same to be published in accordance with State law. The City Clerk is also authorized and directed to file this Ordinance, Map ___, the census blocks and tracts, the GIS shapefile, and any other documents necessary to effectuate the adoption of Map ___ with the San

Mateo County Clerk-Recorder-Assessor-Registrar of Voters. In the case of any parcels that are split across Council district boundaries, the County Clerk-Recorder-Assessor-Registrar of Voters shall apply a uniform methodology to adjust the boundary line to a border of the parcel without materially affecting the population within each affected district.

This Ordinance was introduced by the City Council of the City of Foster City on November 18, 2024 and was adopted on _____ by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CITY OF FOSTER CITY

Patrick Sullivan, Mayor

ATTEST:

Priscilla Schaus, City Clerk

Attachments: Exhibit A District Map []