

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

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**MEETING DATE:** 9/6/2023

**Staff Report No.** 23-391b

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**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary  
**SUBJECT:** Redistricting to Seven-Ward Election System - Public Hearing #1

### ACTION ITEM

**AGENDA PLANNING REQUEST:** ☐

**RECOMMENDED ACTION(S):**

Receive presentations from the District's public outreach and demographer consultants regarding upcoming workshops and outreach activities and the process and criteria for redistricting to a seven-ward election system for the Board of Directors; and hold the first of two public hearings to receive public input and provide direction regarding the boundaries and composition of wards before draft maps of proposed ward boundaries are drawn.

Staff Contact:  
Linda A. Nemeroff, Board Administrative Officer/District Secretary

Presenters:  
Jennifer Nentwig, Tripepi Smith  
Michael Wagaman, Wagaman Strategies

**STRATEGIC IMPORTANCE:**

Goal - Strong Public and Policymaker Support  
Initiative - Internal and External Diversity, Equity, Inclusion and Accessibility Programs and Priorities

**BUDGETARY/FISCAL IMPACT:**

There is no budgetary or fiscal impact associated with this report.

**BACKGROUND/RATIONALE:**

Since its establishment, AC Transit has had a directly elected seven-member Board of Directors consisting of five Board members representing specific geographic areas known as "wards" and two representing the entire District "at-large". On March 27, 2023, AC Transit received a letter from attorney Ginger L. Grimes asserting that the District's at-large electoral system violates the California Voting Rights Act of 2001 ("CVRA"). The letter claims that polarized voting may be occurring in the District and threatened litigation absent the District's voluntary conversion to a seven-ward election system for Boardmembers.

On July 26, 2023, the Board of Directors adopted Resolution No. 23-033, declaring the Board's intent to

transition from a hybrid ward-based and at-large election system to a solely ward-based election system, to initiate procedures, and implement ward-based elections for at-large members of the Board of Directors.

In establishing a ward-based election system, no Boardmember's term may be cut short. Boardmembers will continue to hold the office to which they were elected until their term ends and can only run from the new ward in which the Boardmember resides. The ward-based election system will be phased in over the 2024 and 2026 election cycles.

### ***Public Hearings***

The timeline for this restricting process is relatively quick due to the requirements of the CVRA. The process for this transition is determined by Elections Code section 10010, which requires four public hearings to be held prior to a hearing where the Board would vote whether to adopt an ordinance establishing a seven-ward election system. The first two public hearings will give the community an opportunity to provide input and the Board to provide initial direction on the composition of the wards before any maps are drawn.

Following these initial hearings, draft ward maps will be developed, and two additional public hearings will be held for the purpose of public input regarding the content of the draft maps and the proposed sequence of elections. Elections Code section 10010 requires that the first version of a draft map be published at least seven days before consideration at a hearing. In addition, during Public Hearings #3 and #4, the Board will be asked to provide direction on the sequencing of future elections. Sequencing of elections refers to staggered terms of office and when each ward will host its first election under the new seven-ward election system. Final direction on election sequencing will be sought at Public Hearing #4. The Board is the final decision-making authority on adopting ward boundaries and the plan will be incorporated into a recommended ordinance that will be presented to the Board of Directors for consideration during Public Hearing #5.

### ***Public Hearings***

The public hearing schedule is provided below:

<b>Hearing</b>	<b>Purpose</b>
Public Hearing #1 Wed., September 6 <sup>th</sup> at 6:00 p.m.	Receive input from public about composition of the wards before any maps are drawn.
Public Hearing #2 Wed., September 13 <sup>th</sup> at 6:00 p.m.	Receive input from public and give direction to the demographer to prepare draft maps.
Public Hearing #3 Wed., October 4, 2023 at 6:00 p.m.	Receive input regarding the content of the draft map(s) and the proposed sequence of elections.
Public Hearing #4 Wed., October 25 <sup>th</sup> at 6:00 p.m.	Review and give final direction on revised draft map and election sequencing.
Public Hearing #5 Wed., November 8 <sup>th</sup> at 6:00 p.m.	Introduction of Ordinance (no map changes)
Wed., December 13 <sup>th</sup> at 5:00 p.m.	Adoption of Ordinance (Consent Item)

### ***Redistricting Criteria***

In creating the boundaries of the seven wards, the process must comply with state and federally mandated criteria that require each ward to be as nearly equal in population as practicable and drawn in a manner that complies with the 14<sup>th</sup> Amendment, the State and Federal Voting Rights Act, as well as the criteria outlined in

Elections Code section 22000 pertaining to special districts, all of which are further detailed in Attachment 2 of this report.

***Community Outreach***

In addition to public hearings, the District's outreach consultant (Tripepi Smith) will coordinate robust community outreach, which entails six multi-lingual workshops, including four virtual and two held in person. In addition, there will be outreach to community-based organizations such as neighborhood associations, faith organizations, nonprofits, elected officials and others. Display ads will also be published in the El Mundo and Sing Tao Daily newspapers and car or ad cards advertising the hearings and workshops will be placed on buses. There will also be regular social media posts and press releases issued throughout the process, and a dedicated webpage ([actransit.org/redistricting](http://actransit.org/redistricting)) has been launched. In addition, the District is providing multiple ways for the public to submit feedback through in-person and online formats as well as interactive map drawing. Materials are being provided in English, Spanish and Chinese, the three predominant languages spoken in the District's service area. Attachment 1 features a full list of the outreach activities associated with this redistricting effort.

**ADVANTAGES/DISADVANTAGES:**

This report does not contain a course of action with notable advantages and disadvantages.

**ALTERNATIVES ANALYSIS:**

The process to transition to a seven-ward election system is set forth in statute; therefore, there are no practical alternatives to the course of action outlined in this report.

**PRIOR RELEVANT BOARD ACTION/POLICIES:**

Resolution No. 23-033

**ATTACHMENTS:**

1. Public Outreach Presentation
2. Redistricting Educational and Initial Direction Presentation
3. Public Hearing Notice

**Prepared by:**

Linda Nemeroff, Board Administrative Office/District Secretary

**Approved/Reviewed by:**

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Jill A. Sprague, General Counsel/Chief Legal Officer