

# ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



## STAFF REPORT

**MEETING DATE:** 9/13/2023

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

**TO:** AC Transit Board of Directors  
**FROM:** Linda A. Nemeroff, Board Administrative Officer/District Secretary  
**SUBJECT:** Redistricting to Seven-Ward Election System - Public Hearing #2

### ACTION ITEM

**AGENDA PLANNING REQUEST:**

#### **RECOMMENDED ACTION(S):**

Receive presentation from the District's demographer on redistricting to a seven-ward election system for the Board of Directors; and hold the second of two public hearings to receive public input on the composition of the voting wards before maps are drafted and provide initial direction to the demographer on the composition of the draft maps.

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

Presenter:  
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.

Public Hearing #1 was held on September 6, 2023. A summary of the comments received to date is provided in Attachment 3. At Public Hearing #2, the District’s demographer will be seeking input from the public on the composition of the voting wards before maps are drafted and initial direction from the Board on the composition of the draft maps.

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 timeline for the remaining public hearings is provided below:

Hearing	Purpose
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 1 of

this report.

***Community Outreach***

Community outreach for the redistricting process is underway and will provide the public with several opportunities to participate in the process, including six multi-lingual workshops (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 others, and ad cards advertising the hearings and workshops have been 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. Please reference Staff Report 23-391b for more information about the public outreach plan for the restricting process.

**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

SR 23-391b - Public Hearing #1

**ATTACHMENTS:**

1. Redistricting Educational and Initial Direction Presentation
2. Public Hearing Notice
3. AC Transit Existing Plan Demographics
4. AC Transit Baseline Maps
5. Summary of Public Comment To Date

**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