

RESOLUTION NO. 2021-100

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA APPROVING AMENDMENT NO. 1 TO AN AGREEMENT WITH TRIPEPI SMITH FOR PROFESSIONAL PUBLIC OUTREACH SERVICES IN CONJUNCTION WITH THE CITY COUNCIL REDISTRICTING PROCESS, AUTHORIZING THE ACCOUNTING SERVICES MANAGER TO MAKE NECESSARY ACCOUNTING AND BUDGETARY ENTRIES, AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENTS ON BEHALF OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY CITY ATTORNEY

WHEREAS, on December 3, 2019, the City Council adopted Map 109c for the newly created City Council District boundaries; and,

WHEREAS, on May 18, 2021, the City Council approved Agreements with National Demographics Corporation, Inc. for Professional Demographer Services and Tripepi Smith for Professional Public Outreach Services to assist the City in facilitating City Council District Map revisions; and,

WHEREAS, the approved Agreement with Tripepi Smith includes a Simple Engagement Flat Fee with optional add-ons (\$27,895 + any add-ons). The terms of the Agreement allow for a not-to-exceed \$35,000; and,

WHEREAS, staff recommends widening the public outreach and participation scope of work by adding two public workshops, a second mailer to all households in the City of Marina, and three (3) additional language translations; and,

WHEREAS, the Amendment No. 1 (**Exhibit “A”**) to the Tripepi Smith Agreement for Professional Services (**Exhibit “B”**) proposed will be for \$13,130, bringing the revised total cost of services to \$48,130. To provide flexibility for unforeseen costs, the new recommended not to exceed contract amount will be \$55,000; and,

WHEREAS, the recommended added scope of work also requires additional printing and mailing of approximately 12,000 pieces. The cost for this added work is \$5,000, which brings the total for mailers, live translations and other incidentals to \$20,000.

WHEREAS, the current budget contains unspent funds in the City Manager’s Office Professional Services account (100.120.000.00-6300.570 - Prof Svc Other). These funds are adequate to pay any expenses incurred in the first part of the redistricting project. The total budget will be \$115,000 dedicated to the redistricting effort.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Marina does hereby

1. Adopt Resolution No. 2021- , approving Amendment No. 1 to an Agreement with Tripepi Smith for Professional Public Outreach Services in conjunction with the City Council Redistricting process; and
2. Authorize the Accounting Services Manager to make necessary accounting and budgetary entries; and

3. Authorize the City Manager to execute Amendment No. 1 to the Agreement with Tripepi Smith, on behalf of the City, subject to final review and approval by City Attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 8th day of September 2021, by the following vote:

AYES, COUNCIL MEMBERS: Medina Dirksen, Burnett, Berkley, Biala, Delgado

NOES, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

ABSTAIN, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

August 30, 2021

Item No: **8b**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 8, 2021

**CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2021-,
APPROVING AMENDMENT NO. 1 TO AN AGREEMENT WITH
TRIEPEI SMITH FOR PROFESSIONAL PUBLIC OUTREACH
SERVICES IN CONJUNCTION WITH THE CITY COUNCIL
REDISTRICTING PROCESS, AUTHORIZING THE ACCOUNTING
SERVICES MANAGER TO MAKE NECESSARY ACCOUNTING AND
BUDGETARY ENTRIES, AND AUTHORIZING THE CITY MANAGER
TO EXECUTE THE AMENDMENT TO THE AGREEMENT ON BEHALF
OF THE CITY, SUBJECT TO FINAL REVIEW AND APPROVAL BY
CITY ATTORNEY**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2021- , approving Amendment No. 1 to an Agreement with Tripepi Smith for Professional Public Outreach Services in conjunction with the City Council Redistricting process; and
2. Authorizing the Accounting Services Manager to make necessary accounting and budgetary entries; and
3. Authorizing the City Manager to execute Amendment No. 1 to the Agreement with Tripepi Smith, on behalf of the City, subject to final review and approval by City Attorney.

BACKGROUND:

On December 3, 2019, the City Council adopted Map 109c, creating City Council Districts. Following each decennial federal census, and using that census as a basis, the City must adopt boundaries for Council Districts of the City that are substantially equal in population. The deadline for cities with November elections to adopt the final District Map during this cycle will be April 17, 2022 (205 days before the election). If this deadline is passed, the County Superior Court will adopt the district boundaries for the city, with the city required to pay all costs.

On May 18, 2021, the City Council approved Agreements with National Demographics Corporation, Inc. for Professional Demographer Services and Tripepi Smith for Professional Public Outreach Services to assist the City in facilitating City Council District Map revisions based on the 2020 Census.

On July 6, 2021, the City Council held the first of four Public Hearings required under the FAIR MAPS Act. The purpose of the hearing was to inform the public about the districting process and to hear from the community on what factors should be taken into consideration when revising the current City Council district boundaries. Following public comment, the City Council directed staff to come back with additional opportunities for public outreach and participation in the process.

ANALYSIS:

The legislator provided significant direction and standards in the drafting and adopting of the FAIR MAPS Act (adopted as AB849, revised by AB1276). The direction and standards include a minimum number of public hearings (twice then number required in prior redistricting statutes), the methods in which public outreach “best practices” should be employed, and the number of languages that each community must translate their materials into to be inclusive of non-English speaking communities.

Under the FAIR MAPS Act, the City is required to hold at least four public hearings during regular or special meetings before adopting a final map. The public must be allowed to provide input regarding the composition of the districts during the public hearings. The public hearings must be provided as follows at a minimum.

- At least one public hearing held before the Council draws draft map(s).
- At least two public hearings after the Council has drawn draft map(s).
 - At least one public hearing or public workshop must be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday- Friday.
 - The public hearings must be noticed and begin at a fixed time regardless of order on the agenda.

The Redistricting outreach scope of work covers these requirements through the following schedule:

- ~~July 6, 2021 @ 6:30 p.m. – Public Hearing #1~~
- September 21, 2021 @ 8 p.m. – Public Hearing #2
- *Friday November 19th at 6 p.m. – Public Workshop #1 (recommended)*
- *Saturday November 20th at 10 a.m. – Public Workshop #2 (recommended)*
- January 4, 2022 @ 8 p.m. – Public Hearing #3
- February 15, 2022 @ 8 p.m. – Public Hearing #4

In addition to the public hearing requirements, the FAIR MAPS Act also provides public outreach requirements. Specifically, the City must make good faith efforts to:

- Take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. Good faith efforts that satisfy this requirement include:
 - Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.
 - Providing information through good government, civil rights, civic engagement, or community groups or organizations that are active in the city, including those active in language minority communities, or that have requested to be notified.
- Provide live translation of a public hearing or workshop in an applicable language if requested at least 72 hours in advance. Applicable language refers to “any language that is spoken by a group of City residents with limited English proficiency who constitute 3 percent or more of the City’s total population over four years of age for whom language can be determined.

The FAIR MAPS Act requires the Secretary of State to determine the applicable languages for each city. An “applicable language” means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city’s total population over four years of age for whom language can be determined. The Secretary of State has determined, using this metric, that English and Spanish are the applicable languages in the City of Marina and written materials prepared need to be in both English and Spanish.

Current Public Participation and Outreach Scope of Work

The current Agreements with National Demographics Corporation, Inc. for Professional Demographer Services and Tripepi Smith for Professional Public Outreach Services, have been scoped to ensure the City meets and exceeds as public outreach and participation requirements of the FAIR MAPS Act.

The Agreement with NDC includes facilitation of four public hearings and licensing fees the robust mapping solutions that NDC offers to gain public engagement and input into proposed revised district maps.

The approved Agreement with Tripepi Smith includes a Simple Engagement Flat Fee with optional add-ons (\$27,895 + any add-ons). The terms of the Agreement allow for a not-to-exceed \$35,000. This provides for the Simple Engagement Flat Fee plus a contingency for add-ons. The outreach continues over a 10-month period for the duration of the process.

Simple Engagement Flat Fee:

- Twice monthly project coordination meetings.
- Project management for communications.
- Graphic design for flyers/PowerPoints for two council hearings.
- Creation and maintaining content for a bilingual redistricting webpage/subpages.
- Bilingual social media outreach over 10 months (1 post and graphic per week).
- 2 bilingual press releases.
- 2 social media advertisements.

Add-on services included so far include the creation and maintenance of a dedicated redistricting website (www.mapmarina.org) and design of a postcard mailer that will be sent city-wide in late early September.

Ongoing Outreach Efforts

Staff and the outreach team have been taking the following outreach actions since mid-June:

- Weekly Facebook and Nextdoor posts (all Marina neighborhoods).
- Issued press releases in English and Spanish to all local media outlets.
- Electronic notifications using the City’s Newsflash.
- A Public Hearing notice published in the Monterey Weekly.
- Direct emails and phone messages to approximately 65 civic organizations in Marina.

Outreach scheduled prior to Public Hearing # 2 on September 21, 2021, will include:

- All outreach and notifications conducted to date will be repeated.
- A mass mailer to all addresses in the City late August/early September.

Additional Outreach and Public Participation Recommendations

Staff is recommending that at least two public workshops, either in person or virtual, be added to the current scope of work. These workshops will seek public feedback on new district lines and provide information on map-drawing tools. Tripepi Smith will devise an agenda, facilitate discussions, document community feedback and promote positive engagement around the process. These workshop additions will require an additional budget of \$11,780. This includes:

- First in-person workshop - \$8,280.
- Second in-person workshop - \$3,500 (if it occurs on the subsequent or same day as first).

Staff also recommends the addition of a second mailer to all Marina addresses in January 2022. This collateral will require an additional budget of \$1,675 + 5,000 for postage (total of \$6,675).

Lastly, staff is recommending that the scope of work be expanded to allow for up to 4 additional language translations of the printed materials. Currently, the scope of work meets the FAIR MAPS Act and Secretary of State requirements by translating into Spanish. Staff is recommending that we go above and beyond these requirements to gain the widest input and participation possible from the public. These additional translations will require an additional budget of \$995.00. This includes:

- One press release in 3 additional languages (beyond English and Spanish)
- One flyer in 3 additional languages (beyond English and Spanish), includes additional graphic design time

Summary of Recommended Agreement and Budget Amendments

Staff is recommending that the City Council approve the following:

- Two in person public workshops (Nov. 19 & 20) - \$11,780.
- Second Mailer \$1,675 (also requires an additional \$5,000 printing/postage costs for the budget).
- Translation into 3 additional languages - \$995.

Total Tripepi Smith contract amendment will be for \$13,130. This brings the revised total cost of services to \$48,130. To provide flexibility for unforeseen costs, the new not to exceed contract amount will be \$55,000.

As noted above, the additional mailing also brings additional costs that are outside the Tripepi Smith scope of work. The cost for one additional printing and mailing of approximately 12,000 pieces is \$5,000. Therefore, staff is also proposing a \$5,000 increase to the current \$15,000 budget for mailers, live translations and other incidentals.

FISCAL IMPACT:

The current total allocated budget to complete the 2022 City Council Redistricting effort is \$90,000. This includes a professional services contract with NDC for \$40,000, a professional services contract with Tripepi Smith for \$35,000 and an additional \$15,000 for city-wide mailings, in person translators and other project materials.

As recommended, the total Tripepi Smith contract amendment will be for \$14,450. This brings the revised total cost of services to \$49,450. To provide flexibility for unforeseen costs, the new not to exceed contract amount will be \$55,000.

As noted above, the additional mailing also brings additional costs that are outside the Tripepi Smith scope of work. The cost for one additional printing and mailing of approximately 12,000 pieces is \$5,000. Therefore, staff is also proposing a \$5,000 increase to the current \$15,000 budget for mailers, live translations, and other incidentals.

The current budget contains unspent funds in the City Manager's Office Professional Services account (100.120.000.00-6300.570 - Prof Svc Other). These funds are adequate to pay any expenses incurred in the first part of the redistricting project. The total budget will be \$115,000 dedicated to the redistricting effort.

CONCLUSION:

Staff recommends that the City Council approve the attached resolution.

Respectfully submitted,

Matt Mogensen
Assistant City Manager
City of Marina

REVIEWED/CONCUR:

Layne Long
City Manager
City of Marina