

COUNCIL AGENDA REPORT

TO: City Council

FROM: City Manager and City Attorney
Prepared by: Assistant City Attorney

**SUBJECT: HEARING TO CONSIDER DRAFT MAPS OF VOTING DISTRICTS FOR
A DISTRICT-BASED ELECTIONS PROCESS PURSUANT TO
ELECTIONS CODE SECTION 10010**

RECOMMENDATION:

That the City Council:

- (1) receive a report from the City's demographics consultant, National Demographics Corporation (NDC), concerning the process employed and the considerations to take into account in the creation of the maps of proposed voting districts prepared by NDC;
- (2) open a public hearing and invite members of the public to speak on the draft maps and potential sequence of elections;
- (3) close the public hearing and bring the matter back to Council for discussion; and, give direction to make specific revisions to the maps, including reducing the number of draft maps to a manageable number of alternatives for consideration at the next public hearing scheduled for May 2, 2017.

INTRODUCTION:

This is the third of five public hearings concerning the transition to a district-based elections system required by Elections Code section 10010. The purpose of this public hearing is to present draft district maps for comments by the public and for the City Council's consideration.

BACKGROUND:

The City adopted a resolution at its meeting on February 21, 2017, to transition from an at-large to a district-based election process for the 2018 General Election. Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed voting districts are drawn, that the City hold at least two public hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of the districts. Those two public hearings were held on March 7, 2017 and on March 30, 2017.

Elections Code Section 10010(a)(2) provides that after all draft maps are drawn, at least one of the draft maps are to be published and made available for release, and if members of the governing body will be elected in their districts at different times to

provide for staggered terms of office, the potential sequence of the elections. At least two public hearings over a period of no more than 45 days are to be held at which the public may provide input regarding the content of the draft maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.

As of April 12, 2017, the City published and made all of the draft maps prepared by members of the public, as well as those prepared by its demographics consultant, by posting them on the City's website. In total, 14 maps were drafted by various members of the public and the demographer processed and produced draft maps and correlating statistical analysis for all submitted maps but two. According to the demographer, the draft map submitted by Judy Garrett was identical to the draft map submitted by Virginia Souza, so he only produced one map and identified it as the Garrett Map 1 (Attachment E-1). Likewise, the draft map submitted by Eileen Trujillo was virtually the same as the draft map submitted by David Baskett, so here again, he only produced one map and identified it as the Baskett Map 1 (Attachment A-1).

DISCUSSION:

Any map of voting districts must comply with certain legally required criteria, which includes:

- Each council district shall contain a nearly equal population as required by law;
- Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act;
- Each council district shall not be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny;

Optional criteria that may be used in the development of the districts that have been used in other communities include:

- Each council district shall consist of contiguous territory in as compact form as possible;
- Each council district shall respect communities of interest as much as possible;
- Each council district border shall follow visible natural and man-made geographical and topographical features as much as possible;
- Each council district shall attempt to avoid head-to-head contests between incumbent Council members insofar as this does not conflict with federal or state law;
- Council districts known to be areas of higher-than-average population growth in the two to five years following this boundary line adjustment may be under populated within the population deviation amounts allowed by law.

In addition to the above optional criteria, it should be noted that the Planning Commission authorized the Planning Commission Chairman, Mr. Robert Dickerson to send the City Council a letter urging you to consider the inclusion of the Downtown

Specific Plan when considering district boundaries. Attachment R requests that the City Council include a portion of the Downtown Specific Plan in every district.

Accordingly, before deciding upon which draft voting district maps to adopt, the City Council should decide on which of the aforementioned criteria they would like to utilize in narrowing down the appropriate draft maps for consideration.

Since there are over a dozen possible draft maps to review, in order to facilitate an orderly deliberation, staff recommends that the City Council hear a presentation from the demographer first, followed by opening up the public hearing and inviting members of the public to speak on the draft maps and potential sequence of elections. Then, once the public hearing is closed and the City Council starts their deliberations, it is recommended that the City Council 1) decide on what optional criteria they would like to see utilized in development of the district maps; 2) decide whether or not to have four districts with a directly elected (at-large) Mayor or five districts with the Mayor being rotated amongst the Councilmembers; and 3) entertain the discussion regarding the potential sequence of elections. Once these decisions are determined, then the review and discussions of the draft maps can be narrowed down to a more manageable number for further consideration at the next public hearing in May.

In this regard, staff recommends that the City Council reject for further consideration any maps that do not comply with the California or Federal Voting Rights Act legally required criteria. However, Council is free to use selected optional criteria from such maps and direct the demographer to incorporate them into a revised map if it decides that none of the proposed draft maps are adequate or otherwise acceptable.

Staff recommends that the City Council not consider any map amendments after April 24, 2017, in order to meet its publishing deadline pursuant to A.B. 350. If the selected map or maps are amended, the ordinance cannot be introduced until 7 days after the amended map is published pursuant to A.B. 350. April 24th is the last day to publish maps for the May 2nd City Council meeting. If the maps are amended after April 24, 2017, the Council will have to hold a special meeting in order to timely adopt the ordinance. After May 22, 2017, the City loses its protection under A.B. 350 prohibiting any litigation for 90 days after the Resolution of Intention is adopted.

Attachments A-2 through Q-2 provides a statistical summary of each submitted map. For your review and information, the demographer prepared a statistical summary of the draft maps that are population balanced (as required by law).

ELECTION SEQUENCING:

With regard to the potential sequence of elections, it should be noted that councilmembers chosen by the electorate at-large should be allowed to serve out their full terms. (See Attachment "S"). Should the City Council decide on a four-district system with the Mayor elected citywide, then with Councilmember Boysen's and Councilmember Waterfield's terms on the City Council expiring at the end of 2018, staff recommends that the proposed districts that these two Councilmembers reside-in (if

applicable) be the two seats up for election in the November 2018 General Election. The remaining two Councilmembers' seats will be elected in the 2020 General Election along with the Mayor elected citywide.

Should the City Council decide on a five-district system (with the Mayor rotating amongst Councilmembers), then with Councilmember Boysen's and Councilmember Waterfield's terms on the City Council expiring at the end of 2018, staff recommends that the proposed districts that these two Councilmembers reside-in be the two seats up for election in the November 2018 General Election. The remaining three Councilmembers' seats will then be elected in the 2020 General Election.

Fiscal Considerations:

There are no significant fiscal impacts associated with the holding of this public hearing.

Impact to the Community:

The two prior public hearings were intended to maximize public input into the district creation process, and there has been considerable input from the public. This third public hearing is likely to generate a great deal of public comment now that actual draft maps have been proposed for consideration by the Council.



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- ATTACHMENTS:
- A-1 Baskett Map; A-2 Statistical Analysis
 - B-1 Davalos Map; B-2 Statistical Analysis
 - C-1 Enriquez Map; C-2 Statistical Analysis
 - D-1 Dickerson Map; D-2 Statistical Analysis
 - E-1 Garrett Map; E-2 Statistical Analysis
 - F-1 Sanchez Map; F-2 Statistical Analysis
 - G-1 CAUSE 4 District Map; G-2 Statistical Analysis
 - H-1 Cordary Map; H-2 Statistical Analysis
 - I-1 Dennis Map; I-2 Statistical Analysis
 - J-1 Macias Map; J-2 Statistical Analysis
 - K-1 Moats Map; K-2 Statistical Analysis
 - L-1 NDC Draft 1 Map; L-2 Statistical Analysis
 - M-1 NDC Draft 2 Map; M-2 Statistical Analysis
 - N-1 NDC Draft 3 Map; N-2 Statistical Analysis
 - O-1 CAUSE 5 District Map; O-2 Statistical Analysis
 - P-1 NDC 5 District Draft 1 Map; P-2 Statistical Analysis
 - Q-1 NDC 5 District Draft 2 Map; Q-2 Statistical Analysis
 - R – April 5, 2017 Letter from Planning Commission Chair
 - S – Statistical Summary of Draft Maps prepared by NDC