

**CITY MANAGER'S/STAFF'S REPORT
CITY COUNCIL MEETING:**

August 12, 2019

ITEM NO: 1.

SUBJECT: Second Public Hearing to Receive Community Input Regarding District Boundaries for District-Based Elections Pursuant to Elections Code Section 10010

BACKGROUND: The City utilizes an at-large elections system, which means voters of the entire City elect the five Council Members. A district-based election is one in which the City is divided into separate districts, each with one Council Member who resides in the district and is chosen by the voters in that particular district.

On July 15, 2019, the City Council unanimously adopted Resolution No. 2019 – 39R, declaring the City's intent to transition from at-large elections to by-district based elections, pursuant to Elections Code section 10010. Pursuant to the California Voting Rights Act (the "CVRA"), within 90 days of adopting the resolution of intention, the City must hold five public hearings to receive input on the composition of district maps, input on the district maps themselves, adopt an ordinance, and transition to district elections.

Under the CVRA, City must hold at least two initial public hearings to receive input on the composition of the district maps before draft district maps are drawn. The City Council held the first public hearing on August 5, 2019.

DISCUSSION: As set forth above, under the CVRA, two public hearings must be held prior to drawing any proposed district maps.

Public Input on Composition of Districts: No proposed district maps have been drawn yet. The purpose of the first two public hearings is to identify neighborhoods, communities of interest, and other local factors that should be considered or used as building blocks to begin drafting maps. The public is welcome to participate in the process by drawing district lines and submitting their proposed district maps for the City. It is important to note that the maps are likely to experience considerable change as they move from initial drafts to a final adopted map. A second public hearing will be held at a special meeting on August 12, 2019 at 9:00 am in City Council Chambers.

Mapping Process: Under Elections Code Section 10010, draft districting maps and the related proposed election year sequencing must be published seven days prior to the initial public hearing where the City Council considers those maps. Because the first hearing on the draft maps is scheduled for September 3, draft maps will be published on the City's website and will be made available to the public no later than August 26. The second public hearing on the draft maps is scheduled for September 16, and the draft maps will be made available no later than September 9.

Following the two initial public hearings that are held prior to the release of official draft maps, the City's demographic consultant, National Demographic Corporation ("NDC"), will provide a set of two to four draft maps, which will be published along with all of the maps received from the public. The goal of the NDC maps is to start the discussion by providing a set of significantly different maps that show a range of options, not "the best" map. Over the course of the hearings, all maps will be discussed and narrowed down to "focus" maps that are then redrawn and revised to improve upon them. If the City is prepared at the conclusion of the September 3 hearing to designate its preferred map, City Council can instruct staff to include the selected map in a draft ordinance at the subsequent fourth public hearing scheduled for September 16.

Criteria for Creating District Maps: Federal law requires that city council election districts comply with the Federal Voting Rights Act and avoid using race as a predominate factor in drawing district lines. In addition, the districts shall contain nearly equal total populations, although small population deviations are allowed. Specifically, the total population of the largest and smallest districts cannot vary by more than ten percent of the ideal district population size. For example, in a city of 100,000 people, the ideal district size would be 25,000 people in each of the four districts. Accordingly, the largest and smallest district in this city could not have more than a 2,500 person difference. Although up to ten percent deviations in population are allowed, the best practice is to keep any population differences within five percent.

In addition, the City Council may wish to consider "traditional redistricting principles" in creating the district maps. These principles represent goals, rather than requirements, and the City will ultimately need to select the final district map that best balances these often competing goals. Traditional redistricting principles include:

- Respect for communities of interest;
- Compact and contiguous districts;
- Districts that follow major visible features such as rivers or major roads; and
- Consideration of planned future growth areas is allowed, but not required.

The definition of a community of interest is very flexible, as long as race is not the predominate factor in that definition. Some communities of interest may request to be divided by district boundary lines, which may dilute their ability to elect one favored candidate in each district that divides them. However, in exchange, dividing communities of interest may give the community a direct connection to multiple council members instead of only one council member.

Sequence of Elections: Under the current at-large system, all voters in the City vote every two years to select the council member positions that are vacant that election year. With the change to by-district elections, each voter will only vote once every four years for an individual to represent the district in which the voter lives. In addition to establishing district maps, the City Council must also decide the sequence in which each district will select its council member. No current council member's term may be cut short.

Accordingly, in November 2020, only three of the five council districts will elect a council member. The other two districts will elect a council member in 2022.

Future Public Hearings: The next public hearing will be held during a regular Council meeting on September 3, 2019 at 6:00 p.m. At that meeting, the public and City Council will be presented with draft maps that reflect the input received at the first two public hearings. The public may provide the City with draft maps for consideration, all maps are due to the City no later than August 19, to be considered at the September 3 public hearing.

Fiscal Impact: There are no direct costs associated with the City Council conducting a public hearing to solicit community input on boundaries and composition of new council election districts.

RECOMMENDATION: It is recommended that the City Council conduct the second public hearing to solicit community input on the potential boundaries and composition of new City Council election districts.

/s/

08/08/2019

Teresa Gallavan, City Manager

Date

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California Voting Rights Act (CVRA)

- Under the Federal Voting Rights Act (passed in 1965), a jurisdiction must fail 4 factual tests before it is in violation of the law.
- The California VRA makes it significantly easier for plaintiffs to force jurisdictions into “by-district” election systems by eliminating two of the US Supreme Court *Gingles* tests:
 - ~~1. Can the protected class constitute the majority of a district?~~
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - ~~4. Do the “totality of circumstances” indicate race is a factor in elections?~~
- Liability is now determined only by the presence of racially polarized voting

CVRA Impact

- ❑ Switched (or in the process of switching) as a result of CVRA:
 - ❑ At least 202 school districts
 - ❑ 34 Community College Districts
 - ❑ 120 cities
 - ❑ 1 County Board of Supervisors
 - ❑ 15 water and other special districts.
- ❑ Palmdale, Santa Clara and Santa Monica fought “on the merits.” All lost.
 - ❑ Santa Monica and Santa Clara are appealing.
 - ❑ Palmdale spent about \$1.8 million, Santa Clara about \$800,000, and Santa Monica between \$5 and \$8 million, just on their defense.
 - ❑ Santa Monica plaintiffs requested \$22 million
 - ❑ No jurisdiction has won a case.
- ❑ Key settlements:
 - ❑ Palmdale: \$4.7 million
 - ❑ Santa Clara: \$3.16 million
 - ❑ Modesto: \$3 million
 - ❑ Highland: \$1.3 million
 - ❑ Anaheim: \$1.1 million
 - ❑ Whittier: \$1 million
 - ❑ Santa Barbara: \$600,000
 - ❑ Tulare Hospital: \$500,000
 - ❑ Madera Unified: about \$170,000
 - ❑ Hanford Joint Union Schools: \$118,000
 - ❑ Merced City: \$42,000

Districting Process

Step	Description
Two Initial Hearings Aug. 5 & 12	Held prior to release of draft maps. Education and to solicit input on the communities in the District. Hearings must be within 30 days of each other
Release draft maps Aug. 26	Maps must be posted at least 7 days prior to 3rd hearing.
Two Hearings on Draft Maps Sept. 3 & 16	Two meetings to discuss and revise the draft maps and to discuss the election sequencing. Hearings must be within 45 days of each other
Final Hearing & Map Adoption Oct. 7	Map must be posted 7 days prior to adoption.
2020	First three districts hold by-district elections
2021	Map adjusted using 2020 Census data
2022	Remaining two districts hold first by-district elections

Districting Rules and Goals

Federal Laws

- ❑ Equal Population
- ❑ Federal Voting Rights Act
- ❑ No Racial Gerrymandering

Traditional Redistricting Principles

- ❑ Communities of interest
- ❑ Compact
- ❑ Contiguous
- ❑ Visible (Natural & man-made) boundaries
- ❑ Respect voters' choices / continuity in office
- ❑ *Planned future growth*



Demographic Summary

These additional data fields can be used, where appropriate, to assist in identifying “communities of interest.”

Category	Field	Count	Pct	Category	Field	Count	Pct
	Total Pop	23,720		ACS Pop. Est.	Total	23,981	
Total Pop	Hisp	18,379	77%	Age	age0-19	7,784	32%
	NH White	3,780	16%		age20-60	12,293	51%
	NH Black	187	1%		age60plus	3,903	16%
	Asian-American	1,048	4%	Immigration	immigrants	5,865	24%
Citizen Voting Age Pop	Total	13,044			naturalized	1,873	32%
	Hisp	9,355	72%	Language spoken at home	english	9,285	42%
	NH White	2,636	20%		spanish	11,895	54%
	NH Black	84	1%		asian-lang	41	0%
	Asian/Pac Isl.	695	5%		other lang	892	4%
Voter Registration (Nov 2016)	Total	9,007		Language Fluency	Speaks Eng. "Less than Very Well"	5,069	23%
	Latino est.	6,357	71%	Education (among those age 25+)	hs-grad	7,348	52%
	Spanish-Surnamed	5,711	63%		bachelor	986	7%
	Asian-Surnamed	406	5%		graduatedegree	299	2%
	Filipino-Surnamed	98	1%	Child in Household	child-under18	2,848	43%
	NH White est.	2,054	23%	Pct of Pop. Age 16+	employed	9,011	52%
	NH Black	37	0%	Household Income	income 0-25k	1,679	25%
Voter Turnout (Nov 2016)	Total	5,734			income 25-50k	2,249	34%
	Latino est.	3,822	67%		income 50-75k	1,163	18%
	Spanish-Surnamed	3,433	60%		income 75-200k	1,433	22%
	Asian-Surnamed	266	5%		income 200k-plus	102	2%
	Filipino-Surnamed	55	1%	Housing Stats	single family	5,998	85%
	NH White est.	1,530	27%		multi-family	1,024	15%
	NH Black	24	0%		rented	2,814	42%
Voter Turnout (Nov 2014)	Total	3,481			owned	3,812	58%
	Latino est.	1,935	56%	Total population data from the 2010 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database. Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.			
	Spanish-Surnamed	1,739	50%				
	Asian-Surnamed	235	7%				
	Filipino-Surnamed	24	1%				
	NH White est.	1,121	32%				
	NH Black est.	34	1%				

There are no large geographic concentrations of Asian-Americans, African-Americans or Native Americans.



Defining Communities of Interest

1st Question: what is your neighborhood or community of interest?

A Community of Interest is generally defined as a neighborhood or community of shared interests, views, problems, or characteristics.

Possible community feature/boundary definitions include:

- ☐ School attendance areas
- ☐ Natural neighborhood dividing lines, such as highway or major roads, rivers, canals, and/or hills
- ☐ Areas around parks and other neighborhood landmarks
- ☐ Common issues, neighborhood activities, or legislative/election concerns
- ☐ Shared demographic characteristics
 - ☐ Such as similar levels of income, education, or linguistic isolation

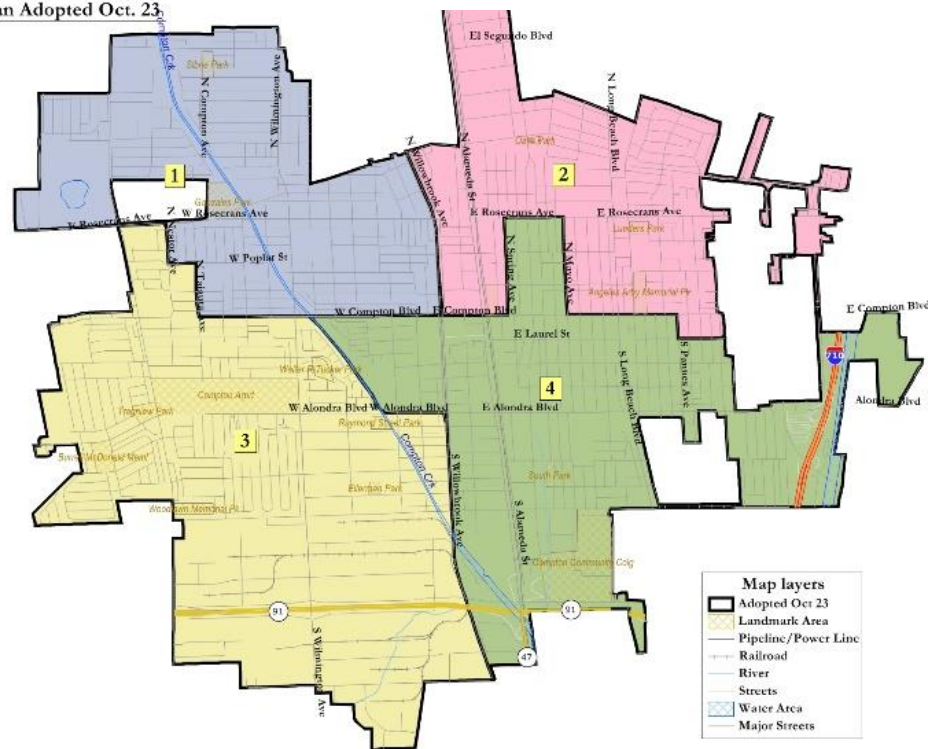
2nd Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?



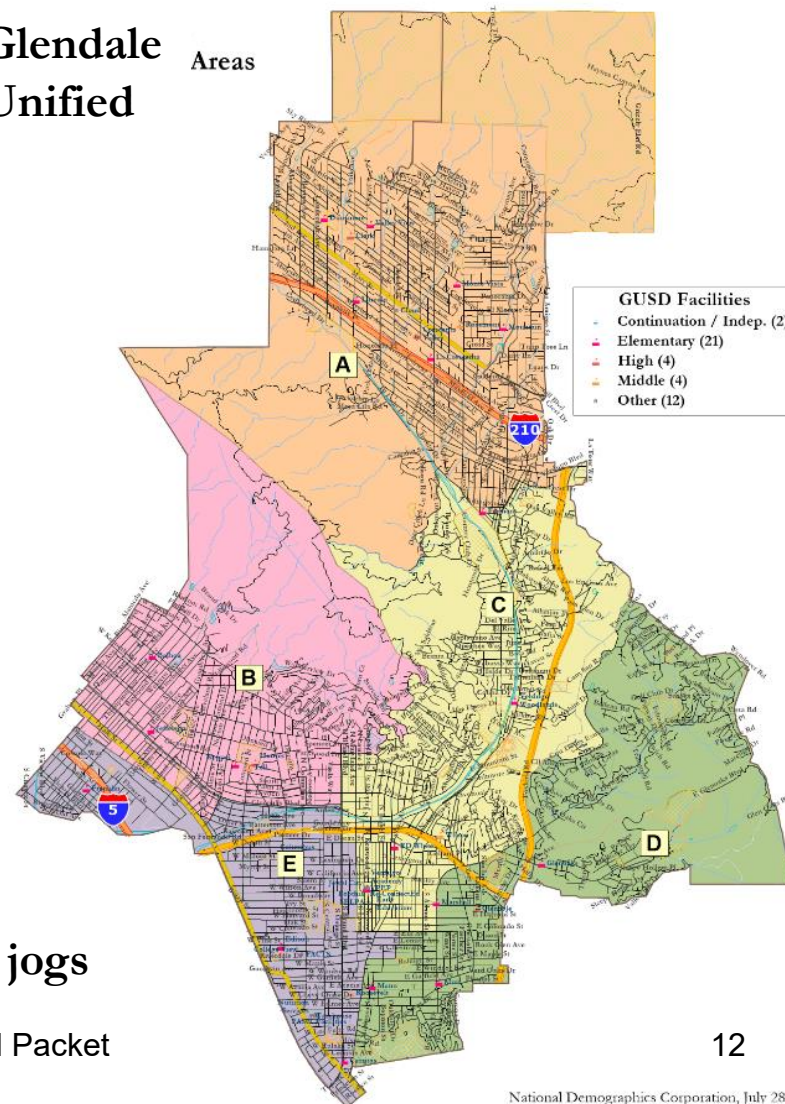
Sample Compact Maps

City of Compton
2012 Redistricting
Plan Adopted Oct. 23

Compton



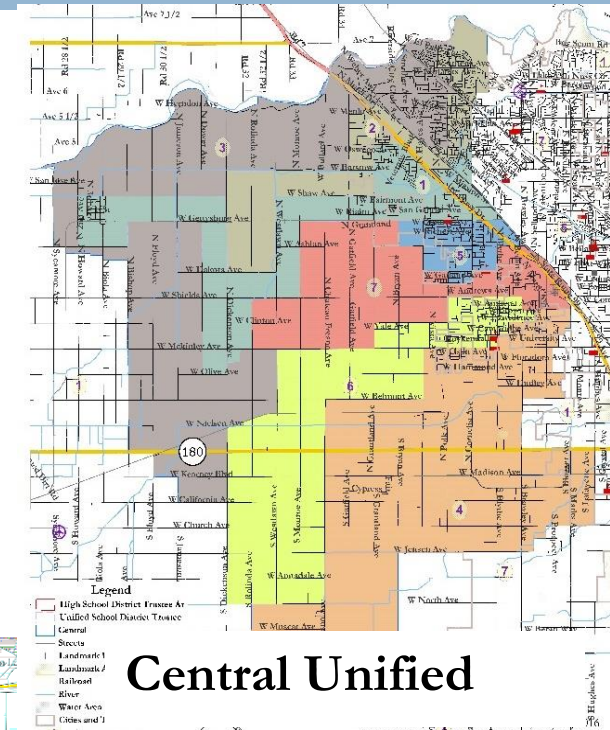
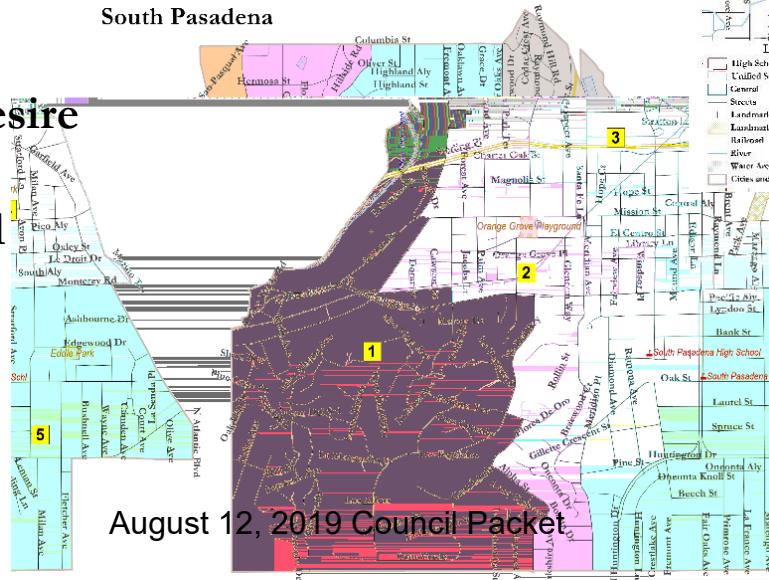
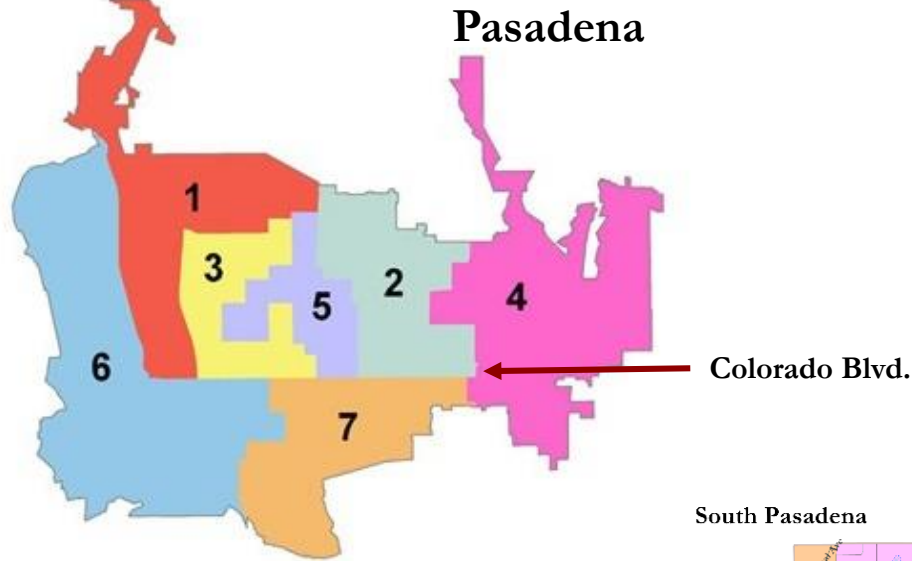
Glendale Unified Areas



Examples of highly compact maps, with nooks and jogs driven only by equal population requirements.

August 12, 2019 Council Packet

Sample Multiple-Representative Maps



Examples of maps where a desire to have all members touch downtown (Pasadena) or rural areas (Central), or as many neighborhoods as possible (South Pas), led to policy-driven but non-compact maps.

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