

COUNCIL AGENDA REPORT

TO: City Council

FROM: City Attorney
Prepared by: Assistant City Attorney

SUBJECT: HEARING TO RECEIVE AND CONSIDER INPUT FROM THE PUBLIC CONCERNING THE CREATION OF DISTRICTS FOR A DISTRICT-BASED ELECTIONS PROCESS PURSUANT TO ELECTIONS CODE SECTION 10010

RECOMMENDATION:

That the City Council:

- (1) receive a report from staff concerning the process for obtaining public input on the composition of voting districts for a district-based election process pursuant to Elections Code Section 10010;
- (2) open a public hearing and invite members of the public to speak on the issue of how the voting districts should be composed;
- (3) close the public hearing when there is no more input from the public, and direct staff to forward all public comments to National Demographics Corporation, the City's demographics consultant; and
- (4) direct staff to notice a special meeting of the City Council on March 30, 2017, beginning at 5:30 p.m. in the Veterans' Memorial Community Center, 313 West Tunnell Street, for the second public hearing to continue receiving input from the public on the composition of voting districts as required by Elections Code Section 10010.

INTRODUCTION:

The purpose of this meeting is not to discuss whether members of the public are in favor or opposed to district-based elections. The City Council has already made the decision to transition to district-based elections. The purpose of this meeting is to educate the community, engage the public, and hear from the residents on what factors should be taken into consideration when creating the new voting districts.

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. This hearing is the first of two such public hearings.

Prior to this hearing, the City has engaged in some public outreach efforts to help educate the public on district-based elections and the process associated with the formation of district-based elections. Such outreach efforts have included working with the local media (both English and Spanish media outlets) to run stories regarding this issue, explaining the districting process and encouraging public participation. The City has also added an informative section on its website regarding district-based elections.

DISCUSSION:

Although the purpose of this public hearing is to receive and consider input from the public concerning the composition of the voting districts, there are some legally required criteria that will apply to the creation of the actual districts that must be complied with, for example:

- 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.

The public is likely to provide input on some or all of these option criteria, and may also provide input on other criteria not mentioned above. Eventually, when the Council votes to adopt a map of voting districts, it may choose to include some, all, or none of these optional criteria, or may choose to come up with their own unique criteria that Council believes is applicable to the City.

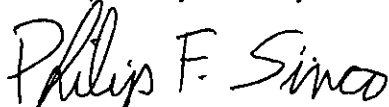
Staff recommends that the next public hearing to receive and consider input from the public concerning the composition of voting districts should take place on March 30, 2017, at 5:30 p.m., at a specially noticed meeting of the City Council, beginning at 5:30 p.m.

Fiscal Considerations:

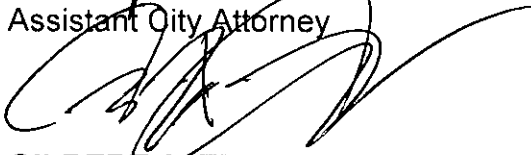
There are no significant fiscal impacts associated with the holding of this public hearing.

Impact to the Community:

The holding of this and the required second public hearing prior to any action permitted to be taken by the City Council concerning the drawing of district boundaries, is intended to maximize public input into the district creation process; however, it has been the experience of other cities that the public is not as engaged prior to the drawing of district boundaries as it is after a map of the proposed districts has been drawn. Accordingly, those two required pre-map hearings provide the community an opportunity to provide input on the composition of the voting districts that will eventually be adopted by the City Council.



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