

1/09/18

City Council Meeting

Handouts received after
agenda posted



711 West Cinnamon Drive • Lemoore, California 93245 • (559) 924-6700 • Fax (559) 924-9003

Staff Report

Item No: 1-1

To: Lemoore City Council

From: Nathan Olson, Interim City Manager

Date: January 8, 2018

Meeting Date: January 9, 2018

Subject: Consideration and Public Input for Moving to Voting Districts

Strategic Initiative:

- | | |
|--|--|
| <input type="checkbox"/> Safe & Vibrant Community | <input type="checkbox"/> Growing & Dynamic Economy |
| <input type="checkbox"/> Fiscally Sound Government | <input checked="" type="checkbox"/> Operational Excellence |
| <input type="checkbox"/> Community & Neighborhood Livability | <input type="checkbox"/> Not Applicable |

Proposed Motion:

Proceed with the first public hearing as outlined in Resolution 2017-36 Exhibit A "Tentative Timeline: Consideration and Implementation of 'District-Based' Election Method."

Subject/Discussion:

At a special meeting held December 27, 2018 Council adopted Resolution 2017-36, which declared the City's intent to transition from at-large elections to district-based elections. In order to comply with Elections Code Section 10010, the City must hold a minimum of four public hearings. This will be the first of the City's required meetings. The intent of the meeting is to collect input from the public for the composition of the district maps to provide to our demographer-who will then draft several maps for consideration. Resolution 2017-36 is attached for your review.

Financial Consideration(s):

There are no additional costs for holding the public meeting.

Alternatives or Pros/Cons:

Postpone the public hearing to a later date.

Commission/Board Recommendation:

Not Applicable.

Staff Recommendation:

Staff recommends that Council conduct a public hearing, consider any comments, and instruct staff to move forward with the process of moving to voting districts.

Attachments:

☒ Resolution: 2017-36
☐ Ordinance:
☐ Map
☐ Contract
☐ Other
List:

Review:

☐ Finance
☐ City Attorney
☐ City Manager
☒ City Clerk

Date:

01/09/18

RESOLUTION NO. 2017-36

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEMOORE,
CALIFORNIA, DECLARING ITS INTENT TO TRANSITION FROM
AT-LARGE ELECTIONS FOR CITY COUNCIL MEMBERS TO
DISTRICT-BASED ELECTIONS FOR CITY COUNCIL MEMBERS
PURSUANT TO ELECTIONS CODE SECTION 10010**

WHEREAS, the five members of the City Council of the City of Lemoore (City) are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "by-district" system in which each councilmember is elected only by the voters in the district in which the councilmember resides; and

WHEREAS, in 2015 and 2016, the City Manager and City Staff anticipated budgeting in the 2017-2018 budget the funds to hire a professional demographer to review and opine on election districts; and

WHEREAS, since January 2017, the City had a number of staff changes, including two interim City Managers; and

WHEREAS, the publically available information shows that City has a history of inclusionary voting as Latino candidates having been regularly elected to the City Council since at least 1984 and the counsel has also included other ethnicities, including African American candidates being elected; and

WHEREAS, the City denies that its at-large election system violates the California Voting Rights Act ("CVRA") or any other provision of law and asserts that Lemoore's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, in spite of the City's inclusionary voting and election record, the CVRA's elimination of the U.S. Supreme Court requirements under *Thornburg v. Gingles*, 478 U.S. 30 (1986), as applied to the Federal Voting Rights Act, claims for violation of the CVRA are easily made on the basis of an argument of "racial polarization," regardless of whether racial minorities have successfully elected preferred candidates under an at-large system or whether there is any history of discrimination based on the totality of circumstances; and

WHEREAS, the cost of defending a challenge under the CVRA could be several hundred thousand dollars and that the risk of losing such a challenge includes the payment of attorneys' fees to the plaintiff. However, the City may voluntarily begin the transition process to district-based elections under the AB 350 "safe harbor" provisions in which "catalyst" attorneys' fees are capped at \$30,000; and

WHEREAS, the City Council has concluded that the public interest would be better served by transitioning to a district-based electoral system pursuant to the "safe harbor" provisions because: 1) the extraordinary cost to defend against a CVRA lawsuit, 2) the risk of losing such a lawsuit would require the City to pay attorney fees to plaintiff should they prevail; and

WHEREAS, the City had already begun the process of contemplating a transition to district-based elections, prior to November 15, 2017 when the City received a threat of litigation letter from Malibu-based attorney, Kevin Shenkman dated November 10, 2017; and

WHEREAS, the City Council finds that the November 10, 2017 Shenkman letter was not accompanied by any evidence to support the claim of a CVRA violation and that such letter was not the catalyst in its decision to transition to district-based elections; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish boundaries for a district-based electoral system, Elections Code Section 10010 requires all of the following:

- 1) Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold a least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts.
- 2) After all draft maps are drawn, the City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published.
- 3) The City Council shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.
- 4) The first version of a draft map shall be published at least seven (7) 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 (7) days before being adopted; and

WHEREAS, the City will be utilizing the services of a professional demographer to assist the City to develop a proposal for a district-based electoral system; and

WHEREAS, the adoption of a district-based electoral system will not affect the terms of any sitting Council Member, each of whom will serve out his or her current term.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LEMOORE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The City Council hereby resolves to consider adoption of an ordinance to transition to a district-based electoral system as authorized by Government Code Section 34886 for use in the City's General Municipal Election for Members of the City Council beginning in November 2018.

SECTION 2. The City Council directs staff to formally secure and work with a professional demographer, and other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act.

SECTION 3. The City Council hereby approves the tentative timelines as set forth in Exhibit A, attached to and made part of this resolution, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map.

SECTION 4. The timeline contained in Exhibit A may be adjusted by the City Manager as deemed necessary, provided that such adjustments shall not prevent the City from complying with the time frames specified by Elections Code Section 10010.

SECTION 5. The City Council directs staff to post information regarding the proposed transition to a district-based electoral system, including maps, notices, agendas and other information and to establish a means of communication to answer questions from the public.

SECTION 6. The City Clerk of the City of Lemoore shall certify to the passage and adoption of this resolution and its approval by the City Council and shall cause the same to be listed in the records of the City.

PASSED and ADOPTED by the City Council of the City of Lemoore at a special meeting held on the 27th day of December by the following vote:

AYES: Blair, Brown, Neal, Madrigal

NOES: None

ABSENT: Chedester

ABSTAINING: None

ATTEST:


Mary J. Venegas, City Clerk

APPROVED:


Ray Madrigal, Mayor

EXHIBIT A**TENTATIVE TIMELINE¹: CONSIDERATION AND IMPLEMENTATION OF
"DISTRICT-BASED" ELECTION METHOD**

| DATE | EVENT | COMMENT |
|-------------------------------|--|---|
| December 27, 2017 | Day 1 Resolution of Intention: City Council adopts Resolution declaring its intention to transition from at- large to district-based elections. | CVRA Action cannot be commenced for 90 days. |
| December 28 – January 9, 2017 | Public Outreach | Re: Process & Participation NO MAPS YET DRAWN |
| January 9, 2017 | 1st Public Hearing | Re: Composition of Districts NO MAPS YET DRAWN |
| January 16, 2017 | 2nd Public Hearing | Re: Composition of Districts NO MAPS YET DRAWN |
| January 25, 2017 | Post Draft Maps and Potential Sequence of Elections | |
| February 6, 2017 | 3rd Public Hearing | Re: Draft Maps |
| February 9, 2017 | Any Amended Maps Posted | |
| February 20, 2017 | 4th Public Hearing Select Map Council introduces ordinance establishing district elections, including District Boundaries and Election Sequence | Re: Draft Maps If selected map is amended, ordinance cannot be introduced until 7 days after amended map is published. |

¹ The timeline provided in this chart is an estimated timeframe in accordance with Elections Code section 10010(e)(3)(A). This timeline may be adjusted, as the City may deem necessary, so long as any adjustments remain in compliance with Elections Code section 10010 and other applicable laws.

RESOLUTION 2017-36

| | | |
|--------------------|---|--|
| March 6, 2018 | 5th Public Hearing 2nd reading of ordinance establishing district elections: approval or denial of ordinance | |
| March 27, 2018 | Day 90 | |
| April 5, 2018 | Effective date of ordinance establishing district elections | |
| June 5, 2018 | Council adopts resolutions calling for election, requesting consolidation, etc. | |
| July - August 2018 | Candidate nomination period | |
| November 6, 2018 | First election using new district-based election system | |



City of Lemoore

Consideration of By-District Elections

January 9, 2018

Project Timeline

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| Date | Event |
|---------------------------------|--|
| January 9 | 1st hearing: gather public input on the composition of districts |
| January 16 | 2 nd hearing: gather public input on the composition of districts |
| <i>No later than January 30</i> | <i>Draft maps released at City Hall and on project website</i> |
| February 6 | 3rd hearing: public input on draft maps and election sequencing |
| January 20 | 4th hearing: public input on draft maps and election sequencing |
| Also January 20, or TBD | 5 th hearing: public input on draft maps and election sequencing |
| TBD | Second reading and adoption of ordinance |
| Nov. 2018 | First by-district elections in two districts |
| Nov. 2020 | First by-district elections in remaining two districts |

Traditional Districting Criteria

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Federal Laws

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



Traditional Criteria

- ❑ Communities of interest
- ❑ Compact
- ❑ Contiguous
- ❑ Visible (Natural & man-made) boundaries
- ❑ Respect for voters' wishes and continuity in office
- ❑ *Potential Future Growth*

Potential future growth is in grey because these districts will be in place for only one election per district. Growth will be a larger concern in the post-Census 2021 redistricting.

Demographic Summary

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Total population figures are from the 2010 decennial census.

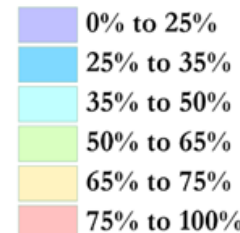
Citizen Voting Age Population (CVAP) figures are from the Census Bureau's annual "American Community Survey" program, using data collected from 2011 through 2015.

The CVAP percentages of each Council district are important because the courts look at CVAP as the best available measure of the eligible voter population.

Much more extensive demographic data will be available with the draft maps, including data on renters, income levels, and other socio-economic categories.

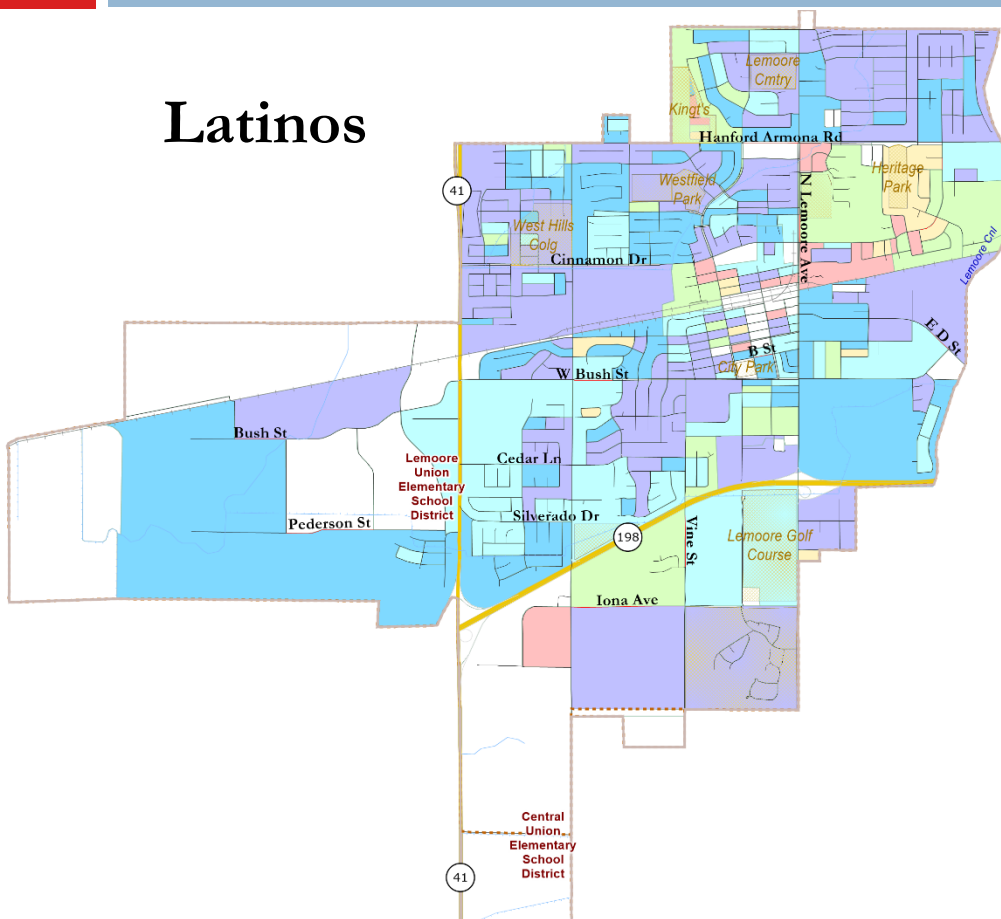
| Race/Ethnic Profile | Count | Percent |
|----------------------------------|--------------|----------------|
| Total Population | 24,531 | |
| Latino | 9,820 | 40% |
| NH White | 10,068 | 41% |
| NH Black/ African-American | 1,622 | 7% |
| NH Native American | 316 | 1% |
| NH Asian-American | 2,335 | 10% |
| NH Pacific Islander | 111 | 0% |
| NH Other | 63 | 0% |
| NH Multi-Race | 196 | 1% |
| Citizen VAP total | 15,377 | |
| CVAP Latino | 5,098 | 33% |
| CVAP NH White | 7,495 | 49% |
| CVAP NH African-American | 1,037 | 7% |
| CVAP NH Asian & Pacific Islander | 1,513 | 10% |
| CVAP Other | 233 | 2% |

Ethnic CVAP Concentrations

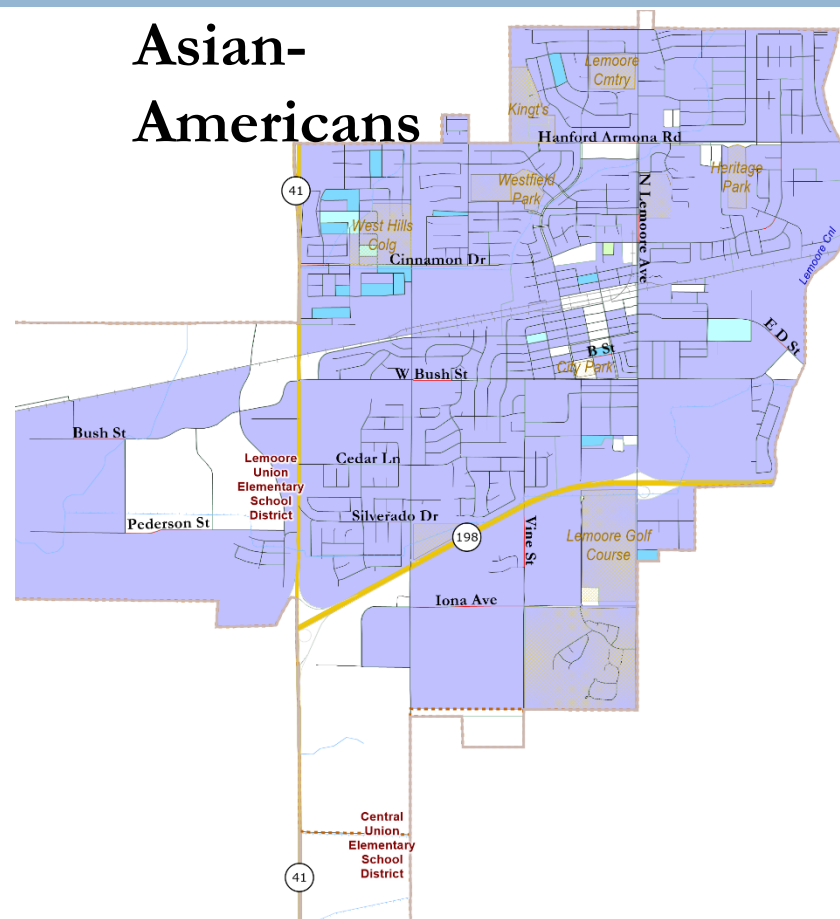


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Latinos



Asian-Americans



Asian-American eligible voters are not particularly concentrated anywhere in the City.
Latino eligible voters are especially concentrated around Heritage Park.

Defining Communities of Interest

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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

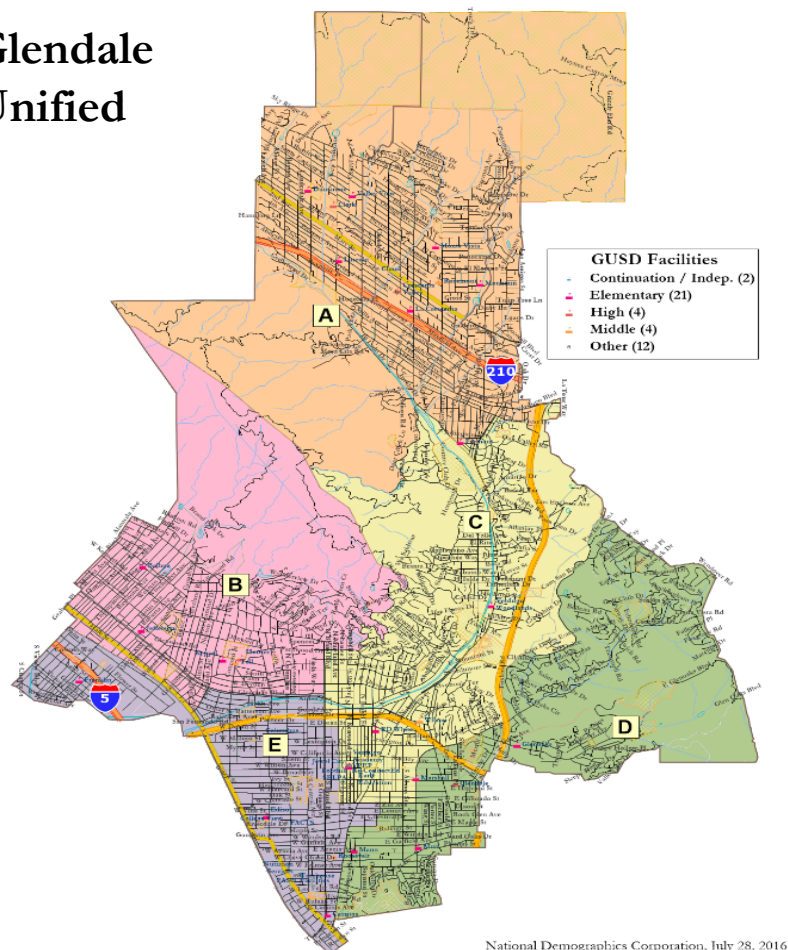
2nd Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?



Compact, Single Representative Samples

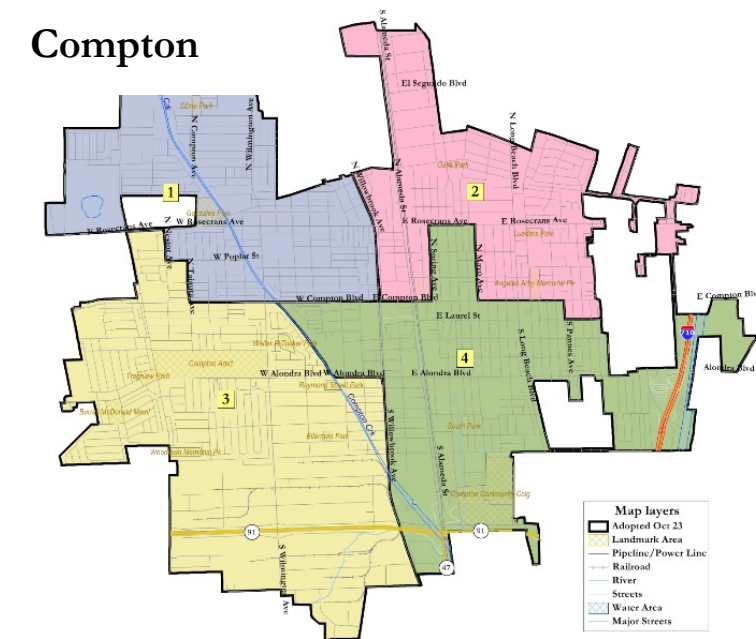
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Glendale Unified



National Demographics Corporation, July 28, 2016

Compton



National Demographics Corporation, October 3, 2017

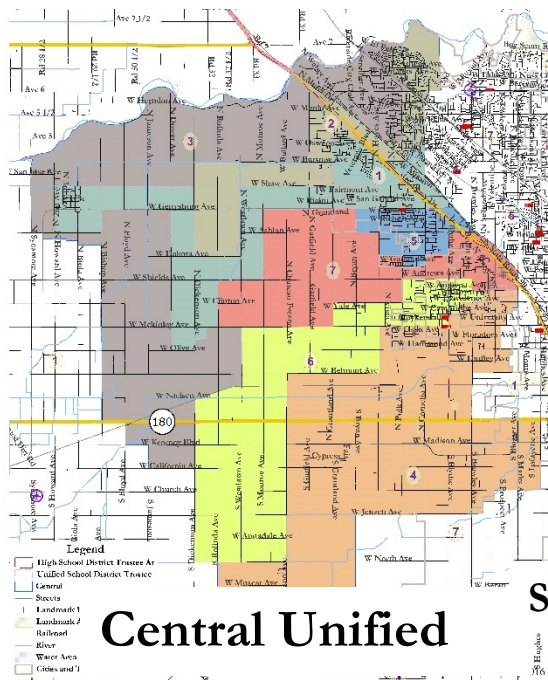
The maps are traditional compact districts that attempt to keep each community united (within the requirements of population balancing).

Multiple Representative Samples

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These unusual-looking maps each achieve a specific policy goal.

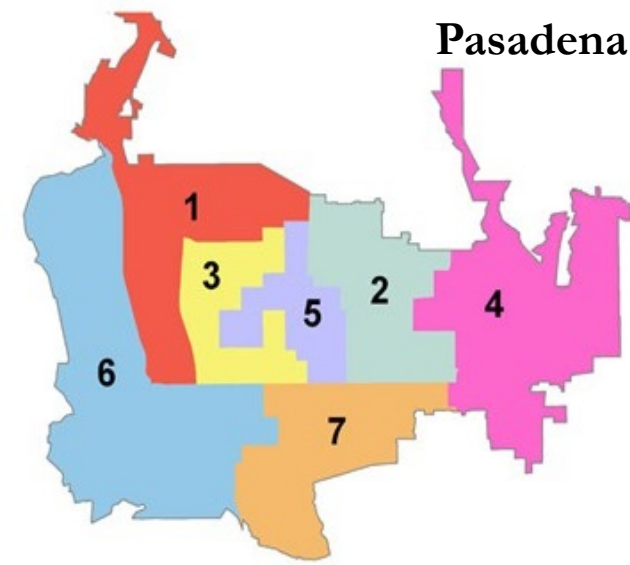
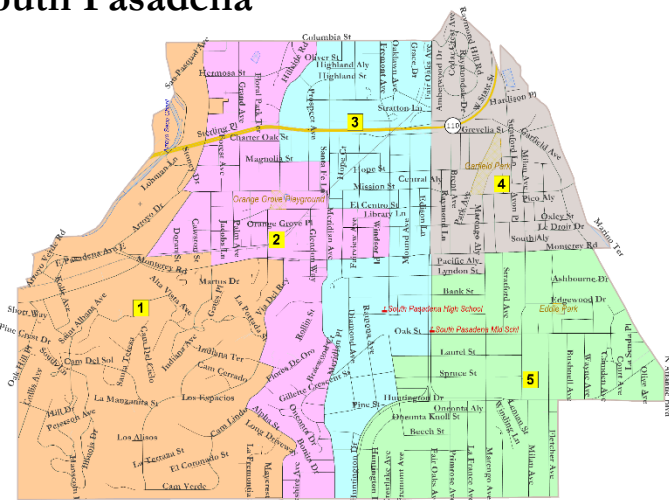
Central Unified ensures each trustee area has rural and urban areas, and each school attendance zone has at least 2 trustees representing it; Pasadena ensures each district touches the Colorado Blvd / “Old Pasadena” redevelopment area; South Pasadena has three districts that share each neighborhood from north to south in the city.



Pasadena

Central Unified

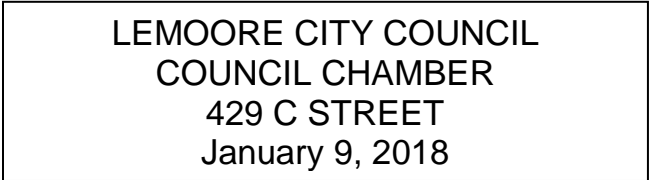
South Pasadena



Discussion

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1. **What are the boundaries of your neighborhood or “community of interest”?**
2. **Do you want your neighborhood united in one district, or with multiple Councilmembers elected from it?**
3. **What neighborhoods do you think make sense to be with your neighborhood in a district or districts because of common city issues?**
4. **What other “communities of interest” do you see in the City?**
5. **Any questions about any of the map-drawing tools?**



Please silence all electronic devices as a courtesy to those in attendance. Thank you.

//s//
Mary J. Venegas, City Clerk