

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 a 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 27<sup>th</sup> 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 TIMELINE<sup>1</sup>: CONSIDERATION AND IMPLEMENTATION OF  
"DISTRICT-BASED" ELECTION METHOD**

<b>DATE</b>	<b>EVENT</b>	<b>COMMENT</b>
December 27, 2017	<b>Day 1</b> 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.

<sup>1</sup> 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	<b>Day 90</b>	
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

Date	Event
January 9	<b>1<sup>st</sup> hearing: gather public input on the composition of districts</b>
January 16	2 <sup>nd</sup> 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	3 <sup>rd</sup> hearing: public input on draft maps and election sequencing
January 20	4 <sup>th</sup> hearing: public input on draft maps and election sequencing
Also January 20, or TBD	5 <sup>th</sup> 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

## 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

**Total population figures are from the 2010 decennial census.**

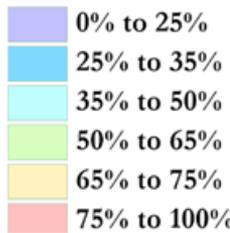
**Citizen Voting Age Population (CVAP) figures are from the Census Bureau’s annual “American Community Survey” program, using data collected from 2011 through 2015.**

**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.**

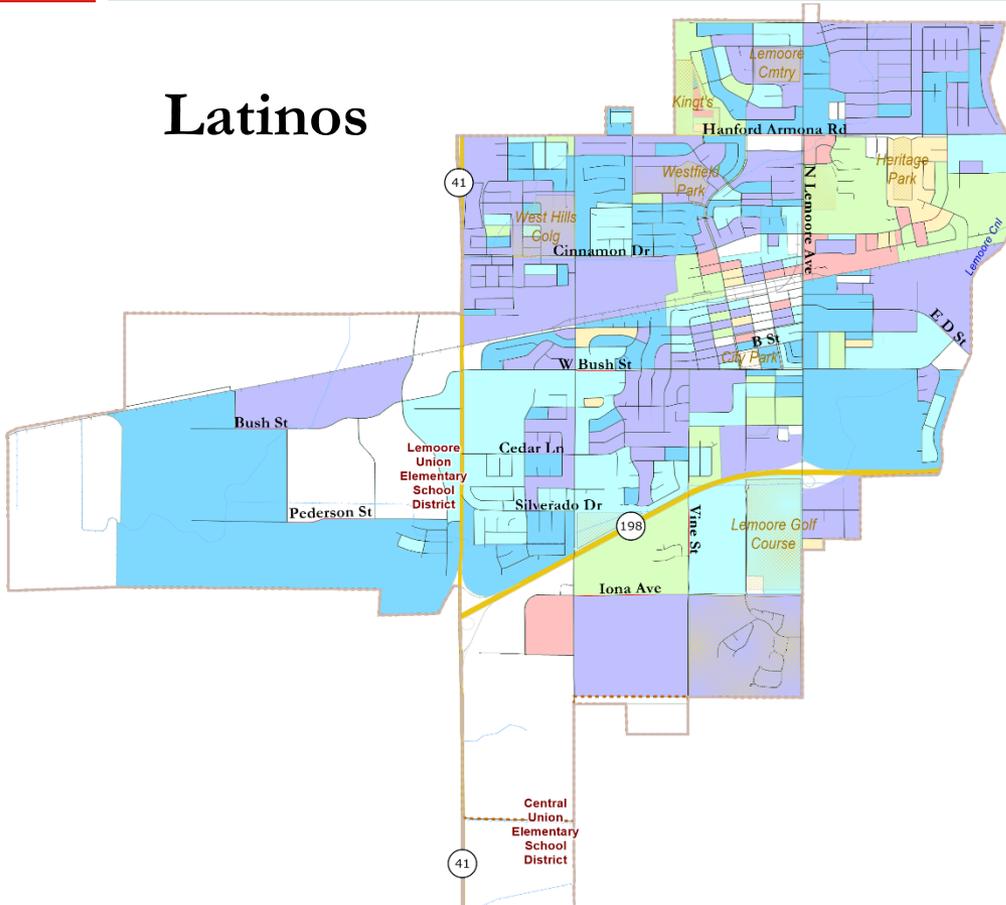
**Much more extensive demographic data will be available with the draft maps, including data on renters, income levels, and other socio-economic categories.**

<b>Race/Ethnic Profile</b>	<b>Count</b>	<b>Percent</b>
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%

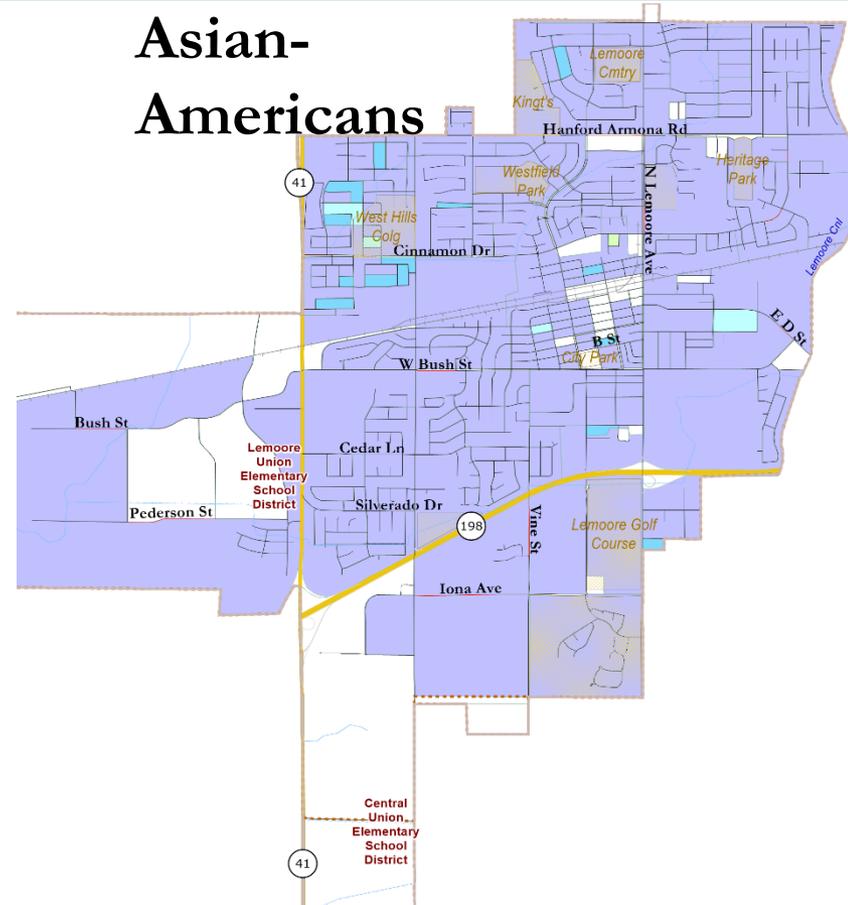
# Ethnic CVAP Concentrations



## 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

6

## 1<sup>st</sup> 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

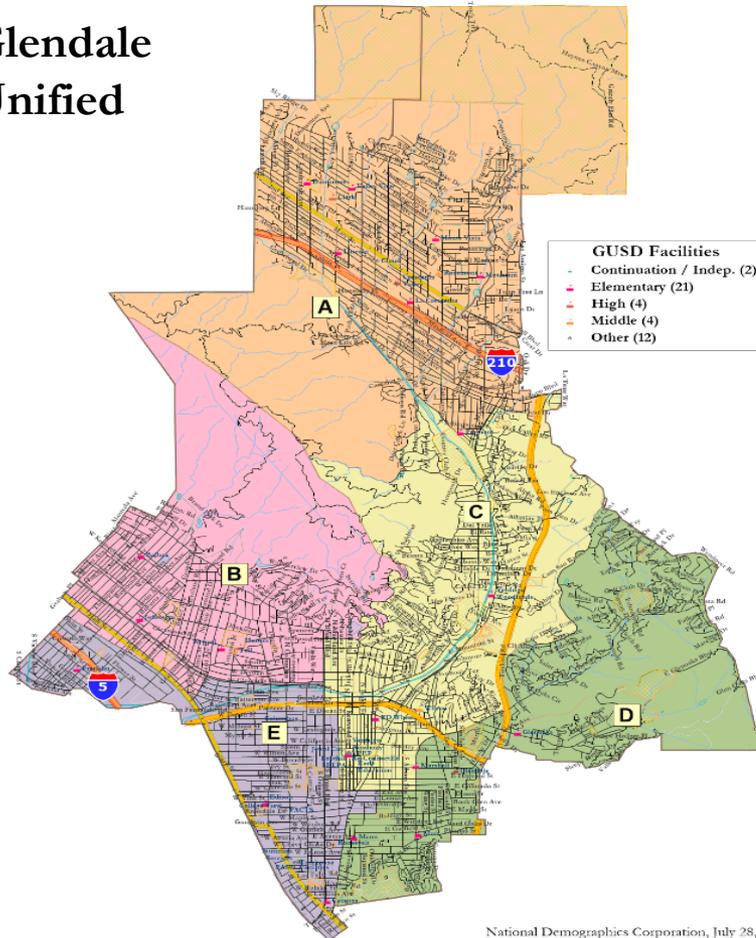
## 2<sup>nd</sup> Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?



# Compact, Single Representative Samples

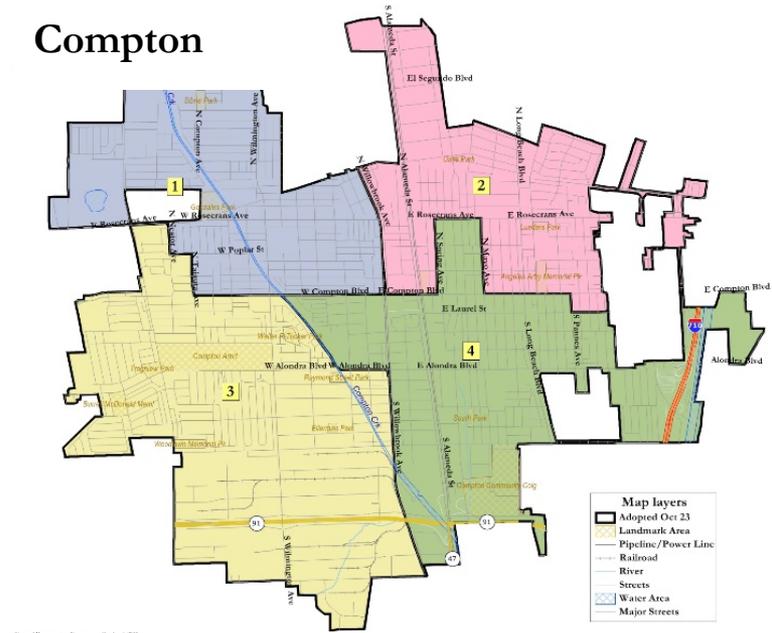
7

## Glendale Unified



National Demographics Corporation, July 28, 2016

## Compton

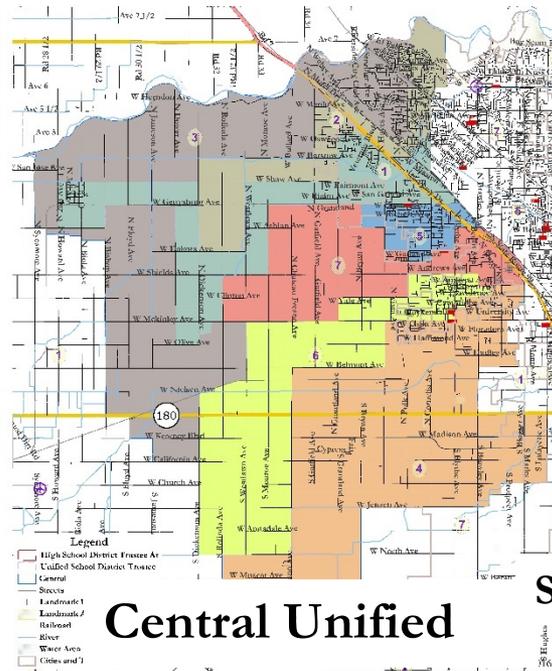


The maps are traditional compact districts that attempt to keep each community united (within the requirements of population balancing).

# Multiple Representative Samples

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.

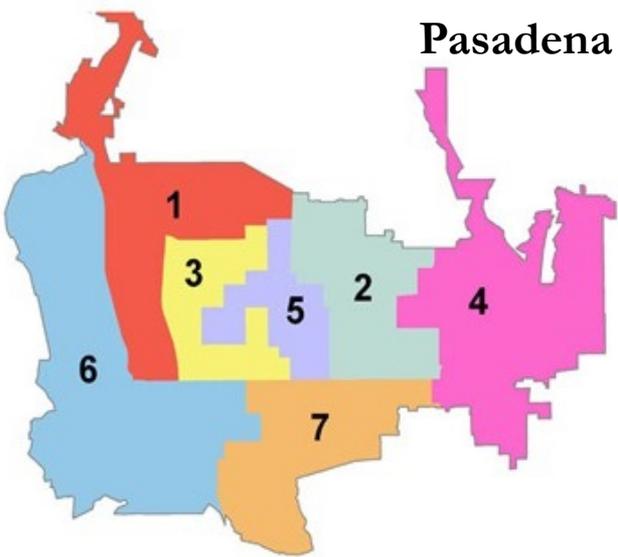
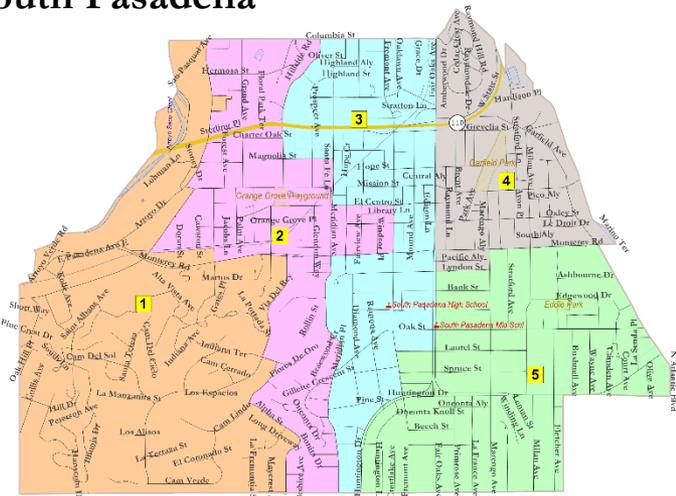
These unusual-looking maps each achieve a specific policy goal.



Pasadena

Central Unified

South Pasadena



# Discussion

9

- 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?**

