1. Meeting Agenda

   Documents:
   
   CC200312_AGENDA.PDF

2. Item 1A
   Third Public Hearing to Consider Composition of Districts and Proposed Draft Maps for Potential By-District Elections

   Documents:
   
   CC200312_ITEM 1A.PDF
Malibu City Council
Special Meeting Agenda

Thursday, March 12, 2020

6:00 P.M. – SPECIAL CITY COUNCIL MEETING
City Hall – Council Chambers
23825 Stuart Ranch Road

Six p.m.        Regular Session

Call to Order - Mayor

Roll Call - Recording Secretary

Pledge of Allegiance

Approval of Agenda

Report on Posting of Agenda – March 10, 2020

1. Ordinances and Public Hearings

   A. Third Public Hearing to Consider Composition of Districts and Proposed Draft Maps for Potential
      By-District Elections

      Recommended Action: 1) Conduct the third public hearing to receive and consider input from the public regarding the composition of potential City Council districts and sequencing of elections; and 2) Provide direction and guidance to staff and demographer regarding further drafting and composition of draft maps.

      Staff Contact: City Attorney Hogin, 456-2489, ext. 228

Adjournment

Future Meetings

Friday, March 13, 2020  6:00 p.m.  Special City Council Meeting  Malibu High School
Monday, March 23, 2020  6:30 p.m.  Regular City Council Meeting  City Hall Council Chambers
Thursday, April 2, 2020  6:00 p.m.  Special City Council Meeting  City Hall Council Chambers
Monday, April 13, 2020  6:30 p.m.  Regular City Council Meeting  City Hall Council Chambers

Guide to the City Council Proceedings

The Oral Communication portion of the agenda is for members of the public to present items, which are not listed on the agenda but are under the subject matter jurisdiction of the City Council. No action may be taken under, except to direct staff unless the Council, by a two-thirds vote, determines that there is a need to take immediate action and that need came to the attention of the City after the posting of the agenda. Although no action may be taken, the Council and staff will follow up, at an appropriate time, on those items needing response. Each speaker is limited to three (3) minutes. Time may be surrendered by deferring one (1) minute to another speaker, not to exceed a total of eight (8) minutes. The speaker
wishing to defer time must be present when the item is heard. In order to be recognized and present an item, each speaker must complete and submit to the Recording Secretary a Request to Speak form prior to the beginning of the item being announced by the Mayor (forms are available outside the Council Chambers) and must be accompanied by all forms deferring time at the time of submission. Speakers are taken in the order slips are submitted.

**Items in Consent Calendar Section A** have already been considered by the Council at a previous meeting where the public was invited to comment, after which a decision was made. These items are not subject to public discussion at this meeting because the vote taken at the previous meeting was final. Resolutions concerning decisions made at previous meetings are for the purpose of memorializing the decision to assure the accuracy of the findings, the prior vote, and any conditions imposed.

**Items in Consent Calendar Section B** have not been discussed previously by the Council. If discussion is desired, an item may be removed from the Consent Calendar for individual consideration. Councilmembers may indicate a negative or abstaining vote on any individual item by so declaring prior to the vote on the motion to adopt the entire Consent Calendar. Items excluded from the Consent Calendar will be taken up by the Council following the action on the Consent Calendar. The Council first will take up the items for which public speaker requests have been submitted. Public speakers shall follow the rules as set forth under Oral Communication.

**For Public Hearings** involving zoning matters the appellant and applicant will be given 15 minutes each to present their position to the City Council, including rebuttal time. All other testimony shall follow the rules as set forth under Oral Communication.

**Old Business** items have appeared on previous agendas but have either been continued or tabled to this meeting with no final action having been taken. Public comment shall follow the rules as set forth under Oral Communication.

**Items in New Business** are items, which are appearing for the first time for formal action. Public comment shall follow the rules as set forth under Oral Communication.

**City Council Items** are items, which individual members of the City Council may bring up for action, to propose future agenda items or to suggest future staff assignments. No new items will be taken-up after 10:30 p.m. without a two-thirds vote of the City Council.

City Council meetings are aired live and replayed on City of Malibu Government Access Channel 3 and on the City’s website at www.malibucity.org/video. Copies of the staff reports or other written documentation relating to each item of business described above are on file in the office of the City Clerk, Malibu City Hall, 23825 Stuart Ranch Road, Malibu, California, and are available for public inspection during regular office hours, which are 7:30 a.m. to 5:30 p.m. Monday through Thursday and 7:30 a.m. to 4:30 p.m. Friday. Written materials distributed to the City Council within 72 hours of the City Council meeting are available for public inspection immediately upon distribution in the City Clerk's office at 23825 Stuart Ranch Road, Malibu, California (Government Code Section 54957.5.b.2). Copies of staff reports and written materials may be purchased for $0.10 per page. Pursuant to State law, this agenda was posted at least 72 hours prior to the meeting.

The City Hall phone number is (310) 456-2489. To contact City Hall using a telecommunication device for the deaf (TDD), please call (800) 735-2929 and a California Relay Service operator will assist you. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Environmental Sustainability Director Yolanda Bundy, (310) 456-2489, ext. 229. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADD Title II]. Requests for use of audio or video equipment during a Council meeting should be directed to Alex Montano at (310) 456-2489 ext. 227 or amontano@malibucity.org. Material must be submitted by 12:00 p.m. on the meeting day.

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted in accordance with the applicable legal requirements. Special meeting agendas may be amended up to 24 hours in advance of the meeting. Dated this 10th day of March 2020 at 10:30 a.m.

______________________________
Heather Glaser, City Clerk
To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Trevor Rusin, Assistant City Attorney

Date prepared: March 9, 2020    Meeting date: March 12, 2020

Subject: Third Public Hearing to Consider Composition of Districts and Proposed Draft Maps for Potential By-District Elections

RECOMMENDED ACTION: 1) Conduct the third public hearing to receive and consider input from the public regarding the composition of potential City Council districts and sequencing of elections; and 2) Provide direction and guidance to staff and demographer regarding further drafting and composition of draft maps.

PURPOSE: The purpose of this hearing is to hold the third of four required public hearings to receive input from the community concerning transitioning to by-district elections, in accordance with Elections Code § 10010. This third meeting will be held at City Hall on March 12, 2020, and to facilitate participation it will also be held on March 13, 2020, at Malibu High School.

FISCAL IMPACT: On January 27, 2020, funding in the amount of $127,500 was included throughout various departments in the Adopted Budget for Fiscal Year 2019-2020 to fund costs attributable to district-based elections, including to retain a demographer and complete the process of community outreach, developing criteria and maps, and election sequencing.

WORK PLAN: This item was included as item 6k in the Adopted Work Plan for Fiscal Year 2019-2020.

BACKGROUND: On January 13, 2020, the City Council adopted Resolution No. 20-02 directing the retention of a demographer and directing a schedule be brought back to take actions and schedule public hearings related to district-based elections in accordance with Elections Code § 10010, and declaring its intention to place a binding initiative on the ballot for the 2020 General Municipal Election as to whether to transition to district-based elections. This action was taken in response to the October 25, 2019, letter sent by Milton C. Grimes of the Law Offices of Milton C. Grimes to the City that claimed the City’s at-large system of voting dilutes the ability of Latinos to elect
candidates of their choice or to otherwise influence the outcome of the City’s elections. Mr. Grimes had to send this letter before he can file a lawsuit claiming the City has violated the California Voting Rights Act (“CVRA”).

On February 10, 2020, the City held the first public hearing in which the Council received public input regarding the potential options for district-based elections and the boundaries and composition of voting districts. At the end of the hearing, the Council adopted the proposed schedule provided by staff, which complies with Elections Code § 10010.

On February 24, 2020, the City held the second public hearing in which the Council received further public input regarding the composition of potential City Council districts. At the conclusion of the public hearing, the Council provided direction and guidance to staff and the demographer regarding the criteria and composition for preparation of the draft maps, including keeping the proposed maps to five districts.

The City retained demographer David Ely of Compass Demographics, Inc. to assist it with the preparation of proposed draft maps and to review any public input and comments, including resident submission of drafts maps to the City. Mr. Ely is an experienced demographer and has been involved in the redistricting of many cities throughout the State and has also provided expert testimony in CVRA litigation, including working with Mr. Grimes and Mr. Kevin Shenkman.

To provide further opportunity for community discussion, postcards (attached hereto as Attachment 1) were mailed to residents informing them of this hearing. Additionally, the City published an advertisement in the Malibu Surfside News and the Malibu Times, informing the public of this hearing and included a preliminary draft map which illustrated possible districts.

On March 5, 2020, the City published four alternative draft maps to the City’s website at www.malibucity.org/DistrictElections.

In an effort to encourage and maximize public input and participation, the City will be holding this third public hearing both at City Hall and Malibu High School. The public may attend either or both meetings, but to be clear the agenda will be the same at these meetings. The first meeting will be held on March 12, 2020 at 6:00 pm at City Hall. The second meeting will be held on March 13, 2020, at 6:00 pm at Malibu High School.

ANALYSIS: At this hearing the Council will review and analyze the four alternative draft maps provided by Mr. Ely and consider public input and comments regarding the draft maps. In order to guide the public and Council through the complexities of the draft maps, Mr. Ely is making a presentation and will be available to answer questions.

After considering the data and testimony presented at the public hearing, and any public comments and input submitted electronically, the Council is asked to provide further
direction and guidance to staff and Mr. Ely regarding the composition of the draft maps and any changes proposed to them.

Subsequent to this hearing, Mr. Ely will take the Council’s direction and guidance and also consider input and comments received from the public. He will incorporate these changes, subject to the limitations of the CVRA, and propose additional and/or amended draft map(s). These draft map(s) will be published and posted on the City’s website on March 26, 2020, and will be considered by the Council at the fourth public hearing on April 2, 2020.

The sequence of district elections may also be considered, but that sequencing will be affected by the elections held in November as these newly elected councilmembers cannot have their term shortened due to the adoption of voting districts.

FURTHER HEARINGS: After this meeting, districting information will continue to be featured and updated on the City’s website at the following web address: www.malibucity.org/DistrictElections. Additional public meetings are scheduled per below, but the public is also encouraged to provide input via email to cityclerk@malibucity.org. Input may also be dropped off at the City Clerk’s Department or mailed to the City Clerk at the following address:

City of Malibu
Attn: City Clerk
23825 Stuart Ranch Road
Malibu, CA 90265

Should the public wish for their comments or proposed changes to the draft maps to be considered by the demographer, they should submit their input to the City by March 19, 2020, so that Mr. Ely will have sufficient time to review and consider that input as he revises the draft maps prior to the hearing. The criteria for districts was set forth in the agenda report for the second public hearing and is available at: www.malibucity.org/DistrictElections.

At the next hearing on April 2, 2020, the Council will hold its fourth public hearing, discuss and give direction for finalizing a proposed map to consider for placement on the ballot at the final public hearing on April 13, 2020.

The following schedule sets forth the proposed remaining dates and related events:

<table>
<thead>
<tr>
<th>Date</th>
<th>Meeting Type</th>
<th>Public Hearing No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 12, 2020</td>
<td>Special Meeting - Public Hearing</td>
<td>3</td>
<td>Discussion of proposed district map(s) and sequence of elections (City Hall)</td>
</tr>
</tbody>
</table>
All hearings will be held in the City Hall – Council Chambers, 23825 Stuart Ranch Road, Malibu, CA 90265, unless otherwise identified above.

ENVIRONMENTAL REVIEW:

The California Environmental Quality Act (“CEQA”) does not apply to activities that will not result in a direct or reasonably foreseeable indirect physical change in the environment or is otherwise not considered a project as defined by CEQA (Section 21605) and CEQA Guidelines §§ 15060(c)(3) and 15378. Conducting public hearings for public input regarding transitioning to by-district elections and setting a schedule for future hearings meets the above criteria and is not subject to CEQA.

ATTACHMENTS:

1. Postcard
2. Demographer Draft District Maps 1-4
Join the community conversation about how City Councilmembers are elected to represent you.

PUBLIC HEARING

MARCH 12, 2020*
THURSDAY / 6 PM
MALIBU CITY HALL
Council Chambers - Lower Level
23825 Stuart Ranch Road
Malibu, CA 90265

MARCH 13, 2020*
FRIDAY / 6 PM
MALIBU HIGH SCHOOL
Auditorium
30215 Morning View Dr.
Malibu, CA 90265

Come comment on draft maps that could create new voter districts for City Council elections. The City may ask voters to decide whether to change the way City Councilmembers are elected. Learn about the pros & cons and voice your opinion about the draft maps.

* For the community’s convenience, these meetings have the same agenda. We hope to see you at one of them.

Visit MalibuCity.org/DistrictElections for more information and draft maps.