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>
March 13, 2020  | Special Meeting - Public Hearing | 3 | Discussion of proposed district map(s) and sequence of elections (Malibu High School)
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March 26, 2020 | | | Publishing of amended map(s)
April 2, 2020  | Special Meeting - Public Hearing | 4 | Public input and possible revisions to proposed district map(s)
April 13, 2020 | Regular Meeting - Public Hearing | 5 | Adoption of district map and ballot initiative

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.
Proposed Voting District Map Draft 2 – Created March 5, 2020