



# Supplemental Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Trevor Rusin, Assistant City Attorney

Date prepared: February 21, 2020 Meeting date: February 24, 2020

Subject: Second Public Hearing to Consider Composition of Districts for Potential By-District Elections

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**RECOMMENDED ACTION:** 1) Conduct the second 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 to staff and the City's demographer regarding the drafting of district maps, potential sequencing of elections and outreach efforts for upcoming public hearings.

**PURPOSE:** The purpose of this hearing is to hold the second of four required public hearings to receive input from the community concerning transitioning to by-district elections, in accordance with Elections Code § 10010.

**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.

**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.

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.

### ANALYSIS:

The central purpose of this second hearing is to receive input from the community about the process of transitioning to by-district elections, including input on the criteria and options for drafting district maps as well as the sequencing of elections.

### **Criteria for Districts**

When preparing draft district maps, the demographer must first satisfy all legally required criteria, and then may consider additional criteria. The legal requirements that apply to the creation and management of a district were recently amended by AB 849 (effective January 1, 2020) and are set forth in Elections Code section 21601 and as follows:

- (1) Districts shall be substantially equal in population in compliance with the most recent census and US Constitution;
- (2) Districts shall comply with the US Constitution, California Constitution, the Federal Voting Rights Act, and other law;
- (3) The Council shall adopt district boundaries using the following criteria in the following order of priority:
  - a) To the extent practicable they shall be contiguous. Areas that meet only at the points of adjoining corners are not contiguous
  - b) To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates. Possible community features include:
    - (i) Common issues or neighborhoods;
    - (ii) School attendance areas;
    - (iii) Culture;

- (iv) City limits;
  - (v) Parks and other landmarks;
  - (vi) Similar levels of income and education; and,
  - (vii) Employment and economic opportunities.
- c) District boundaries should be easily identifiable and understandable by residents. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- d) To the extent practicable, and where it does not conflict with the preceding criteria, districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
- (5) District boundaries shall not be adopted for the purpose of favoring or discriminating against a political party.
- (6) Consistent with the principles established in *Shaw v. Reno*, 509 U.S. 630 (1993), council districts shall not be drawn with race as the predominant factor.

### **Criteria for Election Sequencing**

In choosing to go to district-based elections, the Council can choose to stagger the terms of the future districts per Elections Code section 10010(a). In preparing sequencing, the Council must consider the following:

- (1) At the time of publishing the draft district maps, the City must also publish and make available the potential sequence of elections. (Elections Code § 10010(a).)
- (2) No term of office may be cut short. (Government Code § 34873.)
- (3) The Council may consider the expiration of terms of office in setting the election rotation. (Government Code § 34878.)
- (4) In determining the final sequence of the district elections, the City must give special consideration to the purposes of the CVRA and must take into account the preferences expressed by members of the districts. (Elections Code § 10010(b).)

In accordance with Government Code section 34871, the Council may submit to the voters an ordinance providing for the election of councilmembers in either:

- (1) By districts in five, seven, or nine districts; or,
- (2) By districts in four, six, or eight districts, with an elective mayor.

The City is seeking input from the community on these critical issues to guide its direction to the demographer. After this meeting, districting information will continue to be featured on the City’s website at the following web address: [www.malibucity.org/districtelections](http://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](mailto: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

At the conclusion of the public hearing, the Council will provide direction to staff and the demographer regarding the criteria for preparation of the maps. The draft maps will be published and posted on the City’s website on March 5, 2020.

At the next hearing on March 12, 2020, the Council will hold a public hearing, discuss and potentially revise the proposed maps, and discuss the “sequencing” of the elections.

The following schedule sets forth the remaining dates and events related to this matter:

<b>Date</b>	<b>Meeting Type</b>	<b>Public Hearing No.</b>	<b>Description</b>
March 5, 2020	N/A	N/A	Publishing of proposed map(s)
March 12, 2020	Special Meeting - Public Hearing	3	Discussion of proposed district map(s) and sequence of elections
March 19, 2020	N/A	N/A	Publishing of amended map(s)
March 26, 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.

**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: None.



# Council Agenda Report

To: Mayor Farrer and the Honorable Members of the City Council

Prepared by: Christi Hogin, City Attorney

Date prepared: February 13, 2020 Meeting date: February 24, 2020

Subject: Public Hearing Regarding Composition of Districts for Potential By-District Elections

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RECOMMENDED ACTION: 1) Conduct the second Public Hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts and sequencing of elections; and 2) Provide direction to staff on outreach efforts for the March 12, 2020 Public Hearing regarding draft maps and the proposed sequencing of elections.

DISCUSSION: This report will be distributed under separate cover.

ATTACHMENT: None