



*City
Council
Report*

Item: 10
Category: PUBLIC HEARINGS AND INTRODUCTION OF ORDINANCES
Meeting Date: March 19, 2019

TITLE: Public Hearing to Receive Input from the Community Regarding the Creation of a District-Based Election System

RECOMMENDED ACTION

Staff recommends that the City Council receive a report from staff on the districting process and permissible criteria to be considered to create district boundaries and to receive public input on district boundaries.

BACKGROUND

On December 3, 2018 the City received a letter that threatened to seek judicial relief if the City does not go to district-based elections. The letter stated allegations that the City's at-large election system violates the California Voting Rights Act (CVRA). The letter was written by Malibu-based law firm Shenkman & Hughs, PC on behalf of clients, Southwest Voter Registration Education Project and its members. The letter alleges that there is evidence of "racially polarized voting" in the City of Campbell's at-large election system. The letter alleges that the City of Campbell's at large system dilutes the ability of Latinos (a "protected class") and impedes the emergence of Latino candidates from the protected communities.

As staff has presented to the City Council previously, the threshold to establish liability under the CVRA is extremely low, and prevailing CVRA plaintiffs are guaranteed to recover their attorneys' fees and costs. In fact, every government defendant in the history of the CVRA has either lost in court or settled, and every government defendant has ultimately been forced to pay at least some portion of the plaintiffs' attorney fees and costs.

Accordingly, staff previously recommended that the City Council consider establishing Councilmember districts and adopting a "by-district" election method beginning with the 2020 election, to remove any future exposure to the City for potential violations of the CVRA. On January 15, 2019, the City Council adopted a resolution declaring its intent to transition from at-large to district based elections. The Council also adopted a timeline setting forth the tentative dates for adopting an ordinance to achieve this. Since that meeting staff has obtained a 90 day extension to the timeline from the Plaintiff's attorney. The tentative timeline has been revised to reflect the extension and is included as Attachment 1.

Elections Code Section 10010 provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two (2) public hearings over a period of no more than thirty (30) days, at which time the public is invited to provide input regarding the composition of said districts.

Since adoption of the Resolution of Intention, the City staff has begun the outreach efforts to inform the public about district elections and the process associated with developing the council election districts. The public hearing notice for this hearing was published in multiple languages. A page has also been developed for the City website that will contain all relevant information and will contain a section on frequently asked questions and answers. This webpage will also contain a link to the online mapping tool provided by the City's consultant.

DISCUSSION

The purpose of this public hearing is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration while creating district boundaries. This is the first of two public hearing prior to the City drawing any maps. This is the beginning of the public input period. The public may submit comments or suggested maps any time prior to May 14, 2019.

The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A *community of interest* is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
 - (1) Similar levels of income, education, or linguistic insolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

The City must ensure compliance with the following state and federally-mandated criteria:

- Each district shall contain a nearly equal population.
- Each district shall be drawn in a manner that complies with the Federal Voting Rights Act.
- Each district shall not be drawn with race as the predominate factor in violation of the principles established by the U.S. Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

Ultimately, the City Council will be asked to decide the factors to be used in creating district boundaries. Staff recommends that the City Council consider adopting a

resolution setting forth these factors at the close of the second public hearing scheduled for April 2. At the April 2, meeting the City Council will also be asked to consider the number of districts that the City will consider transitioning to. The criteria set by the Council can then be used by the public to develop district boundary suggestions either using a hard copy paper map or by using an online mapping tool provided by the City's consultant.

The City has retained Douglas Johnson, an expert demographer with extensive experience drawing districts in compliance with the requirements of both the FVRA and CVRA. After the first two public hearings Dr. Johnson will develop draft maps for the consideration of the public and the City Council. After the submittal of all maps the City will hold two additional public hearing to consider the maps (May 22 and June 4). Dr. Johnson will be attending the March 19 meeting to provide an overview on the mapping criteria selection process.

FISCAL IMPACT

The cost for professional support to pursue a transition to district based elections is estimated at \$80,000. In addition, the City staff anticipates approximately \$15,000 in communication, mailing and publication costs. These costs do not include staff time or overhead associated with this project.

ALTERNATIVES

Do not transition to district based elections. This alternative is not recommended by staff.

Prepared by:



Brian Loventhal, City Manager

Attachment:

1. Revised-District-Election-Timeline

**REVISED TIMELINE
CHECKLIST**

Letter Received by City Clerk's Office: December 3, 2018

45-Day Deadline [AB 350(e)(3)(A)]: January 17, 2019

90-Day Deadline [AB 350(e)(3)(B)]: April 15, 2019

Deadline Extended by 90 days (Elec Code 10010 (e)(3)(c)(i): July 15, 2019

No.	Task	Date / Timeline	Notes
1	Council Meeting – Initial Consideration of Topic – Item to Introduce Topic, Seek Council Direction on How to Proceed, Adopt Resolution	January 15, 2019	
2	Council Meeting/Public Hearing #1 Consider Public Input on Composition of Districts	March 19, 2019	Before Map(s) Drawn E.C. 10010(a)(1)
3	Council Meeting/Public Hearing #2 Consider Public Input on Composition of Districts	April 2, 2019	Before Map(s) Drawn – E.C. 10010(a)(1), within 30 days of Public Hearing #1
4	Deadline for Public Submission of Maps	May 14, 2019	
5	Publish Draft Map(s) and Sequencing	By May 22, 2019	E.C. 10010(a)(2), Published Once at Least 7 Days Prior to Public Hearing #3
6	Council Meeting/Public Hearing #3 Consider Draft Maps and Election Sequence for District Elections	June 4, 2019	After Map(s) and Sequencing Published E.C. 10010(a)(2), More than 7 Days After Draft Map(s) and Sequencing Publication
7	Council Meeting/Public Hearing #4 – Introduction/First Reading of Ordinance to Consider Draft Maps and Election Sequence, and Establishing District Elections	June 18, 2019	After Map(s) and Sequencing Published E.C. 10010(a)(2), within 45 days of Public Hearing #3
8	Council Meeting/Public Hearing #5 – Second Reading of Ordinance	July 2, 2019	Publish Entire Adopted Ordinance
	180 Days	July 15, 2019	
9	Ordinance Effective	August 2, 2019	Effective 30 days after adoption
10	Council Members Transition to Representing Their Respective Districts via Ordinance	November 2020 November 2022	

Attachment: Revised-District-Election-Timeline (District Elections)