



City of Anaheim  
OFFICES OF THE CITY CLERK & CITY ATTORNEY

**DATE:** OCTOBER 6, 2015

**FROM:** OFFICE OF THE CITY CLERK  
OFFICE OF THE CITY ATTORNEY

**SUBJECT: RECEIVE AND FILE FINAL REPORT OF THE ADVISORY COMMITTEE ON ELECTORAL DISTRICTS; DISCUSS AND CONSIDER SAID REPORT, THE PROCESS FOR FUTURE APPROVAL OF CITY COUNCIL DISTRICT BOUNDARIES AND RELATED MATTERS**

**ATTACHMENT (Y/N): YES**

**ITEM # 24**

**RECOMMENDATIONS:**

That the City Council receive and file the Final Report of the Advisory Committee on Electoral Districts ("Committee") to the City Council and consider, discuss and direct staff to provide further information regarding the Final Report, the process for future approval of City Council district boundaries and related matters.

**BACKGROUND:**

On April 7, 2015, the City Council adopted City Council Resolution No. 2015-147, which created the Committee. The Committee is composed of five retired judges that served on the Orange County Superior Court ("Committee"): Chair and Justice Edward Wallin (an Anaheim resident), Judge Nancy Wieben Stock, Judge James Jackman, Judge Steven Sundvold and Judge Thomas Thrasher.

The Committee's purpose was to assist in developing a district map or maps to recommend for adoption by the City Council for use commencing with the 2016 City Council elections. To that end, the Committee was directed to recommend a districting plan or plans that it believed comply with applicable state and federal law. The resolution authorizing the Committee requires that the Committee deliver to the City Council a final written report by no later than October 6, 2015. The Final Report is required to include the Committee's recommendations.

**COMMUNITY OUTREACH AND COMMITTEE MEETINGS:**

The Committee, with assistance of the City Clerk's office actively sought participation from the City's voters, residents, community groups, businesses and other stakeholders. The robust outreach program included: use of public service announcements transmitted by local television, cable, YouTube, and print media outlets (in both English and Spanish); publication of meeting agenda (posted and

published in English, Spanish, Vietnamese, Chinese and Korean); a dedicated City webpage with information regarding the districting process (with capability to be translated into multiple languages); community meetings and Committee meetings (with Spanish interpretation services provided at each meeting and other languages, upon request); multi-lingual flyers placed at all city libraries, community centers and city public counters as well as availability for distribution by community members, groups, and field staff; e-postcards emailed (English and Spanish) to identified community and business stakeholders prior to each meeting; informational mailings in City utility bills and various City publications/newsletters; press releases; and communications on the City's social media outlets. In addition, draft maps were also placed at all city libraries during the Committee's process. Samples of community outreach are included in Attachment E to the Committee's Final Report (which report is Attachment 1 to this staff report).

The Committee conducted a total of 10 meetings that were open to the public. In addition, the City's districting consultant/demographer was available at these meetings to assist members of the public with the mapping tools used to create district maps. The agenda and minutes of all Committee meetings through August 26<sup>th</sup> are included in Attachment D to the Final Report (Attachment 1 to this staff report) and the final two Committee meetings' agenda and minutes are attached hereto as Attachment 2.

The Committee meetings allowed for public comment before the Committee, including those factors that the public thought were important for the Committee to consider in reviewing potential district boundaries. Committee meetings were held throughout the City at City Hall, the Brookhurst Community Center, the East Anaheim Community Center, the Ponderosa Resource Family Center, Western High School and Loara High School. Approximately 712 participants attended the ten (10) public Committee meetings, with approximately 157 individuals providing comment during the course of the meetings, and approximately 89 individuals receiving simultaneous interpretation services through the use of a city-provided headset and on-site Spanish interpreter.

City staff also presented information on the districting process to the four neighborhood councils in the month of July. A total of 5 draft sample map plans (Drafts 1, 2, 3, 3Rev0829, and 4) were prepared by the demographic consultant retained by the City and a total of 32 maps were submitted by members of the public for community input and the Committee's consideration. During the process, the Committee directed the demographic consultant to make revisions to such maps, which were presented at later meetings. All maps presented to the Committee are appended to the Committee's Final Report and provided as part of this staff report for your review (*see* Attachment C to the Final Report). Members of the public that submitted maps were provided the opportunity to present their maps to the Committee.

### **COMMITTEE CONSIDERATION OF MAPS:**

During the process of holding Committee meetings, and based on input from the public and consideration of staff and legal counsel comments and advice, the Committee progressively narrowed its focus to certain maps. Key considerations and communities of interest that related to the Committee's focusing on certain maps included the following:

- Total population equality (as required by law) and minor deviation from population equality (as permitted by law), particularly with respect to the district boundary line between Districts 5 and 6 (which on maps of focus is the boundary for the district including far east Anaheim).

- Compactness and contiguity of districts, particularly in connection with considering obvious demarcation of east-west boundaries for districts.
- Using Euclid Street as a boundary between the two districts in the west and the other districts and use of Magnolia Avenue, East Street and State College Boulevard as significant dividing lines for other central City districts.
- Keeping cognizable communities of interest and neighborhoods such as elementary school attendance areas, the Arabic business community in western Anaheim, the Colony, the Ponderosa neighborhood and residential areas of west Anaheim cohesive.
- Compliance with federal Voting Rights Act requirements.
- Dispersal of the Resort District and Platinum Triangle into multiple districts.

At the August 26<sup>th</sup> Committee meeting, the Committee gave direction to staff to return with the following three maps for further focused review (the parenthetical reference is to the location of these maps in your agenda packet):

- Map 1 – see Public Submission Tab #8 of Final Report Attachment C
- Map 2 – see Public Submission Tab #18 of Final Report Attachment C
- Map 3 – see Public Submission Tab #30 of Final Report Attachment C

In response to Committee discussion and public input, the Committee gave direction to the districting consultant to make modifications in various maps for further consideration. For instance at the August 26<sup>th</sup> meeting, the Committee requested that one map of focus (known previously as "Reyes Map 2", identified as Map 3 above, and now identified as "Recommended Plan (Map 3)" below) be revised to move the District 5/District 6 boundary from Tustin Avenue to Miller Street/La Palma Avenue/Glassell Street, in order to account for cohesion of planned future development.

After considering these maps at the September 8<sup>th</sup> meeting, as well as other maps presented by speakers from the public, the Committee directed staff to prepare a Final Report recommending Map 3, as revised (*see* Public Submission Tab #31 of Final Report Attachment C), termed herein as "Recommended Plan (Map 3)."

### **COMMITTEE FINAL REPORT / RECOMMENDED PLAN (MAP 3):**

On September 16, 2015 the Committee took the following action: The Committee unanimously adopted a Final Report recommending the City Council consider adopting the Recommended Plan (Map 3) as the districting map for the six City Council Districts. At the September 16<sup>th</sup> meeting, an email was received from the League of United Latin American Citizens (LULAC) and a letter was received from representatives of Orange County Labor Federation, Council on American-Islamic Relations (CAIR), Orange County Asian-Pacific Islander Community Alliance (OCAPICA), Clergy and Laity United for Economic Justice Orange County (CLUE-OC), Orange County Congregation Community Organization (OCCCO), Orange County Communities Organized for Responsible Development (OCCORD), Korean Resource Center (KRC), UNITE HERE Local 11, Los Amigos of

Orange County, and Youth on the Move Education International, supporting the Recommended Plan (Map 3). Because these two correspondences were not included in the Final Report, they are attached hereto as Attachment 3.

The Final Report provides analysis and other context for the Committee's decision and deliberations. The Final Report is Attachment 1 to this staff report and all maps considered by the Committee are included.

Pages 7 through 12 of the Final Report provide detail on Recommended Plan (Map 3)'s characteristics and the rationale for the Committee's unanimous recommendation. However, the Final Report's Executive Summary succinctly describes Recommended Plan (Map 3) and the Committee's rationale for recommending this plan as follows:

"The Plan [Map 3] has a total population deviation of only 1.40%, with all deviation justified to follow major roads and keep communities of interest intact. It is a contiguous plan that strongly considers compactness, particularly in light of the elongated shape of the city. As the Plan description below details, it carefully delineates between communities of interest as articulated in testimony during our public meetings. The Plan utilizes natural and man-made boundaries that are logical and easy to follow. This Plan carefully addresses voting rights and gives minority groups, particularly the large Latino population, with significant public testimony indicating that the Plan gives the opportunity to elect candidates of their choice (this is also discussed below in more detail). Finally, we heard a substantial amount of support for this Plan from many individuals and groups from throughout the city, including support from those that had submitted "competing" maps, including maps that were in the final grouping of maps considered by the Committee (i.e., supporters of Map 1 and Map 2 before the Committee)." (Final Report at p. 2.)

At its final meeting on September 16, the Committee heard further testimony including testimony regarding other maps submitted by members of the public. The Committee then unanimously approved the Final Report including the Recommended Plan (Map 3.)

Staff requests that the City Council receive and file the Final Report. At this time, should the City Council desire to discuss and consider the Final Report and its recommendations, it may do so. The Council may also direct staff to provide further information regarding information contained in the Final Report.

#### **PROCESS FOR FUTURE APPROVAL OF DISTRICTS AND RELATED MATTERS:**

The proposed process is summarized below. Both the process and potential substantive actions are briefly described.

##### **Future Approval Process & Timing of Public Hearings**

Following tonight's meeting, the City Council will hold a minimum of three noticed public hearings as follows, consistent with state law (Cal. Elec. Code § 10010(a)):

- Two public hearings prior to approval of a proposal to establish district boundaries.
- A public hearing to approve a proposal to establish district boundaries.

Based on publication deadlines and work necessary to complete the process, staff has already noticed public hearings in this matter as follows: October 20<sup>th</sup>, November 17<sup>th</sup> and December 8<sup>th</sup>.

If, after holding the first public hearing on October 20<sup>th</sup>, the City Council prefers a particular district boundary map, the Council could then direct the City Attorney to prepare and return to the Council with an ordinance adopting said proposed map. In that case, an ordinance would be introduced at the second public hearing on November 17<sup>th</sup> and thereafter, scheduled for approval at the third public hearing on December 8<sup>th</sup>.

The gap between the October 20<sup>th</sup> and November 17<sup>th</sup> public hearings allows for the City Attorney and the demographer to draft an ordinance establishing districts or to provide additional feedback/analysis if requested, should the City Council give direction to staff on a particular map at the October 20<sup>th</sup> public hearing.

*Keep in mind that if the first public hearing on October 20<sup>th</sup> does not lead to Council direction on a particular map then more than three meetings would be required in order to be consistent with the statute summarized above.*

### **Substantive Actions to be Taken in the Future**

Ultimately, the City Council will need to take action on an ordinance that accomplishes two key items described below. Potential Council direction is also noted below, which direction would need to occur at the public hearings.

1. Establish Districting Map and Boundaries. The ordinance will adopt a City Council districting map for use commencing with the 2016 elections and create district boundaries.

*Potential Council Direction: To take action on this aspect, the City Council will need to make a motion directing the City Attorney at an upcoming meeting to prepare an ordinance adopting a particular district map plan and boundaries. This direction could be given as early as October 20<sup>th</sup> for November 17<sup>th</sup> consideration.*

*As noted above, the Committee recommends the Recommended Plan (Map 3). The Council retains discretion pursuant to the City Charter to select this map, make modifications to it or select another proposal. The demographer consultant will be at all future public hearings to address any questions regarding the maps or any modifications.*

2. Establish Election Dates for Districts: The ordinance will also need to establish the election dates for the six City Council districts. The City Charter requires that in 2016, four City Council districts be placed on the ballot for election. The remaining two districts will be up for election in 2018. It bears noting that the Charter specifies that *following the swearing in* of those Council members elected in 2016, one of the four districts will be randomly chosen to have only a two-year term of office. This is necessary in order to transition to an increased

size of the City Council, so that 3 seats (other than the Mayor) are up for election every two years after 2016.

*Potential Council Direction: The Council will need to give direction to staff as to which 4 districts it desires to have on the November 2016 ballot, the remaining two districts, plus the one district randomly chosen for a two-year term, would then be up for election on the November 2018 ballot. Direction on this aspect will be included in the ordinance.*

The City Council has the sole discretion to determine which districts it chooses to put on the 2016 and 2018 ballots. Presently all Council members serve "at large" for the duration of their current term of office. In other words, current Council members will continue to serve their full terms without a requirement to reside in a particular district.

**IMPACT ON THE BUDGET:**

Funds sufficient to take action on this matter and to interact with the Registrar of Voters to implement districting are included in the City Clerk's 2015-16 budget.

Respectfully submitted,

Linda Andal  
City Clerk

Michael R.W. Houston  
City Attorney

**Attachments:**

1. Final Report of the Advisory Committee on Electoral Districts to the Anaheim City Council, including attachments as follows:
  - A. Committee Recommended Plan
  - B. Correspondence received by Committee
  - C. Proposals submitted by public and draft sample plans by demographer (Consultant Drafts #C1-C5; Test Maps #T1-T2; Public Submissions #P1-P32)
  - D. Committee agenda, staff reports and minutes
  - E. Samples of public outreach
2. Committee meeting agenda and minutes from September 8, 2015 and September 16, 2015.
3. Correspondence from League of United Latin American Citizens; and Orange County Communities Organized for Responsible Development, on behalf of various community organizations