

CITY COUNCIL AGENDA REPORT



City of Anaheim OFFICES OF THE CITY CLERK & CITY ATTORNEY

DATE: OCTOBER 20, 2015

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

SUBJECT: PUBLIC HEARING REGARDING COUNCIL DISTRICT
BOUNDARIES, COUNCIL DISTRICT ELECTION DATES
AND RELATED MATTERS

ATTACHMENT (Y/N): YES

ITEM # 19

RECOMMENDATION:

That the City Council conduct a public hearing regarding formation and boundaries for six City Council districts to be reflected in a districting map, consider which four districts will hold elections in 2016 and which two will hold elections in 2018 and provide direction to staff regarding preparing an ordinance for these and related matters.

BACKGROUND:

On October 6, 2015 the City Council received the Final Report of the Advisory Committee on Electoral Districts ("Committee"). The full Final Report, including attachments thereto, is appended to this staff report as Attachment 1. The Final Report was unanimously approved by the Committee and recommended the City Council adopt a districting plan identified therein as Map 3, as revised (*see* Public Submission Tab #P31, *see also* Attachment A of Final Report). The Committee-recommended districting plan is termed herein as "Recommended Plan (Map 3)."

SUMMARY OF POTENTIAL COUNCIL DIRECTION/ACTION

Following testimony and discussion at tonight's public hearing, the Council may choose to direct City staff regarding two primary decision points (discussed in more detail below). Staff recommends that the Council give direction on these decision points in the following order:

- First, the Council may choose to direct that the City Attorney prepare an ordinance establishing a particular districting map (for example, Committee Recommended Plan (Map 3)) for consideration and introduction/adoption at future scheduled hearings.
- Second, the Council should discuss and identify which 4 districts should be up for election in 2016 and which 2 districts should be up in 2018. The Council

should then direct that said selected district election dates be included in the ordinance being prepared.

SUMMARY OF PUBLIC HEARING PROCESS

This is the first public hearing in a series of at least three noticed public hearings that the City Council will hold consistent with state law (Cal. Elec. Code § 10010(a)). After tonight's hearing, two public hearings will follow on the dates noted below. The final public hearing will be held to approve a proposal to establish district boundaries.

In addition to this evening's hearing, public hearings have been noticed for November 17th and December 8th.

If, after conducting tonight's hearing, the City Council prefers a particular district boundary map, the Council may direct the City Attorney to prepare and return to the Council with an ordinance adopting the preferred map. In that case, an ordinance would be presented and could be introduced at the second public hearing on November 17th and thereafter, scheduled for approval at the third public hearing on December 8th.

If tonight's hearing 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.

SUMMARY OF LAWFUL DISTRICTING CRITERIA

A number of legal requirements relate to the creation of district maps/boundaries. The 14th Amendment to the United States Constitution requires that districts be as nearly equal in population as possible. State Supreme Court opinions and state law require that total population be used for creation of districts. *See Calderon v. City of Los Angeles* (1971) 4 Cal. 3d 251; Cal. Elec. Code 21620. For the purposes of establishing City Council districts, this means that the districts being mapped need to contain *nearly equal numbers of inhabitants*.

Elections Code section 21620 also states that in establishing district boundaries, such boundaries must comply with the all applicable provisions of the Federal Voting Rights Act (42 U.S.C. §§ 1973 *et seq.*) and the Council *may* also consider additional factors such as:

- Topography;
- Geography;
- Cohesiveness, contiguity, integrity, and compactness of territory; and
- Communities of interest of the districts.

California and Federal case law allow other criteria to be considered. The criteria enumerated in the California constitution that must be used by the state redistricting commission for redistricting of California's state legislative and Congressional seats does not apply to local districting by cities.

CONSIDERATION OF DISTRICTING PLAN

Following the public hearing on this matter, the City Council should discuss one or more districting plans. The Council retains discretion, pursuant to the City Charter, to select the Recommended Plan

(Map 3), make modifications to that plan or select another proposal. The demographer consultant will be present to address any questions regarding the maps or any modifications.

The October 6, 2015 staff report (included herein as Attachment 2) summarized the process undertaken by the Committee to reach its recommendation that the City Council consider adopting the Recommended Plan (Map 3). 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 western boundary for the district including far east Anaheim). Population deviation in the Recommended Plan (Map 3) is 1.4%, which is well within the legal standard of permissible deviation.
- 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 cohesive, such as elementary school attendance areas, the Arabic business community in western Anaheim, the Colony, the Ponderosa neighborhood and residential areas of west Anaheim.
- Compliance with federal Voting Rights Act requirements.
- Dispersal of the Resort District and Platinum Triangle into multiple districts.

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. The Final Report's Executive Summary 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 following major roads and keeping 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.)

Potential Council Direction: To take action on establishing Council districts and move forward with a specific map, the City Council will need to make a motion directing the City Attorney to prepare an ordinance adopting a particular district map plan and boundaries. If this direction is given tonight, the City Attorney and demographer will prepare an ordinance with the district map requested for introduction at the next public hearing.

CONSIDERATION OF ELECTION DATES FOR DISTRICTS

It is necessary 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. The random selection for a short term is required by the Charter to transition to an increased size of the City Council, so that 3 seats (excepting the Mayor) are up for election every two years after 2016. The City Council has the sole discretion to determine which districts are placed on the 2016 ballot.

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 would then be up for election on the November 2018 ballot. Direction on this aspect will be included in the ordinance. If direction is not given at the time a preferred district plan is requested for inclusion in an ordinance, such direction will need to be given no later than when the ordinance is introduced.

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 FY 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. Correspondence from League of United Latin American Citizens; and Orange County Communities Organized for Responsible Development, on behalf of various community organizations
3. October 6, 2015 City Council Staff Report for Receipt of Final Report (without attachments)