



## CITY COUNCIL AGENDA REPORT

### City of Anaheim OFFICES OF THE CITY CLERK & CITY ATTORNEY

**DATE:** NOVEMBER 17, 2015

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

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

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

**ITEM # 14**

#### **RECOMMENDATION:**

That the City Council, following a public hearing, take the following actions by Motion:

(1) Determine that this Ordinance establishing electoral districts and election dates for said districts is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, is not a project, as defined in Section 15378 of the State CEQA Guidelines and, further, is categorically exempt pursuant to Section 15320 of the CEQA Guidelines (Class 20, changes in organization of local government agencies); and

(2) Introduce an Ordinance adopting the City Council districting map identified as the "Recommended Plan (Map 3)" in the Final Report of the Anaheim Advisory Committee on Electoral Districts, identifying which four City Council districts will hold elections in 2016 and which two City Council districts will hold elections in 2018, and such other matters as are contained therein related to formation of six City Council districts.

#### **BACKGROUND**

On October 6, 2015, the City Council received and filed 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 3. The Final Report was unanimously approved by the Committee and recommended that 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)."

Thereafter, on October 20, 2015, the City Council held a public hearing on district boundaries and related matters. For reference, the October 20, 2015 Staff Report is attached to this report as Attachment 2. The October 20, 2015 Staff Report analyzed the Recommended Plan (Map 3) in light of legal standards governing the establishment of districts. This report also summarized the features of the Recommended Plan (Map 3) that coincided with established districting criteria. Additional factors substantiating that conclusion are found in the Final Report's more detailed discussion.

Following the close of the October 20th hearing, the City Council unanimously directed that the City Attorney prepare an ordinance establishing City Council district boundaries and adopting the Recommended Plan (Map 3) as the City's first districting map.

The City Council deferred discussion and consideration of which districts in the Recommended Plan (Map 3) should be placed on the 2016 and 2018 ballots. Council sentiment was to discuss that matter in conjunction with tonight's hearing on the proposed Ordinance. Attachment 1 to this Staff Report consists of the draft Ordinance, which is described in more detail below.

### **MATTERS FOR COUNCIL DIRECTION/ACTION AT TONIGHT'S HEARING**

Following testimony and discussion at tonight's public hearing, the Council may discuss, direct and take action on the following items and, it is recommended, in the following order:

- *First*, the Council should discuss and identify which four districts in the Recommended Plan (Map 3) should be up for election in 2016 and which two districts should be up in 2018. We recommend that following said discussion, the Council direct, by motion, that the selected district election dates be included in the Ordinance for introduction.
- *Second*, by motion, introduce an Ordinance adopting the City Council districting map identified as the "Recommended Plan (Map 3)" and identifying the districts holding elections in 2016 and 2018, respectively.

Should the City Council introduce the attached ordinance and select the election dates for six districts at tonight's public hearing, then the third and final public hearing will be held to approve, on second reading, the Ordinance establishing district boundaries. The third public hearing is scheduled for December 8<sup>th</sup>.

*As previously noted, if tonight's hearing does not lead to introduction of the proposed Ordinance (or if substantive amendments following introduction are thereafter made) then additional meetings would be required in order to be consistent with the statute summarized above.*

### **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 from the four

districts up for election in 2016 is required by the Charter to transition to an increased size of the City Council, so that 3 seats (except 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.

### **DRAFT ORDINANCE**

The draft Ordinance adopts the Recommended Plan (Map 3) both by depiction and by narrative description of the six district's boundaries. The descriptions were prepared by the City's demographer consultant and reviewed by the Planning Department for accuracy with the map. Additionally, the County Registrar of Voters was consulted to ensure that the narrative descriptions of the districts and the map were sufficient for the Registrar of Voters' purposes. The City's demographer will attend tonight's meeting to answer any questions that arise.

The districts created by the draft Ordinance would be used for City Council elections (other than the Mayor, who would continue to be elected City-wide) commencing with the November 2016 election. Consistent with the City Charter, Council members presently serving and elected "at large" (as well as any successors who may be selected to fill a vacancy) would continue in office for the duration of their term on an "at large" basis. Eligibility criteria (including duration of residency requirements) are not addressed in this draft Ordinance because the City Charter specifies such criteria in full.

As noted above, the draft Ordinance has placeholders for insertion of which four districts will be up for election in November 2016 and which two districts will be up for election in 2018. Following the Council's selection of the election dates, these placeholders will be filled in prior to introduction. The draft Ordinance references this fact in bold/bracketed language. Additionally, because it is not possible at this time to know which one of the four districts will draw the random, short, two-year term, the draft Ordinance includes placeholders in Sections 1.26.020.020 and .030 that will be filled in by ministerial act of the City Clerk following the random selection in 2016.

### **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 Andral  
City Clerk

Michael R.W. Houston  
City Attorney

### **Attachments:**

1. Draft Ordinance
2. October 20, 2015 City Council Staff Report for First Public Hearing (without attachments)
3. 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-C4; Test Maps #T1-T2; Public Submissions #P1-P32)
  - D. Committee agenda, staff reports and minutes
  - E. Samples of public outreach
4. Correspondence from League of United Latin American Citizens; and Orange County Communities Organized for Responsible Development, on behalf of various community organizations
  5. October 6, 2015 City Council Staff Report for Receipt of Final Report (without attachments)