

# ADVISORY COMMITTEE ON ELECTORAL DISTRICTS MINUTES WEDNESDAY, MAY 27, 2015

6:30 P.M.  
Anaheim City Council Chambers

Committee Members Present: Hon. James Jackman, Ret.; Hon. Stephen Sundvold, Ret.; Hon. Thomas Thrasher, Ret.; Hon. Edward Wallin, Ret.

Committee Members Absent: Hon. Nancy Wieben Stock, Ret. (excused)

Staff Present: City Clerk Linda Andal, Outside Counsel Ben De Mayo, Consultant Justin Levitt.

**1. Call meeting to order:** The meeting of the Advisory Committee on Electoral Districts (ACED) was called to order at 6:39pm by Chairman Wallin.

**3. Creating City Council district boundaries and the rules and criteria.**

Ben DeMayo, outside counsel, presented a PowerPoint presentation on the rules and criteria for creating district boundaries, as mandated by Federal and State laws, as well as a brief recap of voter-approved Measures L and M. Mr. DeMayo reviewed the U.S. Constitution, the Federal Voting Rights Act, the California Elections Code, and various case laws as they pertain to the creation of district boundaries. Requirements include using total population with districts having as near an equal population as possible with an acceptable deviation of 10% between the largest and smallest districts and no racial gerrymandering, although race as evidence of a community of interest can be used as a factor but not the predominant consideration. He also reviewed the three-prong test under the Federal Voting Rights Act that a minority group must i) demonstrate that it is large enough and geographically compact enough to constitute a majority of a district, ii) must show that it is politically cohesive and tend to vote similarly, and iii) must demonstrate that the white majority votes sufficiently as a bloc to defeat the minority's preferred candidate. Mr. DeMayo emphasized that equality of population must be the primary consideration not just used as one of many criteria.

Chairman Wallin requested Mr. DeMayo explain the items being considered in the most recent Voting Rights Act case out of Texas. Mr. DeMayo replied that a three judge panel initially dismissed the case as being a political question rather than a judicial question, indicating that the Supreme Court could make decisions relative to the political/judicial question and/or a definition of what "equal population" means.

Justin Levitt, demographic consultant, provided a PowerPoint presentation on the demographics of Anaheim and ways the public can participate in this process. He explained several breakdowns of city demographics based on the 2010 Census data including total population, voting age population, Hispanic/non-Hispanic White/Asian citizen voting age population, education, family size, transportation needs, income level, language, and home-ownership data; noting that downward trends in the percentage of Hispanic voting age and citizen voting age populations is a statewide trend due to a younger Hispanic population and members with non-

citizen status. He additionally presented information on the population density in Anaheim in response to a request submitted by the public.

Judge Thrasher asked about the number of people represented in the densest area as noted on the presented maps with Mr. Levitt estimating the area north of City Hall included approximately 15,000 people, noting that the North/Central Neighborhood Council District area was the largest population with about 150,000 people living between the I-5 and CA-57 freeways, north of Ball Road. In response to requests from the public, Mr. Levitt presented the committee with a series of maps created by the City's Planning Department depicting the locations of parks, public facilities, libraries, and schools; copies also available to the public and posting on the city's website the following day. He encouraged the public to continue to request these types of items to assist in identifying their communities of interest.

Mr. Levitt reviewed the schedule of meetings for collecting input and discussing draft proposals. Mr. Levitt announced the July and August meetings were scheduled to discuss and suggest revisions to draft proposals, after which the committee would recommend one or more plans to the City Council. City Council will hold at least 3 public hearings prior to selecting the final option by the end of 2015. He emphasized the vitality of public input, instructing the public to define their communities of interest by drawing geographic boundaries on paper maps, including their contact information, and submitting it to the City, where they will be scanned and made part of the record. In response to a written comment, Mr. Levitt directed attention to the online Public Participation Kit on the website demonstrating that only the yellow fields are editable in order to keep certain data secure and prohibit accidental changes or deletions, ensuring that all submittals have the same base data.

## **2. Public Comments (3 minutes - all agenda items)**

William Fitzgerald, Anaheim HOME, shared his thoughts on perceived corruption, homelessness, fireworks, and the racial make-up of various City committees.

Chairman Wallin noted the committee members were not being paid for their service but performing a civic obligation, explaining the selection of the committee members was by random drawing of retired judges pursuant to a settlement agreement.

Art Montez, LULAC, discussed State redistricting and their involvement in previous litigation, encouraged the committee to be as transparent as possible and consider the legacy they will leave behind, and offered to review all plans and work with all parties.

Jamie Garcia asked the committee to have more meetings in neighborhoods so more people can know about the meetings and be a part of the process.

Martin Lopez, previous member of the Citizens Advisory Committee, thanked the committee for their service and referenced a letter requesting committee meetings be scheduled at more locations throughout the city, at different times throughout the day including mornings, and on different days such as Saturdays. He also discussed crowded conditions and poverty in several areas of Anaheim.

Michael Dresser concurred that Saturday meetings would ensure more community input and discussed his attempt to draw 6 districts on a street level standpoint rather than by demographics, noting that because of open areas and potential future growth in East Anaheim, those areas had smaller populations than the districts in the West/Central side of town.

Chairman Wallin questioned whether likely future population growth could be considered with Mr. Levitt responding that if a project is approved or currently being built, it could be considered with a slight modification relative to the 2010 census data with Mr. DeMayo stating the 10% variance could be used to accommodate future growth.

Brian Chuchua submitted suggestions put together by Greg Diamond.

Robert Rubin, attorney, discussed the requirement to look at race during the redistricting process. He also discussed public participation in the process with the public needing access to meetings in communities and time to look at and study the maps.

Irma Mendoza (through a Spanish interpreter) said she represented other parents and requested the committee bring this information to other locations such as community centers, as, in her view, two meetings at alternate locations were not enough.

Chairman Wallin announced the next agenda item was about locations and encouraged Ms. Mendoza to continue to spread the word about the meetings.

Gretchen Shoemaker encouraged the committee to listen to people who know Anaheim.

Mark Daniels, resident, noted this is a major change to the city and suggested considering school district boundaries and districts.

Dr. Patricia Adelekan expressed her opinion of low turnout at meetings and offered her thoughts, including no internet access and no transportation, suggesting the City make a concerted effort to get the people informed and help people get to these meetings.

Ronald Bengochea, resident, encouraged the districts be drawn geographically and reported Anaheim's previous voting record. He also suggested the public work within their own communities, take care of each other, work on issues together, and noted that even if people didn't show up at meetings, they would still be represented.

Ann Werboff, OCCORD, referenced a letter requesting the committee hold more meetings at community locations on various days and at various times. She also discussed outreach, the challenges with electronic media, and requested status on mailers, ads, and public service announcements.

At the request of Chairman Wallin, Ms. Andal explained the City had a comprehensive outreach plan which she believed was working based on the attendance of the first Committee meeting (approximately 25) and increased attendance (more than 45) at the current meeting noting that the city continues to add more efforts. She responded to comments about the challenge of internet access, noting that it was used by all age groups, but that for people without internet access the Fast Facts, in both English and Spanish with notations for other languages, was

available at all community centers, libraries, facilities, and public counters. Ms. Andal highlighted the E-card grassroots effort to reach various community groups with over 150 organizations on that distribution, provided by the city's Police Department, Fire Department, Planning Department, Community Services Department, and Public Utilities Department. She added that printed materials were available to the organizations as well. She also announced the following printed materials circulated to residents: an article in the Public Utility quarterly newsletter, utility bill inserts, Andy Anaheim newsletter, and the Anaheim Magazine summer edition. Referencing transportation, Ms. Andal discussed the liability surrounding picking up community members, but offered to create a contact list for carpooling, noting the need for the community to work together, partner, and connect with neighbors to get to meetings. She referenced offsite meeting locations had public transportation access.

Jamie Garcia encouraged more robust community outreach efforts, particularly mailers, expressing his view that web-based FAQ were not appropriate for those without internet access.

Martin Lopez suggested the City send a separate mailer, indicating that utility bills and the magazine do not arrive often enough.

Victoria Michaels suggested individuals take initiative and volunteer to deliver flyers door to door themselves in their neighborhoods.

Ms. Andal responded that the public could contact her to make arrangements for picking up flyers of Fast Facts, meeting calendars, E-Card, and FAQs, noting that the public is welcome to call and offer assistance.

At 8:19pm, Chairman Wallin closed the public comment portion of the meeting.

Mr. Levitt announced that one public participation kit submittal had been received and he will be available after each meeting and an hour before each meeting to assist the public with the participation kit tool.

#### **4. Approve remote locations for Advisory Committee meeting.**

Ms. Andal presented staff's recommendation, based on committee direction to locate meeting facilities in the West and South areas of the City, to hold the June 4<sup>th</sup> meeting at the Brookhurst Community Center (West) and the July 8<sup>th</sup> meeting at the Ponderosa Family Resource Center (South). She also discussed that while the June 9<sup>th</sup> meeting was initially scheduled in the Council Chambers, staff was able to procure the East Anaheim Community Center (EACC) if the committee wished to meet in the community on that date as well. She recognized that EACC was farthest east, however other facilities such as Rio Vista Elementary School and Miraloma Family Resource Center were unavailable on the scheduled dates and in the case of Miraloma, had limited parking.

Vice-Chairman Sunvold moved to approve the three off-site locations as presented, seconded by Judge Jackman. Approved Vote 4-0 (Judge Stock absent).

#### **5. Approve minutes of the May 12 Advisory Committee meeting.**

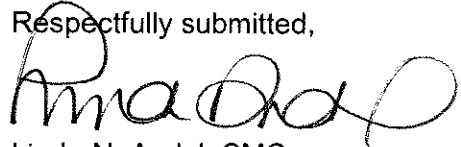
Judge Thrasher moved to approve the minutes of the ACED May 12, 2015 meeting, seconded by Vice-Chairman Sundvold. Approved Vote: 4-0 (Judge Stock absent).

**6. Committee Comments / Staff comments**

Chairman Wallin requested discussion of arranging other meetings of the committee for the next meeting.

**7. Adjourn meeting:** Chairman Wallin adjourned the ACED meeting at 8:25pm.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Linda N. Andal". The signature is written in a cursive, flowing style with a large initial "L".

Linda N. Andal, CMC  
City Clerk