



CITY OF CITRUS HEIGHTS

CITY COUNCIL STAFF REPORT MEMORANDUM

DATE: March 14, 2019

TO: Mayor and City Council Members

FROM: Christopher W. Boyd, City Manager
Katherine Cooley, Assistant to the City Manager

SUBJECT: **Public Hearing #2 Regarding the Composition of the City's Voting Districts Pursuant to Elections Code Section § 10010 (a)(1) California Voting Rights Act**

Summary and Recommendation

On January 10, 2019, the City Council adopted a resolution of intention to transition from at-large to district-based elections. Pursuant to California Elections Code §10010, this is the second of two public hearings to inform the public about the districting process, present options available to the city, and receive community input on the criteria for drawing the boundaries of the voting districts, prior to drafting district map boundary alternatives.

Staff recommends the Council hold the second of five public hearings to receive input on the composition and number of voting districts, and request any additional information needed for the public hearing scheduled for May 23, 2019.

Fiscal Impact

There is no fiscal impact associated with this public hearing.

The total fiscal impact of the districting process is estimated to be approximately \$90,000. This includes the increased, recurring cost of approximately \$6,000 from the County Registrar of Voters for conducting a district-based, as opposed to at-large, election and a one-time payment to Shenkman & Hughes capped at a not-to-exceed \$30,000 and one-time costs for a demographer to assist with drawing boundaries for the voting districts, estimated at \$34,000. There will also be time spent by City staff and the City Attorney on this matter estimated at \$20,000.

Background and Analysis

In order to conform with the California Voting Rights Act of 2001 (CVRA) the city will transition to district based elections within a 180 day timeframe in preparation for the 2020

General Election. Pursuant to Elections Code § 10010, the city is required to hold at least two public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts are drawn. At the public hearings, the community is invited to provide input regarding the composition of the districts. The City Council will then define the criteria used to create one or more proposed district maps, and present the draft map or maps for public comment and review in two subsequent public hearings.

The City Council will then provide further direction to finalize the map, which will be presented to the City Council for a final vote. The City Council is the final decision-making body on adopting districting boundaries. To ensure a cap of \$30,000 on the limitation of the city’s reimbursement to prospective plaintiffs challenging the city’s compliance with § 10010 of the Election Code (known as the “limited safe harbor” provision), adoption of the ordinance must occur within a 180 day timeframe.

Districting Timeline

The city has scheduled the required public hearings as follows:

| Hearing | Date | Description |
|---------|-------------------|--|
| 1 | February 28, 2019 | Completed. |
| 2 | March 14, 2019 | Continue to receive public testimony regarding appropriate districting criteria and communities of interest. |
| 3 | May 23, 2019 | Take public testimony on the draft district boundary map or maps provided by the demographer. |
| 4 | June 13, 2019 | Review the revised maps or map, take public testimony. |
| 5 | June 27, 2019 | Introduce for first reading a district elections ordinance. |

Criteria for Creating District Maps

Cities must comply with the following legally required criteria under federal law:

1. Each district must have equal populations or “shall be as nearly equal in population as may be,” which is known as the one person, one vote rule. (Elections Code § 21601; Gov. Code § 34884(a)(1); Equal Protection Clause of the U.S. Constitution.)
2. Race cannot be the “predominant” factor or criteria when drawing districts. (*Shaw v. Reno* (1993) 509 U.S. 630; *Miller v. Johnson* (1995) 515 U.S. 900.)
3. The districting plan must comply with the Federal Voting Rights Act (“FVRA”), which prohibits districts from diluting minority voting rights and encourages a majority-minority district if the minority group is sufficiently large and such a district can be

drawn without race being the predominant factor. (*Bartlett v. Strickland* (2009) 556 U.S. 1.)

Additionally, cities may, but are not required to, give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the council districts. (Elections Code § 21601; Government Code § 34884(a)(1).) When defining districts, other communities have considered natural and artificial physical/visual boundaries such as major roads/corridors, freeways, creeks, railroad lines, political subdivisions, or other barriers. Community of interests may include school district boundaries, neighborhood boundaries, established homeowner associations (“HOAs”), retail/commercial districts, voting precincts, and public transit stops. Cities may also plan for future growth based on anticipated housing developments.

Public Outreach

To increase public awareness of the transition to district elections, the city is using a variety of public communication channels to engage members of the community. Districting information is featured on the city's website and social media channels (e.g., Facebook, Twitter, Nextdoor). The city's website is populated with “public participation kits,” and general districting information. Members of the public can either submit draft maps by drawing on a paper map, or use the excel kit that automatically calculates district population numbers based on entries into the electronic worksheet. City staff will be available for assistance and questions throughout the process.

Next Steps

The next public hearing to receive and consider further input from the public is scheduled for May 23, 2019. At this meeting, the public will be given the opportunity to comment on draft district boundary map(s). The public is encouraged to provide input via emails to cityclerk@citrusheights.net, or via “public participation kits” available for download on the city's website. Input may also be dropped off at City Hall. Completed maps and any other input must be received by May 13, 2019, for consideration for the next public hearing scheduled for May 23, 2019.