CITY OF SIMI VALLEY
MEMORANDUM

November 14, 2018

TO: City Council

FROM: Office of the City Clerk / Office of the City Attorney

SUBJECT: A THIRD PUBLIC HEARING IN THE DISTRICT ELECTION TRANSITION PROCESS TO CONSIDER THE DRAFT VOTING DISTRICT MAPS AND SEQUENCING OF ELECTIONS

STAFF RECOMMENDATION

Staff recommends that the City Council take the following actions:

1. Hold a public hearing for the purpose of receiving public comment regarding the draft maps of City Council voting district boundaries and the sequencing of district elections; and

2. Receive a presentation from the City's demographer on the draft maps and associated sequencing options; and

3. Provide direction on the preferred map(s) for additional analysis, revisions, or comment; and

4. Provide preliminary guidance on the sequencing for the districts to be established, that is, which districts will have an election in 2020 and which districts will have an election in 2022; and

5. Close the public hearing and set the next public hearing for November 26, 2018, or such other date as needed to meet the minimum public review dates to conduct the fourth public hearing.

CITY MANAGER'S RECOMMENDATION

Based on this being the third Public Hearing and the imposed timing to limit potential legal costs, it is recommended that the City Council approve a draft map at this meeting to be considered as the Final map at the fourth Public Hearing. A draft map would consist of the number of districts and the lines drawn for the proposed districts.

I additionally request that you open the public hearing to listen and to consider public testimony.

Finally, the timing of which districts would be up for election in 2020 and which districts would be up for election in 2022 are recommended to be established.

BACKGROUND AND OVERVIEW

The City of Simi Valley received a certified letter on August 6, 2018 from attorney Kevin I. Shenkman, on behalf of his client, Southwest Voter Registration Education Project, requesting that the City move to district-based elections. Since that time, the following steps have been taken to transition from an "at-large" election system to a "by-district" manner of election:

- **On August 13, 2018, the City Council directed that the matter be presented for consideration in open session; and,**
- **On August 27, 2018, the City Council voted to direct staff to initiate the process to voluntarily transition to a district-based election system, and approved a schedule developed to meet the statutory timelines required under California Elections Code Section 10010 *et seq.*; and,**
- **On September 17, 2018, the City Council adopted a Resolution of Intention to transition to district-based elections, and held the first of a series of four public hearings required pursuant to the Elections Code to receive a presentation from the City's demographer, National Demographics Corporation (NDC) on the transition process, and receive public testimony from residents regarding the composition and criteria to be considered as part of district formation; and,**
- **On September 25, 2018, a Community Meeting was held to offer an additional opportunity for residents to become informed about the process, and to provide feedback on potential district composition and criteria; and,**
- **On October 14, 2018, the City Council held the second public hearing to receive further public testimony, adopted a resolution on the composition and criteria to be used to develop voting districts, and provided direction to the City's demographer to prepare legally compliant district maps for the Council consideration in addition to maps submitted by members of the public.**

This evening is the third public hearing in the district transition process. The focus of this public hearing is to review the proposed district maps submitted by members of the public and those prepared by NDC, to receive public testimony regarding the proposed maps and number of districts, and to discuss the order in which districts would come up for election, referred to as "sequencing". It is requested that, at the close of the public hearing, the City Council provide direction on the preferred map(s) for consideration and provide guidance on the desired election sequencing, and set the next public hearing for November 26, 2018, to consider adoption of a district map and introduction of an ordinance establishing district elections. In order to remain within the "safe harbor" provided by the Elections Code, the City Council must adopt a district elections ordinance no later than December 16, 2018 (90 days following the adoption of a Resolution of Intention).

DISCUSSION AND ALTERNATIVES

Summary of Second Public Hearing

On October 15, 2018, the City Council held the second of two public hearings on the composition of City voting districts. A presentation was also provided by the City's consultant, Dr. Douglas Johnson of NDC, on the districting process, criteria, and the tools available to residents for use in developing maps. The City Council received public testimony from six speakers, and at the conclusion of the meeting, adopted a resolution establishing criteria for draft maps and determining that composition would include either four or six districts with a Mayor elected at-large, or five or seven districts with the Mayor selected by the City Council (Attachment A, page 9).

The deadline for members of the public to submit draft district maps closed on November 6, 2018 at 5:00 p.m., in order to meet the publication timeframe required under the Elections Code. Residents were able to submit maps in paper form, through an online tool utilizing an Excel spreadsheet, or by drawing a map online. This process was available to the public from September 17, 2018 through November 6, 2018. Nine draft district maps were submitted by members of the public, and six maps were prepared by NDC to depict other districting scenarios not reflected in the publicly submitted versions.

At the close of business on November 6, a total of 15 draft district maps and their associated demographic data were posted on the City's District Elections webpage (www.simivalley.org/districtelections), and are attached as Exhibit 1. Additionally, Plan Submitter Comments (Exhibit 2) and a Proposed Election Sequencing table prepared by NDC (Exhibit 3) were also posted to the webpage. Hard copies of the draft maps and associated demographic data were also made available at City Hall and the Simi Valley Public Library. The maps can also be viewed using an online interactive viewer at https://ndcresearch.maps.arcgis.com/apps/View/index.html?appid=0fb71cd16cf64305 ba09b0bbddc7fd53

All of the maps except one (Map 603) met the basic qualifications of districts (four, five, six or seven), contiguous district boundaries, and population balanced. Further, it should be noted that while 15 maps were submitted, the same map, Map 602 was submitted by 74 individuals (17 anonymously), indicating interest in that six-district scenario.

Tonight's public hearing is the third hearing on the districting process and is the first hearing focused on consideration of the draft district maps and potential sequencing options. The City's demographer will lead a presentation regarding the 14 maps that meet the basic qualifications, and input will be solicited from the public and City Council.

The City Council will need to consider and provide direction on three factors:

1. How many districts should be established?
   - Even number of districts with a directly elected Mayor
     - If directly elected, a two or four-year term
   - Odd number of districts with a rotational Mayor
2. Where should the district lines be drawn?
3. Which districts should have an election in 2020, and which districts should have an election in 2022 (sequencing of elections)?

It is requested that the City Council review all of the legally compliant maps submitted and receive public testimony on the issue. Following public testimony, it is requested that the City Council determine if it desires to narrow the maps selections and/or adjust any of the proposed district lines in any of the maps for further consideration. It is important that direction to revise maps be provided this evening in order to allow the publication/posting of the proposed maps seven days prior to the fourth public hearing scheduled on November 26. The deadline for maps to be available for public review is November 19. Further, after publication of any maps selected by the City Council at this meeting, any further changes at the next City Council meeting would require re-publication of any map as changed within seven (7) days prior to adoption of the map and introduction of the ordinance. Thus, changes at the next City Council meeting, if any, would not follow the currently selected schedule, and would require at least one special meeting of the City Council to remain within the safe harbor timeline.

Further, it is requested that the City Council receive public testimony and have discussion regarding the sequencing of the district elections. This discussion will be affected by the number of districts the Council wishes to establish and will be presented in greater detail by the City's demographer. For example, in the event that the Council desires to maintain the existing number of districts, all members would maintain existing four-year terms. In the event that the Council desires to increase the number of districts to five, it will affect the number of members elected in the 2020 election. In the event that the Council desires to increase the number of districts to six, one member would be elected to a two-year term in 2020 (not affecting the current terms of any Council Member or Council Members elected in 2018) in order to return to an equally staggered number of members in 2022.

As part of the sequencing discussion, the City Council should give careful discussion to Elections Code Section 10010(b) which states that,

"In determining the final sequence of the district elections conducted in a political subdivision in which members of the governing body will be elected at different times to provide for staggered terms of office, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001, and it shall take into account the preferences expressed by members of the districts."

This provision is interpreted to mean that if there is a district that includes a significant number of members of a "protected class" that the California Voting Rights Act was designed to protect, that district or districts should have the opportunity to have the first

election in 2020 rather than waiting to 2022. Exhibit 3 provides recommendation for sequencing for each of the maps submitted, and may be revised so long as it maintains the necessary staggering of elections for the number of districts selected. The Exhibit assumes a two year mayoral term is selected; however, if a four year term is selected by the Council, the only required change would be to move the election of the Mayor from the 2022 election to the 2024 election.

ALTERNATIVES

The following alternatives are available to the City Council:

1. Hold a public hearing for the purpose of receiving public comment regarding the draft maps of City Council voting district boundaries and the sequencing of district elections; and

2. Receive a presentation from the City's demographer on the draft maps and associated sequencing options; and

3. Provide direction on the preferred map(s) for additional analysis or revisions; and

4. Provide preliminary guidance on the sequencing for the districts to be established, that is, which districts will have an election in 2020 and which districts will have an election in 2022; and

5. Close the public hearing and set the next public hearing for November 26, 2018, or such other date as needed to meet the minimum public review dates to conduct the fourth public hearing.

6. Provide staff with other direction.

Staff recommends Alternative Nos. 1 through 5.

SUGGESTED CITY COUNCIL MOTION

Staff recommends the City Council move to adopt a draft map (as presented or as modified per Council direction), for final consideration, and an associated sequencing option (as presented or as modified per Council direction), and select a (two or four) year mayoral term.
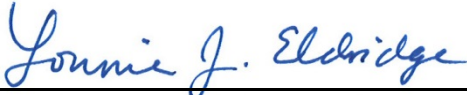
SUMMARY

On August 6, 2018, the City received a letter from attorney Kevin I. Shenkman, on behalf of his client, Southwest Voter Registration Education Project, requesting that the City move to district-based elections. On August 27, 2018 the City Council voted to voluntarily transition from at-large to a by-district election system, and adopted a schedule for the transition in compliance with Election Code timelines. The City Council

conducted public hearings on September 17 and October 15, 2018, to receive public testimony and to consider district composition and criteria to be utilized in the preparation of draft voting district maps. Also, a Community Meeting was held on September 25, 2018, in order to provide an additional opportunity for public input on the composition of districts and to learn about the mapping tools available to the public to create district maps for consideration by the City Council.

Mapping tools were available to the public from September 17 through November 6, 2018, and a total of 15 maps were submitted by members of the public and the City's demographer, National Demographics Corporation (NDC). Fourteen maps were found to be legally compliant (population balanced and contiguous). All maps submitted were published online and hard copies were made available for public review at City Hall and the Simi Valley Public Library on November 6, 2018, seven days prior to public hearing as required by the Elections Code. Plan submitter comments and a proposed election sequencing memo prepared by NDC were also published online and made available for public review.

Staff recommends that the City Council receive a presentation from NDC on the draft maps and associated sequencing options, open the public hearing to receive public comment on the proposed maps, select and/or modify a draft map and election sequencing option for final consideration, and set a public hearing for November 26, 2018 to conduct a fourth public hearing for adoption of an election district map and introduction of an ordinance establishing district elections.

Lonnie J. Eldridge
City Attorney

Ky Spangler
City Clerk

Prepared by: Ky Spangler, City Clerk

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PUBLIC HEARING PROCEDURE

HEARING DATE: November 14, 2018

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1. <u>MAYOR</u>: This is the time and place set for a third public hearing in the district election transition process to consider the draft voting district maps and sequencing of elections.

    May we have an oral report on this matter by staff and consultant?

2. STAFF &<u>
    CONSULTANT</u>: (Report)

3. ANY COUNCIL
    <u>MEMBER   </u>: (Questions of staff and staff response)

4. <u>MAYOR</u>: Is there anyone in the City Council Chamber wishing to be heard on this matter?

5. <u>AUDIENCE</u>: (Comments)

6. <u>MAYOR</u>: The hearing is closed. Are there any comments or questions from members of the City Council?

7. ANY COUNCIL
    <u>MEMBER   </u>: (Comments)

8. <u>MAYOR</u>: The Chair will now entertain a motion.

9. ANY COUNCIL
    <u>MEMBER   </u>: <u>City Council Actions (by motion of any Council Member)</u>:

    1) I move to approve draft Map (insert map number) to be considered as the final map at the fourth Public Hearing with the following election sequencing (insert proposed election district sequence), select a (two or four) year mayoral term and set the fourth public hearing for November 26, 2018; **OR**

    2) I move to approve draft Map (insert map number) with the following revisions (insert desired changes) to be considered as the final map at the fourth Public Hearing with the following election sequencing (insert proposed election district sequence), select a (two or four) year mayoral term and set the fourth public hearing for November 26, 2018

    * Any action to refer the matter back to staff or to continue the matter requires a second and a vote.

10. ANY COUNCIL
    <u>MEMBER </u> :   Second

11. <u>MAYOR</u>:   (Call for vote)

12. <u>MAYOR</u>:   Proceed to the next item.

RESOLUTION NO. 2018-54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SIMI VALLEY ADOPTING LINE DRAWING CRITERIA AND
DESIRED NUMBER OF DISTRICTS FOR ESTABLISHING
CITY COUNCIL DISTRICT BOUNDARIES

WHEREAS, the City of Simi Valley currently operates under an "at large" elections system whereby Members of the City Council are elected by voters of the entire City; and

WHEREAS, the City is considering a change to district-based elections whereby each candidate for a district-based election to the City Council must reside within a designated district boundary and is elected only by voters of that district; and

WHEREAS, the Federal Voting Rights Act (42 U.S.C. Section 1973) prohibits the use of any voting qualification or prerequisite to voting, or standard practice or procedure in a manner which results in a denial or abridgment of the right of any citizen of the United States to vote on account of race or color; and

WHEREAS, federal law and the equal protection clause require that each district be equal in population to ensure compliance with the "one person one vote" rule; however, deviations of approximately five to ten percent may pass muster under the equal protection clause where required to meet official criteria; and

WHEREAS, the City will develop draft and final maps that fully comply with legal requirements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SIMI VALLEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1.

a)   Each City Council District shall contain a nearly equal number of inhabitants;

b)   Council District borders shall be drawn in a manner that complies with the Federal Voting Rights Act;

c)   Council Districts shall consist of contiguous territory in as compact form as possible;

d)   Council District borders should consider communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts, etc.), and as may be finally approved by the City Council;

e)   Council District borders should consider visible natural and man-made geographical and topographical features, and as may be finally approved by the City Council.

SECTION 2. The following requirements will apply to any draft districts considered, and these requirements will be utilized as the districting process continues:

The number of City Council Districts shall equal 4 or 6 with the Mayor directly elected at large.

- OR -

The number of City Council Districts shall equal 5 or 7 with the Mayor selected by the City Council.

SECTION 3. The City Clerk shall certify to the adoption of this resolution and shall cause a certified resolution to be filed in the Office of the City Clerk.

PASSED and ADOPTED this 15th day of October 2018.

Attest:

_____
Ky Spangler, City Clerk

for:

_____
Robert O. Huber, Mayor of the City of
Simi Valley, California

Approved as to Form:

_____
Lonnie J. Eldridge, City Attorney

Approved as to Content:

_____
Eric J. Levitt, City Manager

CERTIFICATION

I, City Clerk of the City of Simi Valley, California, do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. 2018-54 which was regularly introduced and adopted by the City Council of the City of Simi Valley, California, at a regular meeting thereof held on the 15th day of October 2018, by the following vote of the City Council:

AYES: Council Member Cavanaugh, Mayor Pro Tem Becerra and Mayor Huber

NAYS: Council Member Mashburn and Council Member Judge

ABSENT: None

ABSTAINED: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Simi Valley, California, this 22nd day of October 2018.

Ky Spangler
City Clerk

EXHIBIT 1

PROPOSED DISTRICT MAPS

401
402
403
404
405
406
501
502
503
601
602
603
604
701
702

POSTED SEPARATELY DUE TO FILE SIZE

Map 401 - Gary King

As it would be good to try to keep in line with the existing four Neighborhood Council Districts, this submission includes adjustments the Neighborhood Council Districts to balance the population count.

Map 402 - John Casselberry Jr

This map provides the closest to a Latino majority district as possible in four districts while attempting to resemble the Neighborhood Council Districts and keeping incumbents in separate districts.

Map 403 - George Bowman

This map shows 4 districts for City Council Members with an At Large Mayor being voted in by the entire City.

Map 404 - Greg Stratton

This is a 4-district map, as the elected mayor should remain as voted by the public. Simi Valley had been historically 2 communities: Simi and Santa Susana. This historical split is being reflected today by the dividing lines between Simi Valley High, Santa Susana and Royal High. So the first split is to divide the city along those lines. The only big difference is that the Community Center area, another historical area, is part of the Santa Susana districts to balance population and to keep it with the closer old town Santa Susana. Next the two districts were each split in half. The map tries to keep neighborhoods together. This usually means respecting project boundaries as many of the larger projects have a unifying HOA. The boundaries generally follow natural dividing lines: Freeway, Arroyo, LA Ave & major streets. The Kadota Fig area was split by the Freeway, and is kept together in this plan. The districts are close in size, with the growing areas 1 and 4 slightly smaller to accommodate future growth.

Map 406 – Gloria Bowman

I would like to see a four district plan with an at-large mayor. I want to vote for mayor, not have it become a personality contest among council members.

Map 503 – Barbara Mann

I think that now with Districts, we need 5 separate Districts and no Elected Mayor.   Instead of an Elected Mayor, allow the City Councilmembers to rotate the Mayor and Mayor-Pro Tem title. This could be done yearly or every two years, just the Mayor's Election is held every two years. If we leave an Elected Mayor, since they run "at-large" this would mean that one District would have two representatives - 1 Councilmember and 1 Mayor. This may give the impression that this District has more power/authority than the other Districts. If we eliminate the Elected Mayor position, each District could possibly have a chance of their elected Councilmember servings as the Mayor.

Map 601 - John Casselberry Jr

This map does the best job possible in ensuring as close to a Latino majority district while keeping district compact and equal in population while preserving communities in the city.

Map 602 - Brendan Carpio

As a Latino man who grew up in Simi Valley, I feel this map best gives my community an opportunity to elect a member of the city council as is the intent of the California Voting Rights Act. This map also allows each incumbent running for re-election to be drawn into their individual districts while meeting the requirements for compactness, contiguousness and equality of populations.

Partial list of others who endorsed map 602: Ellen Learned, Colin Waters, Kristen Diaz, Joan Salvatore, Tracy Maisch, Marie Mason, Abigail Albarran, Lois Friedman, Heather Gonzalez-Rubio, Robin R. Wright, Stephanie McIntyre, Maria I. Martinez, Fernando Nocedal, April Amante, and "Anne"

Map 603 - Judy Mayer (*partial map; NDC note: proposed districts are not population balanced*)

I'd want six districts with a Mayor at large. I only could figure out these three districts. D1: communities with different police needs. Higher end homes. D2: Equestrian area and gated communities have different needs than the rest of Simi. Gated communities have different police needs. D3: Higher Hispanic area; protected class and the reason for districting.

EXHIBIT 3

NDC   **Simi Valley Proposed Election Sequencing**   November 6, 2018

Key considerations:

No Councilmember's current term (starting after the 2016 or 2018 elections) can be cut short.

The Council must immediately get to the desired size, then start alternating elections in 2022 by using two-year terms for some 2020 election seats.

The first consideration is leaving decisions in the hands of the voters by assigning solo-Councilmember-districts to that Councilmember's election year. Then priority can be given to putting low-turnout districts in Presidential election years; ensuring different regions each have an election in a given year; or other local factors.

Map	2020 Elections	2022 Elections	2024 Elections
401	Mayor 1 and one of 2, 3 or 4	Mayor two of 2, 3 or 4	Same as 2020
402	Mayor 4 and one of 1, 2 or 3	Mayor two of 1, 2 or 3	Same as 2020
403	Mayor 3 and one of 1, 2 or 4	Mayor two of 1, 2 or 4	Same as 2020
404	Mayor 4 and one of 1, 2 or 3	Mayor two of 1, 2 or 3	Same as 2020
405	Mayor 1 and 3	Mayor 2 and 4	Same as 2020
406	Mayor 2 and one of 1, 3 or 4	Mayor two of 1, 3 or 4	Same as 2020
501	1, 3 and either 4 or 5	2 and either 4 or 5	Same as 2020
502	1, 4 and either 2 or 5	3 and either 2 or 5	Same as 2020
503	1, 3 and either 2 or 5	4 and either 2 or 5	Same as 2020
601	Mayor 6 and any other three (one election will be for a two-year term)	Mayor the short term from 2020 two others (not D6)	Mayor 6 and the two 4-year seat from 2020
602	Mayor 2 and 6 for four-year terms. One of 1, 4 or 5 for a two-year term.	Mayor D3 for a four-year term. The short term from 2020 One other district	Mayor 2, 6 and the 4-year seat from 2020
603	Not applicable (not a complete nor a population-balanced map)		
602	Mayor 1 and 6 for four-year terms. One of 2, 3 or 5 for a two-year term.	Mayor D4 for a four-year term. The short term from 2020 One other district	Mayor 1, 6 and the 4-year seat from 2020
701	1 and 6 for four-year terms. Two of 2, 3, 4 or 5 for a four-year term. One of 2, 3, 4 or 5 for a two-year term	The short term from 2020. D7 for a four-year term. The other district that did not hold a 2020 election.	1, 6 and the two 4-year seats from 2020
702	3 and 7 for four-year terms. Two of 2, 3, 4 or 6 for a four-year term. One of 2, 3, 4 or 6 for a two-year term	The short term from 2020. D5 for a four-year term. The other district that did not hold a 2020 election.	3, 7 and the two 4-year seats from 2020