



CITY OF CITRUS HEIGHTS

CITY COUNCIL STAFF REPORT MEMORANDUM

DATE: June 27, 2019

TO: Mayor and City Council Members

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

SUBJECT: **Public Hearing #5 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 fifth and final public hearing to receive community input on the draft district map and ordinance.

Staff recommends the Council:

1. Hold the fifth of five public hearings to receive input on the composition of voting districts, draft focus maps, and potential election sequencing presented; and
2. Adopt Ordinance No. 2019-____; An Ordinance of the City of Citrus Heights Establishing a By-District Election Process in Five Council Districts Pursuant to California Elections Code Section 10010 and Adding Sections 2.34-2.37 to Article II of Chapter 2 of the City of Citrus Heights Municipal Code to Provide for City Council Election Districts.

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 to the General Fund (Fund 100). 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 is also 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 has held two required public hearings over a period of no more than 30 days before any map or maps of the boundaries for the proposed voting districts were drawn. At the public hearings, the community was invited to provide input regarding the composition of the districts. Using this input, preliminary draft maps were drawn by the city's demographic consultant, and were made publicly available along with maps received from the public. The third and fourth public hearings allowed opportunities for the public to provide input regarding the content of the draft maps and the proposed sequence of elections.

At the fourth hearing, the City Council selected map 102 for inclusion in the first reading of an ordinance to adopt a district boundary map and sequence of elections pursuant to Elections Code § 10010. At this final hearing, the Council will vote to consider final adoption of an ordinance establishing district-based elections, including the final adoption of a district map.

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 conducted the required public hearings as follows:

Hearing	Date	Description
1	February 28, 2019	Completed.
2	March 14, 2019	Completed.
3	May 23, 2019	Completed.
4	June 13, 2019	Completed.
5	June 27, 2019	Hold the second reading of 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.

Maps Submitted

As of the May 13, 2019 deadline to submit maps for the third public hearing, a total of six maps were submitted by members of the public, and three draft maps were prepared by the city’s consultant for a total of nine maps for Council consideration. The Council considered these maps and narrowed the selection down to four “focus” maps, including a requested amended version of map 104. At the June 13, 2019, public hearing the Council selected Map 102 as the final draft districting map. Map 102 is included as Attachment A.

The public is encouraged to provide any final input on the proposed district boundary map at the June 27, 2019, public hearing, or via emails to cityclerk@citrusheights.net. Input may also be dropped off at City Hall.

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Attachments

1. Map 102 with summary demographic information.
2. Ordinance No. 2019-____; An Ordinance of the City of Citrus Heights Establishing a By-District Election Process in Five Council Districts Pursuant to California Elections Code Section 10010 and Adding Sections 2.34-2.37 to Article II of Chapter 2 of the City of Citrus Heights Municipal Code to Provide for City Council Election Districts