

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of September 17, 2019

**CITY COUNCIL TO HOLD A PUBLIC HEARING TO RECEIVE INPUT
FROM THE COMMUNITY REGARDING THE CREATION OF A
DISTRICT-BASED ELECTION SYSTEM**

REQUEST:

It is requested that the City Council consider:

1. Adopting Resolution No. 2019-, Holding a public hearing to receive input from the community regarding the creation of a district-based election system.

ENVIRONMENTAL DETERMINATION:

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines sections 15320, 15378 and 15061(B)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment.

BACKGROUND:

On September 4, 2019, the City Council adopted a resolution declaring its intent to initiate proceedings to transition the City from at-large to district-based Council Member elections pursuant to Elections Code Section 10010 and Government Code Section 34886 (RES-2017-13).

The City of Marina currently has an at-large election system, which means that the electors for the entire City choose each of the four Council Members, and a directly elected Mayor. A district-based election is one in which the city is geographically divided into separate districts, each with one Council Member who resides in the district and is chosen by the electors residing in that particular district. The office of the Mayor would still be elected at large.

The first step in the transition processing is to hold two public hearings to invite public input regarding the composition of the City's voting districts before any draft maps are drawn. After these two public hearings are complete, the City Council must hold at least two additional public hearings during a 45-day period on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The currently scheduled Public Hearings will be held on the following dates:

- September 17 – Educational Presentation 1 to discuss data and receive Council and public input
- October 1 – Educational Presentation 2 to discuss data and receive Council and public input
- November 5 – Draft Map Presentation 1 for Council and public input
- November 18 – Draft Map Presentation 2 for Council and public input
- December 4 – Council to consider a Ordinance adopting the final district maps

ANALYSIS:

Pursuant to Elections Code Section 10010, the City Council is required to hold at least five public hearings in connection with the establishment of electoral districts, before the Council moves to consider an ordinance to transition the City to district-based elections. The purpose of the first two public hearings is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration while creating district boundaries. The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A *community of interest* is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
 - (1) Similar levels of income, education, or linguistic insolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

In creating the district boundaries, the City must ensure compliance with the following state and federally-mandated criteria:

Legal Requirements:

1. Each council district shall contain a nearly equal population as required by law; and
2. Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

In addition to the legal criteria, the City Council may adopt [or has adopted] optional criteria to be used in the development of the districts.

Traditional Districting Principles:

(numbering is for ease of reference and does not indicate priority)

3. Each council district shall consist of contiguous territory in as compact a form as possible.
4. Each council district shall respect communities of interest, such as school- and park-connected neighborhoods, rural or urban populations, city planning areas, social interests, agricultural, industrial or service industry interests, or other locally-recognized definitions of communities and neighborhoods, insofar as practicable.
5. Each council district border shall follow visible natural and man-made geographical and topographical features follow visible natural and man-made features, including mountains, flat land, forest lands, highways, canals, etc., insofar as practicable.
6. Each council district shall respect the previous choices of voters by avoiding the creation of head-to-head contests between Council Members previously elected by the voters, insofar as this does not conflict with Federal or State Law.

The above list of additional factors provides examples only, and not all the factors are necessarily applicable or appropriate for the City of Marina. The public is encouraged to provide input on some or all of these factors, and to suggest other criteria not mentioned above. The Council will be informed by the public input, but it retains discretion to balance criteria and choose to apply some, all, or none of these additional factors. Moreover, within the parameters of state and federal law and the City Charter, the Council remains free to develop alternative criteria that Council believes are appropriate to designing a districting plan for the City.

The next public hearing before the Council is scheduled for Tuesday, October 1, 2019, at 6:30 p.m. At that hearing, the Council will receive and consider further input from the public concerning criteria for the composition of voting districts and suggestions for the location of boundary lines. One or more proposals for draft district boundaries will be proposed by the City shortly thereafter, followed by additional public hearings.

FISCAL IMPACT:

Not at this time.

CONCLUSION:

It is recommended that the City Council hold a public hearing to receive input from the community regarding the composition of new voting districts to be established for the district-based election of Council Members beginning in 2020, in accordance with Elections Code Section 10010.

Respectfully submitted,

Matt Mogensen
Assistant City Manager
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina

RESOLUTION NO. 2019 –

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA AFTER PUBLIC HEARING CONCERNING THE CITY OF MARINA’S TRANSITION TO DISTRICT-BASED COUNCIL MEMBER ELECTIONS

WHEREAS, members of the City Council of the City of Marina (“City”) are currently elected in “at-large” elections, in which each City Council Member is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election for an “at-large” system to a “district-based” system in which each council member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, under Elections Code Section 14028(a), a California Voting Rights Act (“CVRA”) violation is established if it is shown that racially polarized voting occurs in elections. “Racially polarized voting” means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026 (e); and

WHEREAS, the City Council on September 4, 2019, adopted a Resolution of Intent to transition to district-based elections and directed staff to initiate the process to establish by-district elections to avoid costs associated with potential lawsuits based on the CVRA to which the City is vulnerable because the City has at-large elections; and

WHEREAS, California Elections Code Section 10010 requires that the City, as part of the process to change from at-large to district-based elections, shall within 30 days after adoption of a resolution of intent to transition to district-based election, and before drawing a draft map or maps of the proposed boundaries of the districts, hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts.

WHEREAS, notice of these public hearings was given on Sunday, September 8, 2019.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

Section 1. Without district maps having been drawn, the City Council held a public hearing on September 17, 2019, and provided information, received input and testimony and answered questions from members of the public concerning creation of a district-based election system and on the criteria to be used to draw district maps for use in the City’s General Municipal Election for City Council Members with a proposed implementation date of November 2020.

PASSED AND ADOPTED at a regular meeting of the Marina City Council duly held on 17th day of September 2019, by the following votes:

AYES, COUNCIL MEMBER:
NOES, COUNCIL MEMBERS:
ABSENT, COUNCIL MEMBERS:
ABSTAIN, COUNCIL MEMBERS:

Bruce Delgado, Mayor

Anita Sharp, Deputy City Clerk