



COUNCIL AGENDA ITEM

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March 25, 2025

TO: Honorable Mayor and City Council

FROM: Christopher Lopez, City Manager

SUBJECT: TO START AT A TIME CERTAIN OF 6:00 P.M. - THIRD PUBLIC HEARING TO RECEIVE COMMUNITY INPUT AND PROVIDE DIRECTION TO STAFF REGARDING SUBMITTED DRAFT DISTRICT MAPS AND THE PROPOSED SEQUENCE OF ELECTIONS RELATING TO THE TRANSITION TO DISTRICT BASED COUNCIL ELECTIONS

BACKGROUND

At the February 11, 2025, Council meeting, Council adopted a Resolution of Intent to transition to district-based elections to allow the City to take advantage of the safe harbor provisions of Elections Code Section 10010.

On February 25, 2025 the Mayor and City Council held its first public hearing related to this item.

On March 11, 2025, the Mayor and City Council held its second public hearing related to this item.

Tonight (March 25, 2025), the Mayor and City Council will hold the third public hearing related to this item.

At this third public hearing, the community and the City Council will consider the draft maps that have been submitted by members of the public and the maps that have been prepared by Redistricting Partners. All the maps are available on the City's website: <https://www.californiacity-ca.gov/CC/index.php/district-elections>

The maps that have been submitted by members of the public through the City's "Districtr" mapping tool are identified by a numerical identification number, and the maps that have been prepared by Redistricting Partners are identified by a letter (e.g., Draft Map A). Members of the public have been able to submit maps via the City's website.

Staff will be seeking feedback on the drafts provided by the demographer as well as any community-submitted maps that the City Council wishes to review. When reviewing the maps, the City Council should consider maps that best preserve communities of interest and best meet the larger goals of the districting process. Ideally, 3 maps, or variants of maps, will be identified that would be brought forward for additional review and consideration at the fourth public hearing.

DISCUSSION

I. California Voting Rights Act and Racially Polarized Voting

The City of California City currently elects four Councilmembers at-large, which means that each councilmember is elected by the registered voters of the entire City. The Mayor is directly elected, which means that the Mayor is directly elected at-large to the office of the Mayor.

The CVRA was enacted in 2001, in part, to provide minority groups in California with tools to prevent dilution of votes in “at-large” election systems and is more expansive than the federal Voting Rights Act of 1965 (“FVRA”). Under the CVRA, an at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of a protected class.¹ A violation of the CVRA is established if it is shown that racially polarized voting occurs in elections for members of the governing body or in elections incorporating other electoral choices by the voters of the political subdivision.² Any voter who is a member of a protected class and who resides in a political subdivision where a violation of the CVRA is alleged may file an action in the superior court in which the political subdivision is located.³

The CVRA defines “protected class” as a class of voters who are members of a race, color, or language minority group, as referenced and defined in the FVRA⁴ and “racially polarized voting” as voting in which there is a difference, as defined in case law under the FVRA, in the choice of candidates or other electoral choices preferred by voters in a protected class, as compared to the rest of the electorate (*i.e.*, the protected class members vote as a politically cohesive unit, while the majority votes sufficiently as a bloc usually to defeat the protected class’s preferred candidate).⁵

II. Safe Harbor and Transitioning

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 from an “at-large” system to a “district-based” system in which each councilmember is elected only by the voters in the district in which the candidate resides.

Pursuant to Elections Code Section 10010, a city may rely on the “safe harbor” provisions that allows a city to adopt a resolution outlining its intention to transition from at-large to district-based elections within forty-five (45) days of receiving a demand letter from a potential plaintiffs’ attorney.⁶ These “safe harbor” provisions allow a city to transition in accordance with a statutory timeline and, if followed, insulate a city from litigation arising from alleged CVRA violations and caps attorneys’ fee liability to a maximum of \$30,000.⁷

Under those “safe harbor” provisions, a prospective plaintiff is required to send a written notice to

1 Cal. Elec. Code §§ 14026 and 14027.

2 Cal. Elec. Code §14028(a); see also § 14027.

3 Cal. Elec. Code §14032.

4 Cal. Elec. Code §14026(d) citing 52 U.S.C. Sec. 10301 *et seq.*

5 Cal. Elec. Code §14026(e) citing 52 U.S.C. Sec. 10301 *et seq.*; *Thornburg v. Gingles* (1986) 478 U.S. 30, 56.

6 Cal. Elec. Code § 10010(e)(2).

7 Cal. Elec. Code § 10010(f)(1)-(3); Note that this maximum is adjusted annually based upon CPI per the Elections Code.

the clerk of a city asserting that the city's method of conducting elections may violate the CVRA.⁸ A forty-five (45) day pause is then imposed on a prospective plaintiff's ability to bring an action.⁹ That forty-five (45) day pause allows a city to adopt a resolution outlining its intention to transition from at-large to district-based elections.¹⁰ If a resolution of intention is adopted by a city council to move to district-based elections, a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention's passage.¹¹ After the City has completed the transition to district-based elections following these procedures, a prospective plaintiff would be able to submit a letter demanding that the City pay their attorneys' fees as mentioned above.

III. Transition to District Based Elections

Since the Council adopted the Resolution of Intent to transition to district based elections on February 11, 2025, a prospective plaintiff may not commence an action within ninety (90) days of the resolution of intention's passage. The deadline is **May 12, 2025**, to transition to districts within the timeline of the safe harbor Election Code Section 10010.

As a part of the transition process, the City needs to hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts.¹² No official maps can be drawn before completion of these two public meetings. Once the initial two meetings are complete, the demographer and public can begin to officially draw maps that will be considered in the districting process. As stated above, the City held these first two public hearings on February 25, 2025, and March 11, 2025. After such public hearings, the public submitted draft maps. The City's demographer also prepared and submitted draft maps for Council's consideration. These draft maps were all made available to the public as required are further discussed below.

Before the final public hearing, the City would then hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft maps and the proposed sequence of elections.¹³ Tonight's Public Hearing No. 3 is the first of these two additional public hearings. Once a map is selected, it would need to be published at least seven days before consideration at a hearing for introduction of an ordinance to adopt the district map.¹⁴ The next public hearing is tentatively scheduled for April 8, 2025.

IV. Fair Maps Act

The City will also need to comply with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (Fair Maps) Act in adopting the districts,¹⁵ which provides criteria that the City must utilize when establishing election district boundaries or when undertaking the redistricting process (which must occur every ten years after each population census). The criteria are summarized below.

- (a) The election districts must be substantially equal in population based on the most recent census.

8 Cal. Elec. Code § 10010(e)(1).

9 Cal. Elec. Code § 10010(e)(2).

10 Cal. Elec. Code § 10010(e)(1)-(3).

11 Cal. Elec. Code § 10010(e)(1)-(3).

12 Cal. Elec. Code § 10010(a)(1).

13 Cal. Elec. Code § 10010(a)(2).

14 *Ibid.*

15 Cal. Elec. Code § 21100 *et seq.*

(b) The districting body shall adopt election district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) and consistent with the federal Voting Rights Act, the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in *Thornburg v. Gingles*, 478 U.S. 30 (1986).

(c) The districting body shall adopt election district boundaries using the following criteria as generally set forth in the following order of priority:

(1) To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the maximum extent practicable, the geographic integrity of any local neighborhood or local “community of interest” shall be respected in a manner that minimizes its division (see discussion below on the definition of a “community of interest” under the Fair Maps Act).

(3) To the maximum extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division. This paragraph does not apply to a city.

(4) To the maximum extent practicable, election districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.

(5) To the maximum extent practicable, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.¹⁶

The Fair Maps Act defines a “community of interest” as a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates. Some examples of communities of interest in California City may include the existing neighborhoods identified by the City, school districts, parks, etc.

Within 21 days of adopting final election district boundaries, the City Council will be required to issue a report that explains the basis on which it made its decisions in achieving compliance with the requirements and criteria of the Fair Maps Act, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split.¹⁷

Staff has prepared an updated tentative timeline, which identifies the preliminary schedule for the required public hearings and public outreach, which complies with Elections Code 10010, with a final deadline date of May 12, 2025, to complete the transition to districts. (See Attachment 1). This timeline may change depending on the level of community involvement and the complexity of the map drawing process. If the timeline needs to adjust beyond the 90 days, then the City may enter into a written agreement with potential plaintiff Shinkman to extend the 90-day period up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input, provided that the potential plaintiffs that submitted the initial letter agree.¹⁸

At the public hearings on February 25, 2025, and March 11, 2025, the community was encouraged to participate during the public hearing by providing input on the composition of the districts by sharing specific thoughts on communities of interest and any other factors under the Fair Maps Act that the public identifies within California City. The City also provided a Community of Interest Worksheet on its District Elections website to facilitate the public's input. To date, the City's has not received any worksheets from the public.

V. Outreach Efforts

City staff has taken steps to provide outreach to its residents of this meeting including placing this information on the City website.

The City launched a website dedicated to this district transition process and it went live within a two days of the first public hearing. The website URL is here: <https://www.californiacity-ca.gov/CC/index.php/district-elections>.

Since that time, staff has updated the website to include information on maps submitted by the public and maps drafted and submitted by the City's demographers. The maps submitted by the public and the demographers are attached to this agenda item.

Information on the site provides the public with background information about the districting process, upcoming hearing dates, and supporting documents. This webpage will be continuously updated with dates and locations where community members can share their feedback on this issue.

VI. Draft Council District Maps and Proposed Sequencing of Elections

The City has received four maps from the public which are identified by the following ID numbers: 289684, 289096, 289575, and 289578 (See Attachment 1). The City's demographer also prepared and submitted Draft Map A based upon Draft Map ID 289096 and Draft Map B (based upon Draft Map ID 289684 with minor clean-up adjustments, such as having the borders follow main roads and to account for contiguity. Additionally, the City's demographer prepared and submitted Draft Map C to provide the City Council with a different configuration of dividing the City for their

¹⁷ Cal. Elec. Code § 21130(f).

¹⁸ Cal. Elec. Code § 10010(e)(3)(C)(i).

review and discussion. Draft Maps A, B, and C are included with this staff reports as Attachment 2. All maps establish four Council districts for each Council member (the mayor will continue to be directly elected at large).

Further, all maps can be found on the City's District Elections website here: <https://www.californiacity-ca.gov/CC/index.php/district-elections>.

The proposed sequencing of the district elections will be as follows:

- (1) Odd numbered districts: 2026
- (2) Even numbered districts: 2028

RECOMMENDATION

It is recommended that the City Council consider:

- 1) Conduct the third public hearing to receive community input and provide direction to staff regarding the submitted draft district maps and the proposed sequence of elections relating to the transition to district based Council elections.
- 2) Alternatively, discuss and take other action related to this item.

TYPE OF ACTION (LEGISLATIVE; QUASI-JUDICIAL; OR ADVISORY)

Legislative Action: The recommended action is to take community input and provide direction to staff regarding submitted draft district maps and the proposed sequence of elections relating to the transition to district based Council elections. The City Council therefore acts in its discretionary legislative capacity.

CEQA STATUS

This item does not constitute a project as defined by the California Environmental Quality Act (Public Resources Code § 21000, et seq.) (CEQA) as this does not have the potential to result in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment (14 Cal. Code Regs. § 15378.).

FISCAL IMPACT

There is no direct fiscal impact associated with this action. By transitioning to district based elections by May 12, 2025, the costs that potential plaintiff's attorney will receive is capped at approximately \$30,000 (this amount has been adjusted annually by CPI per the Elections Code). The City will pay demographer services in an amount up to \$80,000, as Council authorized at the February 11, 2025, meeting. The City would also incur its own costs as well, including staff time and attorneys' fees and costs.

ATTACHMENTS

1. Publicly Submitted Maps
2. Demographer Maps