

City of Brea

COUNCIL COMMUNICATION

TO: Honorable Mayor and City Council Members

FROM: Bill Gallardo, City Manager

DATE: 10/27/2021

SUBJECT: Public Hearing to Receive Input from the Community Regarding the Proposed Transition to By-District City Council Elections

RECOMMENDATION

It is recommended that the City Council: 1) receive a report from National Demographics Corporation ("NDC") on the districting process and permissible criteria to be considered should district boundaries be created; and 2) conduct Public Hearing #2 to receive public input on district boundaries.

BACKGROUND/DISCUSSION

The City of Brea currently uses an "at-large" election system, in which all voters in the City have the opportunity to vote for candidates for all five (5) seats on the City Council. City Council candidates may reside anywhere in the City, and they each provide citywide representation. A by-district election system is one in which the City is physically divided into voting districts, each with one (1) council member who resides in the district and is chosen by the electors residing in that particular district.

On May 6, 2019, the City of Brea received a notice letter from Shenkman & Hughes, P.C. ("S&H") alleging that the City's at-large election system violates the California Voting Rights Act ("CVRA"). The City and S&H subsequently executed an Extension Agreement, in which S&H agreed to refrain from filing a CVRA action as long as the City took specified steps to transition to by-district elections. In accordance with the Extension Agreement, on June 20, 2019, the City Council adopted Resolution No. 2019-049, declaring its intent to transition from at-large elections to by-district elections for City Council.

Pursuant to Resolution No. 2019-049, the City Council intends to consider adoption of an ordinance to transition to by-district elections in accordance with applicable laws, including Government Code Section 34886 and Elections Code Section 10010. Resolution No. 2019-049 directed staff to work with the City Clerk, City Attorney, a demographer, and other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act ("FVRA"). After conducting a Request for Proposals, on July 20, 2021, the City Council approved a Professional Services Agreement with NDC for Electoral Districting Services. NDC has provided the City with results from the 2020 United States Census, as well as other City demographics, which provide critical information needed to create voting districts.

To transition to by-district elections, the City is required to conduct four (4) public hearings before the final map adoption, which would be due to the Orange County Registrar of Voters by April 17, 2022:

- At least two (2) public hearings before maps are drawn, within a 30-day period
- At least two (2) public hearings after maps are drawn, within a 45-day period
- Ordinance introduction to establish by-district elections and adopt map
- Ordinance adoption at a regular meeting

It is therefore recommended that the City Council conduct the second of four public hearings to receive public comments regarding the potential transition from at-large to by-district elections for members of the City Council. 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 when creating voting district boundaries, before any maps are drawn. 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. Relationships with political parties, incumbents, or political candidates are not a basis for identifying a community of interest. 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.

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

Federal Criteria for Cities:

- 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 FVRA. No council district shall be drawn with race as the predominant 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.

California Criteria for Cities:

- 1. Geographically contiguous
- 2. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together)
- 3. Easily identifiable boundaries
- 4. Compact (do not bypass one group of people to get to a more distant group of people)

Other Traditional Districting Principles:

- 1. Respect voters' choices / continuity in office
- 2. Future population growth

Next Steps

The public is invited and encouraged to inform the City how they think the districts should be drawn. NDC is providing mapping tools for the public to use to draw draft maps, which include both an online tool and a paper version for those more comfortable with that medium.

NDC will then prepare draft district maps that will be posted on the City's website and available at the Brea Civic & Cultural Center. Draft maps are tentatively scheduled to be released in January 2022. The draft maps will be posted at least seven days prior to Public Hearings #3 and #4, which are currently anticipated to take place in February and March of 2022. Final map adoption would be required to occur by April 2022.

Outreach

To engage the community in the districting process, City staff launched a full marketing campaign. Details on the districting messaging included in the campaign are provided, below:

Articles in City Newsletters	<p><i>Brea Line</i> (quarterly printed edition) Mailed to 20,267 residences <i>Brea Line</i> Email Newsletter (monthly) Sent to 1,093 subscribers City Manager's Report 407 recipients All newsletters are posted online</p>
Flyer in Water Bills	<p>Mailed to: 11,122 Single-Family Residences 208 Multi-Family Residences</p>
Public Hearing Notices	<p>Translated in 3 languages (English, Spanish, & Korean) Published in 3 local newspapers in 3 languages:</p> <ul style="list-style-type: none"> • <i>The Orange County Register</i> • <i>Excelsior California</i> • <i>The Korea Daily</i> <p>Hard copies posted for public viewing and available online</p>
Letter to Brea Businesses	<p>Sent to: 4,394 businesses</p>
Email Outreach	<p>Emailed to: 143 Community Group Leaders & Stakeholders Public Input Email Address: districting@cityofbrea.net</p>
Public Hearing Meeting Announcements	<p>City Council Meetings Commission & Committee Meetings</p>
Social Media Posts	<p>Facebook: 5,580 subscribers Twitter: 8,855 subscribers Nextdoor: 14,450 subscribers Instagram: 6,942 subscribers</p>
Dedicated Website <i>cityofbrea.net/districting</i>	<p>Featured on City Home Page Background Information, FAQ's</p>
Printed Postcards and/or Posters	<p>Provided at: Taste of Brea City Facilities Commission & Committee Meetings</p>

Additional outreach efforts will continue throughout the districting process. Staff invites the public to spread the message to friends and neighbors to help inform the process.

RESPECTFULLY SUBMITTED:

William Gallardo, City Manager

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Concurrence: Lillian Harris-Neal, City Clerk
