




CITY COUNCIL AGENDA

MEETING DATE: JUNE 7, 2016 503
TO: CITY COUNCIL / CITY MANAGER
FROM: CITY CLERK
SUBJECT: DISTRICT ELECTIONS MAPPING PROCESS - VOTING DISTRICTS FORMATION

Approved for Agenda:


City Manager's Office

APPROVED *Map 8A*

SUMMARY

Final public hearing to review community input on the City Council voting district elections mapping process, discussion of proposed district maps and selection of map to place before the voters in November 2016.

RECOMMENDATION

1. Receive presentation and recommendations regarding voting district maps.
2. Continue fourth and final public hearing from May 17, 2016 to receive public input on district map.
3. Discuss voting district formation and close public hearing.
4. Per the terms of the settlement agreement – the City Council is to select a map to include on the November 2016 ballot measure asking voters to decide whether to approve voting district elections as defined by the selected map.

FISCAL IMPACT

None.

BACKGROUND

The City of Fullerton received an initial demand letter on February 4, 2014 alleging that the City's election process violated the California Voting Rights Act by holding at-large elections for City Council Members. Vivian "Kitty" Jaramillo served a lawsuit on the City on August 11, 2014 and Jonathan Paik served a lawsuit on the City on March 19, 2015. The allegations in the lawsuits claim at-large elections dilute the voting power of minority voters and/or prevent them from electing the candidate(s) of their choice. In May 2015, the City reported that it has agreed to enter into a settlement agreement for both lawsuits to settle the litigation. All parties fully executed the settlement agreement in July 2015.

The settlement agreement requires the City to put forth a ballot measure for voter consideration in November 2016. The ballot measure will seek voter approval of the City Council district map selected by the City Council during this public hearing process.

The settlement agreement specifically prohibited the Mayor, City Council Members and the City Manager from participating in community outreach efforts leading up to the Public Hearings for selection of the district map to place on the ballot.

On August 18, 2015, the City Council approved an agreement with David Ely of Compass Demographics to direct the process of creating districts. Compass Demographics and City Staff developed a community participation plan to assist in gathering community input on voting districts which City Council approved in September 2015. The Plan includes the following milestones:

Public Hearing #1 Community Participation Plan Approval	September 15, 2015
Community Participation Round 1	October – November 2015
Public Hearing #2 Review Voting District Draft Maps from Round 1	December 15, 2015
Community Participation Round 2	January – April 2016
Public Hearing #3 Review Voting District Map Proposals from Round 2	April 19, 2016
Public Hearing #4 Select Voting District Map for November 2016 Ballot	May 17, 2016
Approve Ballot Measure Language	June 21, 2016
Ballot Measure Arguments & Rebuttals Due	Summer 2016
Election Day	November 8, 2016

The community involvement process began with “Meet the Expert” meetings, where interested individuals and small groups had an opportunity to meet with the City’s demographic expert Dave Ely of Compass Demographics and review sample maps, provide input and develop their own voting district maps, if they chose to do so. Subsequently, the City hosted four community meetings, one in each of four quadrants of the City, to solicit community input regarding potential voting district boundaries.

On December 15, 2016, City Council held a second public hearing during which Mr. Ely reviewed the Round 1 community input and presented Draft Voting District Maps and data.

Although not required as part of the settlement agreement, staff included updates on the district elections mapping process on every City Council meeting agenda since October 2015 as an added means of community outreach. The updates are included in Attachment 2 of this report. In early 2016, the City embarked on Round 2 of the community outreach process.

Round 2 Community Participation

Round 2 Outreach

In compliance with the Settlement Agreement, City residents received notification of the Round 2 community participation process through a variety of notification tools similar to Round 1 including, but not limited to, the following elements described in this section.

The City established a dedicated webpage containing all notices and information on the district elections mapping process with information in English, Spanish, Korean, Chinese and Vietnamese. The City also established an email address specific to voting district formation communications – districtelections@cityoffullerton.com.

The City encouraged interested parties to register for continuing information on the voting districts mapping process through the election section of the City's eList system. Staff also added the email addresses provided by those attending the individual and community meetings to the eList group.

Additionally, City staff provided information to the public on the district mapping process through the City's social media accounts, press releases and public service announcements to English, Spanish and Korean media outlets, posting notices in the City's regular posting locations, listings on the City's events calendar, direct mailings to local community groups, notices issued directly to the plaintiffs and formal presentations and regular updates at City Council meetings.

In Round 2, the Settlement Agreement called for individual notifications to all those who participated in Round 1, which staff did through the City's eList system.

Staff sent a direct mailing to each address in Fullerton with notification of the four Round 2 community meetings in English with key information translated to Spanish, Korean, Chinese and Vietnamese as required per the Settlement Agreement.

Staff arranged to have Korean, Spanish, Vietnamese and Chinese interpreters present at every community meeting and each City Council Public Hearing. Interpreters were available for individual "Meet the Expert" meetings on request.

The outreach team developed promotional and informational materials to elicit public input including a PowerPoint presentation, frequently asked questions (FAQs) document, guiding principles, fact sheet, Census population map, instructions on how to submit a districting map and other materials to inform the community and request input.

In December 2015, City Council directed staff to contract with National Demographics Corporation to provide access to software to allow the public to create and submit public submission maps online. Twenty-one users created mapping software accounts and two users submitted a total of seven maps using the online system.

Round 2 Individual “Meet the Expert” Meetings

The second round of the district elections mapping process began in January 2016 with individual and small group “Meet the Expert” consultations with David Ely. Mr. Ely made himself available for consultation appointments on January 9, 14, 15, 16, 20, 21 and 22, 2016 at times ranging from 9:00 a.m. through 7:00 p.m. Mr. Ely held seven appointments, meeting with a total of 22 people, during that time period. Interested parties had the opportunity to meet with Mr. Ely and discuss their perspectives on the best strategies for the creation of council districts. Mr. Ely discussed how equal population districts might be distributed, using a Fullerton map with United States 2010 Census population figures by Census block groups to facilitate stakeholder efforts and input regarding communities of interest. He provided data tables for sample discussion maps to convey demographic information expressed in percentages, including voting age population by ethnicity, Spanish and Asian surname registered voters and Spanish and Asian surname voter turnout. The City provided interpreters for individual meetings upon request.

Round 2 Community Meetings

Following the Round 2 small meetings with key stakeholders, public input continued with the second round of four community meetings, one in each quadrant of the City on different days and times to accommodate the public. The City hosted meetings on the following dates:

- February 27, 2016 - 10:30 a.m. – 12:30 p.m. at Maple Community Center
- March 3, 2016 - 6:30 p.m. – 8:30 p.m. at Parks Junior High School
- March 8, 2016 - 6:30 p.m. – 8:30 p.m. at Orangethorpe United Church
- March 10, 2016 - 6:30 p.m. – 8:30 p.m. at EV Free Church.

Like Round 1, each Round 2 community meeting had the same agenda to provide meeting attendees the opportunity to provide input on proposed maps further developed with public input from the sample maps presented in Round 1. The meetings consisted of an Open House, a Welcome Presentation from the meeting facilitator, Map Descriptions presented by Mr. Ely and authors of public map submissions and a Community Feedback session. The City provided Spanish, Korean, Chinese and Vietnamese translators at all of the community meetings.

Arellano Associates has summarized the outcomes from the second round of community outreach in more detail in Attachment 2.

Round 2 Voting District Maps

Mr. Ely created three draft maps and data tables for discussion during the Round 2 meetings showing options for five, six and seven voting districts based on input from the first round of individual and community meetings. Mr. Ely also developed maps showing five districts for discussion based on input from the Round 1 group exercises

as well as a map overlaying the boundaries identified in all of the Round 1 group exercises to identify areas of general agreement among groups.

Public Submission Maps

During the Round 2 outreach process, the Plaintiffs' group submitted a five-district public submission map for consideration, identified as Public Submission 1. The same group submitted an updated version of their five-district proposal, identified as Public Submission 2, during the Round 2 community meeting phase. Following the Consensus Meeting (described in the following section), the Plaintiffs' group submitted Public Submission Map 2B illustrating a five district option.

Following the Round 2 community meetings, the City received three public submission maps authored by Ryan Cantor, identified as Public Submissions 3, 4 and 5, which illustrate four, five and six district options. Mr. Cantor also submitted Public Submissions 6 and 7 displaying six and five districts, respectively, following the Consensus Meeting.

Attachment 1 lists an index of all maps used during the districting process and copies of the maps. All referenced maps are available on the City's website.

Consensus Meeting

On April 6, 2016, Mr. Ely held a meeting, as required by the Settlement Agreement, to solicit interaction among those who submitted maps to explore the possibilities of consensus. Following the consensus meeting, attendees submitted several revised maps for consideration as described in the previous section.

Round 2 Outcome

Mr. Ely incorporated information and recommendations received from the first and second rounds of community meetings, one-on-one consultations, the stakeholder consensus meeting as well as demographic analysis into several draft voting district proposals for public discussion and City Council consideration.

Recap of April 19, 2016 Public Hearing

On April 19, 2016, City Council held a public hearing to consider presentations from the City Attorney's Office, Arellano Associates and David Ely of Compass Demographics. The presentations covered results of the Round 2 community meetings and Mr. Ely's recommendations for which map should be included in the November 2016 ballot measure. Mr. Ely discussed submission Map 2B as the best map to consider placing on the November 2016 ballot based on legal criteria and the community participation process.

City Council and the public provided comments on the outreach process, the map proposals submitted to date and asked for several points of clarification. Eleven members of the public spoke during the public hearing. Six of the speakers expressed

support for Submission Map 2B, one speaker spoke in opposition to Submission Map 2B, one speaker spoke in support of Submission Map 7 and two speakers supported an at-large Mayor. Other comments from the speakers included one speaker in favor of district elections, two speakers supporting placing the downtown area in one district and one speaker asked questions about potential changes after the 2020 Census.

During the City Council discussion, Council Member Chaffee asked if the City could place two measures, each with a different map, on the November 2016 ballot for voters to decide on. The City Attorney's Office has determined that the California Elections Code does allow placing more than one measure with different maps on the same ballot. However, the settlement agreement may preclude multiple measures regarding district voting maps as it repeatedly says "a" measure and "the" measure or "the [district] ordinance", etc. The agreement does not expressly prohibit the City from putting more than one measure on the ballot, but one or both plaintiffs could challenge this issue in court, should the City opt to place more than one district measure on the November 2016 ballot.

Mr. Ely recommended submission Map 2B, a five district map, for placement on the November 2016 ballot. During the April 19, 2016 public hearing Mr. Ely stated that Tuesday, May 10, 2016 is the deadline for public map submissions to be considered for the November 2016 ballot measure.

Recap of May 17, 2016 Public Hearing

On May 17, 2016, City Council held a public hearing to consider maps submitted by the May 10, 2016 submission deadline. The public submitted four additional maps between the April 19, 2016 public hearing and the May 10, 2016 map submission deadline:

Map Name	Description	No. of Districts	Author:
Submission 8	Public Member submission	5	Jeremy Popoff
Submission 9	Public Member submission	6	David Curlee
Submission 10	Public Member submission	5	Jane Rands
Submission 11	Public Member submission	5	David Curlee

Mr. Ely reviewed the submissions and recommended submission Map 2B.

Thirty-five members of the public spoke during the public hearing. Fifteen speakers expressed support for Submission Map 2B, sixteen people spoke in support of Submission Map 8, two speakers supported Submission Map 10 and two people made other comments.

City Council continued the Public Hearing to June 7, 2016 at 6:30 p.m. in the City Council Chambers and set a deadline of May 24, 2016 to submit revisions to public submission Maps 2B, 8, 10 and 11 only.

DISCUSSION

New Public Submission Maps - May 24, 2016 Deadline

Two members of the public submitted map revisions – one revision to public submission Map 8 and one to public submission Map 10:

Map Name	Description	No. of Districts	Author:
Submission 8A	Public Member submission (modification of Submission Map 8)	5	Jeremy Popoff
Submission 10A	Public Member submission (modification of Submission Map 10)	5	Jane Rands

Informational Material Concerning Ballot Measure

Per the terms of the settlement agreement, the City provided educational information concerning the ballot measure on the City's website on June 1, 2016.

Map Selection

Per the terms of the settlement agreement, City Council will select a map to include on the November 2016 ballot measure asking voters to decide whether to approve voting district elections as defined by the selected map.

Next Steps

Following selection of the map for consideration on the November 2016 ballot, staff will prepare the necessary documents to call the November 2016 election and place the measure on the ballot for presentation to City Council on June 21, 2016.



Lucinda Williams, MMC
City Clerk

Attachments:

Attachment 1 - Index / Draft Voting District Maps and Data

Attachment 2 - Updates from Previous City Council Meetings