



## CC Regular Meeting

# AGENDA ITEM REPORT

**Meeting:** CC Regular Meeting - Nov 02 2021  
**Title:** City Council Election District Public Hearing #1 - Introduction to Districting  
**Presented By:** Chris Marcarello, City Manager  
**Recommendation:** It is recommended that the City Council:

1. Receive information about the current demographics of the City and the process legal/policy rules for adopting district-based voting;
2. Conduct a public hearing to solicit public testimony regarding the composition of districts, especially communities of interest.
3. Adopt **Resolution CC 2021-123**, appropriating funds for the preparation of districts, public outreach and advisory services related to the formation of election districts.
4. Authorize the City Manager to execute agreements with a GIS/Mapping consultant, outreach consultant and California Voting Rights Act advisory consultant in an amount not-to-exceed the appropriation in Resolution CC 2021-123.

### EXECUTIVE SUMMARY:

On October 21, 2021, the City Council adopted Resolution 2021-117, declaring the City of Covina's intent to transition from an at-large Council Member election system to a district-based Council Member election system, outlining specific steps to be undertaken to facilitate the transition and estimating a time frame for action pursuant to Elections Code § 10010. Section 10010 requires a minimum of five public hearings in connection with the establishment of electoral districts.

Pursuant to subsection 10010(a)(1), the first two public hearings are for the purpose of receiving input from the public regarding the composition of districts for by-district elections of the City Council. The City is required to hold the first two (2) public hearings over a period of no more than thirty (30) days before any map or maps of the boundaries for the proposed voting districts are drawn. This hearing is the first of two such public hearings.

### BACKGROUND:

The City of Covina ("City") currently elects its City Councilmembers through an "at-large" election system in which each Councilmember can reside anywhere in the City and is elected by the voters of the entire City to provide citywide representation.

On September 7, 2021, the City received a letter dated September 1, 2021, challenging the City's current election method and asserting that the City's at-large election system violates the California Voting Rights Act ("CVRA") and demanding that the City change its at-large voting system to a district-based election system. A district-based election system is generally one in which a city is divided into separate districts, with each district's voters electing a representative from that district, who must also be a resident of the district.

The process for transitioning from at-large voting to district-based voting is prescribed by Section 10010 of the Elections Code. It consists of five public hearings in total, and it must be completed within 90 days of the adoption of Resolution 2021-117.

**DISCUSSION:**

The purpose of this meeting is to inform the public about the districting process and hear from residents on factors they believe should be taken into consideration when creating the voting districts, in particular “communities of interest.” As defined by state law, a “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates. To be taken into consideration, a community of interest must not only have a common social or economic that relates to the business of the City, it must also be geographically concentrated in a particular part of the City so that it can be unified within a district.

Certain legally required criteria apply to the creation of the districts and must be observed. These are:

- Each council district shall contain a nearly equal population as defined by federal and state law;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause; and
- Each council district shall not be drawn with race as the predominant factor in violation of the principles established by the United State Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

Beyond that, state law requires that cities adhere to the following statutory criteria, ranked in order of priority:

- (1) To the extent practicable, council 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 extent practicable, the geographic integrity of any local neighborhood or—as mentioned above—local community of interest shall be respected in a manner that minimizes its division.
- (3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
- (4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council 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.

As for the demographic makeup of the City, the recently released 2020 Census data, as adjusted by the California Statewide Database pursuant to state law, reflect the following pertinent characteristics:

City of Covina	Totals	%
Total Pop. (SWDB 2021)	51,444	
Hispanic Pop.	30,201	58.71%
NH White Pop.	10,075	19.58%
NH Black Pop. (DOJ)	1,977	3.84%
NH Indian Pop. (DOJ)	358	0.70%
NH Asian Pop. (DOJ)	7,997	15.55%

NH Hawaiian/Pacific Islander Pop. (DOJ)	116	0.23%
NH Other Pop. (DOJ)	412	0.80%
NH Other MR Pop. (DOJ)	308	0.60%
CVAP (SWDB 2021)	33,555	
Hispanic CVAP	17,704	52.76%
NH White CVAP	9,170	27.33%
NH Black CVAP	1,488	4.43%
NH Amer. Ind. CVAP	137	0.41%
NH Asian CVAP	4,617	13.76%

NH = Not of Hispanic Origin  
MR = Multiracial

CVAP = Citizen Voting Age Population  
SWDB = Statewide Database

DOJ = USDOJ/OMB's Aggregation

The next public hearing to receive and consider further input from the public concerning the composition of voting districts is scheduled for Tuesday, November 16, 2021. Maps options are due to be presented to the Council by the City's demographic consultants at a hearing on December 21, 2021, with subsequent hearings on January 4 and January 18, 2022. The Council anticipates adopting a final map at the January 18 hearing.

The deadline for adoption of a map under Elections Code § 10010 is January 19, 2022.

#### Specialized Consultant/Advisory Services

The creation of election districts is a highly specialized field of work that involves expertise in GIS/mapping services, the review of demographic data and knowledge of both the Federal and California Voting Rights Act. Additionally, the demand for consultants that specialize in this work is particularly high, given the recent release of Census data and the need for public agencies to review districts in advance of the 2022 election cycle. Despite these constraints, staff has identified a highly qualified team of consultants that will assist in the preparation of districts, public outreach and adherence to voting rights laws as follows:

- Nielsen Merksamer (NM): NM is a highly experienced legal and advisory services firm that specializes in voting rights and redistricting law. With over forty (40) of experience in advising public agencies on voting rights issues, NM is uniquely qualified to assist the City in the development of election districts. As proposed, NM's scope of services will include working closely with the City team on the overall district process, advise on federal/state law as the district plan develops, and prepare documentation required to enact and implement districts. The principals assigned to assist the City include Christopher Skinnell and Sean Welch, who are both partners at the firm.
- Willdan/Tripepi Smith: Willdan is a highly experienced municipal services firm that provides GIS support services, engineering services, financial advisory services for cities and is currently an on-call professional services firm with the City of Covina. Willdan will assist in the review of demographic data and the creation draft election districts for this project, in concert with the project team. The primary principal assigned to assist the City is Tyrone Peter. Tripepi Smith (TS) is a highly experienced public communications firm that will support public engagement, project management and outreach services for the project. TS' recent engagements on the subject matter include public engagement services for the cities of Palm Desert, Orange, Anaheim, Pomona, Pasadena and Tustin. The primary principal assigned to assist the City is Ryder Todd Smith.

Altogether, it is estimated that costs related to this project will not exceed \$150 thousand. Based on the short timeframe to meet the State's safe harbor laws and cap potential legal fees from outside parties, it is recommended that the Council provide authorization to the City Manager to negotiate and execute agreements for these services with NM and Willdan/Tripepi Smith.

**FISCAL IMPACT:**

There will be significant staff and consultant time needed to transition to a district-based election system because the City must conduct at least five (5) public hearings. In order to utilize the State's "safe harbor" on capping potential legal fees that the City could be required to pay, an accelerated procurement process has been conducted to secure necessary GIS/mapping support services, outreach services and advisory services related to the California Voting Rights Act. These expenses are estimated to not exceed \$150 thousand. Since these expenses were not originally anticipated during the City budget development process, Resolution CC 2021-123 contemplates the appropriation of General Fund reserves for these purposes.

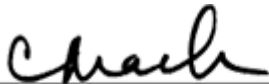
**CEQA (CALIFORNIA ENVIRONMENTAL QUALITY ACT):**

The action being considered by the Council is exempt from the California Environmental Quality Act (CEQA) because it is not a "project" under Section 15378(b) of CEQA Guidelines. The action involves organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

**ATTACHMENTS:**

[Resolution CC 2021-123](#)

Respectfully submitted,



Chris Marcarello  
City Manager

**RESOLUTION CC 2021-123**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, AMENDING THE FISCAL YEAR 2021-2022 OPERATING BUDGET TO REFLECT A \$150,000 APPROPRIATION FOR SPECIALIZED CONSULTANT COSTS RELATED TO THE CREATION OF DISTRICT-BASED ELECTIONS**

**WHEREAS**, the City of Covina is a municipal corporation duly organized and existing pursuant to the Constitution and laws of the State of California; and

**WHEREAS**, the Budget for the City of Covina for fiscal year commencing July 1, 2021 and ending June 30, 2022 was approved on June 1, 2021; and

**WHEREAS**, the approved Fiscal Year 2021-2022 Operating Budget is in accordance with all applicable ordinances of the City and all applicable statutes of the State; and

**WHEREAS**, the reallocation of the appropriations between departmental activities may be made by the City Manager, amendments (increases/decreases) to the Budget shall be by approval and Resolution of the City Council; and

**WHEREAS**, on October 21, 2021 the City Council of the City of Covina (“City”) approved Resolution CC 2021-117, declaring its intention to transition from at-large to district-based elections for members of the City Council and outlined specific steps and timeline to be undertaken to facilitate the transition pursuant to Election Code Section 10010; and

**WHEREAS**, the City believes that its current at-large election system does not violate the California Voting Rights Act. On the contrary, the current election system allows for the City Council membership to reflect the diversity of the City; and

**WHEREAS**, the City Council has, however, weighed the public interests served by the current at-large election system for Councilmembers, the legal risks and potential litigation costs of maintaining that system, the public interests served by City Council consideration of a proposal to transition to a district-based election system for Councilmembers, and has determined that the public interests would be best served under the circumstances to consider a future transition to a district-based election system for Councilmembers; and

**WHEREAS**, it is necessary for the City to retain specialized consultant services for geographic information mapping systems, public engagement services and advisory services related to the California Voting Rights Act; and

**WHEREAS**, the City Council authorizes the City Manager to conduct an accelerated procurement process to retain specialized consultant services, adhere to the timeline included in Resolution CC 121-117 and limit the City’s exposure to potential litigation costs.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COVINA, CALIFORNIA, DOES HEREBY RESOLVE AS FOLLOWS:**

**SECTION 1.** Amend the fiscal year 2021-2022 Operating Budget as follows:

<b>Account Number</b>	<b>Account Title</b>	<b>Original Budget</b>	<b>Increase</b>	<b>Amended Budget</b>
1010-0600-51005	Elections – Consulting Fees	\$1,400	\$150,000	\$151,400

**SECTION 2.** Appropriate \$150,000 from unappropriated general fund reserves to Account no. 1010-0600-51005.

**SECTION 3.** The City Clerk shall certify to the passage and adoption of this resolution and shall enter the same in the Book of Original Resolutions.

**APPROVED** and **PASSED** this 2<sup>nd</sup> day of November, 2021.

City of Covina, California

BY: \_\_\_\_\_  
JORGE A. MARQUEZ, Mayor

ATTEST:

\_\_\_\_\_  
GEORGIANNA NICOLE ALVAREZ  
Chief Deputy City Clerk

**CERTIFICATION**

I, Georgianna Nicole Alvarez, Chief Deputy City Clerk of the City of Covina, do hereby certify that Resolution CC 2021-123 was duly adopted by the City Council of the City of Covina at a regular meeting held on the 2<sup>nd</sup> day of November, 2021, by the following vote:

AYES:           COUNCIL MEMBERS:  
NOES:           COUNCIL MEMBERS:  
ABSTAIN:       COUNCIL MEMBERS:  
ABSENT:        COUNCIL MEMBERS:

Dated:

\_\_\_\_\_  
GEORGIANNA NICOLE ALVAREZ  
Chief Deputy City Clerk