



CC Regular Meeting

AGENDA ITEM REPORT

Meeting: CC Regular Meeting - Nov 16 2021
Title: City Council Election District Public Hearing #2 - California Voting Rights Act Overview and Mapping Process
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.

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. The first public hearing was held on November 2, 2021 and this is the second scheduled public hearing that will satisfy this requirement.

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

Tuesday, December 14, 2021, is the final deadline to submit maps for consideration at the next public hearing scheduled for Tuesday, December 21, 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.

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.

Respectfully submitted,



 Chris Marcarello
 City Manager