Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the Library, 251 South "A" Street and the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Any materials to be presented at this meeting will be made available electronically 24 hours prior to the meeting, at the end of this agenda. The agenda reports are on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
South Oxnard Community Center, 200 E. Bard Road, Oxnard

January 3, 2018

Special Meeting – 6:00 PM

A. ROLL CALL / POSTING OF AGENDA

B. OPENING CEREMONIES

Pledge of allegiance to the flag of the United States.

C. PUBLIC HEARING

1. SUBJECT: Public Hearing Regarding Composition of Possible City Council Districts (30/30/30)
RECOMMENDATION: That City Council hold the second public hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts.

Legislative Body: CC Contact: Stephen M. Fischer Phone: 385-7483

D. ADJOURNMENT

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 24 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

City of Oxnard internet address: www.oxnard.org.

CITY OF OXNARD CALIFORNIA	**CITY COUNCIL** **AGENDA REPORT**	**TYPE OF ITEM: Public Hearing** **AGENDA ITEM NO.: C1**

DATE: January 3, 2018

TO: City Council

FROM: Stephen Fischer
City Attorney

SUBJECT: Public Hearing Regarding Composition of Possible City Council Districts (30/30/30)

CONTACT: Stephen Fischer, City Attorney
Stephen.Fischer@oxnard.org, 385-7483

RECOMMENDATION:

That City Council hold the second public hearing to review the districting process for City Council elections and receive public input regarding the composition of potential City Council districts.

BACKGROUND

Historically, the City has elected its Councilmembers through an at-large election system. Under this system, candidates for the City Council can reside anywhere in the City and are elected by the registered voters of the entire City. (The Mayor is separately elected, but is also elected through an at-large election system.)

The City received a letter dated October 7, 2017 claiming that the City's current method of electing the City Council through at-large elections violates the California Voting Rights Act ("CVRA"). The letter alleges that the City's elections "may be occurring by polarized voting," and threatens litigation if the City declines to adopt a district-based election system. A district-based election system is one in which a city is divided into separate districts and a councilmember is elected from each district by registered voters residing in that district.

The CVRA (Elections Code Section 14025 et seq.) was adopted in 2002, and is based upon the Federal Voting Rights Act of 1965 ("FVRA") with some important differences that make at-large election systems much more susceptible to legal challenge. For a plaintiff to be successful in a claim of violation under the FVRA relating to at-large elections, the plaintiff must show that:

1) a minority group is sufficiently large and geographically compact to form a majority of the eligible voters in a single-member district; 2) there is racially-polarized voting; and 3) there is "white bloc voting" (the term used by the courts reviewing such cases) sufficient usually to prevent minority voters from electing candidates of their choice. If a plaintiff proves these three elements, then the federal court will consider whether, under the "totality of circumstances," the votes of minority voters are diluted by the at-large election system.

The CVRA removes two of these factors. It eliminates what is known as the "geographically compact" FVRA precondition (e.g., can a majority-minority district be drawn) as well as the "totality of the circumstances" or "reasonableness" test. Because the CVRA eliminates some of the elements that a plaintiff must prove, defending a lawsuit brought pursuant to the CVRA is substantially more difficult to defend against than a claim under the FVRA. As a result of the lower threshold for proving a claim under the CVRA, many jurisdictions have voluntarily switched to district-based election systems instead of facing litigation.

Because of the low standards necessary for a plaintiff to prevail in CVRA litigation, every public entity defendant since the CVRA was enacted in 2002 has either lost in court or settled. To date, every government defendant has ultimately been forced to pay at least some portion of the plaintiff's attorney fees and costs. Awards in contested CVRA cases have reportedly ranged from approximately $400,000 to over $4,500,000. For example, in February 2015, the City of Santa Barbara reportedly paid $800,000 in attorney's fees and expert costs to settle its CVRA lawsuit. Another example is the City of Palmdale, which incurred expenses in excess of $4.5 million.

Although there is a case pending in federal court challenging the constitutionality of the CVRA (*Higginson v. Xavier Becerra and the City of Poway*; Case No. 17 CV2032 WQHJLB, filed October 4, 2017), it is not anticipated that this litigation will be resolved during the so-called "safe harbor" period described below. Some cities involved in the case by filing amicus (friend of the court) briefs are still moving forward with the districting process while this federal litigation is ongoing. If the federal court issues an injunction against the enforcement of the CVRA prior to the City considering the adoption of districts, then the City can consider its options at that time. However, the federal court has given no indication when it will take any action in this matter.

Because of claims of abuses by some plaintiff's attorneys in CVRA cases, the Legislature adopted AB 350 in 2016 to place a "safe harbor" cap of a maximum of $30,000 on attorney's fees that a plaintiff would be entitled to recover if the target city, within 45 days of receipt of the plaintiff's properly served demand letter, adopts a Resolution of Intent to consider an ordinance to establish a district-based election system, and then adopts such an ordinance within 90 days following the date it adopted the Resolution of Intent.

That 90-day period to adopt the ordinance would include the following steps:

1) Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City

Council would hold at least two public hearings over a period of no more than 30 days, at which time the public will be invited to provide input regarding the composition of the districts. (Election Code §10010(a)(1).)

2) After the draft maps are drawn, the City would publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections would also be published. (Election Code §10010(a)(2).)

3) The City Council would hold at least two additional public hearings over a period of no more than 45 days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. (Id.)

4) The first version of a draft map is required to be published at least seven days before consideration at a public hearing. If a draft map is revised at or following a public hearing, it is required to be published and made available to the public for at least seven days before being adopted. (Id.)

At its November 27, 2017 meeting, the City Council adopted Resolution No. 15,068, which indicated the City's intent to consider transitioning from at-large elections to district elections for members of the City Council pursuant to Elections Code Section 10010.

On December 12, 2017, the City Council held the first of two public hearings over a period of no more than 30 days for the public to provide input regarding the composition of the proposed City Council districts. Under state law, these public hearings are required to occur prior to the City's drawing of a draft map or maps of the proposed boundaries of the districts.

At the December 12, 2017 City Council meeting, demographer Robert McEntire from National Demographics, the firm selected to provide demographic services relating to the drawing of the districts, provided an overview of the districting process and previewed the online interactive system that allow the public to draw and submit proposed districting plans for the City Council's consideration. A total of 14 members of the public also provided public comments at the December 12, 2017 City Council meeting relating to this matter.

ANALYSIS

Tonight's public hearing will be the second of two public hearings required to be held regarding composition of City Council districts. In addition to a presentation from City staff regarding the districting process, a demographer from National Demographics will be available to discuss issues relating to the districting, including the tools that allows the public to draw and submit proposed districting plans for the City Council's consideration. The deadline to submit maps is January 5, 2018 at 5:00 p.m.

Draft maps are then scheduled to be released online at https://www.oxnard.org/draft-district-

maps/ by no later than January 10, 2018. After the release of the maps to the public, four hearings will be held to discuss the draft maps and proposed sequencing of district elections. These public hearings are scheduled for January 17, 2018, January 29, 2018, February 7, 2018 and February 20, 2018 at the City Council Chambers. In addition, the City will hold a Community Workshop on January 22, 2018 at 6:00 p.m. at the Oxnard Performing Arts and Convention Center's Hueneme Room to discuss the districting process, draft maps and the proposed sequencing of elections. The Inter-Neighborhood Council Organization (INCO) will also hold a special meeting on January 25, 2018 at 7:00 p.m. at City Council Chambers to discuss the districting process, draft maps and the proposed sequencing of elections. The meeting schedule is located online at https://www.oxnard.org/district-based-elections-schedule/.

The City Council will hold a public hearing on February 27, 2018 to consider an ordinance designating districts and the timing of elections in each district (i.e., either November 2018 or November 2020). If a majority of the City Council votes for the ordinance, the City Council will consider the second reading and adoption of the ordinance the following week. If adopted, the new City Council districts would not become effective until the November 2018 election, with the specific date on which a councilmember would be elected from each new district provided for in the ordinance.

STRATEGIC PRIORITIES

Not applicable.

FINANCIAL IMPACT

There is no specific financial impact from tonight's public hearing, although the consideration of transitioning to a district-based election system will take significant staff time and involves the use of a demographer to attend specific public hearings and provide online public outreach tools included in the scope of services.

Second Public Hearing re: Possible Transition from At-Large to District-Based City Council Elections

January 3, 2018

Timeline

Date	Event
December 12	1st hearing: gather public input on the composition of districts
January 3	**2nd public hearing: gather public input on the composition of districts South Oxnard Community Center, 200 E. Bard Road**
January 5	Deadline to submit draft maps (5:00 p.m.)
By January 10	*Draft maps released at City Hall and on project website*
January 17	3rd public hearing: public input on draft maps and election sequencing
January 22	Community Workshop to discuss districting process, draft maps and election sequencing; Performing Arts and Convention Center, Hueneme Room
January 25	Presentation to INCO regarding the districting process and draft maps City Council Chambers at 7:00 p.m.
January 29	4th public hearing: public input on draft maps and election sequencing
February 7	5th public hearing: public input on draft maps and election sequencing
February 20	6th hearing: public input on draft maps and election sequencing Anticipated map selection

Outreach

Website is up and running at oxnard.org/districts. Website includes substantial information about the districting process.

Draw a map tools in English and Spanish

A. Paper-Only Maps

B. Microsoft Excel Supplement

C. Online District Drawing Tools

City staff and the City's demographer have handled a number of calls and e-mail messages from interested members of the public regarding the districting process.

The City's demographer will be going over this process in more detail a few minutes.

Outreach [*cont.*]

- Press releases
- Media advisory re: public hearings
- Articles in Ventura County Star
- Twitter campaign
- Facebook campaign
- Posts on Nextdoor.com
- Utility bill inserts starting with January billing cycle
- Roving signs will promote meetings
- Ads are on readerboard at The Collection at RiverPark
- Posters announcing hearing in English and Spanish at Library, Community Centers, Senior Centers
- Flyers announcing public hearings are being distributed
- Bus bench ads

Maps Submitted as of January 3, 2018

29 draft maps had been submitted and not withdrawn – 23 by one individual and six by other individuals.

Demographer has analyzed 19 maps so far. Of these maps, five maps submitted meet both the population deviation requirements and the requirement that the draft maps include either four, six or eight districts. The population deviation requirement means that there cannot be more than a 10 percent difference in population between the smallest district and the largest district.

Of the 10 maps left to be analyzed, seven do not meet the requirements that the draft maps include either four, six or eight districts.

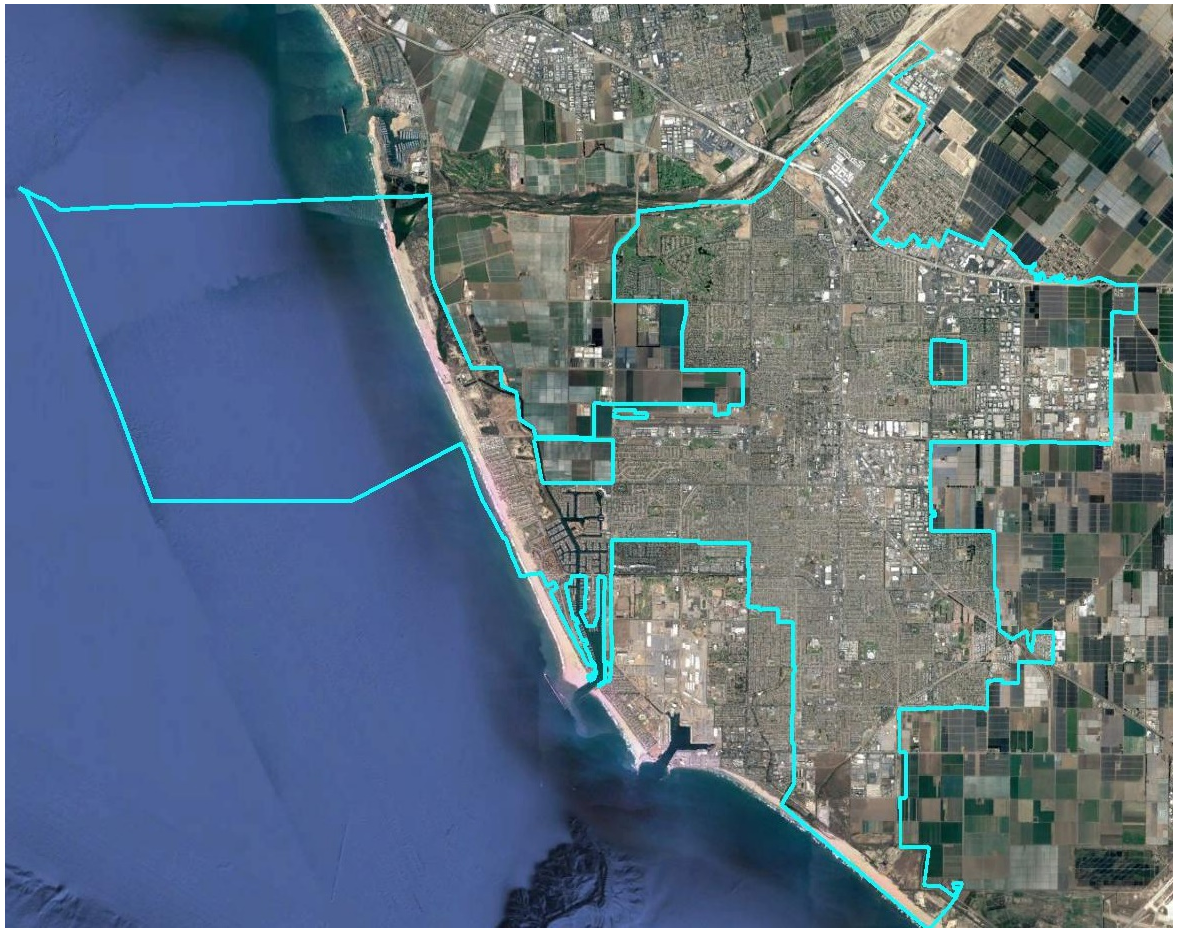
You can review the analyzed maps online at www.oxnard.org/districts.

Next steps

- After the presentation from the demographer, we recommend that the City Council open the public hearing and take public testimony.
- Once the public testimony has concluded, state law limits the ability of the City Council to consider the draft maps until the public has had at least seven days to review the maps. (Elections Code Section 10010, subd. (a)(2). Because the maps were not posted until yesterday (January 2), the first opportunity that the City Council will have to discuss the specific maps that have been submitted will be at the meeting on January 17, 2018.

NDC

National Demographics Corporation



City of Oxnard

Consideration of By-District Elections

January 3, 2018

National Demographics Corporation

Project Timeline

Date	Event
December 12	1st hearing: gather public input on the composition of districts
January 3	**2nd hearing: gather public input on the composition of districts**
January 5	Deadline to submit initial draft maps (5 p.m.)
By January 10	*Draft maps released at City Hall and on project website*
January 17	3rd hearing: public input on draft maps and election sequencing
January 29	4th hearing: public input on draft maps and election sequencing
February 7	5th hearing: public input on draft maps and election sequencing
February 20	6th hearing: public input on draft maps and election sequencing; possible map selection
February 27	Hearing, map selection (if needed) and ordinance introduction
March 6	Second reading and adoption of ordinance
Nov. 2018	First by-district elections
Nov. 2020	Second by-district elections

Traditional Districting Criteria

Federal Laws

- Equal Population
- Federal Voting Rights Act
- No Racial Gerrymandering

Traditional Criteria

- Communities of interest
- Compact
- Contiguous
- Visible (Natural & man-made) boundaries
- Respect for voters' wishes and continuity in office

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Demographic Summary

Latinos are 74% of the total population and 60% of the eligible voters (measured by Citizen Voting Age Population data).

Asian-Americans and African-Americans are much smaller: only 11% of total population and 4% of eligible voters.

Each of the 4 districts should have about 49,475 residents (acceptable range of 47,001 to 51,948); each of 6 districts should be 31,334 to 34,632; each of 8 districts should be 23,501 to 25,975.

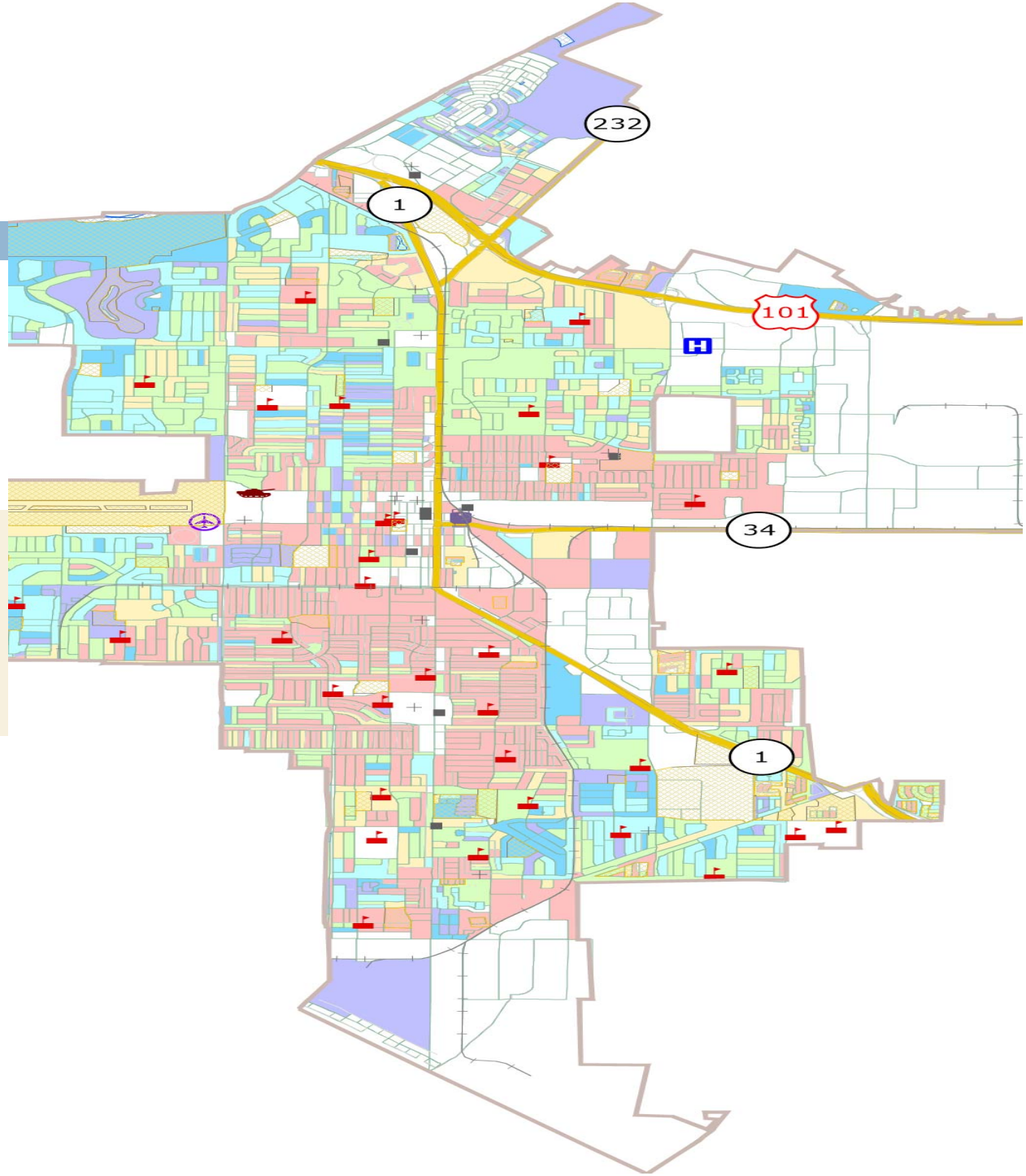
Race/Ethnic Profile	Count	Percent
Total Population	197,899	
Latino	145,551	74%
NH White	29,410	15%
NH Black/African-American	5,226	3%
NH Native American	746	0%
NH Asian-American	15,274	8%
NH Pacific Islander	664	0%
NH Other	313	0%
NH Multi-Race	715	0%
Voting Age Population total	138,881	
VAP Latino	95,156	69%
VAP NH White	25,825	19%
VAP NH Black/African-American	4,083	3%
VAP NH Native American	617	0%
VAP NH Asian-American	12,029	9%
VAP NH Pacific Islander	488	0%
VAP NH Other	219	0%
VAP NH Multi-Race	464	0%
Citizen VAP total	101,753	
CVAP Latino	60,737	60%
CVAP NH White	24,509	24%
CVAP NH African-American	4,254	4%
CVAP NH Asian & Pacific Islander	11,060	11%
CVAP Other	1,193	1%
Voter Registration (Nov. 2014)	75,437	
Latino Reg	47,507	63%
Asian-Surnamed Reg.	1,520	2%
Filipino-Surnamed Reg.	2,530	3%
Est. NH White Reg.	20,244	27%
Est. African-Amer. Reg	2,994	4%
Democratic Reg.	41,785	55%
Republican Reg.	14,897	20%
Other/No Party Reg.	18,755	25%
Voters Casting Ballots (Nov. 2014)	28,931	38%
Latino voters	15,448	53%
Asian-Surnamed voters	590	2%
Filipino-Surnamed voters	917	3%
Est. NH White voters	10,259	35%
Est. African-Amer. Reg	1,436	5%
Democratic voters	16,969	59%
Republican voters	6,830	24%
Other/No Party voters	5,133	18%

ACS Profile	Count	Percent
ACS Total Population	203,589	3%
Age 0 - 19	64,147	32%
Age 20 - 60	113,448	56%
Age 60+	25,994	13%
Immigrant	74,679	37%
Naturalized (pct of total immigrants)	27,819	37%
Age 5+	186,892	
Speak English at home	59,506	32%
Speak Spanish at home	114,049	61%
Speak an Asian language at home	10,781	6%
Speak other language at home	2,556	1%
Speak English only "well" or less	60,295	32%
Age 25+	121,369	
Age 25+, no HS degree	41,762	34%
Age 25+, HS degree (only)	59,919	49%
Age 25+, bachelor degree (only)	14,200	12%
Age 25+, graduate degree (only)	5,487	5%
Households	50,813	
Child under 18 in Household	21,561	42%
Income $0-25k	8,193	16%
Income $25-50k	12,047	24%
Income $50-75k	10,524	21%
Income $75-200k	18,137	36%
Income $200k+	1,911	4%
Housing units	54,441	
Single-Family	39,375	72%
Multi-Family	15,066	28%
Vacant	3,628	7%
Occupied	50,813	93%
Rented	23,042	45%
Owned	27,771	55%
Voters Casting Ballots (Nov. 2012)	47,248	68%
Latino voters	26,965	57%
Asian-Surnamed voters	895	2%
Filipino-Surnamed voters	1,480	3%
Est. NH White voters	15,297	32%
Est. African-Amer. Reg	2,133	5%

NDC
National Demographics Corporation

Latino CVAP Concentrations

Latino eligible voters are in all parts of the City, but are more highly concentrated along and south of Hwy 101, and along and east of Ventura Rd.



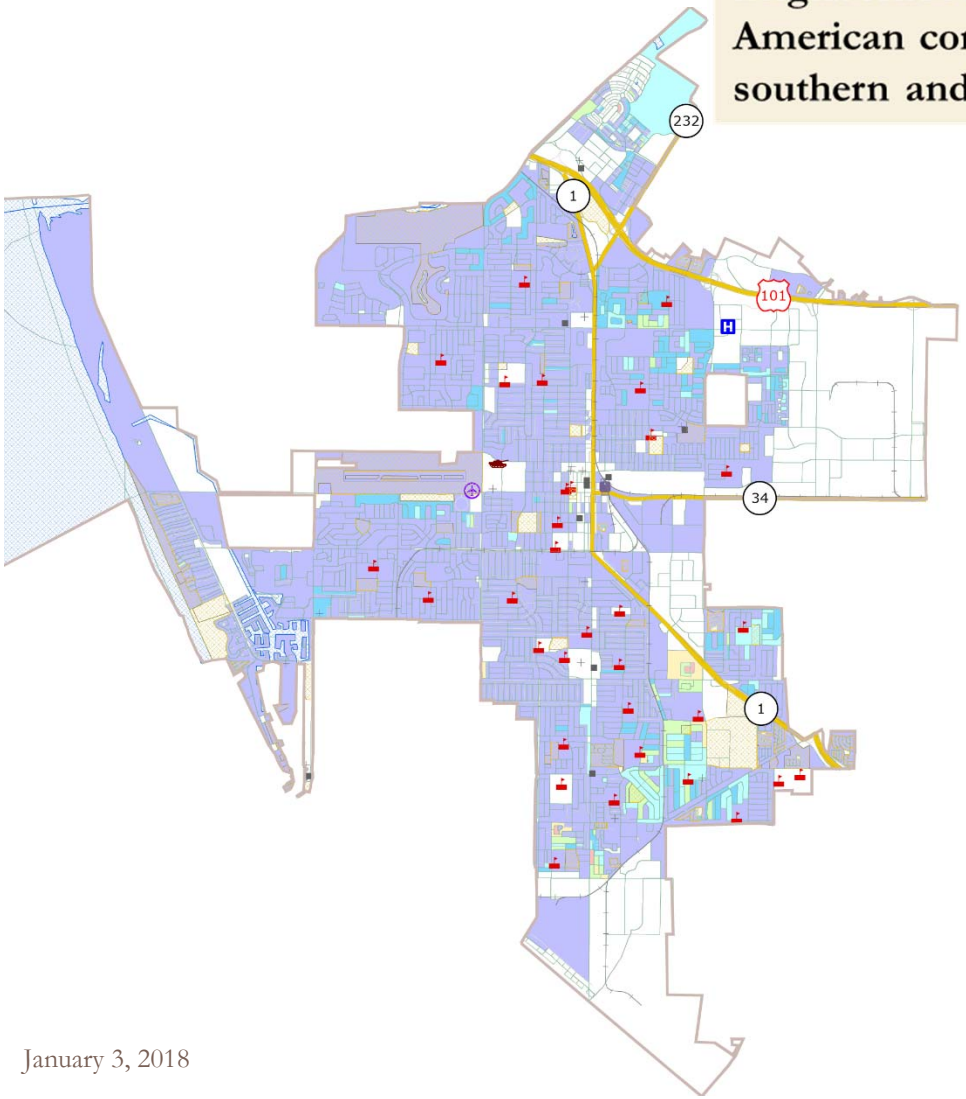
- 0% to 25%
- 25% to 35%
- 35% to 50%
- 50% to 65%
- 65% to 75%
- 75% to 100%

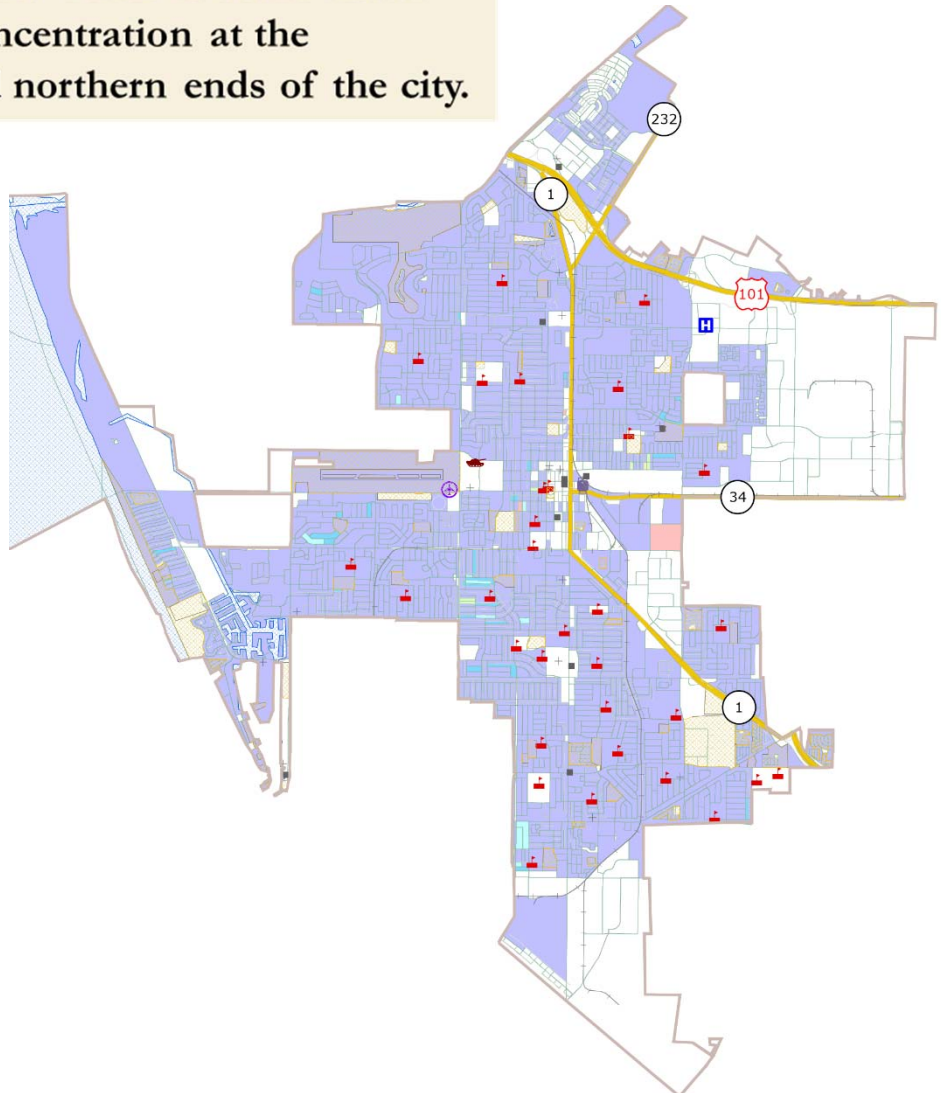
National Demographics Corporation

Other Protected Class Concentrations

0% to 25%
25% to 35%
35% to 50%
50% to 65%
65% to 75%
75% to 100%

There are no heavily African-American neighborhoods. There is some Asian-American concentration at the southern and northern ends of the city.





Defining Communities of Interest

1st Question: what is your neighborhood or community of interest?

A Community of Interest is generally defined as a neighborhood or community of shared interests, views, problems, or characteristics.

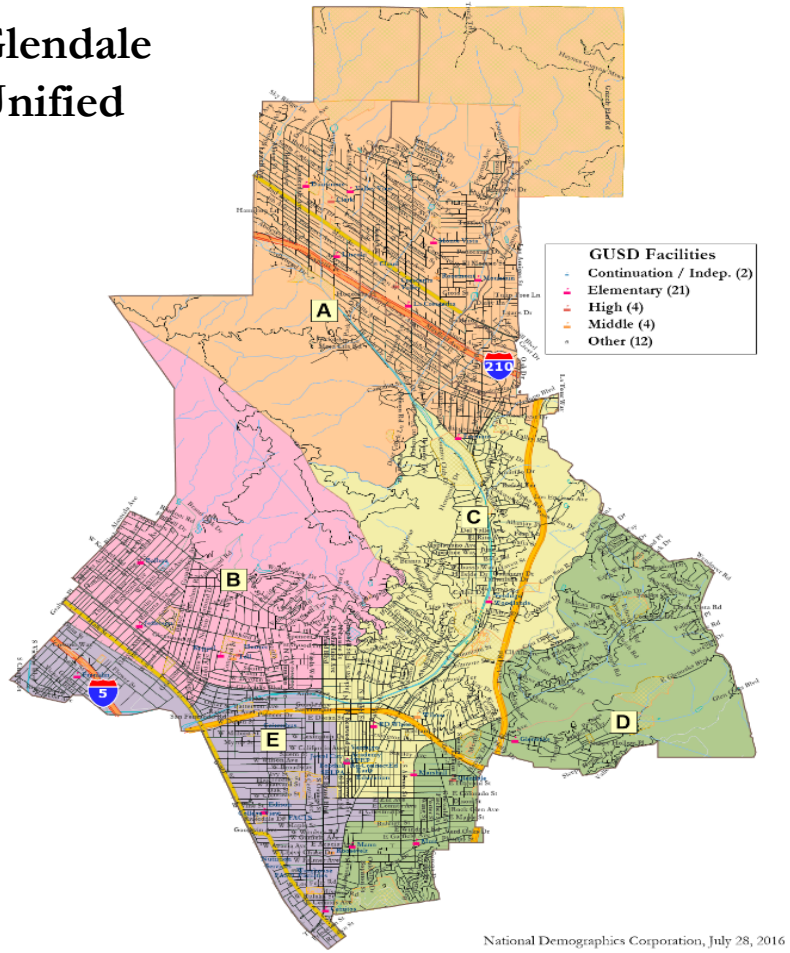
Possible community feature/boundary definitions include:

- School attendance areas
- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals, and/or hills
- Areas around parks and other neighborhood landmarks
- Common issues, neighborhood activities, or legislative/election concerns
- Shared demographic characteristics
  - Such as similar levels of income, education, or linguistic isolation

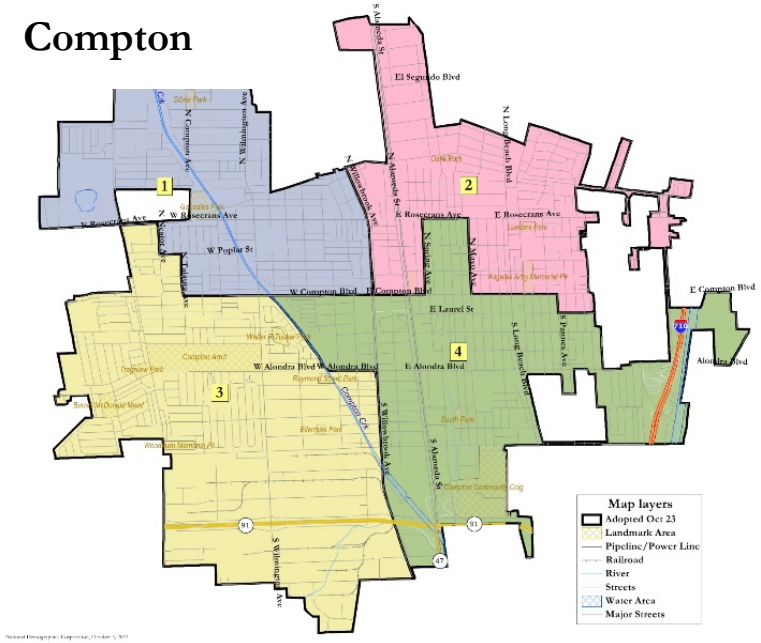
2nd Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?

Compact, Single Representative Samples

Glendale Unified

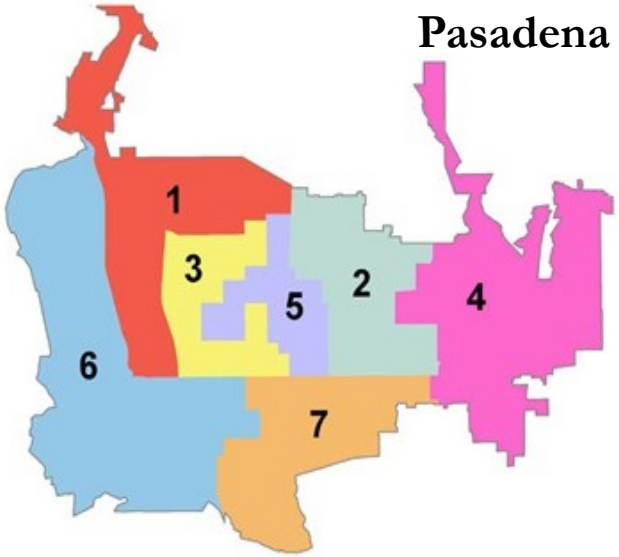


Compton

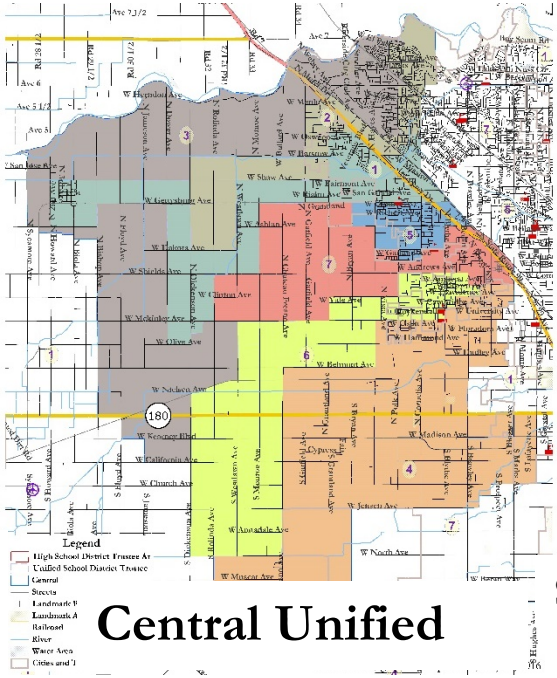


Multiple Representative Samples

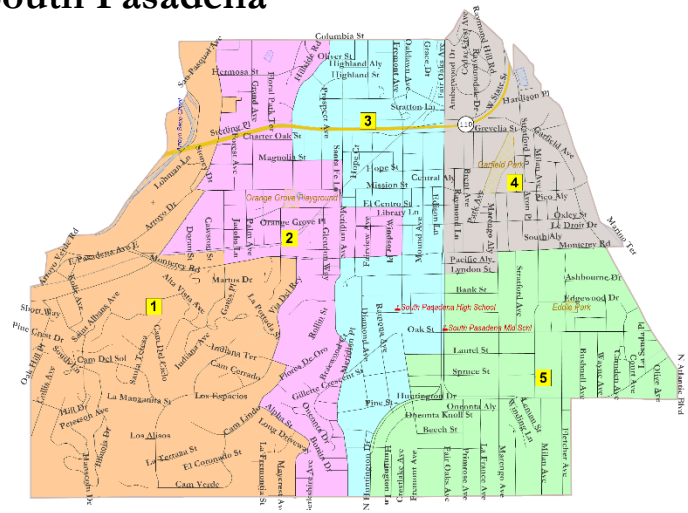
Pasadena



Central Unified



South Pasadena

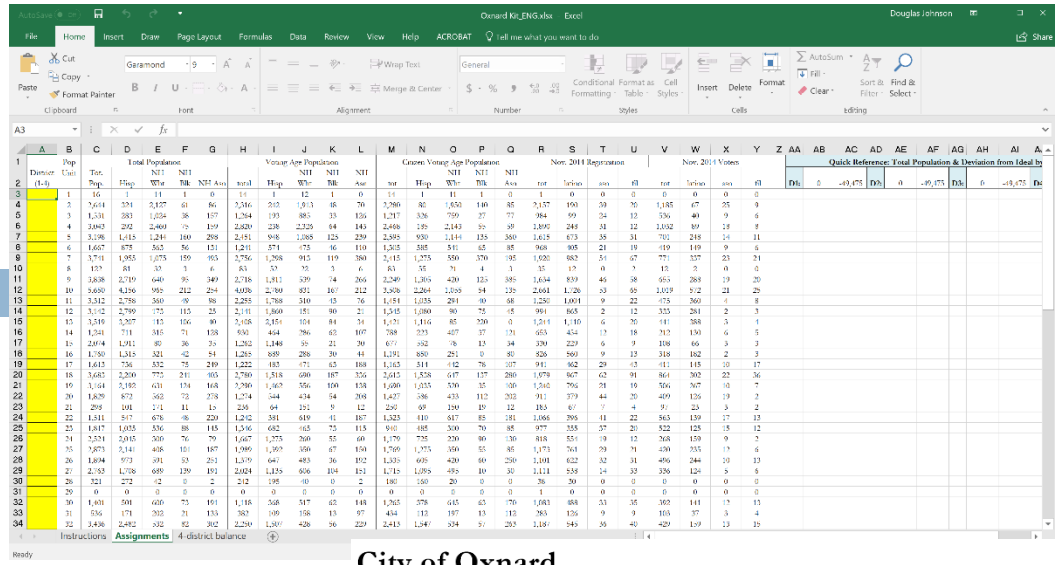


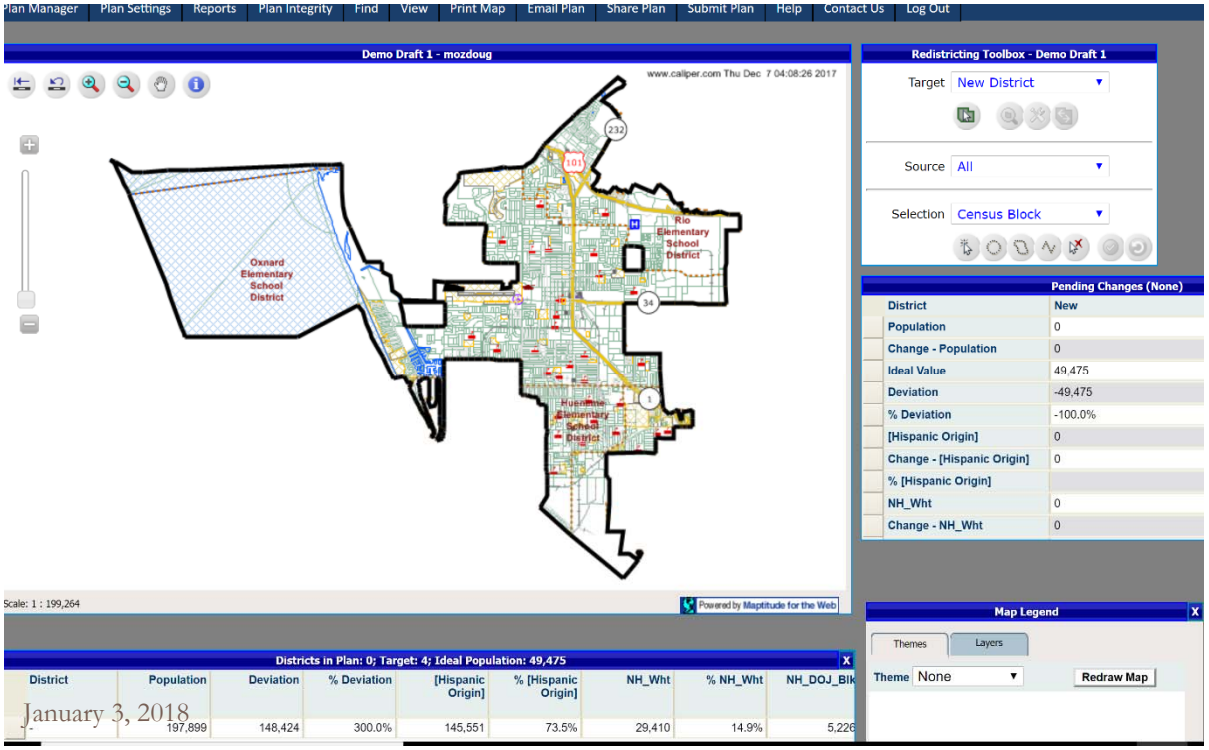
Map-Drawing Tools

National Demographics Corporation

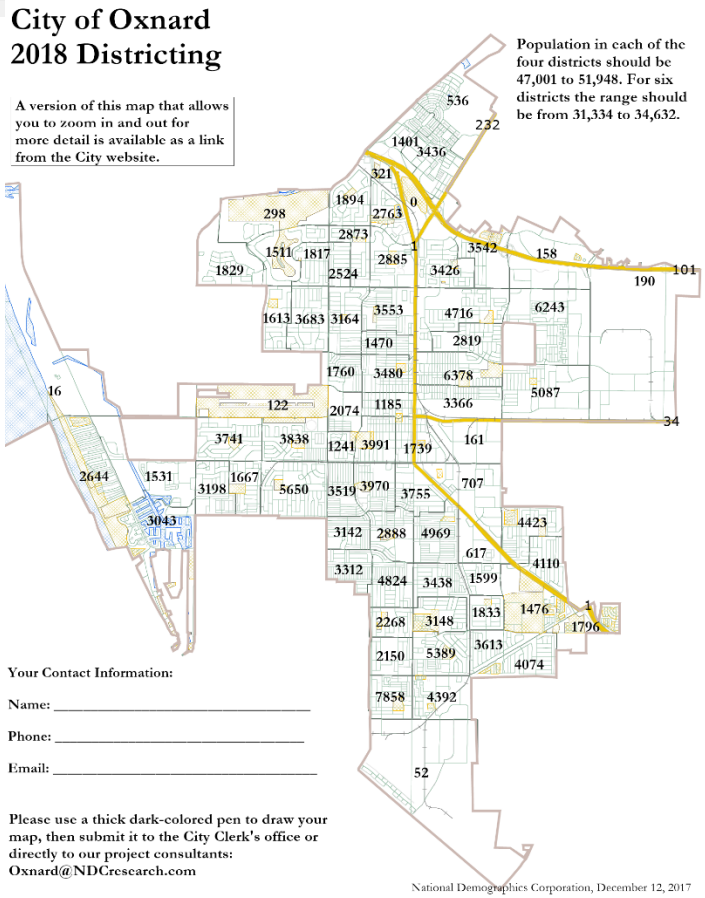
10

- Use the paper map, the online tool, or any other map
- Draw your neighborhood; draw the district you want for your area; or draw an entire citywide map





January 3, 2018



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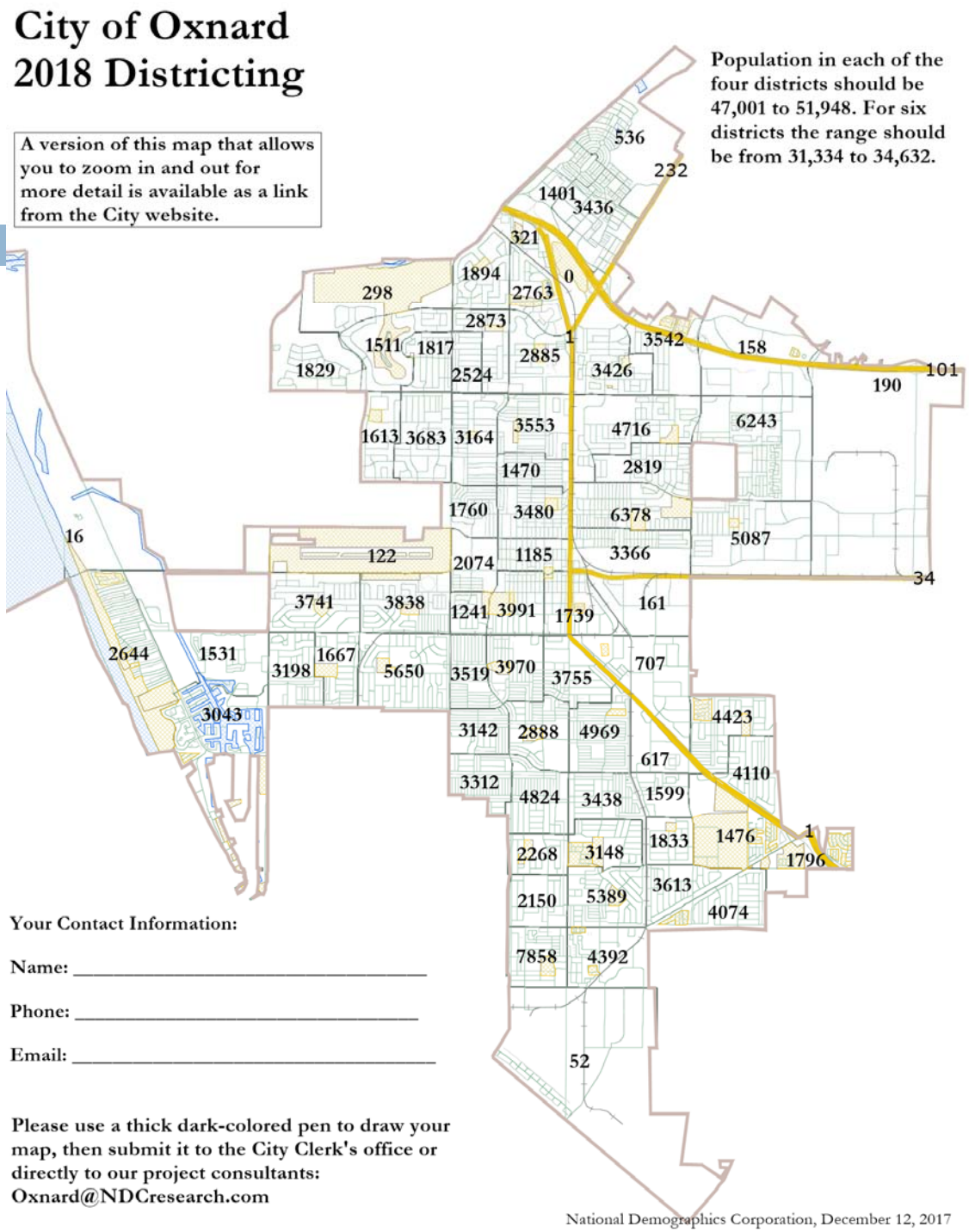
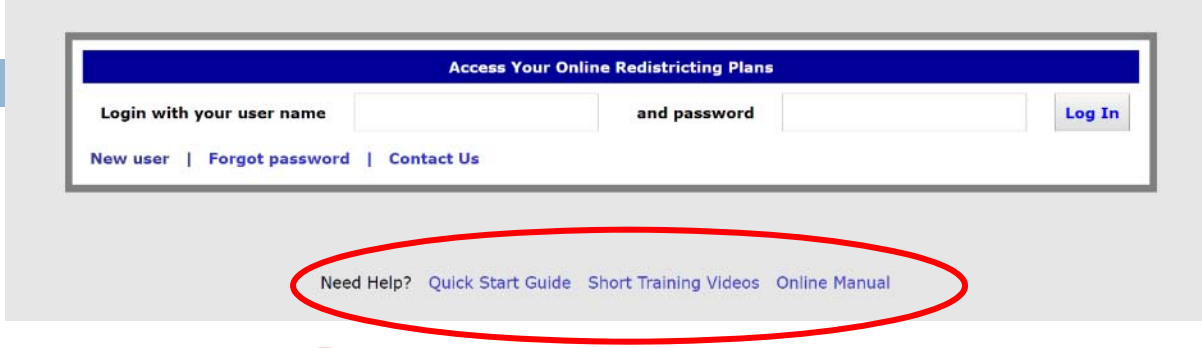
Using the One-Page Paper Map

The population of the largest and smallest districts must be within 10% of each other. So the population in each district in a Four-district map should be 47,001 to 51,948. For a six-district map the range should be from 31,334 to 34,632.

Interactive Map

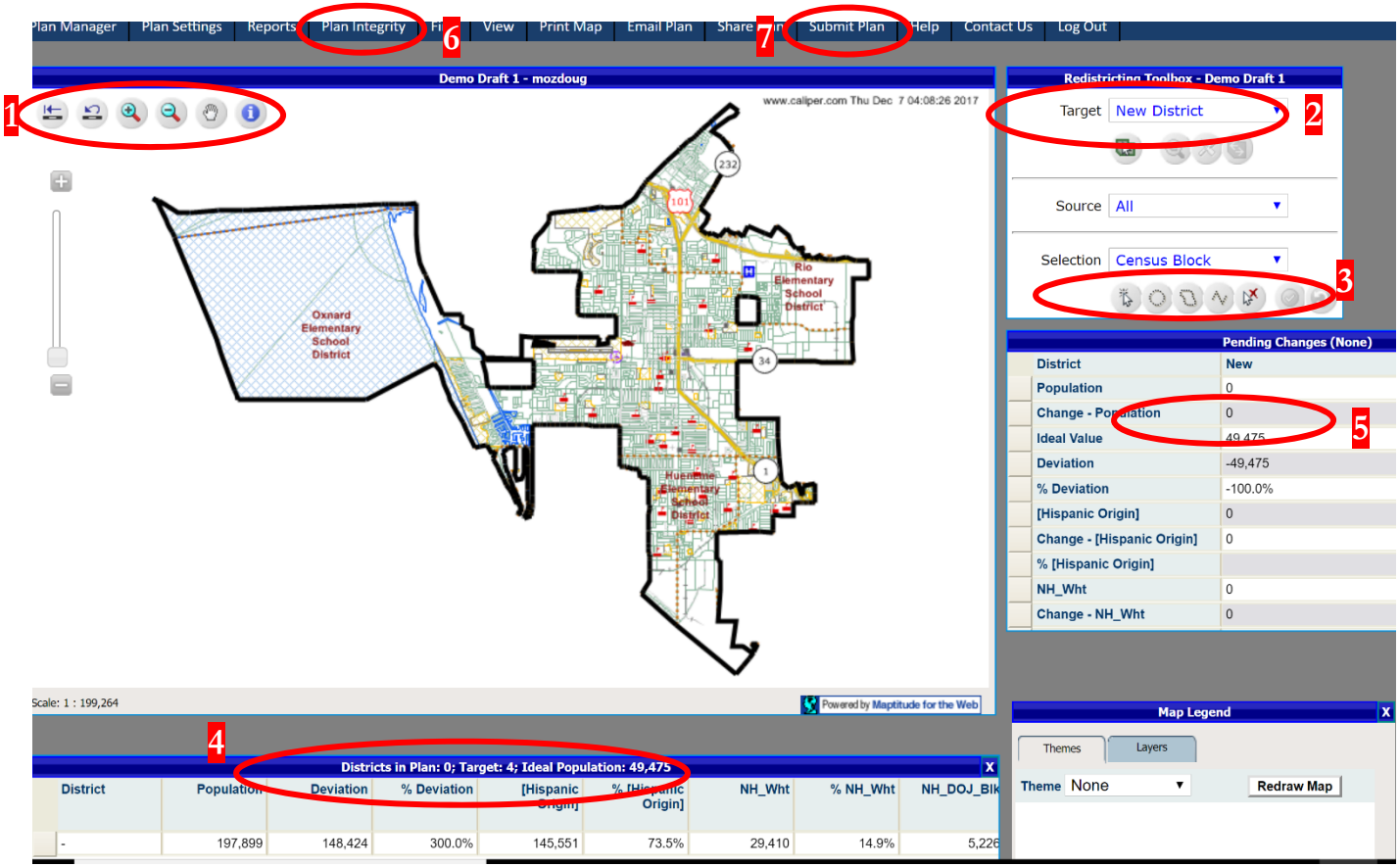


Using the online tool



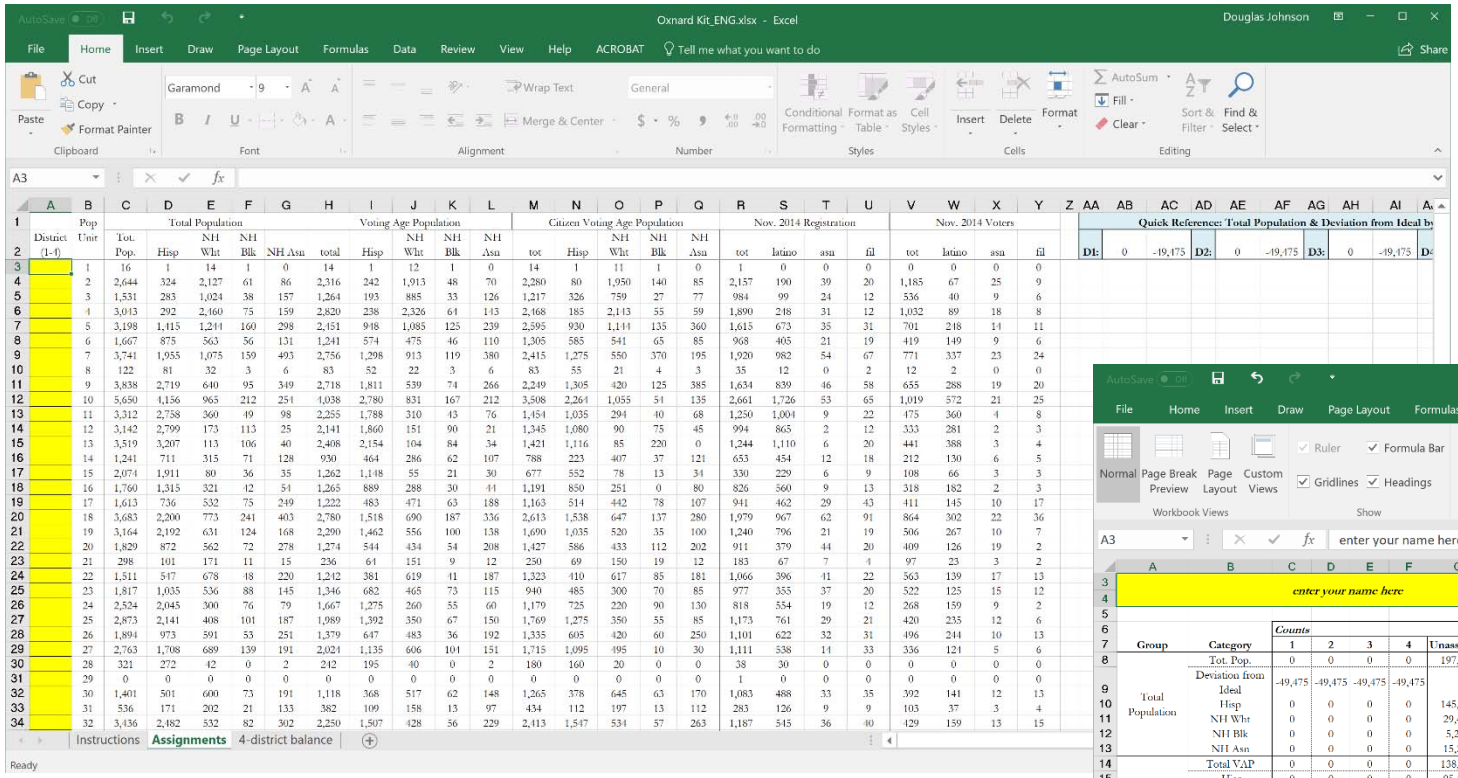
Tutorials and help resources are available from the login page.

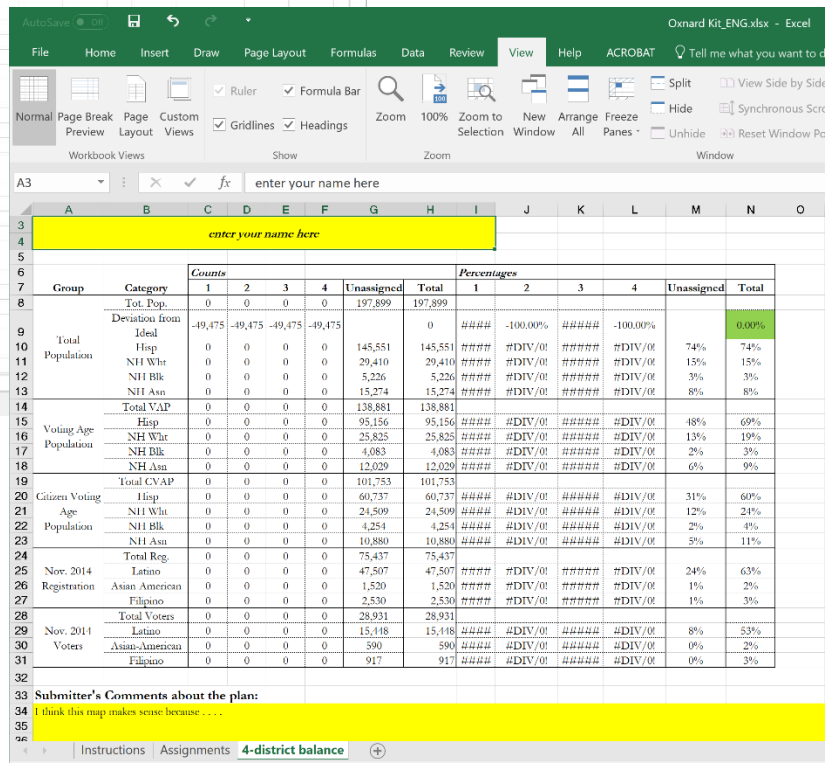
Circled items:
1: controls to move around the map;
2: choose into which district selected territory will be placed;
3: options for how to select territory;
4: demographic summary of districts;
5: demographic change of currently selected area;
6: review map when finished;
7: submit map.



Using the Excel tool

Enter the district assignment in the highlighted column, and Excel will calculate the resulting demographic changes.





Download either the 4-district or 6-district Excel files, or both, depending on the map you wish to draw.

National Demographics Corporation

Submissions Received So Far

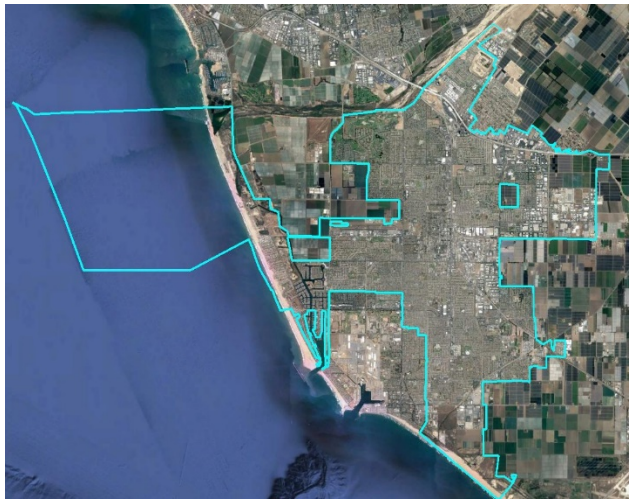
- Four-District Maps
  - Eleven received so far
  - Six were population balanced
  - Three were not population balanced
  - Two are not yet processed
- Six-District Maps
  - Fifteen received so far
  - Two were population balanced
  - Nine were not population balanced
  - Four are not yet processed
- Eight-District Maps
  - Two received so far
  - Neither was population balanced
- Other Maps Received
  - Four maps with only two districts (that would elect two or three members each)
  - Three maps with only three districts (that would elect two members each)
  - These do not meet the 'safe harbor' provisions of the California Voting Rights Act

All maps are posted to the City website once they are processed.
Only the population-balanced maps are posted to the Interactive Map

Discussion

1. **What are the boundaries of your neighborhood or "community of interest"?**
2. **Do you want your neighborhood united in one district, or with multiple Councilmembers elected from it?**
3. **What neighborhoods do you think make sense to be with your neighborhood in a district or districts because of common city issues?**
4. **What other "communities of interest" do you see in the City?**
5. **Any questions about any of the map-drawing tools?**

- Deadline for public submission of initial draft maps is 5pm on January 5th.



City Website
Interactive Map