



STAFF REPORT

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362
Phone 805/449.2121 • Fax 805/449.2125 • www.toaks.org

TO: Andrew P. Powers, City Manager

FROM: Tracy M. Noonan, City Attorney

DATE: June 20, 2023

SUBJECT: Transition to District Elections Hearing #3 - District Boundary Maps and Sequencing of Elections

RECOMMENDATION:

1. Receive report from National Demographics Corporation (NDC) on draft maps proposed to date, process for obtaining public input on draft maps and potential sequencing for district-based elections pursuant to Elections Code Section 10010.
2. Conduct public hearing to receive public input on district boundaries and sequencing of elections.
3. Provide direction to the City's demographics consultant on any modifications to one or more proposed district maps and potential election sequencing to implement district-based elections.
4. Find that this action is not a project as defined in the California Environmental Quality Act.

FINANCIAL IMPACT:

No Additional Funding Requested. Minimal staff time to write report is included in the Adopted FY 2022-23 General Fund Budget.

BACKGROUND:

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

Transition to District Elections Maps & Sequencing
June 20, 2023
Page 2

On March 15, 2023, the City received a letter alleging the City's at-large method of electing members of City Council violates the California Voting Rights Act (CVRA/the Act). The letter demanded the City transition to district-based elections or face litigation under the CVRA.

At the April 4, 2023, City Council meeting, staff presented a variety of options and issues associated with the CVRA challenge to the City's current at-large method of electing members of City Council. After considering all the information and options presented, City Council voted to initiate the transition to district-based elections, authorizing staff to bring back a resolution declaring City Council's intent to transition to districts pursuant to Elections Code Section 10010(e)(3)(A).

On April 25, 2023, City Council adopted Resolution No. 2023-011, initiating the process to transition from an at-large election system to a district-based election system. A key reason that the City is proceeding with district-based elections is the threat of significant litigation under the CVRA. Faced with potentially millions of dollars in legal fees and damages (as some cities have experienced), the City decided to voluntarily proceed with transitioning to district-based elections. This allows the City to retain its own ability to determine and adopt an appropriate district map instead of having the risk of a court doing so.

On May 9, 2023, and May 16, 2023, City Council conducted the first and second public hearings. During the public hearings, City Council received a presentation by NDC on the mapping process and allowed for public comments to be heard on the transition from at-large to district-based elections for members of City Council. Additionally, the City held two public workshops; one virtual on May 11, 2023, and one in-person on June 3, 2023.

DISCUSSION/ANALYSIS:

The next step in the transition process is to hold two additional public hearings on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance. This public hearing completes the first of the two additional public hearings. The next public hearing is scheduled for July 11, 2023.

Both NDC and members of the public have submitted draft district maps and sequences of elections for City Council consideration (Attachment #1). The maps submitted by the public are numbered (101-111), whereas the maps submitted by the demographer are labeled with colors (Orange, Yellow, Green). The purpose of this public hearing is to receive a report from NDC regarding all the submitted draft district maps, receive public input on this process, and select two to four focus

Transition to District Elections Maps & Sequencing

June 20, 2023

Page 3

maps prior to the July 11, 2023, public hearing. These draft maps and the accompanying population and demographic data are available on the project website at maptoaks.org, which is linked on the City's website.

In 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 Federal Voting Rights Act. 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; and
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; and
2. Future population growth.

The deadline for members of the public to submit their own draft district maps prior to this meeting was June 6, 2023. Any draft district maps submitted after the initial deadline will be available on the project website at maptoaks.org and will be considered at a future public hearing. City Council is not being asked to consider those draft maps at this time. City Council consideration of those draft maps will occur at the July 11, 2023, City Council meeting.

Next Steps

The City will hold two additional workshops for members of the community to provide feedback on the draft maps. A virtual workshop will be held via Zoom on June 22, 2023, and an in-person workshop will take place on June 24, 2023, at the Borchard Community Center.

At the July 11, 2023, City Council Meeting, City Council will conduct Public Hearing #4 to seek public input on how the districts should be drawn, sequencing of elections, and select the final map for implementation by introducing the proposed

Transition to District Elections Maps & Sequencing
June 20, 2023
Page 4

ordinance to change to a district-based election. The deadline to submit maps for the July 11, 2023, public hearing is June 27, 2023, to afford NDC time to post the maps to the project website and meet the seven-day requirement no later than July 4, 2023. The second reading and adoption of the ordinance is scheduled for July 18, 2023. However, if City Council makes further changes to the district plan prior to the ordinance introduction, there will need to be an additional public hearing to comply with the seven-day posting requirement. The City's 90-day litigation protection deadline is July 24, 2023, therefore, it is imperative to stay on schedule to avoid legal challenges and financial risk.

Community Outreach: To engage the community, City staff launched a full marketing campaign. Staff created a dedicated website on the districting process, which is currently featured on the City website's home page and at maptoaks.org. Staff has conducted community outreach via email, print signage, social media, water bill inserts, City newsletters, and announcements at City Council meetings. Public hearing notices are published in the Ventura County Star. The City also established a specific email address for members of the public wishing to submit feedback via email, which is: districtelections@toaks.org. Additional outreach efforts will continue throughout the districting process. Staff invites the public to spread the message to friends and neighbors to help inform them of the process.

COUNCIL GOAL COMPLIANCE:

Meets the following City Council goals:

A. Create a more equitable, accessible, safe, welcoming, and inclusive government and community regardless of race, color, ethnicity, religion, sex, physical or mental ability, sexual orientation, gender identity and expression, age, language, education, and/or socio-economic status.

B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

SUBMITTED BY: Laura B. Maguire, City Clerk

Attachments:

Attachment #1 – Draft Maps