



Agenda Item Staff Report

To: Honorable Mayor and Members of the City Council
For the meeting of November 15, 2021

From: Chris Constantin, City Manager
Jeff Malawy, City Attorney

Subject: **Continued Public Hearing Regarding Draft District Maps and Election Sequencing for a District Based Election System; Selection of District Map and Election Sequence; Introduction of Ordinance No. 1292 Establishing a District Based System of Elections for Members of the City Council**

SUMMARY

38 district maps and 3 potential communities of interest were submitted prior to the deadline and posted on the City's sandimasdistricts.org website. At the public hearing on November 9, 2021, the City Council opened the public hearing, took public testimony, closed the public hearing, and began deliberations on the maps. The City Council narrowed the maps down to 4 focus maps for further discussion – Maps 101, 127, 131, and a revised Map 101. Tonight, the City Council may proceed with further deliberations on those maps (or any other maps from November 9 if needed), make further revisions to any such map (if desired), and may select a map or revised map and election sequence for introduction with Ordinance No. 1292 to establish a district-based system of elections for members of the City Council.

RECOMMENDATION

Staff recommends the City Council:

- 1) Continue deliberations and provide any further comments or revisions to the draft maps;
- 2) Select a district map and decide which two districts will have elections in 2022 and which two in 2024, and incorporate those selections into Ordinance No. 1292;
- 3) Introduce, through first reading by title only with further reading waived, Ordinance No. 1292 establishing a district-based system of elections for members of the City Council.

BACKGROUND

The members of the San Dimas City Council are currently elected at-large. In an at-large election system, every voter in the City votes for each member of the City Council, regardless of where the voter or the candidate resides.

On August 25, 2020, the City Council approved a settlement agreement with attorney Kevin I. Shenkman, who had alleged the City's at-large system of electing City Councilmembers violates the California Voting Rights Act because it allegedly abridges the rights of Latino voters. Under the settlement agreement, Mr. Shenkman waives all of his claims against the City, provided the City adopts an ordinance transitioning to district elections in time for the next City Council election.

Under a district-based system of elections, the City would be divided into geographic districts, and City Council candidates may only run for the seat representing the district in which they reside, and voters may only vote for the candidates from their district. The City currently has a directly elected Mayor, elected at-large. The Mayor can continue to be elected at-large even under a district-based election system for the other city councilmembers.

If the City Council chooses to transition to district elections, it would need to select a map and introduce the ordinance by November 17, 2021 at the latest and adopt that map and ordinance by November 23, 2021 at the latest,¹ in order to hold district elections in the June 2022 City Council election. The settlement allows the City to choose its own district boundaries, rather than risk a court doing so, and avoids the potential of paying millions of dollars in attorney fees to Mr. Shenkman (as other cities have been ordered to pay).

DISCUSSION

38 maps and 3 potential communities of interest were submitted and posted on the City's sandimasdistricts.org website for the required seven days.²

At the public hearing on November 9, 2021, the City Council opened the public hearing, took public testimony, closed the public hearing, and began deliberations on the maps. The City Council narrowed the maps down to 4 focus maps for further discussion – Maps 101, 127, 131, and a revised Map 101. Those maps are all posted on the sandimasdistricts.org website. The City Council then voted to continue that public hearing agenda item to tonight, November 15, for further deliberations on the 4 focus maps.

Tonight, the City Council may proceed with further deliberations on those maps (or any other maps from November 9 if needed), make further revisions to any such map (if desired), and may select a map or revised map and election sequence for introduction with Ordinance No. 1292 to establish a district-based system of elections for members of the City Council.

Sequence of Elections

Along with selecting a map, the City Council will also need to decide the sequence of elections. The Council will need to choose which two districts will be up for election in June 2022, 2026,

¹ The actual deadline set by LA County is December 9, 2021. However, an ordinance must be adopted at a regular meeting. The last regular San Dimas City Council meeting prior to December 9 is November 23, 2021. The ordinance must be introduced by November 17 because an ordinance cannot be adopted within five days of its introduction.

2030, etc., and which two districts will be up for election in 2024, 2028, 2032, etc. The proposed sequences on the sandimasdistricts.org website are only a proposed suggested sequence for each map, which the City is required to post by law. The City Council can choose any sequence it wishes, whether proposed or not.

Councilmembers Bertone and Vienna's current terms expire in June 2022. The two districts Council selects to be up for election in June 2022 will replace Councilmember Bertone and Vienna's seats after the June 2022 election. Councilmember Vienna and Bertone may run in June 2022 if they reside in one of those districts.

Councilmembers Ebner and Weber's current terms expire in March 2024. The two districts Council selects to be up for election in March 2024 will replace Councilmember Ebner and Weber's seats after the 2024 election. Councilmember Ebner and Weber may run in 2024 if they reside in one of those districts.

If Councilmember Ebner or Weber reside in a district up for election in June 2022, they may run in that election. If they are not elected, they remain in their current seat to continue their current term that expires in March 2024. If either is elected in the June 2022 election, their current seat on Council will become vacant and the Council may appoint someone or call a special election to fill the vacancy until that seat's term expires in March 2024.

CONCLUSION

After selecting a map and sequence of elections, the City Council may move to incorporate those selections into Ordinance 1292 and introduce that ordinance tonight. Staff will bring the ordinance back for adoption on November 23, 2021. Staff will then submit the ordinance and map to the County by the December 9, 2021 deadline.

Respectfully submitted,



Chris Constantin
City Manager



Jeff Malawy
City Attorney

Attachments: 1 – Ordinance 1292
2 – Maps 101, 127, 131, 101.5 (Revision of Draft Map 101)

ORDINANCE 1292

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CHAPTER 2.04 OF THE SAN DIMAS MUNICIPAL CODE TO ESTABLISH A DISTRICT-BASED SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY COUNCIL

WHEREAS, the members of the City Council of the City of San Dimas (City) are currently elected at-large, whereby all members are elected by all of the voters of the City; and

WHEREAS, the City also has an elective Mayor, who is elected every two years to a two-year term, as approved by the voters of the City in November 1979; and

WHEREAS, pursuant to Government Code sections 34886 and 34871, the City has the authority to adopt an ordinance requiring members of the City Council to be elected by district in four districts with an elective mayor; and

WHEREAS, pursuant to Elections Code section 10010, the City Council held public hearings on August 10, 2021 and August 24, 2021 to receive public input regarding the composition of district maps, and also held public hearings on October 12, 2021, October 26, 2021, and November 9, 2021 regarding the content of proposed district maps and sequences of elections; and

WHEREAS, also pursuant to Elections Code section 10010, the City Council held a public hearing on November 23, 2021, prior to adoption of this Ordinance; and

WHEREAS, in order to further the purposes of the California Voting Rights Act of 2001, the City Council now wishes to adopt an ordinance providing that the members of the City Council shall be elected by-district in four districts with an elective mayor beginning at the June 7, 2022 general municipal election; and

WHEREAS, the City Council electoral districts to be established are described further in this Ordinance and shown on the district map attached hereto as Exhibit "A" to this Ordinance.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council finds as follows:

- A. The above recitals are true and correct and are incorporated herein by this reference.
- B. The City Council hereby declares the intent and purpose of this Ordinance adopting a district-based system of elections for members of the City Council is to further the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

SECTION 2. By-District Electoral System. Section 2.04.040 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

2.04.040 By-District Electoral System.

- A. Beginning with the June 7, 2022 general municipal election, and thereafter, members of the City Council of the City of San Dimas shall be elected by-district in four single-member districts with an elective mayor.
- B. Each member of the City Council elected or appointed to represent a district must reside in that district and be a registered voter in that district. Each candidate for City Council must be a registered voter in the City of San Dimas and reside in the district in which that candidate is seeking election at the time nomination papers are issued to that candidate, pursuant to Elections Code 34882. Termination of residency in a district by a seated Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is established within thirty (30) days after that termination of residency.
- C. Notwithstanding any other provision of this chapter, the members of the City Council in office at the time this section takes effect may continue in office until the expiration of the full term to which they were elected and until their successor is qualified.

SECTION 3. Establishment of City Council Electoral Districts. Section 2.04.050 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

2.04.050 Establishment of City Council Electoral Districts.

- A. Subject to the provisions of this chapter, members of the City Council shall be elected by-district from City Council districts shown and numbered on the map titled 'City of San Dimas District Map', a copy of which shall be on file in the City Clerk's office, and which is attached as **Exhibit A** to this ordinance.
- B. The City Council electoral districts described in this section shall be adjusted from time to time as required by Elections Code section 21600 et seq. or by other law.

SECTION 4. Election Sequence for Implementation of By-District Electoral System.

Section 2.04.060 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

2.04.060 Election Sequence for Implementation of By-District Electoral System.

- A. Members of the City Council shall be elected in City Council Districts **_____ and _____** at the 2022 general municipal election and every four years thereafter. Members of the City Council shall be elected in City Council Districts **_____ and _____** at the 2024 general municipal election and every four years thereafter.
- B. Elections for the office of mayor shall not be impacted by the provisions of this chapter.

SECTION 5. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

SECTION 6. Effective Date and Publication. This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of San Dimas this 23rd day of November, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Emmett G. Badar, Mayor
City of San Dimas

ATTEST:

APPROVED AS TO FORM:

Debra Black, City Clerk

Jeff Malawy, City Attorney

Exhibit A: City of San Dimas District Map

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1292 was introduced at a regular meeting of the City Council of the City of San Dimas on the 9th, day of November, 2021, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 23rd, day of November, 2021.

EXHIBIT A

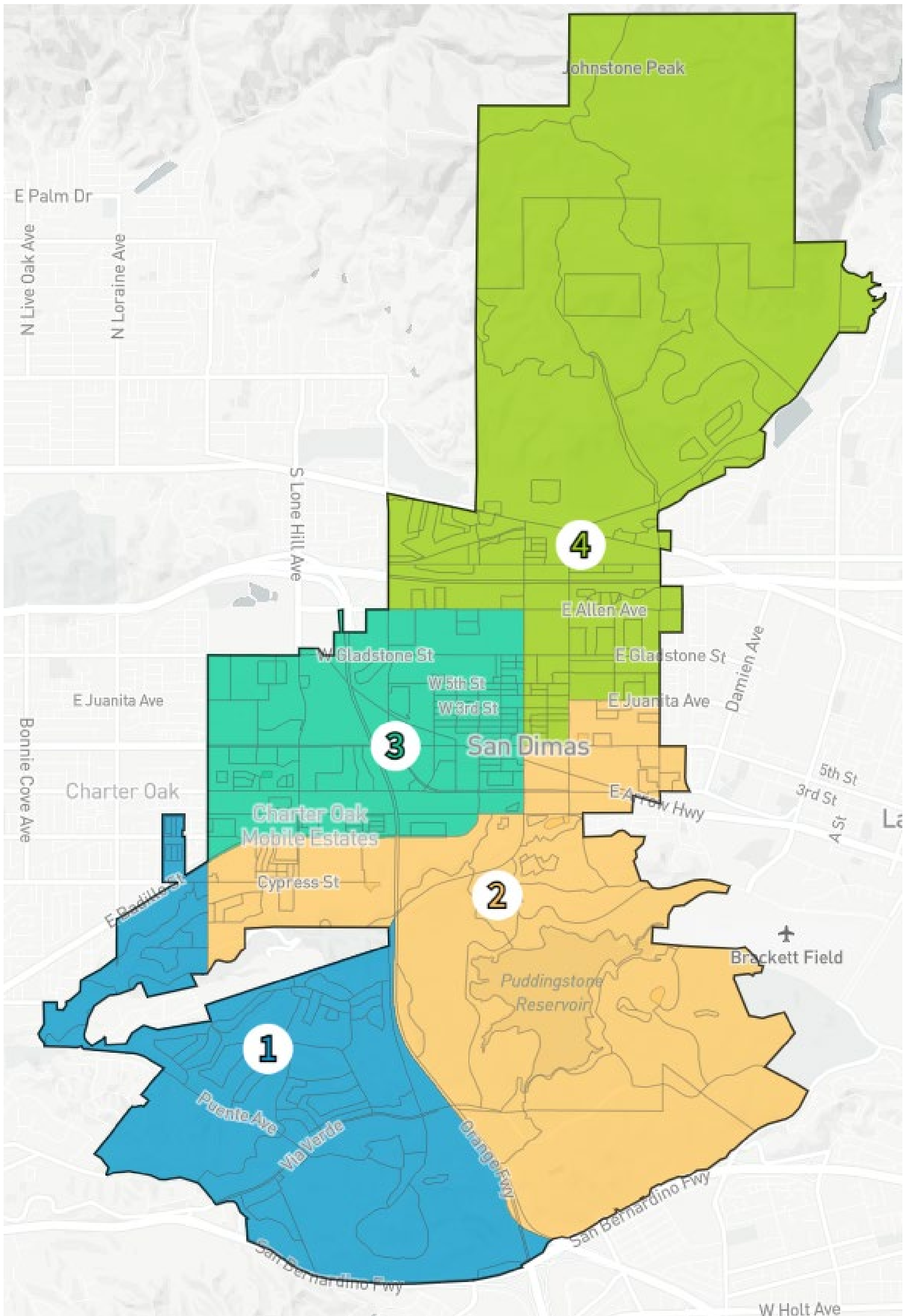
CITY OF SAN DIMAS DISTRICT MAP

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DRAFT

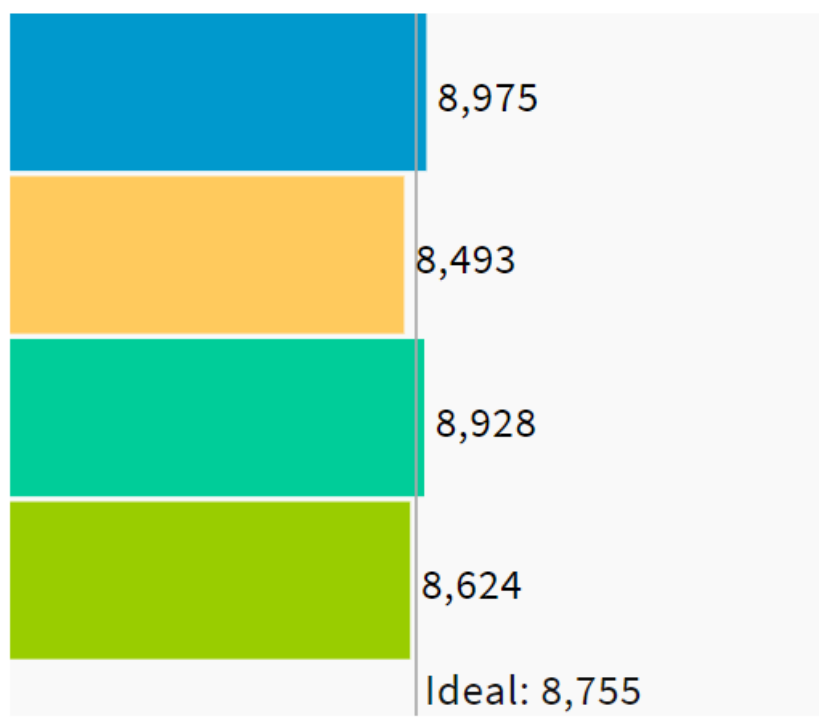
Maps for Consideration

Map 101 – DistrictR ID 70311



Population Balance

① Uses adjusted 2020 Decennial Census population with processing by National Demographics Corporation on 2020 Blocks.



UNASSIGNED POPULATION: 0
 MAX. POPULATION DEVIATION: 2.99%

Highlight unassigned units

Population by Race

COMPARE

WITH

AND

	White	Hispanic	Asian
1	40.4%	30.5%	23.3%
2	41.1%	38%	13.8%
3	37.1%	44.3%	12%
4	44.9%	35.6%	12.2%
Overall	40.8%	37.1%	15.4%

Voting Age Population by Race

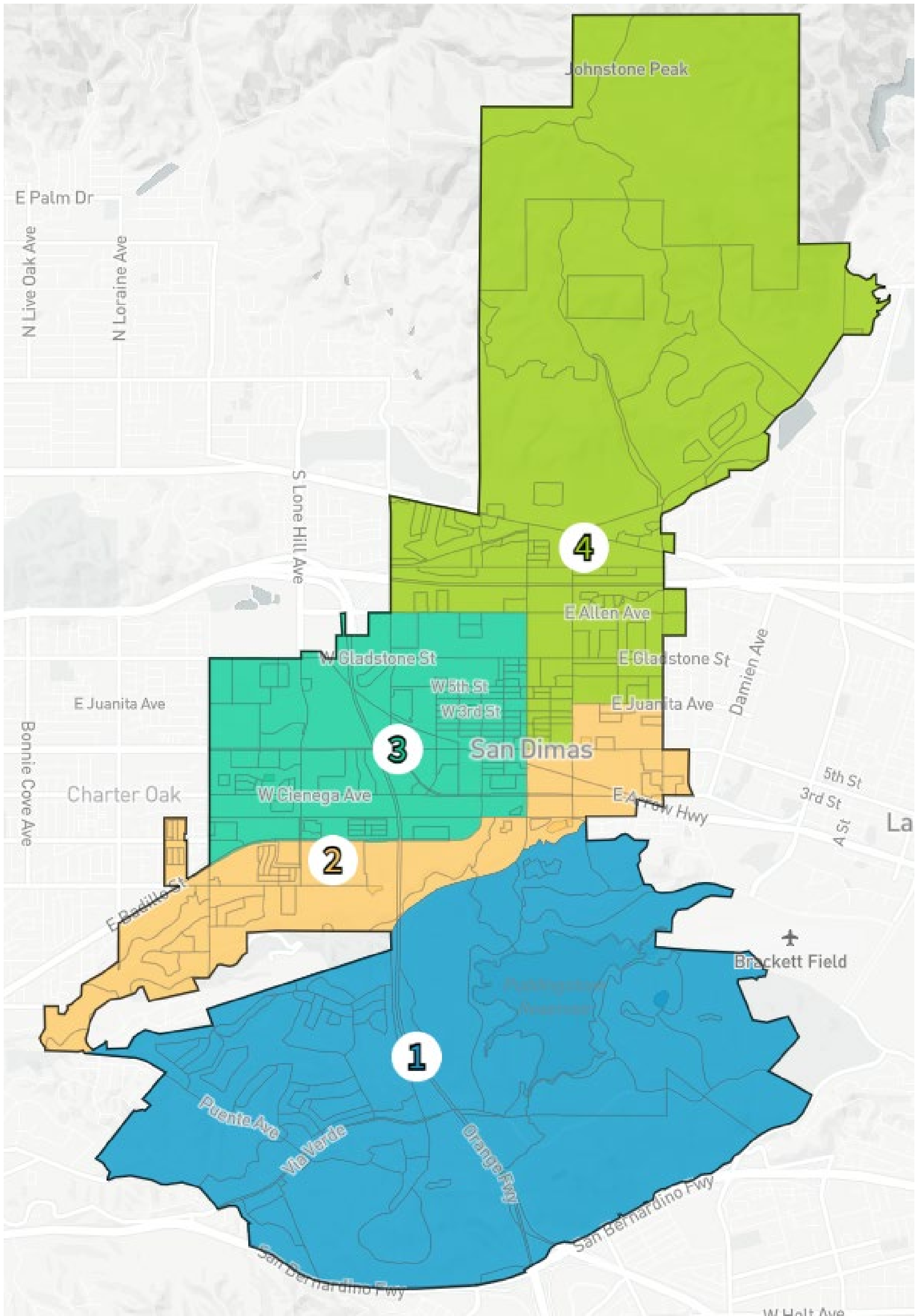
COMPARE

WITH

AND

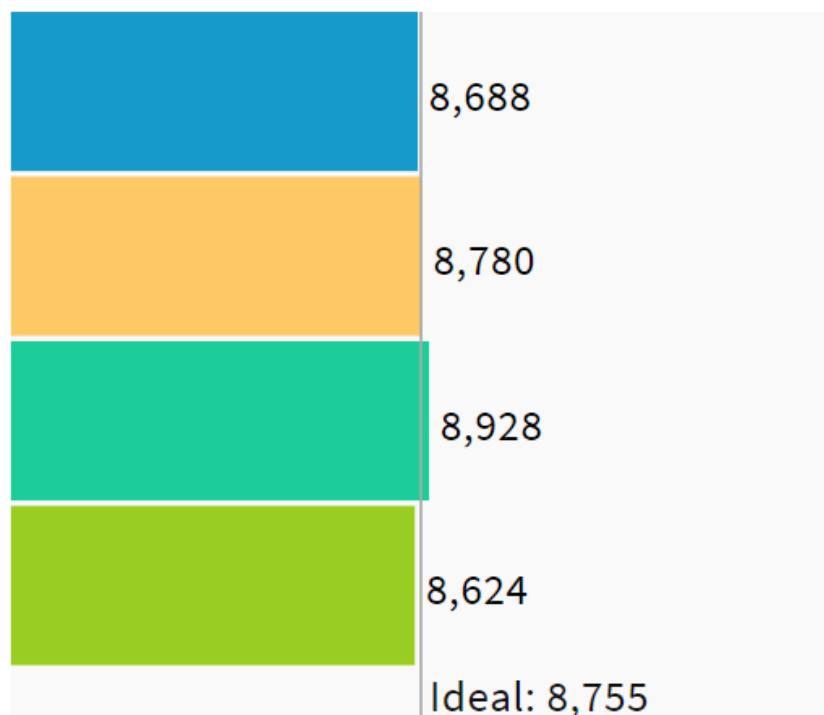
	White	Hispanic	Asian
1	42.8%	28.5%	22.9%
2	44%	35%	13.8%
3	40.6%	41.3%	11.7%
4	49%	31.7%	12.2%
Overall	44%	34%	15.3%

Map 101.5 – DistrictR ID 78560 (Revision of Draft Map 101)



Population Balance

① Uses adjusted 2020 Decennial Census population with processing by National Demographics Corporation on 2020 Blocks.



UNASSIGNED POPULATION: 0
 MAX. POPULATION DEVIATION: 1.98%

Highlight unassigned units

Population by Race

COMPARE White Alone population

WITH Hispanic population

AND Asian population

	White	Hispanic	Asian
1	41.4%	29.8%	22.8%
2	40.1%	38.4%	14.5%
3	37.1%	44.3%	12%
4	44.9%	35.6%	12.2%
Overall	40.8%	37.1%	15.4%

Voting Age Population by Race

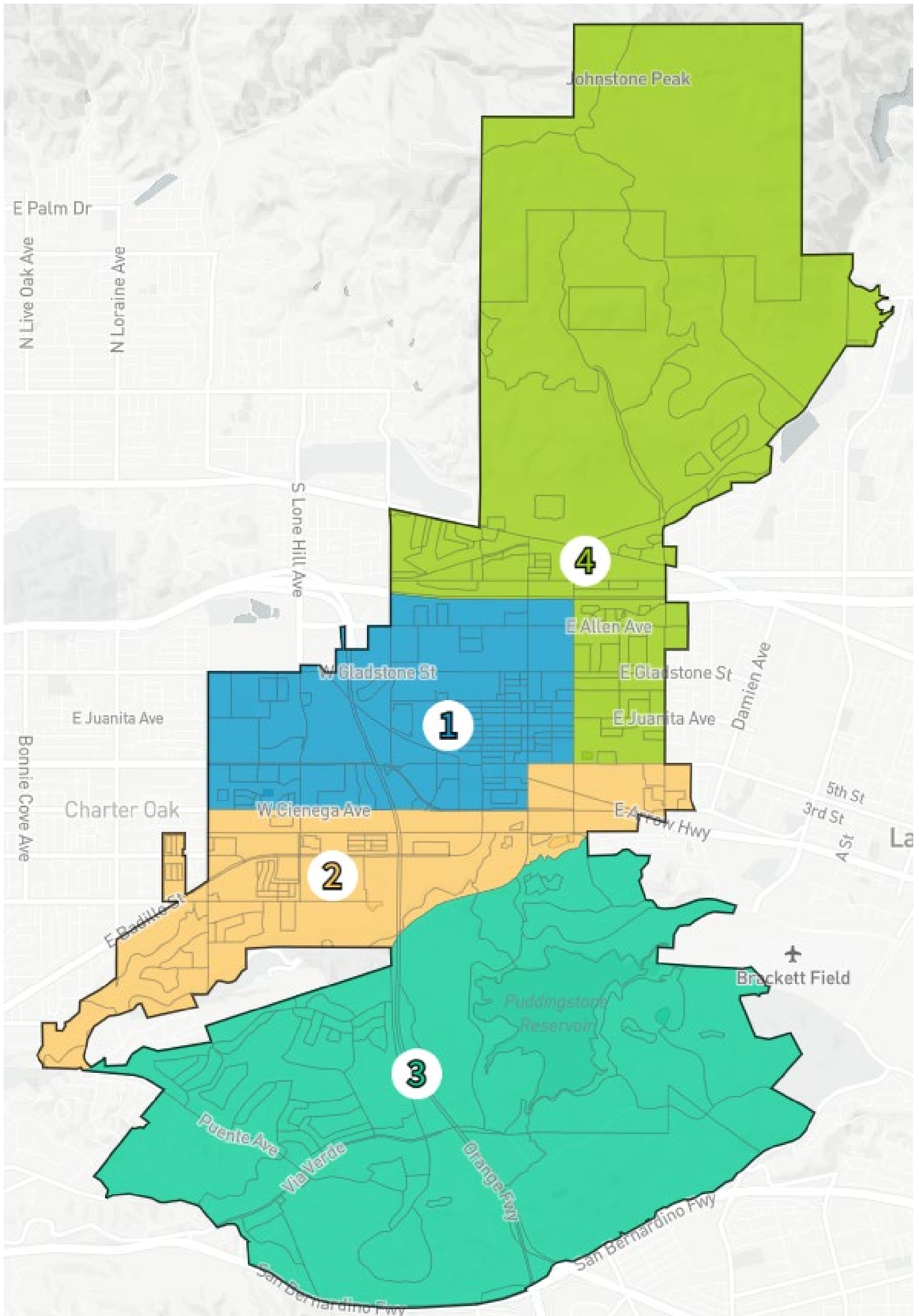
COMPARE White Alone population

WITH Hispanic population

AND Asian population

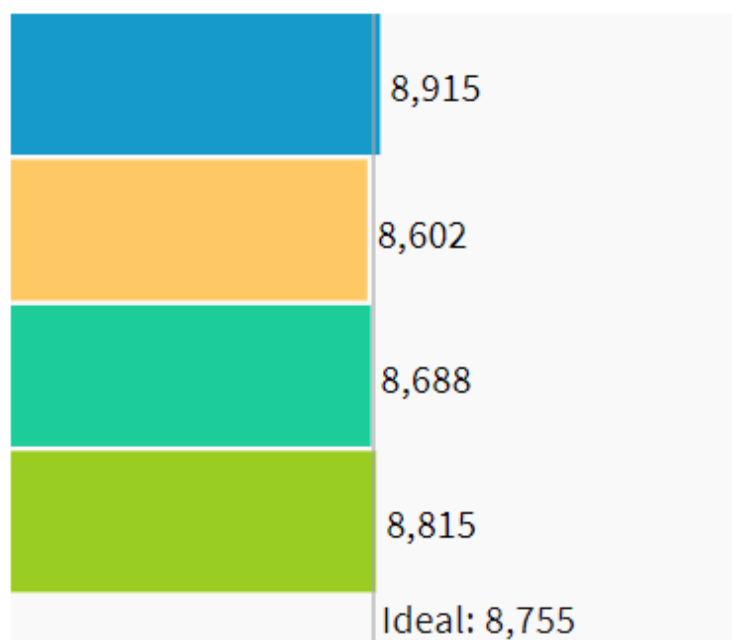
	White	Hispanic	Asian
1	43.6%	27.9%	22.4%
2	43.1%	35.3%	14.7%
3	40.6%	41.3%	11.7%
4	49%	31.7%	12.2%
Overall	44%	34%	15.3%

Map 127 – DistrictR ID 73979



Population Balance

① Uses adjusted 2020 Decennial Census population with processing by National Demographics Corporation on 2020 Blocks.



UNASSIGNED POPULATION: 0
 MAX. POPULATION DEVIATION: 1.83%

Population by Race

COMPARE

WITH

AND

	White	Hispanic	Asian
1	37.6%	44.2%	11%
2	39.7%	38.8%	15.1%
3	41.4%	29.8%	22.8%
4	44.6%	35.4%	12.7%
Overall	40.8%	37.1%	15.4%

Voting Age Population by Race

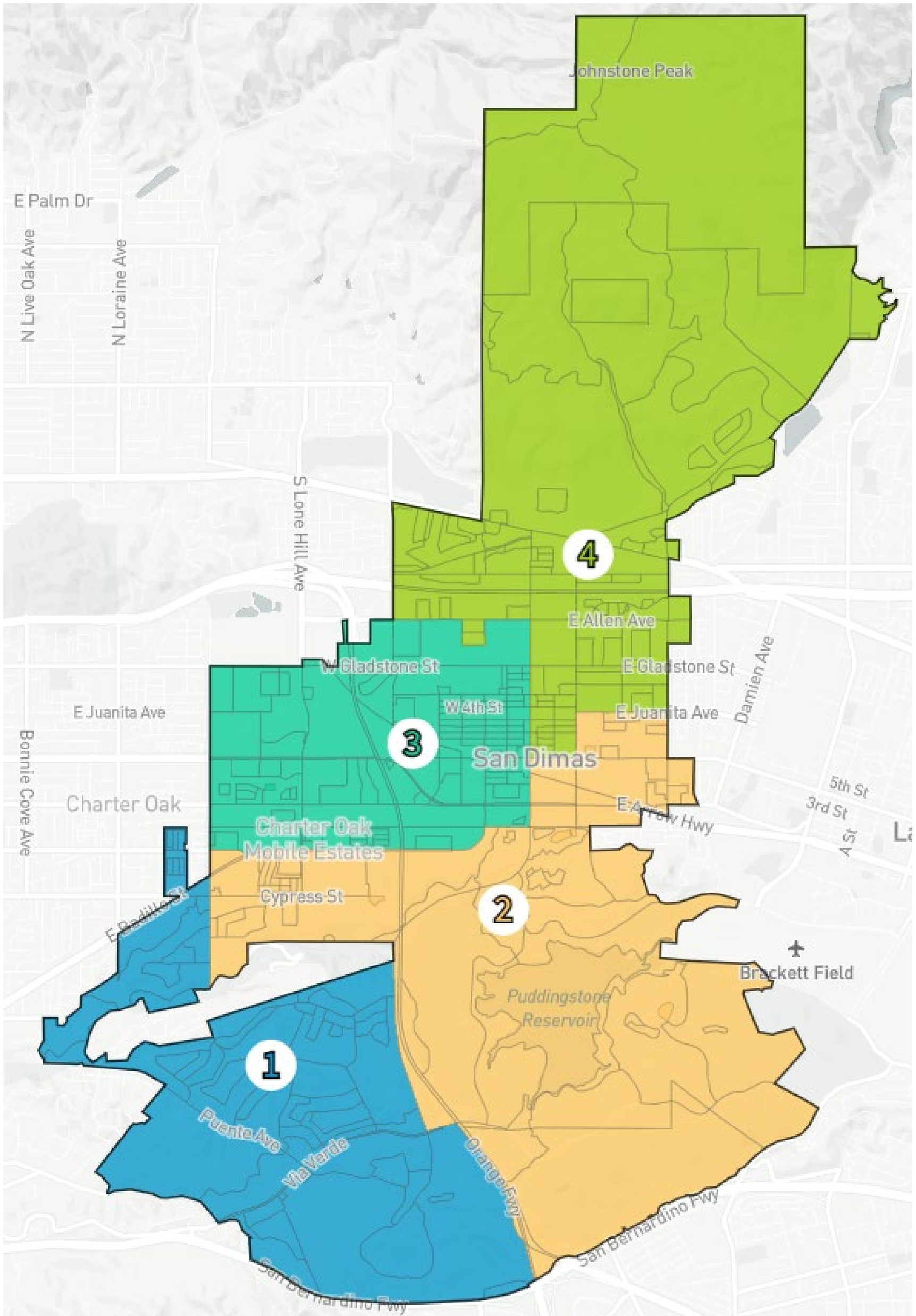
COMPARE

WITH

AND

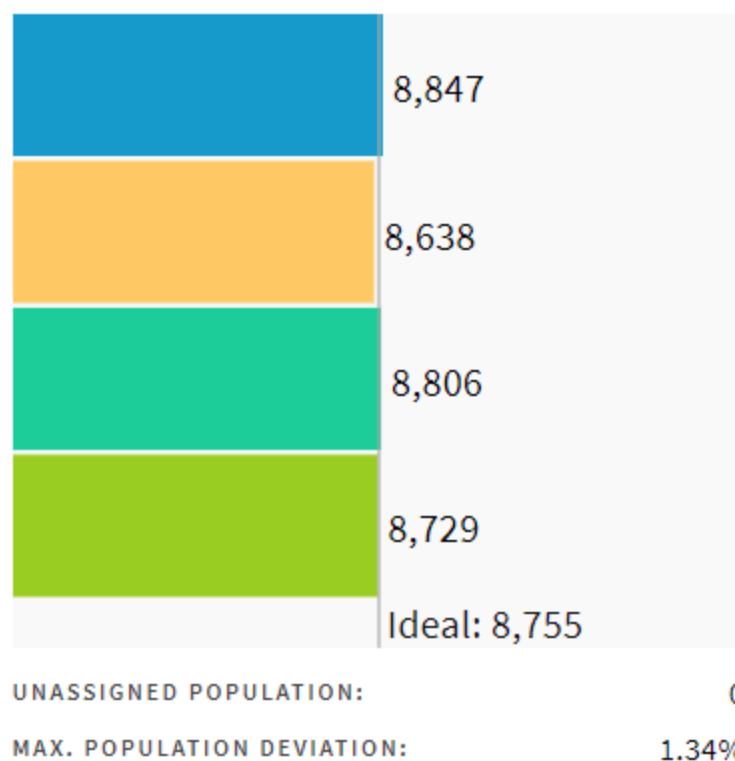
	White	Hispanic	Asian
1	41.1%	40.8%	11.1%
2	43.1%	35.8%	14.8%
3	43.6%	27.9%	22.4%
4	48.3%	31.9%	12.7%
Overall	44%	34%	15.3%

Map 131 – DistrictR ID 73950



▼ Population Balance

① Uses adjusted 2020 Decennial Census population with processing by National Demographics Corporation on 2020 Blocks.



▼ Population by Race

COMPARE

WITH

AND

	White	Hispanic	Asian
1	40%	30.6%	23.4%
2	41.4%	37.8%	13.7%
3	37%	44.4%	12%
4	44.8%	35.6%	12.2%
Overall	40.8%	37.1%	15.4%

▼ Voting Age Population by Race

COMPARE

WITH

AND

	White	Hispanic	Asian
1	42.4%	28.7%	23.1%
2	44.4%	34.7%	13.7%
3	40.4%	41.4%	11.6%
4	49%	31.7%	12.2%
Overall	44%	34%	15.3%