

# City of Hesperia

## STAFF REPORT



**DATE:** May 2, 2017

**TO:** Mayor and City Council Members

**FROM:** Nils Bentsen, City Manager

**BY:** Eric Dunn, City Attorney  
Melinda Sayre, City Clerk

**SUBJECT:** By-District Election System Public Hearing and Proposed Map Review

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### RECOMMENDED ACTION

It is recommended that the City Council (1) hold a public hearing to accept public testimony regarding the composition of districts to transition the City from an at-large election system to a by-district election system, and (2) review proposed district maps and proposed election sequencing. This is the second of at least two public hearings at which draft maps will be accepted and considered. No final action will be taken until the public hearing process is complete.

### BACKGROUND

The City engaged with National Demographics Corporation (NDC) in May of 2016 to facilitate the process of transitioning from an at-large election system to a by-district election system in response to alleged California Voting Rights Act violation claims and threat of litigation received by two separate law firms in late 2015 and early 2016.

Under the requirements of AB 350 which became effective January 1, 2017, the City held two public hearings in which the public was invited to participate and provide input regarding the composition of districts prior to drafting or reviewing any district maps. The City held the duly noticed AB 350 public hearings on March 7, 2017 and March 21, 2017.

When drawing district boundaries, a local government must comply with both federal and California law which require that districts be as equal in population as possible. California law allows the City to consider the following factors when drawing a district map: (1) topography; (2) geography; (3) cohesiveness, contiguity, integrity, and compactness of territory; and (4) community of interests of the districts. (Elec. Code §21601).

The City Council must also determine when the first election for the City under a by-district system will be held and when each seat on the City Council would be subject to the new by-district requirements.

### ISSUES AND ANALYSIS

#### Public Noticing and Outreach

Notice of the districting process and public hearing schedule has been advertised in the local Resorter newspaper, the City's social media sites and a webpage dedicated to the districting process on the City's website.

NDC developed and provided the City with public participation kits to assist members of the public to draw and propose district maps which have been available on the City's website, all City facilities and the Hesperia Branch Library beginning March 7, 2017.

On April 18, 2017 NDC provided an interactive map drawing for the public that was added to the website to encourage public participation.

### **Public Hearing Public Input**

Three public comments were received during the public hearing on March 21, 2017 and none thereafter. One commenter asked what "NH" stands for and where it comes from in reference to the public participation kits. The NDC Consultant explained that "NH" was short for "Non-Hispanic" and that race was determined by the Department of Justice's guidance on the Federal Voting Rights Act.

Additionally, there was some concern about being asked to provide maps prior to the preparation of any draft maps. The Consultant explained that this was a requirement of AB 350; however, maps could continue to be submitted throughout the entire process. Any maps submitted must be received at least a week prior to the City Council meeting at which they may be discussed for Council to consider.

At the April 18, 2017 hearing, the City Council reviewed a third map submitted by NDC. One comment was received regarding the proposed sequencing of elections. Staff and the consultant provided clarification on the proposed sequencing of elections and how the sequencing will affect current City Council Member terms.

### **Draft Maps Submitted for Review by the City Council**

Three proposed maps are attached for review, (1) a proposed districting map from resident Anthony Rhoades (attached along with a statistical report of demographic information within proposed district boundaries), (2) a proposed districting map (attached along with a statistical report of demographic information within proposed district boundaries) from the City's Ad-Hoc Committee established at the March 21, 2017 City Council Meeting consisting of Mayor Paul Russ and Mayor Pro Tem Blewett along with a proposed district election sequence: in 2018 Districts 2, 3 and 4 would hold elections, and in 2020 Districts 1 and 5 would hold elections. The draft map submitted by the Ad-Hoc Committee would establish two majority-Latino districts, in Districts 1 and 2; and (3) a proposed districting map from NDC (attached as Council 1B along with a statistical report of demographic information within proposed district boundaries) along with a proposed district election sequence: in 2018 Districts 2, 3 and 4 would hold elections, and in 2020 Districts 1 and 5 would hold elections.

## **ALTERNATIVES**

Provide Alternative Direction to Staff

## **ATTACHMENTS**

1. Proposed districting map and statistical demographic analysis by resident Anthony Rhoades
2. Proposed districting map and statistical demographic analysis by City Council appointed Ad-Hoc Committee
3. Proposed districting map and statistical demographic analysis by NDC – Council 1B Map