

City of South Pasadena Agenda Report

Michael A. Cacciotti, Mayor
Richard D. Schneider, M.D., Mayor Pro Tem
Robert S. Joe, Councilmember
Marina Khubesrian, M.D., Councilmember
Diana Mahmud, Councilmember

Evelyn G. Zneimer, City Clerk
Gary E. Pia, City Treasurer

COUNCIL AGENDA: October 4, 2017
TO: Honorable Mayor and City Council
VIA: Elaine Aguilar, Interim City Manager 
FROM: Anthony J. Mejia, Chief City Clerk 
SUBJECT: **Public Hearing to Consider Adoption of an Ordinance to Change the City's Electoral System from At-Large to By-District Elections with Respect to Electing Members of the City Council, Establishing Boundaries, and Sequencing of Elections within the Districts**

Recommendation

It is recommended that the City Council:

1. Select a preferred map of voting district boundaries.
2. Adopt an Ordinance entitled "An Ordinance of the City Council of the City of South Pasadena, California, adding a new Article XV to Chapter 2 (Administration) to the South Pasadena Municipal Code to change the City's electoral system from at-large to by-district elections with respect to election members of the City Council, establishing district boundaries, and sequencing of elections within the districts.

Commission Review and Recommendation

This matter was not reviewed by a commission.

Background

On July 19, 2017, the City Council adopted Resolution No. 7524 declaring its intention to transition from at-large to district-based elections for City Council commencing with the General Municipal Election in November 2018. On August 16, September 6, and September 20, 2017, the City Council conducted three of four required Public Hearings to seek community input regarding the composition of district boundaries.

Since adoption of the Resolution of Intent, the City has been engaged in outreach efforts to inform the public about district elections and the process associated with their formation. A webpage (www.southpasadenaca.gov/districts) has been developed to provide information about district elections, including opportunities for when and how the public can be engaged. The official notice of Public Hearings has been translated and published in the South Pasadena Review (English), La Opinión (Spanish), World Journal (Chinese), and the Korea Times (Korean) and the public has been offered interpreter services if needed to participate in these Public Hearings.

Analysis

Based on public input, the City Council’s direction, and other legally required criteria, the City’s Demographer submitted four draft maps of voting district boundaries for public review and comment. At the City Council Meeting of September 20, 2017, the City Council narrowed its consideration of draft maps to the “Green Map” and “Modified Green Map.” These maps have been evaluated by the City Attorney and the City’s Demographer and they confirm that these maps meet the standards established under the California Voting Right Act (CVRA) and Federal Voting Rights Act (FVRA).

No term of the any member of the City Council that commenced prior to the effective date of this ordinance will be impacted and will continue to serve from an at-large seat. Commencing with the general municipal election in November 2018 and thereafter, the voters in districts 4 and 5 shall elect members of the City Council by-district. At the general municipal election in November 2020 and thereafter, the voters in districts 1, 2, and 3 shall elected members of the City Council by-district.

The proposed ordinance includes recitals which indicate that it is this City Council’s desire that: 1) City resources will continue to be prioritized based on the greatest citywide need and benefit; and 2) if the CVRA is amended in a manner which qualifies the City to return to at-large elections, this City Council wants appropriate actions to be taken.

Fiscal Impact

There will be significant staff time needed to transition to a district-based electoral system due to the need to conduct multiple Public Hearings, in addition to the cost for a demographic consultant. Should the City ultimately adopt an ordinance to transition to a district-based electoral system, the City will be required to reimburse the plaintiff for its actual and documented attorney’s fees spent drafting the threat letter, which costs are capped at \$30,000, but will not be exposed to additional legal fees in defense of a lawsuit brought under the California Voting Rights Act.

Legal Review

The City Attorney has reviewed this item.

Public Notification of Agenda Item

The public was made aware that this item was to be considered this evening by virtue of its inclusion on the legally publicly noticed agenda, posting of the same agenda and reports on the City’s website and/or notice in the *South Pasadena Review* and/or the *Pasadena Star-News*. In addition, the City conducted additional outreach efforts as outlined in the Background section.

Attachments

1. Draft Ordinance w/Exhibit A – Green Map and Modified Green Map

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, ADDING A NEW ARTICLE XV TO CHAPTER 2 (ADMINISTRATION) TO THE SOUTH PASADENA MUNICIPAL CODE TO CHANGE THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING MEMBERS OF THE CITY COUNCIL, ESTABLISHING DISTRICT BOUNDARIES, AND SEQUENCING OF ELECTIONS WITHIN THE DISTRICTS

WHEREAS, the City of South Pasadena (City) supports the full participation of all residents in electing members of the City Council; and

WHEREAS, in the City's current at-large election system, candidates may reside anywhere within city limits and each City Councilmember is elected by the voters of the entire City; and

WHEREAS, in a district-based election system, a candidate for the City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, the City received a certified letter on June 5, 2017, from Kevin I. Shenkman, Esq., on behalf of his client Southwest Voter Registration Education Project, containing unsubstantiated allegations that the City's at-large electoral system violates the California Voting Rights Act (CVRA) and threatening litigation if the City declined to adopt a district-based electoral system; and

WHEREAS, at its regular meeting on July 19, 2017, the City Council adopted Resolution No. 7524 declaring its intent to establish a by-district election system pursuant to California Elections Code (EC) Section 10010; and

WHEREAS, under the provisions of the EC Section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on August 16, 2017 and September 6, 2017, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, as required by EC Section 10010, the City held additional hearings within a period of no more than 45 days, the first on September 20, 2017, the second on October 4, 2017, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, it is the City Council's desire and intent that City resources will continue to be prioritized based on the greatest citywide need and benefit; and

WHEREAS, if the CVRA is amended in a manner which qualifies the City to return to at-large elections, the City Council declares it desires for appropriate actions to be taken.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH PASADENA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2 (Administration) of the South Pasadena Municipal Code is hereby amended by the addition of the following Article XV (By-District Electoral System) which shall read as follows:

ARTICLE XV. BY-DISTRICT ELECTORAL SYSTEM

Sec. 2.99-51 By-District Electoral System.

(a) The City Council declares that the change in method of electing members of this City Council hereby enacted is being made in furtherance of the CVRA of 2001.

(b) Beginning with the municipal election in November 2018, members of the City Council shall be elected in the electoral districts established by Section 2.99-51(c) and subsequently reapportioned as provided by State law. Elections shall take place by-district as that term is defined in California Government Code (GC) Section 34871, meaning one member of the City Council shall be elected from each district, by the voters of the district alone. Each member of the City Council shall serve a four-year term.

(c) Members of the City Council shall be elected on a by-district basis from the five (5) City Council districts hereby established. The boundaries and identifying number of each district shall be as described on the City Council District Map attached hereto as "Exhibit A" and incorporated by reference.

(d) Commencing with the general municipal election in November 2018 and thereafter, the voters in districts 4 and 5 shall elect members of the City Council by-district for full four (4) year terms. At the general municipal election in November 2020 and thereafter, the voters in districts 1, 2, and 3 shall elect members of the City Council by-district for full four (4) year terms.

(e) Each member of the City Council elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must reside in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued pursuant to GC Section 34882 and EC Section 10227. It is the intent of the City Council that no term of any member of the City Council that commenced prior to the effective date of this ordinance shall be affected by this Article.

(f) Registered voters signing nomination papers or voting for a member of the City Council shall be residents of the geographical area making up the district from which the candidate is to be elected.

(g) Termination of residency in a district by a member of the City Council shall create a vacancy for that City Council District unless a substitute residence within the district is immediately declared and established within thirty (30) days after the termination of residency. In the event that a vacancy is created as a result of termination of residency as provided herein, such vacancy shall be filled pursuant to the provisions of the EC.

(h) If necessary to facilitate the implementation of this Article, the City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

SECTION 2. This ordinance shall be effective immediately as an ordinance relating to an election pursuant to GC Section 36937(a).

SECTION 3. To the extent the terms or provisions of this ordinance may be inconsistent or in conflict with the terms or conditions on any prior City ordinance, motion, resolution, rule or regulation on the same subject, the terms of this ordinance shall prevail with respect to the subject matter thereof.

SECTION 4. In interpreting this ordinance or resolving any ambiguity, this ordinance shall be interpreted in a manner that effectively accomplishes its stated purpose.

PASSED, APPROVED, AND ADOPTED ON this ____ day of ____, 2017.

Michael A. Cacciotti, Mayor

ATTEST:

APPROVED AS TO FORM:

Evelyn G. Zneimer, City Clerk
(seal)

Teresa L. Highsmith, City Attorney

Date: _____

I HEREBY CERTIFY the foregoing ordinance was duly adopted by the City Council of the City of South Pasadena, California, at a regular meeting held on the ____ day of ____, 2017, by the following vote:

AYES:

NOES:

ABSENT:

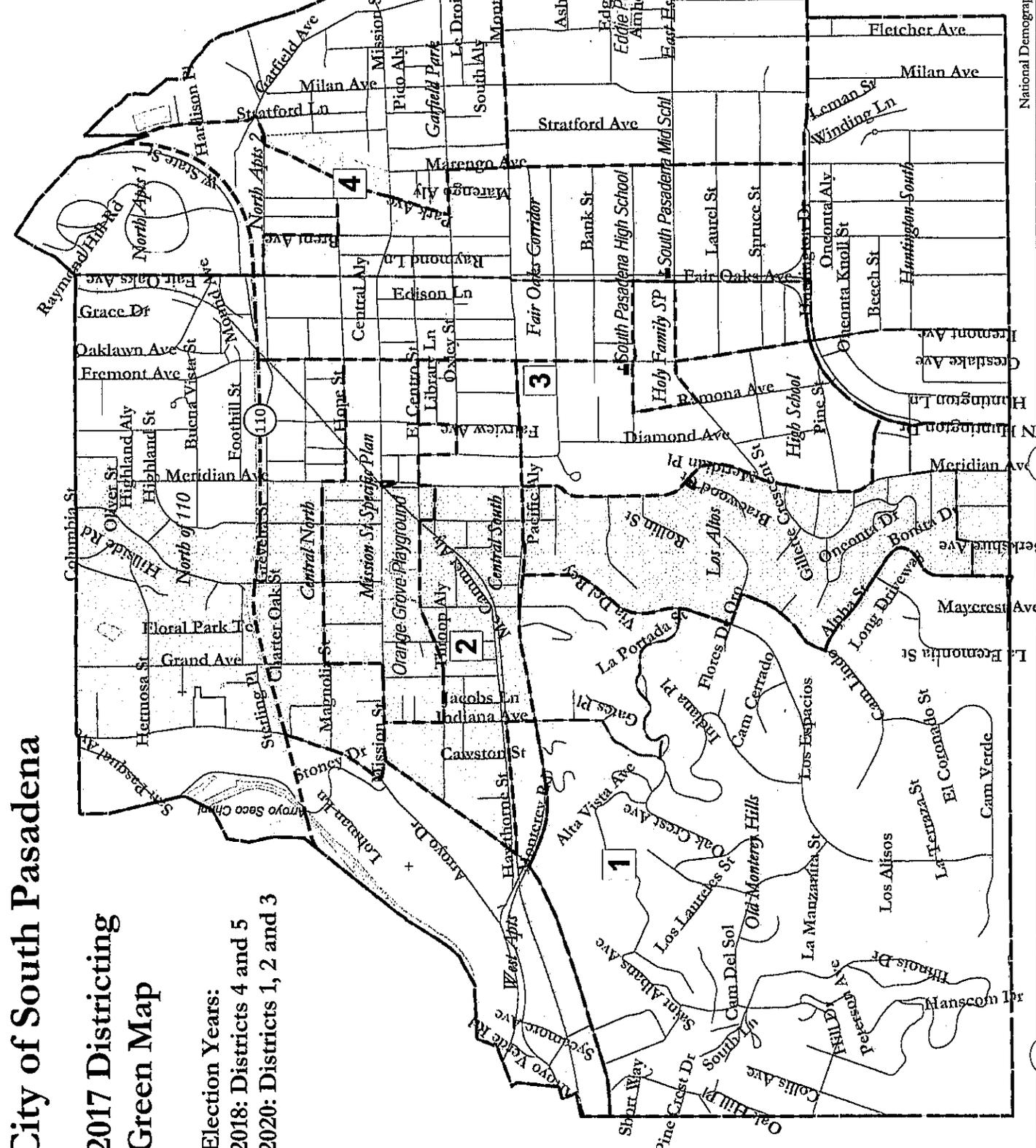
ABSTAINED:

Evelyn G. Zneimer, City Clerk
(seal)

This page intentionally left blank.

Map Layers	
	Green Split
	Census Block
	Water Area
	Streets
	Landmark Point
	Landmark Area
	Pipeline/Power Line
	Railroad
	River
	Cities and Towns
	Communities
	School Zones

Note: Community and School Zone borders have been matched to Census Block lines and do not precisely match official borders.



City of South Pasadena

2017 Districting Green Map

Election Years:
 2018: Districts 4 and 5
 2020: Districts 1, 2 and 3

City of South Pasadena - Green Map

District		1	2	3	4	5	Total
Ideal	Total Pop	5,177	5,160	5,035	5,221	5,026	25,619
5,124	Deviation from ideal	53	36	-89	97	-98	195
	% Deviation	1.03%	0.70%	-1.74%	1.89%	-1.91%	3.81%
Total Pop	% Hisp	18%	20%	21%	19%	15%	19%
	% NH White	34%	48%	42%	40%	54%	44%
	% NH Black	3%	5%	3%	4%	2%	3%
	% Asian-American	44%	26%	33%	35%	28%	33%
Voting Age Pop	Total	4,004	4,004	3,849	3,975	3,789	19,621
	% Hisp	17%	19%	21%	18%	14%	18%
	% NH White	36%	50%	44%	43%	57%	46%
	% NH Black	3%	5%	3%	4%	2%	3%
Citizen Voting Age Pop	% Asian-American	42%	25%	31%	33%	27%	32%
	Total	3,707	3,888	3,864	2,928	3,208	17,595
	% Hisp	20%	17%	29%	16%	13%	20%
	% NH White	40%	59%	40%	56%	55%	50%
Voter Registration (Nov 2014)	% NH Black	3%	4%	2%	5%	1%	3%
	% Asian/Pac.Isl.	37%	18%	29%	21%	29%	27%
	Total	3,402	3,239	3,138	2,807	3,581	16,167
	% Latino est.	15%	18%	21%	20%	12%	17%
	% Asian-Surnamed	29%	15%	15%	16%	18%	19%
	% Filipino-Surnamed	1%	1%	2%	1%	0%	1%
	% Spanish-Surnamed	13%	16%	19%	18%	11%	15%
Voter Turnout (Nov 2014)	% NH White est.	52%	64%	60%	58%	68%	61%
	% NH Black	3%	2%	2%	5%	2%	3%
	Total	1,528	1,449	1,279	1,046	1,789	7,091
	% Latino	12%	16%	17%	16%	10%	14%
	% Asian-Surnamed	26%	11%	12%	11%	12%	15%
	% Filipino-Surnamed	1%	1%	2%	1%	1%	1%
	% Spanish-Surnamed	10%	15%	15%	14%	9%	12%
Voter Turnout (Nov 2012)	% NH White est.	58%	69%	68%	66%	75%	68%
	% NH Black	3%	2%	2%	5%	2%	3%
	Total	2,512	2,351	2,254	1,908	2,804	11,829
	% Latino	15%	19%	19%	18%	13%	16%
	% Asian-Surnamed	26%	13%	14%	12%	15%	16%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
ACS Pop. Est.	% Spanish-Surnamed	13%	17%	17%	16%	12%	15%
	% NH White est.	55%	65%	63%	63%	69%	63%
	% NH Black est.	3%	2%	2%	5%	2%	3%
Age	Total	5,259	5,216	5,352	5,293	4,879	25,999
	age0-19	24%	25%	27%	26%	27%	26%
	age20-60	53%	58%	58%	56%	52%	55%
Immigration	age60plus	23%	18%	16%	18%	21%	19%
	immigrants	29%	24%	30%	25%	24%	27%
Language spoken at home	naturalized	76%	60%	57%	57%	71%	64%
	english	60%	64%	57%	62%	69%	62%
	spanish	12%	11%	12%	11%	7%	11%
	asian-lang	25%	20%	27%	21%	20%	23%
Language Fluency	other lang	3%	5%	4%	6%	4%	5%
	Speaks Eng. "Less than Very Well"	16%	11%	17%	12%	10%	13%
Education (among those age 25+)	hs-grad	40%	42%	35%	36%	27%	36%
	bachelor	28%	31%	33%	33%	38%	32%
	graduatedegree	27%	24%	26%	26%	30%	27%
Child in Household	employed	60%	70%	67%	67%	64%	66%
	child-under18	29%	30%	33%	31%	32%	31%
Work (percent of pop age 16+)	Commute on Public Transit	5%	6%	7%	7%	5%	6%
	income 0-25k	11%	11%	15%	14%	13%	13%
Household Income	income 25-50k	15%	17%	17%	20%	12%	16%
	income 50-75k	17%	23%	18%	19%	18%	19%
	income 75-200k	40%	35%	40%	34%	39%	38%
	income 200k-plus	17%	14%	10%	13%	19%	14%
	single family	71%	51%	38%	42%	62%	52%
Housing Stats	multi-family	29%	49%	62%	58%	38%	48%
	vacant	4%	10%	6%	7%	8%	7%
	occupied	96%	90%	94%	93%	92%	93%
	rented	34%	62%	68%	65%	51%	57%
	owned	66%	38%	32%	35%	49%	43%

Total and Voting Age population data from the 2010 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 Amedean Community Survey and Special Tabulation 5-year data.

City of South Pasadena

2017 Districting Modified Green Map

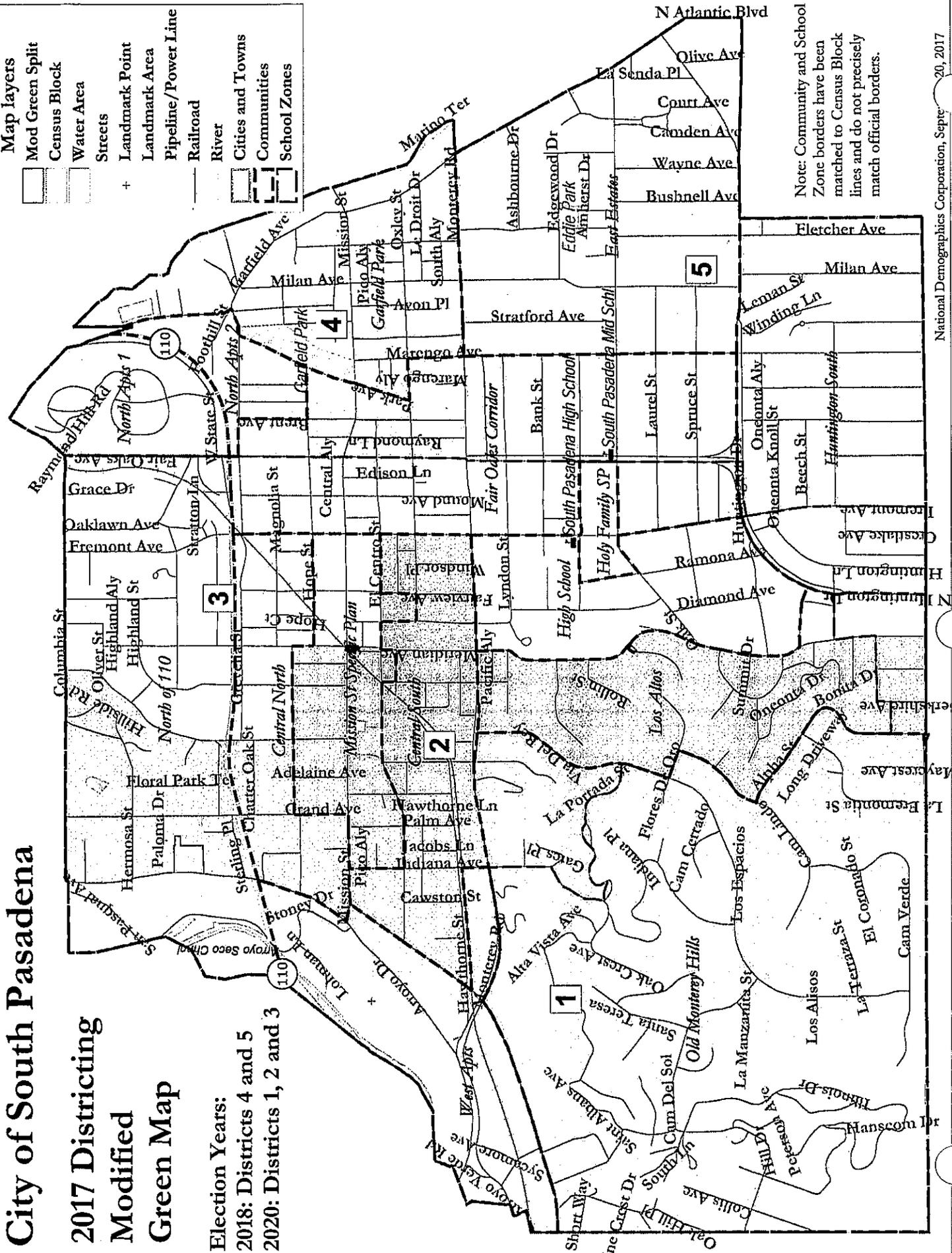
Election Years:

2018: Districts 4 and 5

2020: Districts 1, 2 and 3

Map layers

- Mod Green Split
- Census Block
- Water Area
- Streets
- Landmark Point
- Landmark Area
- Pipeline/Power Line
- Railroad
- River
- Cities and Towns
- Communities
- School Zones



City of South Pasadena - Modified Green Map

District		1	2	3	4	5	Total
Ideal	Total Pop	5,177	4,939	5,256	5,038	5,209	25,619
5,124	Deviation from ideal	53	-185	132	-86	85	317
	% Deviation	1.03%	-3.61%	2.58%	-1.68%	1.66%	6.19%
Total Pop	% Hisp	18%	20%	21%	17%	18%	19%
	% NH White	34%	48%	42%	48%	47%	44%
	% NH Black	3%	5%	3%	4%	2%	3%
	% Asian-American	44%	26%	32%	31%	33%	33%
Voting Age Pop	Total	4,004	3,824	4,029	3,850	3,914	19,621
	% Hisp	17%	18%	21%	16%	16%	18%
	% NH White	36%	50%	45%	51%	49%	46%
	% NH Black	3%	5%	3%	4%	2%	3%
Citizen Voting Age Pop	% Asian-American	42%	25%	30%	28%	32%	32%
	Total	3,707	3,653	4,099	2,874	3,262	17,595
	% Hisp	20%	17%	29%	14%	15%	20%
	% NH White	40%	58%	42%	64%	48%	50%
Voter Registration (Nov 2014)	% NH Black	3%	4%	2%	5%	1%	3%
	% Asian/Pac.Isl.	37%	20%	27%	14%	35%	27%
	Total	3,402	3,171	3,206	2,902	3,486	16,167
	% Latino est.	15%	17%	21%	17%	14%	17%
	% Asian-Surnamed	29%	15%	15%	13%	20%	19%
	% Filipino-Surnamed	1%	1%	2%	1%	0%	1%
Voter Turnout (Nov 2014)	% Spanish-Surnamed	13%	16%	19%	15%	13%	15%
	% NH White est.	52%	64%	61%	64%	63%	61%
	% NH Black	3%	2%	2%	5%	2%	3%
	Total	1,528	1,422	1,305	1,158	1,677	7,091
	% Latino	12%	16%	18%	13%	12%	14%
	% Asian-Surnamed	26%	12%	11%	8%	14%	15%
Voter Turnout (Nov 2012)	% Filipino-Surnamed	1%	1%	2%	1%	0%	1%
	% Spanish-Surnamed	10%	14%	16%	11%	11%	12%
	% NH White est.	58%	69%	67%	73%	71%	68%
	% NH Black	3%	2%	2%	5%	2%	3%
	Total	2,512	2,285	2,320	2,048	2,664	11,829
	% Latino	15%	19%	18%	15%	15%	16%
ACS Pop. Est.	% Asian-Surnamed	26%	13%	14%	11%	17%	16%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	13%	17%	17%	14%	13%	15%
	% NH White est.	55%	64%	64%	68%	66%	63%
	% NH Black est.	3%	2%	2%	5%	2%	3%
	Total	5,259	4,990	5,578	5,045	5,128	25,999
Age	age0-19	24%	25%	27%	26%	27%	26%
	age20-60	53%	57%	58%	56%	53%	55%
	age60plus	23%	18%	16%	18%	21%	19%
Immigration	immigrants	29%	24%	30%	24%	25%	27%
	naturalized	76%	61%	56%	57%	70%	64%
Language spoken at home	english	60%	64%	57%	63%	67%	62%
	spanish	12%	11%	12%	11%	8%	11%
	asian-lang	25%	21%	26%	19%	22%	23%
	other lang	3%	5%	5%	7%	4%	5%
Language Fluency	Speaks Eng. "Less than Very Well"	16%	11%	16%	10%	12%	13%
Education (among those age 25+)	hs-grad	40%	41%	36%	37%	27%	36%
	bachelor	28%	31%	32%	33%	38%	32%
	graduatedegree	27%	24%	25%	26%	30%	27%
Child in Household	child-under18	29%	30%	33%	31%	33%	31%
Work (percent of pop age 16+)	employed	60%	70%	68%	67%	64%	66%
	Commute on Public Transit	5%	5%	8%	7%	5%	6%
Household Income	income 0-25k	11%	10%	15%	14%	13%	13%
	income 25-50k	15%	16%	18%	21%	10%	16%
	income 50-75k	17%	23%	18%	19%	17%	19%
	income 75-200k	40%	36%	39%	32%	41%	38%
	income 200k-plus	17%	14%	9%	14%	18%	14%
Housing Stats	single family	71%	54%	37%	41%	62%	52%
	multi-family	29%	46%	63%	59%	38%	48%
	vacant	4%	10%	6%	8%	8%	7%
	occupied	96%	90%	94%	92%	92%	93%
	rented	34%	60%	69%	65%	51%	57%
	owned	66%	40%	31%	35%	49%	43%
Total and Voting Age population data from the 2010 Decennial Census.							
Surname-based Voter Registration and Turnout data from the California Statewide Database.							
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2011-2015 American Community Survey and Special Tabulation 5-year data.							

This page intentionally left blank.