

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Allan L. Roeder	From:	Omar Sandoval
Dept:	Interim City Manager	Dept:	City Attorney
Subject:	Election of Council Members by Districts	Date:	May 26, 2015

OBJECTIVE

To provide information to the City Council regarding the election of Council Members by districts.

BACKGROUND

Pursuant to the request of City Council Member Beard, Staff is providing information on district elections for the City Council, in contrast with the current at-large election system.

DISCUSSION

Election Methods.

The following methods of elections for members of the City Council are available to general law cities such as the City of Garden Grove:

- At-large. In an at-large election, voters may vote for any candidate on the ballot.
- By Districts. In an election "by" district, council members are elected by residents of their respective geographic districts. The candidates must be residents of the district.
- From Districts. In an election "from" districts, council members must be residents of the district, but are elected by the voters of the entire city.

Changing from At-Large to District Elections.

To change from an at-large to a district system of elections, the City Council must submit an ordinance to the voters at any general or special election. The ordinance must state the number of districts, describe the boundaries of each district and number them, and state whether the Council members will be elected "by" districts or "from" districts. As Garden Grove has an elected mayor, the position of mayor would continue to be elected on an at-large basis.

If the voters approved a district system of elections, the number of districts when there is an elected mayor must be four, six or eight. Only one person may serve per district.

If the voters approved a district system of elections at the 2016 general election, members of the City Council would be elected by districts as described in the ordinance at the expiration of the terms of office of the current members of the Council, or as otherwise provided by the ordinance. Thus, assuming that the ordinance retains the current number of Council members (4), it may provide for Council members to be elected by districts commencing with the November 2018 election for the first two districts, with the subsequent two districts electing their representatives in the November 2020 election. The Mayor would continue to be elected at-large.

Creating District Boundaries.

The size of districts must be as nearly equal in population as reasonably practicable. In addition, the California Voting Rights Act, which is similar to but expands the Federal Voting Rights Act, prohibits public agencies from imposing an at-large method of election "that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election." A "protected class" includes a class of voters who are members of a race, color or language minority group. Under the California Voting Rights Act, impermissible impairment in voting choice can be shown by proving the existence of "racially polarized voting," which occurs when bloc voting by the majority renders the minority vote meaningless.

In establishing districts, the City Council may consider (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts. Districts must be adjusted following each decennial federal census to maintain the districts as nearly equal in population as they may be.

To facilitate the creation of districts, the Council may, in its discretion, appoint a committee of residents and hire professional demographers to make a recommendation to the City Council on district boundaries, taking into account the factors identified above. Prior to setting initial district boundaries, or adjusting the boundaries of existing districts, at least two public hearings would be required: one to introduce the proposal(s) for district boundaries, and another to approve the proposal(s).

Proposed State Legislation

Two notable State Legislative proposals are currently under consideration:

- AB 278 would require a city with a population of 100,000 or more to switch to district based elections by simply adopting an ordinance and not submitting the matter to the voters for approval.
- AB 182 would prohibit the use of district based elections that lead to minority vote dilution. It may require "by" district elections and the increase of the number of council members and districts as a remedy to prevent minority vote dilution.

FISCAL IMPACT

According to the County, the cost to place a districting measure on the 2016 General Election ballot would be approximately \$8,500, while the cost for a special election would be approximately \$380,000. The cost of hiring consultant demographers has not been determined.

RECOMMENDATION

City Council provide direction to Staff as appropriate.

THOMAS F. NIXON
City Attorney



By: Omar Sandoval
Assistant City Attorney

Approved for Agenda listing



Allan L. Roeder
Interim City Manager