

City of Brea

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**COUNCIL COMMUNICATION**

**TO:** Honorable Mayor and City Council Members

**FROM:** Bill Gallardo, City Manager

**DATE:** 09/27/2021

**SUBJECT:** Public Hearing to Receive Input from the Community Regarding the Proposed Transition to By-District City Council Elections

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**RECOMMENDATION**

It is recommended that the City Council: 1) receive a report from National Demographics Corporation ("NDC") on the districting process and permissible criteria to be considered should district boundaries be created; and 2) conduct a public hearing to receive public input on district boundaries.

**BACKGROUND/DISCUSSION**

The City of Brea currently uses an "at-large" election system, in which all voters in the City have the opportunity to vote for candidates for all five (5) seats on the City Council. City Council candidates may reside anywhere in the City, and they each provide citywide representation. A by-district election system is one in which the City is physically divided into voting districts, each with one (1) council member who resides in the district and is chosen by the electors residing in that particular district.

On May 6, 2019, the City of Brea received a notice letter from Shenkman & Hughes, P.C. ("S&H") alleging that the City's at-large election system violates the California Voting Rights Act ("CVRA"). The City and S&H subsequently executed an Extension Agreement, in which S&H agreed to refrain from filing a CVRA action as long as the City took specified steps to transition to by-district elections. In accordance with the Extension Agreement, on June 20, 2019, the City Council adopted Resolution No. 2019-049, declaring its intent to transition from at-large elections to by-district elections for City Council.

Pursuant to Resolution No. 2019-049, the City Council intends to consider adoption of an ordinance to transition to by-district elections in accordance with applicable laws, including Government Code Section 34886 and Elections Code Section 10010. Resolution No. 2019-049 directed staff to work with the City Clerk, City Attorney, a demographer, and other appropriate consultants as needed, to provide a detailed analysis of the City's current demographics and any other information or data necessary to prepare a draft map that divides the City into voting districts in a manner consistent with the intent and purpose of the CVRA and the Federal Voting Rights Act ("FVRA"). After conducting a Request for Proposals, on July 20, 2021, the City Council approved a Professional Services Agreement with NDC for Electoral Districting Services. NDC has provided the City with preliminary results from the 2020 United States Census, as well as other City demographics, which provide critical information needed to create voting districts.

To transition to by-district elections, the City is required to conduct four (4) public hearings before the final map adoption, which would be due to the Orange County Registrar of Voters by April 17, 2022:

- At least two (2) public hearings before maps are drawn, within a 30-day period
- At least two (2) public hearings after maps are drawn, within a 45-day period
- Ordinance introduction to establish by-district elections and adopt map

- Ordinance adoption at a regular meeting

It is therefore recommended that the City Council conduct the first of four public hearings to receive public comments regarding the potential transition from at-large to by-district elections for members of the City Council. 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. Staff has, and will continue to, conduct community outreach via email, print signage, social media, water bill inserts, City newsletters, and announcements at City Council Meetings. Public hearing notices are available in three languages: English, Spanish, and Korean and are published in three local newspapers: *The Orange County Register*, *Excelsior California*, and *The Korea Daily*. The City also established a specific email address for members of the public wishing to submit feedback via email, which is: [districting@cityofbrea.net](mailto:districting@cityofbrea.net). Additional outreach efforts will continue throughout the districting process. Staff invites the public to spread the message to friends and neighbors to help inform the process.

The purpose of the first two public hearings is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration when creating voting district boundaries, before any maps are drawn. The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A "community of interest" is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Relationships with political parties, incumbents, or political candidates are not a basis for identifying a community of interest. Possible community features include, but are not limited to:

- A. School attendance areas;
- B. Natural dividing lines such as major roads, hills, or highways;
- C. Areas around parks and other neighborhood landmarks;
- D. Common issues, neighborhood activities, or legislative/election concerns; and
- E. Shared demographic characteristics, such as:
  1. Similar levels of income, education, or linguistic insolation;
  2. Languages spoken at home; and
  3. Single-family and multi-family housing unit areas.

When 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 FVRA. 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
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
2. Future population growth

## **Next Steps**

At the October 27, 2021 City Council Special Meeting, the City Council will conduct Public Hearing #2 to seek additional public input and provide direction on criteria to be considered while drafting district maps.

### **RESPECTFULLY SUBMITTED:**

William Gallardo, City Manager

Prepared by: Melissa Davis, Management Analyst

Concurrence: Lillian Harris-Neal, City Clerk

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### **Attachments**

City of Brea Preliminary Demographics

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**City of Brea Demographics (Preliminary 2020 Census data)**

| Category                      | Field             | Count  | Pct               | Category                        | Field                             | Count  | Pct |
|-------------------------------|-------------------|--------|-------------------|---------------------------------|-----------------------------------|--------|-----|
|                               | 2020 Census Pop.  | 47,325 |                   |                                 |                                   |        |     |
| Total Pop                     | Hispanic          | 12,972 | 27%               | Age                             | age0-19                           | 10,005 | 24% |
|                               | NH White          | 18,256 | 39%               |                                 | age20-60                          | 23,044 | 55% |
|                               | NH Black          | 945    | 2%                |                                 | age60plus                         | 8,646  | 21% |
|                               | Asian-American    | 13,897 | 29%               | Immigration                     | immigrants                        | 9,454  | 23% |
|                               |                   |        | naturalized       |                                 | 6,209                             | 66%    |     |
| Citizen Voting Age Pop        | Total             | 29,727 |                   | Language spoken at home         | english                           | 26,644 | 68% |
|                               | Hispanic          | 8,021  | 27%               |                                 | spanish                           | 6,012  | 15% |
|                               | NH White          | 15,066 | 51%               |                                 | asian-lang                        | 5,154  | 13% |
|                               | NH Black          | 656    | 2%                |                                 | other lang                        | 1,608  | 4%  |
|                               | Asian/Pac.Isl.    | 5,659  | 19%               | Language Fluency                | Speaks Eng. "Less than Very Well" | 3,930  | 10% |
| Voter Registration (Nov 2020) | Total             | 27,243 |                   | Education (among those age 25+) | hs-grad                           | 11,214 | 39% |
|                               | Latino est.       | 6,362  | 23%               |                                 | bachelor                          | 8,001  | 28% |
|                               | Spanish-Surnamed  | 5,715  | 21%               |                                 | graduatedegree                    | 4,802  | 17% |
|                               | Asian-Surnamed    | 3,722  | 14%               | Child in Household              | child-under18                     | 4,934  | 33% |
|                               | Filipino-Surnamed | 470    | 2%                | Pct of Pop. Age 16+             | employed                          | 22,976 | 68% |
|                               | NH White est.     | 15,195 | 56%               | Household Income                | income 0-25k                      | 1,427  | 10% |
|                               | NH Black          | 687    | 3%                |                                 | income 25-50k                     | 1,885  | 13% |
|                               |                   |        | income 50-75k     |                                 | 2,420                             | 16%    |     |
|                               |                   |        | income 75-200k    |                                 | 7,026                             | 47%    |     |
| Voter Turnout (Nov 2020)      | Total             | 23,975 |                   | income 200k-plus                | 2,157                             | 14%    |     |
|                               | Latino est.       | 5,401  | 23%               | Housing Stats                   | single family                     | 10,832 | 61% |
|                               | Spanish-Surnamed  | 4,852  | 20%               |                                 | multi-family                      | 4,614  | 26% |
|                               | Asian-Surnamed    | 3,155  | 13%               |                                 | rented                            | 5,618  | 38% |
|                               | Filipino-Surnamed | 417    | 2%                |                                 | owned                             | 9,298  | 62% |
|                               | NH White est.     | 13,656 | 57%               | Voter Turnout (Nov 2018)        | Total                             | 17,668 |     |
| NH Black                      | 621               | 3%     | Latino est.       |                                 | 3,558                             | 20%    |     |
|                               |                   |        | Spanish-Surnamed  |                                 | 3,196                             | 18%    |     |
|                               |                   |        | Asian-Surnamed    |                                 | 1,882                             | 11%    |     |
|                               |                   |        | Filipino-Surnamed |                                 | 265                               | 2%     |     |
|                               |                   |        | NH White est.     | 11,415                          | 65%                               |        |     |
|                               |                   |        | NH Black est.     | 398                             | 2%                                |        |     |

Total population data (blue) unadjusted from the 2020 Decennial Census. Surname-based Voter Registration and Turnout data from the California Statewide Database (green). Latino voter reg. and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black reg. and turnout counts estimated by NDC. Citizen Voting Age Population, Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data (orange).