

INFORMATION PACKET



VOTING DISTRICTS

GET INVOLVED
LEARN ABOUT IT
SHARE YOUR IDEAS



OCTOBER 7

OPEN HOUSE WORKSHOP 10AM-2PM
CARDIFF ELEMENTARY SCHOOL

OCTOBER 11

PUBLIC HEARING 6PM
ENCINITAS CITY HALL

NOVEMBER 8, 15

PUBLIC HEARING 6PM
ENCINITAS CITY HALL

INFORMATION IN ENGLISH
AND ESPAÑOL AT

ENCINITASCA.GOV/DISTRICTING

Welcome Message

Thank you for taking time on a busy Saturday to attend this workshop. This workshop is intended to acquaint you with the process to transition to district-based elections, let you know the reasons for this change, and show you tools that you can use to let the City Council know your thoughts as to how the district boundaries should be drawn. Please read this material and also feel free to ask questions of the Staff members and Consultant that are attending this workshop. We also have a number of computer workstations set up where you can try using these mapping tools. Please use these workstations to acquaint yourself with these tools. Members of the City's Information Technology Staff are here to help you with any technical question you may have.

What are District-Based elections?

Historically, larger cities such as the City of San Diego have elected City Council members on a district basis. This was traditionally done because the cities are quite large and it was believed that City Council members could be more effective if they represented certain areas, rather than the city at large. This also made it easier for candidates to run, as they could focus their efforts only in a specific area, rather than the entire city.

Currently, City Council members in Encinitas are elected on an "at large" basis. This means that voters throughout the City vote for City Council members. The candidates receiving the highest number of votes are the ones that become City Council members. The election of City Council members on an at large basis is typical throughout the State for cities the size of Encinitas, although this is now changing.

Why are Cities like Encinitas changing to District-Based elections?

Approximately 15 years ago, the State of California passed the California Voting Rights Act (the CVRA). The CVRA was passed to help ensure that minority voters received fair representation in local elections. Over the years the law has been amended and some court cases have further clarified the intent of this law. The result of this law is a favoring of district-based, rather than at large elections as a way to ensure that minorities are fairly represented in local elections.

Throughout the State, attorneys are sending letters to cities stating that their current at large elections be changed to district-based elections to comply with the CVRA. The City of Palmdale spent well over a million dollars defending its at large election system and ultimately lost this lawsuit. Because they also had to pay the legal and expert witness fees of the plaintiffs, their ultimate cost was about \$4.5 million. Many cities such as Encinitas are now moving toward district-based elections, including Carlsbad, Vista, Poway, and others in San Diego County.

What is Encinitas doing?

Encinitas received such a letter in July. At their August 30 meeting, the City Council voted to begin the process to transition to district-based elections. This was a very difficult decision, as the at-large elections seem to have worked well in Encinitas, and people of minorities have been elected and appointed to offices in the City of Encinitas. However, there can be advantages to district-based elections and the prospects of a long and lengthy legal battle were important factors in the City Council making the decision to move toward district-based elections.

As a result of this decision, the City has hired special legal counsel and a demographer to assist in this process and to help draw boundaries that will be used in voting for City Council members. Because we are a general law city in the State of California, we will either have 4 districts with a Mayor that is elected at-large, or we will have 5 districts with a Mayor that is selected among the City Council members.

Thus far, the City Council has held two public hearings to consider this issue and to develop criteria that will be used to draw the district boundaries. At their September 20, 2017 Council meeting, the City Council adopted criteria and encouraged members of the public to develop maps showing their suggestions for such boundaries. To facilitate this, the City's website now contains a number of drawing tools that help people develop their suggestions. One of the legal requirements for any such boundaries is that they contain very nearly equal numbers of people.

The City Council will begin to consider such maps at their hearing on October 11, 2017. They are scheduled to select a final map on November 8, and an ordinance would be introduced on that same date establishing the district boundaries and setting the dates for when those districts would elect their City Council members. The first such election would be the November, 2018 election and the process would be completed in the November, 2020 election.

The drawing of boundaries is a very important step and the City has scheduled a public workshop for Saturday, October 7 at Cardiff Elementary School from 10 am until 2 pm to provide further information and for the public to actually try the mapping tools. Members of many City departments have been actively involved in publicizing the various meetings, and members of the IT staff have worked very closely with the demographer and others to get these tools up on the City's website and to provide a wealth of information about the process. This will be an informal setting and members of the public can drop by at any time during the hours of the workshop.

What can I do?

You can learn more about the process and the mapping tools at the special web pages that have been developed by simply going to the City's website and selecting the large button on the home page labeled "Voting Districts". The actual web address for this section is <http://www.encinitasca.gov/districting>.

If you have ideas on how the district boundaries should be drawn, the City Council would very much like to hear from you. They would like to know not just which map(s) you like or dislike, but why you feel that way about each map. These are the first drafts, not necessarily the final maps, and future versions can include revisions aimed at addressing the concerns raised by residents. You can send your suggestions to NDC at encinitas@NDCresearch.com or by mail to NDC at P.O. Bo 5271, Glendale, CA 91221, or by letter or email to your Encinitas City Council council@encinitasca.gov or by attending and participating at an upcoming Council meeting.

Thank you for your interest in Encinitas and in this most important issue.

Sincerely,

Jim O'Grady

Project Manager

Schedule

DATE	EVENT
August 30, 2017	Day 1: Resolution of Intention: City Council adopts Resolution declaring its intention to transition from at-large to district-based elections
Starting August 31, 2017	Public Outreach
September 6, 2017	<u>1st Public Hearing</u> Composition of Districts; NO MAPS YET DRAWN
September 20, 2017	<u>2nd Public Hearing</u> Composition of Districts; NO MAPS YET DRAWN Set Deadline for Receipt of Maps from Members of the Public
September 29, 2017	Publish Draft Maps and Potential Sequence of Elections
October 7, 2017 10AM - 2PM	Open House Public Workshop at Cardiff Elementary School, 1888 Montgomery Avenue General Info/Schedule, Online District Drawing Tool Demos & Assistance
October 11, 2017	<u>3rd Public Hearing</u> Members of the Public Are Invited to Provide Input re Draft Map(s) and Proposed Sequence of Elections
October 18, 2017	DEADLINE for Public Submittals of Maps
October 27, 2017	Publish Any Amended Maps and Any Maps Received from Members of the Public and Potential Sequence of Elections
November 8, 2017	<u>4th Public Hearing</u> Introduce Ordinance Establishing District Elections, Adopting District Boundaries, and Setting Election Sequence Members of the Public Are Invited to Provide Input re Draft Map(s) and Proposed Sequence of Elections Re Draft Maps - if selected map is amended, ordinance cannot be introduced until 7 days after amended map is published
November 15, 2017	<u>5th Public Hearing</u> 2nd Reading of Ordinance Establishing District Elections: Approval or Defeat of Ordinance
November 28, 2017	Day 90

Map Criteria

Specification of Criteria to Guide the Establishment of Electoral Districts

1. The boundaries of the electoral districts shall be established so that the electoral districts are **equal in population as defined by law** (no more than plus or minus 5 percent of the target population and preferably less).
2. The boundaries of the electoral districts **shall not be gerrymandered** in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
3. The boundaries of the electoral districts shall be established so that the electoral districts **do not result in a denial or abridgement of the right of any citizen to vote** on account of race or color as provided in Section 2 of the federal Voting Rights Act.
4. The boundaries of the electoral districts **shall observe communities of interest** as identified in public comment or identified by the city council, including, but not limited to rural or urban populations; social interests; agricultural, industrial or service industry interests; residential and commercial areas, the location of city facilities and historical sites, and the like, insofar as practicable. For example, and without limiting the communities of interest that may be considered, the boundaries shall take into account:
 - a. Encinitas's historical communities of New Encinitas, Old Encinitas, Leucadia, Cardiff-by-the-Sea, and Olivenhain; and
 - b. Political subdivision boundaries such as school districts and water and wastewater districts.
5. The boundaries of the electoral districts **shall be compact**, insofar as practicable.
6. The boundaries of the electoral districts **shall be created to contain cohesive, contiguous territory**, insofar as practicable.
7. The boundaries of the electoral districts **may observe topography and geography**, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways, major roadways and canals, etc., as natural divisions between districts, insofar as practicable. For example, and without limiting the communities of interest that may be considered, the boundaries shall:
 - a. Attempt to avoid the creation of a coastal/inland division; and
 - b. Attempt to provide, to the extent possible, for each district to share responsibility for major transportation corridors, such as Highway 5, Pacific Coast Highway, El Camino Real, and Highway 101, and coastal regions.
8. Unless otherwise required by law, the electoral districts **shall be created using whole census blocks**, insofar as practicable.
9. The boundaries of the electoral districts **may avoid the "pairing" of incumbents in the same electoral district**, insofar as this does not conflict with the constitution and laws of the State of California and the United States.
10. The boundaries of the electoral districts **shall comply with such other factors which become known during the districting process and are formally adopted by the City Council**.

'Draw A Map' Options

Please see the **Draw A Map** page on the website: Go to <http://www.encinitasca.gov/districting> then select 'Draw A Map' in the dark-green box on the top right section of the web page. From there, you will find a variety of map-drawing tools available, such as:

Paper-Only Maps

Option A: You can use the **simple one-page map** to draw your proposed districts and calculate the total population.

Option B: You can print and use the **more extensive "Public Participation Kit"**, which contains detailed instructions, the list of line-drawing criteria, demographics for each Population Unit, and blank maps on which you can draw your proposed plan(s).

Microsoft Excel Supplement

Are you familiar with the basic functions of Microsoft Excel? Then you can let Excel do the total population and demographic math for you. Click on the link for the **4 district option** or the **5 district option** to save the Excel file(s) to your computer. Then use the Excel file and the Map of Population Unit ID numbers (on page 4 of the full kit) to assign the Population Units to your desired districts, and Excel will provide the resulting demographics for each district.

Online District Drawing Tool

The most powerful map-drawing tool is the **online district drawing tool**. This tool enables you to draw districts Census Block by Census Block, just like the professional demographers. You can fine-tune your district lines and see, in detail, the resulting demographics as you draw your map.

This tool also comes with videos and Help documentation.

Draft Maps

Please see the **Draft Maps** page on the website: Go to <http://www.encinitasca.gov/districting> then select 'Draft Maps' in the dark-green box on the top right section of the web page. From there, for each draft plan, there will be links to PDF maps and PDF demographic profiles. There will also be a link to an interactive map that allows you to zoom in and out to see plan details.

The Council wants to hear what you like and dislike about each map.

The Council wants to know not just which map(s) you like or dislike, but why you feel that way about each map. These are the first drafts, not necessarily the final maps, and future versions can include revisions aimed at addressing the concerns raised by residents. You can send your suggestions to NDC at encinitas@NDCresearch.com or by mail to NDC at P.O. Box 5271, Glendale, CA 91221, or by letter or email to your Encinitas City Council council@encinitasca.gov or by attending and participating at an upcoming Council meeting.

Other FAQs

What is the basis for the threatened lawsuit against the city?

The law firm contends the City of Encinitas' at-large voting system "dilutes the ability of Latinos, ('a protected class'), to elect candidates of their choice or otherwise influence the outcome of Encinitas' council elections." The letter cites the historic absence of Latino City Council members or candidates as evidence of vote dilution. According to the letter, Latinos represent about 13.7 percent of Encinitas' population.

What have other cities done?

Almost without exception other cities have either voluntarily, or been forced to adopt changes to their method of electing City Council members. Many have settled claims out of court by essentially agreeing to voluntarily shift to district elections. Others have defended challenges through the courts. Those agencies that attempted to defend their existing "at large" system of elections in court have incurred significant legal costs because the California Voting Rights Act gives plaintiffs the right to recover attorney fees. A few examples include:

- Palmdale: \$4.5 million
- Modesto: \$3 million
- Anaheim: \$1.1 million
- Whittier: \$1 million
- Santa Barbara: \$600,000
- Tulare Hospital: plaintiff attorneys paid \$500,000
- Madera Unified: plaintiff attorneys asked for \$1.8 million, but received about \$170,000
- Hanford Joint Union Schools: \$118,000
- Merced City: \$42,000

Why haven't cities prevailed in challenging the allegations?

The threshold to establish liability under the California Voting Rights Act is considered low. The Federal Voting Rights Act requires four conditions to be met to prove a city is not in compliance. The California Voting Rights Act only has two.

How are districts drawn?

Under the California Voting Rights Act, districts must:

- Include communities of interest
- Be compact
- Be contiguous
- Have visible (natural and man-made) boundaries
- Include respect for past voter selections
- Plan for future growth

What are communities of interest?

A community of interest is a neighborhood or community that would benefit from being in the same district because of shared interests, views or characteristics. Possible community feature/boundary definitions include:

- School attendance areas
- City borders
- Natural neighborhood dividing lines such as highway or major roads and/or hills
- Areas around parks and other neighborhood landmarks
- Common issues, neighborhood activities or legislative/election concerns.
- Shared demographic characteristics, such as:
 - Similar levels of income, education or linguistic isolation
 - Ancestry (not race or ethnicity)
 - Languages spoken at home
 - Percentage of immigrants
 - Single-family and multi-family housing units

What is a protected class?

A protected class refers to voters who are members of a race, color or language minority group.

Who creates the district boundaries?

Professional demographers are hired by cities to create proposed district boundaries. Residents can suggest boundaries on a map or provide suggested criteria for creating boundaries, beyond what is legally required.

How is the change approved?

Since the city decided to make this change voluntarily, the City Council gets to decide on the final maps instead of a judge.

What's the difference between "at large" elections and "district" elections?

Encinitas has an at-large election system, where voters of the entire city elect all members of the City Council. "By district" election systems carve the city into geographic sections. Voters in each section choose their City Council representative, who must also live in that district.