



CITY OF EASTVALE

CITY COUNCIL STAFF REPORT

ITEM 7.1

DATE: MAY 25, 2016

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: JOHN CAVANAUGH, CITY ATTORNEY

SUBJECT: PROPOSED VOTING BY DISTRICT BOUNDARY MAPS

RECOMMENDATIONS:

1. RECEIVE AN UPDATE FROM STAFF AND THE CITY'S CONSULTANT, NDC, REGARDING ANY CHANGES TO BY-DISTRICT VOTING MAPS REVIEWED AT THE MAY 11, 2016, CITY COUNCIL PUBLIC HEARING.
 2. CONDUCT THE SECOND PUBLIC HEARING ON SUCH MAPS AND ANY PROPOSED CHANGES TO THEM.
 3. THEREAFTER PROVIDE DIRECTION TO STAFF ON ADDITIONAL CHANGES TO SUCH BOUNDARIES TO BE PRESENTED AT THE THIRD, AND FINAL, PUBLIC HEARING ON JUNE 8, 2016 AND SPECIFICALLY DISCUSS A PREFERENCE FOR MAP 5A OR 5B.
 4. PROVIDE DIRECTION TO STAFF FOR FINALIZATION OF A DRAFT URGENCY ORDINANCE THAT WILL BE PRESENTED FOR CONSIDERATION AT THE END OF THE JUNE 8, 2016 THIRD PUBLIC HEARING FOR ADOPTION OF THE BY-DISTRICT VOTING PROCESS.
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BACKGROUND

The City Council previously took action at the April 27, 2016 City Council meeting to establish a by-district election system for the City Council and adopted Resolution No. 16-09 setting the criteria for such districts as well as a schedule for implementation in time for the November 2016 election. The City is working with Douglas Johnson and National Demographics Corporation (NDC), a demographic consulting company which is advising many other cities regarding the change from at-large to by-district voting. The initial by-district maps were posted on the City website on May 5, 2016.

DISCUSSION

Pursuant to that schedule, the first of three noticed public hearings was conducted on May 11, 2016. Based upon the Council's instructions at the April 27, 2016 meeting, the Mayor at large option was included in the draft maps prepared. Four maps were presented: two versions showing five districts with equal population (and meeting the other adopted criteria) and two maps showing four districts with an at large elected Mayor.



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Following additional information from staff and the consultant, questions by the Council, public testimony and discussion, the City Council directed staff to delete consideration of the Mayor at-large option and prepare any additional versions of the draft district boundary maps based upon comments received at the first public hearing and those to be received before this public hearing. NDC has advised us that although comments have been received, there are no such new maps that have been proposed for consideration by the Council at this public hearing. Therefore, attached to this staff report are maps 5A and 5B that were presented at the first public hearing. Maps 4A and 4B have been omitted because the Council is not considering the Mayor at-large option; however these Maps 4A and 4B remain posted on the website for the community's benefit.

The purpose of holding this second public hearing (besides meeting legal requirements for three hearings) is to answer additional questions from the Council and receive input and comments from the public on the posted draft maps, as well as on any other map submitted by the public.

FISCAL IMPACT

Approximately \$40,000

STRATEGIC PLAN IMPACT - None

ATTACHMENTS

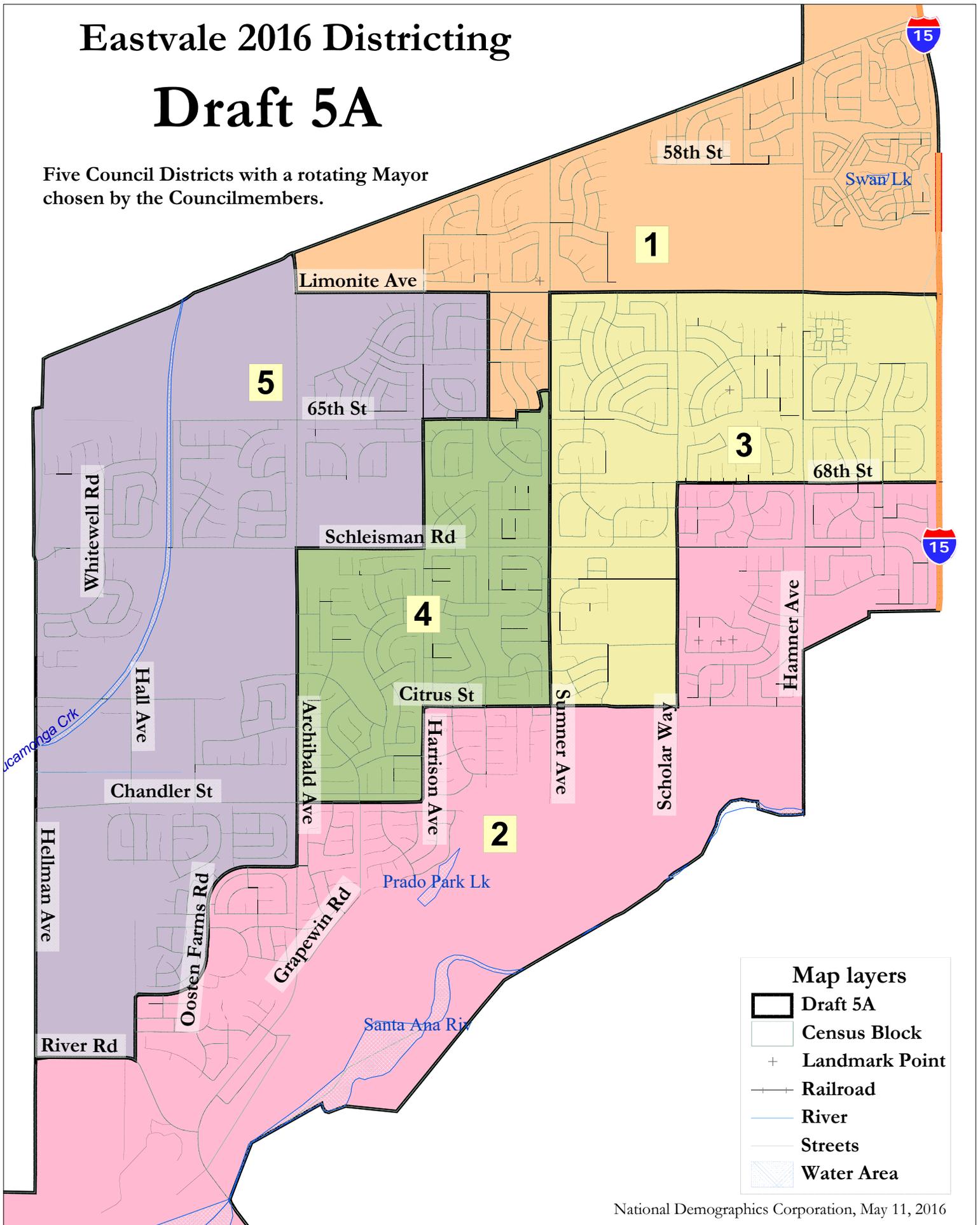
1. Plans and Demographic Profiles for Draft Maps
2. Draft Urgency Ordinance

Prepared by: John Cavanaugh, City Attorney
Reviewed by: Michele Nissen, City Manager

Eastvale 2016 Districting

Draft 5A

Five Council Districts with a rotating Mayor chosen by the Councilmembers.



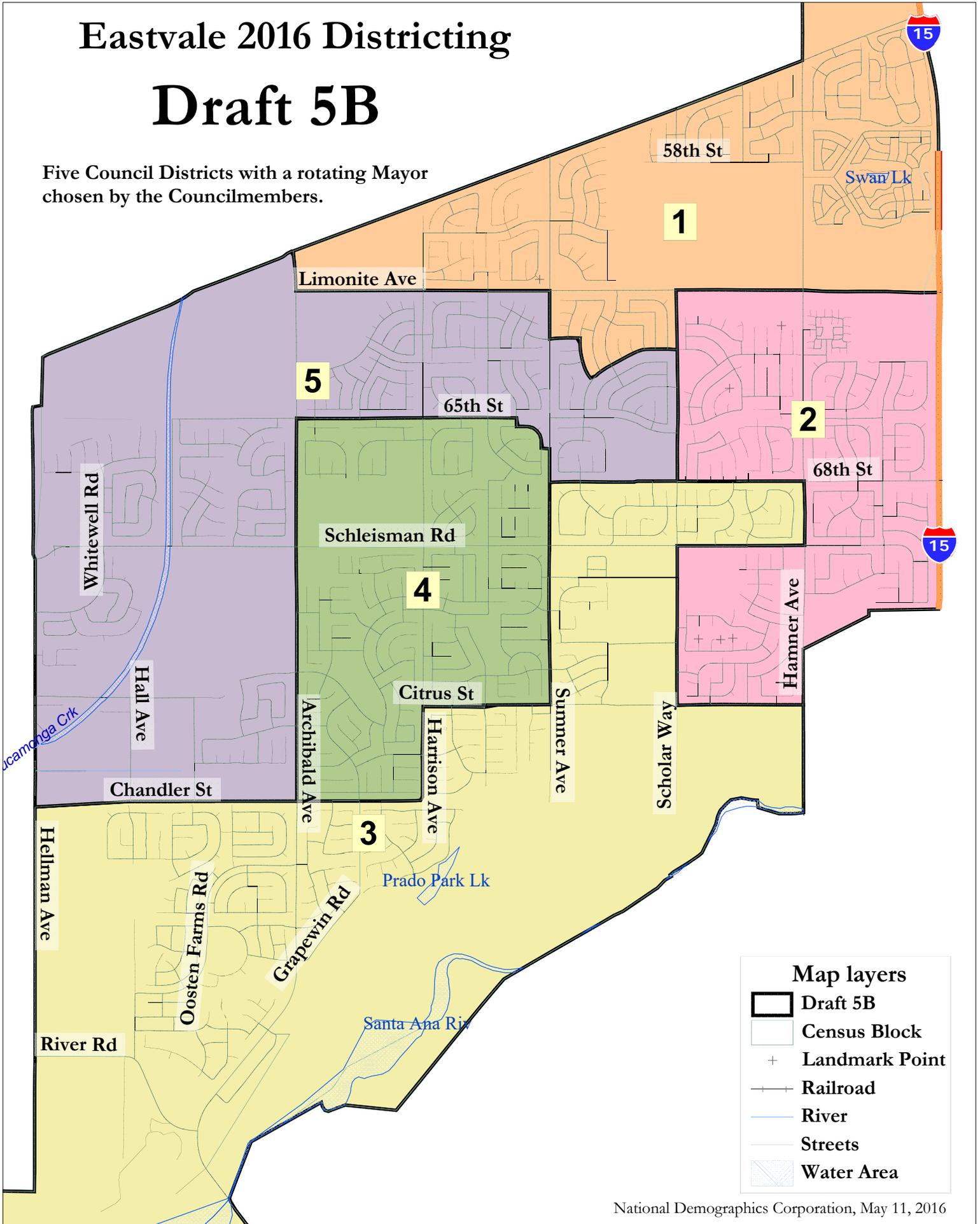
Eastvale - Draft 5A (corrected)

District		1	2	3	4	5	Total
	Total Pop	10,419	11,115	11,309	10,309	10,518	53,670
	Deviation from ideal	-315	381	575	-425	-216	1,000
	% Deviation	-2.93%	3.55%	5.36%	-3.96%	-2.01%	9.32%
Total Pop	% Hisp	48%	37%	38%	39%	38%	40%
	% NH White	27%	21%	23%	28%	20%	24%
	% NH Black	10%	11%	10%	10%	8%	10%
	% Asian-American	14%	29%	27%	21%	32%	25%
Voting Age Pop	Total	6,976	7,446	7,658	6,714	7,090	35,884
	% Hisp	43%	33%	36%	36%	35%	37%
	% NH White	30%	22%	24%	30%	21%	25%
	% NH Black	10%	11%	9%	10%	8%	10%
Citizen Voting Age Pop	% Asian-American	15%	32%	29%	23%	35%	27%
	Total	5,780	6,704	6,644	5,337	6,877	31,342
	% Hisp	48%	29%	32%	35%	36%	36%
	% NH White	30%	23%	26%	32%	23%	27%
Voter Registration (Nov 2014)	% NH Black	8%	14%	14%	8%	7%	10%
	% Asian/Pac.Isl.	17%	35%	30%	28%	31%	26%
	Total	3,751	4,038	4,291	3,980	4,979	21,039
	% Latino	38%	35%	34%	34%	33%	35%
Voter Turnout (Nov 2014)	% Asian-Surnamed	7%	13%	12%	8%	12%	10%
	% Filipino-Surnamed	2%	3%	3%	3%	4%	3%
	Total	1,085	1,203	1,281	1,330	1,600	6,499
	% Latino	30%	30%	30%	27%	27%	29%
Voter Turnout (Nov 2012)	% Asian-Surnamed	6%	11%	9%	7%	10%	9%
	% Filipino-Surnamed	1%	3%	3%	2%	3%	2%
	Total	2,281	2,797	2,929	2,999	2,731	13,737
	% Latino	34%	33%	34%	32%	32%	33%
ACS Pop. Est.	% Asian-Surnamed	5%	10%	9%	6%	9%	8%
	% Filipino-Surnamed	2%	3%	2%	2%	4%	3%
	Total	9,664	12,134	11,381	9,963	12,150	55,291
	age0-19	34%	36%	35%	35%	36%	35%
Age	age20-60	52%	54%	56%	53%	56%	54%
	age60plus	14%	9%	9%	12%	9%	10%
	immigrants	27%	34%	31%	30%	32%	31%
Immigration	naturalized	62%	62%	60%	67%	58%	62%
	english	53%	47%	48%	51%	50%	50%
Language spoken at home	spanish	34%	23%	27%	22%	23%	26%
	asian-lang	9%	23%	19%	18%	19%	18%
	other lang	5%	7%	6%	8%	8%	7%
	Speaks Eng. "Less than Very Well"	15%	22%	20%	18%	21%	19%
Language Fluency	hs-grad	53%	49%	54%	53%	52%	52%
	bachelor	13%	28%	23%	21%	26%	23%
	graduatedegree	14%	10%	11%	14%	11%	12%
Education (among those age 25+)	child-under18	50%	64%	56%	58%	64%	58%
Child in Household	employed	56%	60%	62%	63%	64%	61%
	Commute on Public Transit	1%	2%	0%	1%	1%	1%
Work (percent of pop age 16+)	income 0-25k	13%	4%	7%	5%	4%	7%
	income 25-50k	14%	8%	9%	12%	10%	11%
	income 50-75k	22%	11%	15%	11%	9%	14%
	income 75-200k	47%	65%	61%	63%	65%	60%
	income 200k-plus	4%	12%	8%	9%	11%	9%
Household Income	single family	77%	100%	100%	99%	99%	95%
	multi-family	23%	0%	0%	1%	1%	5%
	vacant	7%	2%	4%	4%	3%	4%
	occupied	93%	98%	96%	96%	97%	96%
	rented	44%	15%	14%	18%	16%	22%
	owned	56%	85%	86%	82%	84%	78%
Housing Stats	Total and Voting Age population data from the 2010 Decennial Census.						
	Voter Registration and Turnout data from the California Statewide Database.						
	Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.						

Eastvale 2016 Districting

Draft 5B

Five Council Districts with a rotating Mayor chosen by the Councilmembers.



Eastvale - Draft 5B

District		1	2	3	4	5	Total
	Total Pop	10,528	10,798	10,924	11,075	10,345	53,670
	Deviation from ideal	-206	64	190	341	-389	730
	% Deviation	-1.92%	0.60%	1.77%	3.18%	-3.62%	6.80%
Total Pop	% Hisp	47%	41%	33%	39%	41%	40%
	% NH White	26%	24%	20%	27%	21%	24%
	% NH Black	9%	10%	11%	10%	8%	10%
	% Asian-American	16%	23%	34%	23%	29%	25%
Voting Age Pop	Total	7,049	7,283	7,411	7,259	6,882	35,884
	% Hisp	43%	38%	30%	35%	37%	37%
	% NH White	29%	26%	21%	29%	22%	25%
	% NH Black	10%	10%	11%	10%	7%	10%
	% Asian-American	17%	25%	37%	25%	31%	27%
Citizen Voting Age Pop	Total	5,809	5,808	7,369	5,864	6,492	31,342
	% Hisp	46%	35%	25%	36%	38%	36%
	% NH White	30%	24%	24%	30%	26%	27%
	% NH Black	9%	13%	14%	7%	7%	10%
	% Asian/Pac.Isl.	18%	30%	37%	28%	27%	26%
Voter Registration (Nov 2014)	Total	3,751	4,023	4,336	4,098	4,830	21,039
	% Latino	38%	39%	30%	33%	34%	35%
	% Asian-Surnamed	7%	10%	14%	9%	12%	10%
	% Filipino-Surnamed	2%	3%	4%	3%	4%	3%
Voter Turnout (Nov 2014)	Total	1,069	1,177	1,351	1,364	1,538	6,499
	% Latino	29%	34%	26%	26%	28%	29%
	% Asian-Surnamed	7%	8%	11%	8%	9%	9%
	% Filipino-Surnamed	2%	3%	3%	2%	3%	2%
Voter Turnout (Nov 2012)	Total	2,143	2,771	2,733	3,183	2,907	13,737
	% Latino	34%	36%	30%	32%	33%	33%
	% Asian-Surnamed	5%	9%	11%	6%	9%	8%
	% Filipino-Surnamed	2%	2%	3%	3%	3%	3%
ACS Pop. Est.	Total	9,772	11,197	12,330	10,674	11,318	55,291
Age	age0-19	34%	36%	36%	35%	35%	35%
	age20-60	52%	55%	55%	53%	55%	54%
	age60plus	14%	9%	9%	12%	10%	10%
Immigration	immigrants	27%	33%	33%	30%	31%	31%
	naturalized	61%	62%	59%	68%	59%	62%
Language spoken at home	english	53%	48%	48%	52%	49%	50%
	spanish	34%	26%	24%	22%	24%	26%
	asian-lang	9%	21%	21%	18%	19%	18%
	other lang	5%	5%	7%	8%	8%	7%
Language Fluency	Speaks Eng. "Less than Very Well"	15%	21%	21%	18%	20%	19%
Education (among those age 25+)	hs-grad	53%	55%	49%	53%	50%	52%
	bachelor	13%	25%	28%	21%	26%	23%
	graduatedegree	14%	8%	11%	14%	12%	12%
Child in Household	child-under18	50%	57%	64%	58%	63%	58%
Work (percent of pop age 16+)	employed	57%	60%	62%	63%	64%	61%
	Commute on Public Transit	1%	1%	1%	1%	0%	1%
Household Income	income 0-25k	13%	7%	4%	5%	4%	7%
	income 25-50k	14%	8%	9%	12%	10%	11%
	income 50-75k	22%	14%	11%	11%	11%	14%
	income 75-200k	47%	62%	65%	63%	64%	60%
	income 200k-plus	5%	9%	11%	9%	11%	9%
Housing Stats	single family	77%	100%	100%	99%	99%	95%
	multi-family	23%	0%	0%	1%	1%	5%
	vacant	7%	3%	3%	4%	4%	4%
	occupied	93%	97%	97%	96%	96%	96%
	rented	44%	16%	14%	19%	15%	22%
	owned	56%	84%	86%	81%	85%	78%
Total and Voting Age population data from the 2010 Decennial Census.							
Voter Registration and Turnout data from the California Statewide Database.							
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2010-2014 American Community Survey 5-year data.							

ORDINANCE NO. 16-XX

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EASTVALE, CALIFORNIA, AMENDING CHAPTER 2.04 OF THE EASTVALE MUNICIPAL CODE TO ADD SECTIONS 2.04.070-2.04.090 CHANGING THE CITY'S ELECTORAL SYSTEM FROM AT-LARGE TO BY-DISTRICT ELECTIONS WITH RESPECT TO ELECTING CITY COUNCIL MEMBERS, ESTABLISHING DISTRICT BOUNDARIES, AND SCHEDULING ELECTION WITHIN THE DISTRICTS

WHEREAS, the City of Eastvale supports the full participation of all residents in electing City Council Members; and

WHEREAS, the City of Eastvale currently elects its five City Council Members using an at-large election system; and

WHEREAS, in the at-large election system, candidates may reside in any part of the City and each City Council Member is elected by the voters of the entire City; and

WHEREAS, in a by-district election system, a candidate for 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 whom their representative will be; and

WHEREAS, California Government Code 34886, effective January 1, 2016, permits the City Council of a city with a population of fewer than 100,000 people, to change the city's method of election by ordinance, with certain formalities, to a "by- district" system in which each City Council member is elected only by the voters in the district in which the candidate resides; and

WHEREAS, pursuant to California Government Code Section 34886, it is declared that this change in the method of electing members of the City Council of the City of Eastvale is made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code; and

WHEREAS, under the provisions of California Elections Code 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 on a proposal to establish the district boundaries of the political subdivision prior to a public hearing at which the governing body of the political subdivision votes to approve or defeat the proposal; and

WHEREAS, on April 27, 2016 the City Council adopted its Resolution No. 16-09 initiating the process of establishing voting by-districts and adopting the criteria and schedule therefore, and thereafter held public hearings on the proposal to establish district boundaries on May 11, 2016 and May 25, 2016, at which it considered the proposal to

establish district boundaries, and also held a public hearing on June 8, 2016, the public meeting at which the City Council voted on the proposal; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Government Code Section 34886, an ordinance providing for the election of City Council Members of the City of Eastvale by-district in five single-member districts as reflected in Exhibit 1 to this Ordinance; and

WHEREAS, in order to protect the welfare of the residents of Eastvale by providing for such a change in voting to be implemented in time for the November 2016 election, this ordinance is an urgency ordinance which shall take effect upon its adoption and pursuant to Govt. Code Section _____.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EASTVALE, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 2.04 of the Eastvale Municipal Code is hereby amended by adding new Sections 2.04.070, 2.04.080 and 2.04.090 to read as follows:

Section 2.04.070. By-District Electoral System.

- A. Pursuant to California Government Code Section 34886, City Council Members of the City of Eastvale shall be elected by-districts in five (5) single-member districts.
- B. (1) Beginning with the general municipal election in November 2016, Members of the City Council shall be elected in the electoral districts established by Section 2.04.080 and subsequently reapportioned as provided by State law. Elections shall take place on a by-district basis as that term is defined in California Government Code Section 34871, meaning one Member of the City Council shall be elected from each Council district and shall serve a four-year term until his or her successor is qualified or such term as provided by Govt. Code Section 36512.
- (2) Except as provided in subdivision (3) hereof, the Council Member 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 live 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 California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a Council Member shall create an immediate vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days after the termination of residency.
- (3) Notwithstanding any other provision of this section, and consistent with the

requirements of Govt. Code Section 36512 as amended, the Members of the City Council in office at the time the Ordinance codified in this chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. At the end of the term of each Council Member that Member's successor shall be elected on a by-district basis in the districts established in Section 2.04.080 and as provided in Section 2.04.090.

Section 2.04.080. Establishment of City Council Electoral Districts.

- A. Subject to Section 2.04.090 Members of the City Council shall be elected on a "by-district" basis from the Council districts described as follows:
- (1) Council District 1 shall comprise all that portion of the City _____
 - (2) Council District 2 shall comprise all that portion of the City beginning _____
 - (3) Council District 3 shall comprise all that portion of the City beginning at _____
 - (4) Council District 4 shall comprise all that portion of the City beginning at _____
 - (5) Council District 5 shall comprise all that portion of the City beginning _____
- B. The Council districts specified in subdivision (A) shall continue in effect until they are amended or repealed in accordance with law.

Section 2.04.090. Election Schedule.

Except as otherwise required by Govt. Code Section 36512, Council Members shall be elected in Council Districts 1, _____ and _____ beginning at the General Municipal Election in November, 2016, and every four years thereafter. Council Members shall be elected from Council Districts _____ and _____ beginning at the General Municipal Election in November, 2018, and every four years thereafter.

SECTION 3. Implementation.

A map showing the districts described in the ordinance codified in this chapter is attached hereto as Exhibit 1 and incorporated by this reference. To the extent there is a conflict between the descriptions contained in the Ordinance codified in this chapter and the map incorporated herein, the map shall prevail.

If necessary to facilitate the implementation of this ordinance, 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 4. Effective Date.

This Ordinance shall be effective immediately as an urgency ordinance necessary for public welfare and pursuant to Govt. Code Section 36937.

SECTION 5. Inconsistencies.

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

SECTION 6. Interpretation.

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

SECTION 7. Severability.

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, then such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Eastvale hereby declares they would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 8. The City clerk shall certify to the passage of this ordinance; shall enter the same in the book of original ordinances of the City; shall make a minute of the passage and adoption thereof in the record of the proceedings of the City Council at which the same is passed and adopted; and shall, within 15 days after the passage and adoption hereof, cause a summary thereof to be published in a newspaper of general circulation, as defined in Government Code section 6008, for the City of Eastvale.

PASSED, APPROVED AND ORDAINED this 8th day of June, 2016.

Ike Bootsma, Mayor

APPROVED AS TO FORM:

ATTEST:

John E. Cavanaugh, City Attorney

Marc Donohue, City Clerk

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) §
CITY OF EASTVALE)

I, Marc Donohue, City Clerk of the City Council of the City of Eastvale, California, do hereby certify that the foregoing Urgency Ordinance No. 16-XX was duly introduced and passed at a regular meeting of the City Council on the 8th day of June, 2016, by the following vote::

AYES:

NOES:

ABSENT:

ABSTAIN:

Marc Donohue, City Clerk

DRAFT