

**Jessica Blair**

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**From:** Sabrina Brennan [REDACTED]  
**Sent:** Tuesday, April 17, 2018 8:44 AM  
**To:** Deborah Penrose; Harvey Rarback; Adam Eisen; Debbie Ruddock; Rick Kowalczyk  
**Cc:** David Boesch; Jessica Blair; Catherine Engberg; Helen Grieco; Nicolas Heidorn; Raúl Macías; Harvey Rarback; Debbie Ruddock; Deborah Penrose; Adam Eisen; Rick Kowalczyk; Kevin Shenkman; Matthew Chidester; Danielle Sanderson; Jennifer Acuna; Sara Williams; Joaquin Jimenez; Belinda Arriaga; James; Beth Pielert; Brent Turner  
**Subject:** Independent Districting Commission: Agenda Item C-3 April 17, 2018  
**Attachments:** HMB Independent Districting & Redistricting Commission.pdf; ATT00001.htm

Dear Mayor and Councilmembers,

Thank you for your service to the vibrant Coastside community of Half Moon Bay.

The Coastside Progressive Democrats urge you to consider establishing an Independent Districting Commission. We respectfully submit the attached ordinance for your consideration.

A Districting Commission will increase public participation, depoliticize decision-making, avoid conflict of interest, improve minority disenfranchisement, result in better maps, split fewer neighborhoods, eliminate gerrymandering, increase minority representation, and improve transparency. The ordinance helps ensure that commissioners meet minimum criteria for impartiality.

California is leading the fair districting process. The Citizen Redistricting Commission is responsible for establishing districts for State Senate, Assembly, Board of Equalization and all 53 Federal Congressional Districts including District 14, Congresswoman Speier and District 18, Congresswoman Eshoo. Success at the Federal and State level provides an opportunity to turn our attention to the local districting process.

In 2008, Californians approved Prop 11, the Voters First Act and two years later Prop 20 passed, the Voters First Act for Congress. A newly formed Citizen Redistricting Commission completed its first federal and state maps in 2011. You have an opportunity to help complete the process at the local level.

On April 11, 2018, the Coastside Progressive Democrats held a Voting Rights forum in Half Moon Bay with ACLU attorney Raúl Luévano Macías. The meeting was noticed in the Half Moon Bay Review newspaper, open to the public, broadcast on PCTV and a video is published on YouTube.

It's our understanding that attorney Kevin Shenkman capped his fees at \$30,000 and allowed time extensions to help the cities of Menlo Park and Santa Rose establish districting commissions/committees. **Please consider requesting additional time to establish a Half Moon Bay Independent Districting & Redistricting Commission.**

A healthy Democracy requires that voters choose politicians, instead of politicians choosing voters.

Please include this email and the attached ordinance as a comment on Item C-3 regarding the transition from at-large elections to district-based elections.

Yours truly,  
Sabrina & James

Sabrina Brennan  
President

James Lee Han  
Vice-President  
Coastside Progressive Democrats  
[CoastsideProgressive.org](http://CoastsideProgressive.org)



# **Half Moon Bay Independent Districting & Redistricting Commission**

## **SECTION 1.**

### **A. Establishment**

1. There shall be established the Half Moon Bay Independent Districting & Redistricting Commission, hereinafter "Commission," vested with the exclusive authority to adopt new council district boundaries. The new district boundaries shall go into effect immediately upon adoption by the Commission.
2. The Commission shall be established by June 15, 2018 to establish the City's inaugural council district boundaries,
3. After inaugural district boundaries have been established, the Commission shall be re-established by February 15 in each year following the year in which the national census is taken to redraw council district boundaries to account for changes in district population. Notwithstanding the foregoing if, after the 2020 census, each district remains substantially equal in population as required by the United States Constitution and California law, the City Council may vote to keep district boundaries the same and forego re-establishing the Commission until after the next national census.
4. The Commission shall consist of seven commissioners and one alternate. The alternate may fully participate in Commission deliberations but may not vote and may not be counted towards the establishment of a quorum. The alternate is subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this Section.
5. The term of office of each commissioner and the alternate begins with their appointment to the Commission and ends when new final district boundaries are adopted.
6. The Commission shall comply with the applicable requirements of Chapter nine of Division 21 of the California Elections Code, beginning with Section 23000.

### **B. Selection Process**

1. The commissioner selection process is designed to produce a qualified, independent, and impartial Commission.
2. Commissioners shall be selected through an open application process.
3. Any person who meets the minimum commissioner qualifications in Subsection C may apply to serve on the Commission.
4. The City Clerk shall initiate and widely publicize the Commission application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage qualified persons to apply. The application period shall be open for at least three weeks.
5. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including each applicant's eligibility to serve on the Commission under Subsection C. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum commissioner qualifications.

6. From this screened pool of qualified applicants, the City Clerk shall, at a noticed public meeting, select between 12 and 16 persons, inclusive, to constitute the subpool of eligible applicants. Beginning after 2020, in any year the Commission is re-established, the subpool shall contain at least two eligible applicants from each existing council district.

7. The City Clerk shall, at a public meeting, randomly select four names from that subpool. Those four shall serve as commissioners. Beginning after 2020, in any year the Commission is re-established, each of the four randomly-selected applicants shall reside in a different existing council district.

8. Those initial four commissioners shall, by majority vote at a noticed public hearing, select the final three commissioners and one alternate from the remaining applicants in the subpool. The initial commissioners shall select final commissioners such that the Commission shall not be comprised entirely of commissioners who are registered to vote with the same political party preference.

9. The City Clerk and the initial four commissioners should select applicants that are best qualified to carry out the Commission's duties under this Section and that, as a group, reasonably reflect the diversity of the City, provided that no quotas, formulas, or ratios may be applied for this purpose. In evaluating applications, the City Clerk and the initial four commissioners shall consider each applicant's:

- a. ability to serve with impartiality in a nonpartisan role;
- b. familiarity with the City's neighborhoods and communities;
- c. appreciation for the diverse demographics and geography of the City; and
- d. apparent ability to work cooperatively with other commissioners.

10. "Diversity" for the purposes of this Subsection means diversity of:

- a. geography;
- b. race and ethnicity; and
- c. gender.

### **C. Commissioner Qualifications**

1. Applicants shall comply with the eligibility requirements in California Elections Code Sections 23001 and 23003(b) and (c).

### **D. During and Post-Service Restrictions**

1. Commissioners shall comply with California Elections Code Section 23003(d) and (f).

### **E. Districting and Redistricting Criteria**

1. The Commission shall adopt, in a final map, new council district boundaries that comply with the United States Constitution, California Constitution, and applicable federal and state laws, including the federal Voting Rights Act, California Elections Code Section 21601, and California Elections Code Section 23003(h).

### **F. Transparency**

1. The Commission shall establish and implement an open process for public input and Commission deliberation.

2. The Commission shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.
3. The Commission shall publish on the internet and make available to the public a draft version of a final map for at least seven days before it may be adopted as a final map.
4. All records of the Commission relating to districting or redistricting, and all data considered by the Commission in drawing a draft map or final map, are public records.
5. To the extent practicable, all Commission meetings shall be audio or video recorded.
6. The Commission shall establish and make available to the public on the internet a calendar of all its public meetings.
7. The City shall establish and maintain, at least until the districting or redistricting process is concluded, a webpage for the Commission where important districting or redistricting materials may be published, including meeting agendas, meeting minutes, links to meeting audio or video recordings, a commissioner roster, and draft maps created by the Commission.
8. Any person who is compensated for communicating with the Commission or any commissioner, other than a reimbursement of that person's reasonable travel expenses, shall identify the party compensating them in such communication.
9. Commissioners shall disclose all contact regarding the Commission's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Commissioners shall disclose these contacts no later than the Commission's next regular or special meeting. The Commission shall establish procedures for disclosure. These procedures shall, at minimum, require disclosure of, and a summary of the substance of, any contact with members of the City Council or their staff.

#### **G. Public Engagement**

1. The Commission and the City should actively encourage residents to participate in the districting or redistricting process.
2. The Commission shall make every reasonable effort to afford maximum public access to its proceedings.
3. The City shall solicit broad public participation in the districting or redistricting process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process. At minimum, the City shall request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting or redistricting public review process.
4. Before the Commission draws its first draft map, the Commission shall hold at least two public meetings, at which the public is invited to provide input regarding the placement of district boundaries.
5. After the Commission publishes its first draft map but before a final map is adopted, the Commission shall hold at least three public meetings, at which the public is invited to comment on the draft map or maps or to suggest alternative maps.
6. Public meetings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

7. The Commission shall accept written public comment, including the submission of draft maps and draft partial maps for the Commission's consideration.

8. The Commission shall provide the public with tools and relevant population and demographic data to create draft maps and draft partial maps, which may include providing the public with free online mapping software.

9. The Commission shall arrange for the live translation of a public meeting held pursuant to this Section in an applicable language if a request for translation is made at least 48 hours before the hearing. For purposes of this Paragraph, an "applicable language" is any language for which translated materials are required at one or more polling places within the jurisdiction pursuant to California Elections Code 14201(c) or its successor.

#### **H. Administration**

1. A quorum shall consist of four commissioners.

2. The Commission may only adopt a final map of new district boundaries with the affirmative vote of four commissioners. All other Commission actions require only a majority vote of those present, provided that a quorum is present.

3. The Commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Prior to being removed, a Commissioner must be provided with the reasons for their proposed removal, at least a week's notice of the public meeting where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the meeting.

4. The City Council shall appropriate sufficient funds to allow the Commission to carry out its powers and duties under this Section.

5. The City Manager, City Clerk, and City Attorney shall designate staff or consultants to support the Commission, as needed. Beginning after 2020, in any year the Commission is re-established, and subject to the funds appropriated to the Commission, the Commission may hire one or more independent consultants experienced and competent in local districting or redistricting, demography, or community outreach following an open bidding process.

6. The Commission shall establish inaugural council districts by November 15, 2018. Beginning after 2020, the Commission shall adopt new council district boundaries within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than November 1 of the year following the year in which the census is taken.

## Jessica Blair

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**From:** Sabrina Brennan [REDACTED]  
**Sent:** Saturday, May 5, 2018 8:42 AM  
**To:** carina@hmbreview.com  
**Cc:** Deborah Penrose; Deborah Penrose; Harvey Rarback; Harvey Rarback; Debbie Ruddock; Debbie Ruddock; Adam Eisen; Adam Eisen; Rick Kowalczyk; Rick Kowalczyk; Helen Grieco; Nicolas Heidorn; Raúl Macías; James; Belinda Arriaga; Beth Pielert; Brent Turner; Joaquin Jimenez; David Boesch; Jessica Blair; Catherine Engberg; Matthew Chidester; Danielle Sanderson; Jennifer Acuna; Sara Williams; Kevin Shenkman; Clay Lambert  
**Subject:** HMB Review: City seeks help with districts—Public will be invited to submit election maps  
**Attachments:** HMB Independent Districting & Redistricting Commission.pdf; ATT00001.htm; Menlo Park Advisor Districting Committee Recommendation.pdf; ATT00002.htm

Hello Carina,

It was nice seeing you at the HMB City Council retreat on Tuesday.

I just read your story on Districting in the Half Moon Bay Review and thought I should clarify a couple things. The Coastside Progressive Democrats do NOT support or oppose the City of Half Moon Bay becoming a chartered city. Councilmember Harvey Rarback's interest in becoming a chartered city is a completely separate issue that should not be confused or conflated with establishing a Half Moon Bay Independent Districting Commission.

The Coastside Progressive Democrats support an Independent Districting Commission. Your story says "district" not districting. I would appreciate it if you would consider correcting the word "district" to read: districting.

Link to your story in the Half Moon Bay Review: [https://www.hmbreview.com/news/city-seeks-help-with-districts/article\\_bc9b7344-4e2b-11e8-80dc-43aceaa9cc38.html](https://www.hmbreview.com/news/city-seeks-help-with-districts/article_bc9b7344-4e2b-11e8-80dc-43aceaa9cc38.html)

"I think this is a golden opportunity since we're going to have to go through the trouble of having a commission," Rarback said in reference to a push by the Coastside Progressive Democrats to establish an independent **district** commission that could facilitate the changes.

Please see the attached Ordinance that the Coastside Progressive Democrats submitted to the Half Moon Bay City Council, City Attorney, and City Staff on April 17, 2018. We attended the April 17th City Council meeting and the May 1st City Council Strategic Planning Retreat. We made comments in support of an Independent Districting Commission at both meetings. We look forward to attending the next City Council meeting on May 15, 2018 to view maps and comment on the process.

I have also attached a PDF file containing documents from the City of Menlo Park. Please read Attachment B (Resolution No. 6418) regarding Menlo Park's establishment of an advisory districting committee. Please note the yellow highlighted sections.

An Independent Districting Commission will increase public participation, depoliticize decision-making, avoid conflict of interest, improve minority disenfranchisement, result in better maps, split fewer neighborhoods, eliminate gerrymandering, increase minority representation, and improve transparency. The ordinance helps ensure that commissioners meet minimum criteria for impartiality.

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It's our understanding that attorney Kevin Shenkman capped his fees at \$30,000 and allowed time extensions to help the cities of Menlo Park and Santa Rose establish districting commissions/committees. We hope the City of Half Moon Bay will consider requesting additional time to establish a Half Moon Bay Independent Districting & Redistricting Commission.

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Thank you,  
Sabrina

Coastside Progressive Democrats  
[CoastsideProgressive.org](http://CoastsideProgressive.org)

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4. The City Council shall appropriate sufficient funds to allow the Commission to carry out its powers and duties under this Section.

5. The City Manager, City Clerk, and City Attorney shall designate staff or consultants to support the Commission, as needed. Beginning after 2020, in any year the Commission is re-established, and subject to the funds appropriated to the Commission, the Commission may hire one or more independent consultants experienced and competent in local districting or redistricting, demography, or community outreach following an open bidding process.

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## STAFF REPORT

## City Council

Meeting Date:

3/21/2018

Staff Report Number:

18-056-CC

Public Hearing:

**Consideration of the Advisory Districting Committee's recommendation on adoption of a five-district map and six-district map (with an at-large elected mayor) and related election sequencing**

**Recommendation**

Staff recommends that the City Council conduct a public hearing and:

1. Consider the Advisory Districting Committee's recommendation on adoption of a five-district map and six-district map (with an at large elected mayor) and related election sequencing and
2. Receive public input on other draft maps of voting district boundary options as authorized under Elections Code Section 10010.

**Background**Menlo Park's recent voting rights challenge

On Aug. 21, 2017, the City received a letter from Kevin Shenkman of Shenkman & Hughes ("Shenkman Letter"). It alleged that Menlo Park's voting is racially polarized, resulting in minority vote dilution and that the City's at-large elections violate the CVRA. Specifically, the letter alleged that, "Menlo Park's at-large system dilutes the ability of Latinos and African-American (each a 'protected class') to elect candidates of their choice or otherwise influence the outcome of Menlo Park's council elections." The letter made the following claims to support this allegation: (1) The 2016 election, whereby Cecilia Taylor, an African-American woman from Belle Haven, ran for City Council and lost, despite being preferred by Latino and African-American voters; and (2) No Latinos have ever run for City Council. The City has not confirmed whether these statements are accurate. The Shenkman Letter demanded that the City voluntarily transition to by district elections.

The California Voting Rights Act

The CVRA was signed into law in 2002 with an effective date of January 1, 2003. It was specifically enacted to eliminate several key burden of proof requirements that exist under the Federal Voting Rights Act of 1965 ("FVRA")<sup>1</sup> after several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. The CVRA made fundamental changes to minority voting rights in California, making it easier for plaintiffs in California to challenge the at-large voting system employed by many local jurisdictions resulting in dilution of voting power for minority groups.

*Establishing a CVRA violation*

The CVRA does not require proof of intent on the part of the voters or elected officials to discriminate against a protected class.<sup>2</sup> Also, unlike federal law, the CVRA does not require a showing that members of

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<sup>1</sup> 52 USC §10301 *et seq.*

<sup>2</sup> Elections Code §14027.

protected class live in a geographically compact area.<sup>3</sup> This means that a CVRA claim can be established in many cities with a large minority of protected class residents.

In order to prevail in a suit brought for a violation of the CVRA, the plaintiff must show evidence of "racially polarized voting" within the jurisdiction. According to the CVRA, "racially polarized" voting is determined:

"...from examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. One circumstance that may be considered in determining a violation of Section 14027 and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on Section 14027 and this section. In multi seat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative group wide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis."<sup>4</sup>  
*CVRA "Safe Harbor" Legislation*

In 2016, the Legislature adopted two bills designed to encourage the transition from at large to by district voting. AB 350 added a Safe Harbor provision which insulates the City from litigation if it follows a prescribed process and timeline for converting to "by district" elections. The Safe Harbor requires a prospective plaintiff to send notice to a city alleging a CVRA violation, before that prospective plaintiff may file a CVRA lawsuit against the City.<sup>5</sup> Then, the prospective plaintiff may not file a lawsuit until Forty-Five (45) days after the letter, and may only file if the city does not adopt a resolution declaring the council's intent to transition from at-large elections to district-based elections within that time.<sup>6</sup>

If a Resolution of Intention is adopted pursuant to the requirements of Elections Code § 10010, a prospective plaintiff may not commence an action within ninety (90) days of the Resolution of Intention's passage.<sup>7</sup> During the Ninety (90) day period, a city must hold Five (5) public hearings and at the last public hearing adopt an ordinance establishing district-based elections as required by Elections Code § 10010(a) in order to avoid a potential CVRA lawsuit.<sup>8</sup> The public hearings give the community an opportunity to weigh in on the content of the draft maps and the proposed sequence of elections. Within thirty (30) days of an ordinance's adoption, the potential plaintiff who sent the notice may demand attorney's fees in an amount not to exceed \$30,000.<sup>9</sup>

The second bill (AB 2220) permits all cities to voluntarily switch from an at-large to a by-district elections system by council adopted ordinance, rather than voter approved ordinance. Prior law limited this procedure to cities having populations of less than 100,000. To take advantage of this streamlined approach, the City Council adopted ordinance must include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the CVRA.

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<sup>3</sup> Elections Code §14025(c); *Sanchez v. City of Modesto* (2006) 145 Cal. App. 4<sup>th</sup> 660, 667.

<sup>4</sup> Elections Code §14028(b).

<sup>5</sup> Elections Code §10010(e)(1).

<sup>6</sup> Elections Code §10010(e)(2), (3)(a).

<sup>7</sup> Elections Code §10010(a).

<sup>8</sup> Mr. Shenkman has informed the City Attorney he will not file a lawsuit against the City provided the City's schedule allows the transition to be completed in time for the November 2018 election.

<sup>9</sup> Elections Code §10010(f).

### City Council response to CVRA claim

On October 4, 2017, the City Council conducted a hearing to consider whether to explore transitioning from at-large to by-district elections. The City Council voted 5-0 to adopt Resolution No. 6404 declaring its intent to transition to by-district elections (Attachment A). The City Council also expressed a desire to consider other types of voting systems and directed staff to hire National Demographics Corporation to assist in the transition process.

On October 30, 2017, the City Council conducted a public hearing to solicit community input on district formation. At that meeting, the City Council directed National Demographic Corporation to prepare mapping tools to allow residents to draw five- or six-district maps. NDC developed both an online mapping tool that was made available on the City's District Election webpage at [menlopark.org/districtelections](http://menlopark.org/districtelections). NDC also developed a paper-mapping tool available on the City's District Election webpage, available at the City Clerk's office and distributed to several City facilities. Video instructions for using both of these tools are also posted on the District Election webpage.

On November 29, 2017, the City Council conducted a second hearing to solicit input on district formation and to consider appointing a districting committee. At the public hearing, the City Council discussed whether to appoint an advisory committee, which would make recommendations to the City Council, or an independent commission, which would have independent authority to adopt the final maps. After considerable public input and debate, the City Council elected to appoint an advisory committee due to the compressed time schedule arising out of the districting safe harbor legislation as well as the need to provide districting maps to the County Clerk in advance of the November 2018 election. The City Council also indicated a general preference to eventually appoint an independent commission and directed the staff to come back to City Council with an enabling ordinance early next year.

### Appointment of Advisory Districting Committee

On December 12, 2017, the City Council adopted Resolution No. 6418 establishing an Advisory Districting Committee consisting of nine members (Attachment B). Many aspects of the advisory committee were modeled after the independent districting committee provided under State law. The Committee was intended to be impartial and apolitical. As such, Committee members were required to adhere to strict pre-, during- and post-service conflict of interest rules. Commissioners were also required to file Statements of Economic Interests (Form 700).

The City Council directed the Committee to provide recommendations to the City Council on districting boundaries and election sequencing. The City Council charged the Committee with providing five- and six-district maps and related election sequencing recommendations to the City Council no later than February 23, 2018. If the City Council chose not to adopt the Committee's original recommendation, the Committee would be given another opportunity to consider and provide a further recommendation to City Council. The revised recommendation must be delivered to City Council within seven days of City Council's decision rejecting the original decision but in no event later than March 26, 2018. The Committee recommendations must be made by a 2/3 vote of the seated members. The City Council resolution provided that it was the City Council's intention to adopt one of the districting maps recommended by the Committee.

Twenty-nine people applied for the Advisory Committee with one being eliminated due to not meeting the residency requirements. The City Clerk randomly selected three applicants and those applicants randomly selected the remaining six. In seating the remaining six, attention was given to providing diversity in the following areas: gender, race, age, neighborhood and political party affiliation.

### Advisory Districting Committee recommendation

The Committee met eight times in six weeks and considered over 40 draft maps. The Committee solicited public input through fliers, “sandwich board” signs placed at strategic locations, Nextdoor.com and public meetings at City Hall and in Belle Haven. The Committee also drafted and posted a poll on Nextdoor and Facebook and established a Districting Committee website that allowed for email comments from the public. All of the Committee’s meetings were open to the public and complied with the Brown Act.

In drawing the maps, the Committee relied on criteria outlined in the City Council resolution and supplemented it with the following:

#### Primary criteria:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- “Reasonably balanced” population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- “Eyeball test” (boundaries should make logical sense to the average voter)

#### Secondary criteria:

- School attendance areas
  - Compactness
  - Consideration for common neighborhood issues
  - Use of obvious boundaries (e.g., major roads)
  - Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
  - Consideration of other relevant “communities of interest”
  - Owner versus renter or single-family versus multifamily
- (Note some of these criteria overlap with the legally required criteria.)

On February 23, 2018, the Committee issued a final report consisting of recommendations for a five-district map (Map 5-007a), a six-district map with an elected at-large mayor (Map 6-007b) and related election sequencing. In addition, the Committee issued an advisory recommendation expressing a preference for a five-district solution over a six-district solution. The Committee’s final report is contained in Attachment C.

### **Analysis**

The transition to district based elections involves three major policy decisions: (1) the boundaries of the districts, (2) the election sequencing and (3) the number of districts. The legal framework and the basis of the Committee’s decision are described below.

#### 1. District boundaries

##### a. Legal Framework for drawing district boundaries

Certain legally required criteria apply to the creation of districts and must be observed. These are:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

In addition, other traditional criteria used by cities include communities of interest (interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.), compact, contiguous, visible (natural and human made (major roads, freeways, creeks, railroad lines or other barriers) and respect for voters' wishes and continuity in office.<sup>10</sup>

In determining population balance, the City must use the 2010 federal census data. Note that when the 2020 census data are published, boundaries must be re-examined and adjusted.

b. **Basis for Committee's recommendation**

During their deliberations, the Committee identified the following key constraints/issues:

- *Geography*

The outline of the city's boundary is very irregular and includes natural bottlenecks. This results in sometimes non-compact districts. The requirement to balance populations in some cases resulted in awkward shapes of the districts, especially in the six-district map, as districts are based on population count, not land area. In addition, the mapping tool required populations to be divided by census blocks, further affecting the shape.

- *Census data*

By law, population balance is based on the most current census data, the 2010 census in this case. This did not reflect recent residential developments and in some parts of the city included land areas that had zero population as of 2010, but which had since been developed. While technically the zero population districts could not be included in the population numbers, the Committee elected to defer to the comments by the Belle Haven neighborhood to include these zero population districts in the Belle Haven district.

- *Keeping neighborhoods intact*

One of the primary issues discussed was how to keep the self-identified neighborhoods intact. These areas included West Menlo, Allied Arts, Downtown, Linfield Oaks, the Willows, Suburban Park and Belle Haven. In the six-district map, the Committee struggled with how to keep Belle Haven intact while adhering to the criteria of evenly balanced population. It was recognized that a deviation of more than 10 percent between the lowest and highest populated districts could expose the City to litigation and the Committee desired to minimize that risk. Accordingly, it recommended splitting off a small section of Belle Haven in the six-district map. Likewise, West Menlo was split into three different districts in the six-district map. The Committee also struggled with how to split West Menlo in the five-district map. Since Sharon Heights was not large enough to support its own district, a portion of West Menlo was added to balance the district.

- *Multiple representation of key commercial areas*

There was significant discussion about having multiple districts cover major commercial areas (Facebook and the Downtown commercial area). Several speakers from Belle Haven made it clear that the community did not want the Facebook area split between two districts, so that view was respected in the final maps. In addition, several speakers from the Chamber of Commerce strongly urged that three districts cover the downtown commercial area, and submitted a 5-district map to that effect. While this idea was appealing to the Committee, they ultimately decided against it as the Chamber's map divided Linfield Oaks and contained three long narrow, non-compact strips. However, the Committee was supportive of the basic concept, so the final 5-district map has two districts covering the Downtown area.

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<sup>10</sup> See Elections Code 21601 for list of optional criteria.

- *Multiple incumbents in a single district*  
Four current councilmembers live in the west part of the city. Some committee members felt all things being equal it would be preferable to split incumbents into different districts in order to allow the voters a choice to re-elect. Other committee members thought the districting process should not take into account the location of either incumbents or potential candidates. In the end, given the close proximity of the incumbents' homes, nearly all of the five district maps reviewed by the Committee contained at least two incumbents in a single district and some contained three or four. The five-district map selected by the Committee contains two districts with two incumbents in each (Districts 4 and 5). Given the smaller population size required in the six-district scenario, the six-district map selected by the Committee contains only one district with two incumbents (District 4).
- *Keeping school attendance areas intact*  
The Committee recognized school attendance areas as a community of interest and attempted where possible to keep such areas intact.
- *Racial majority/voting age population*  
The Committee reviewed detailed demographic information for each map it considered. In selecting a map, it attempted to maximize the Black and Latino voting age population, particularly in Belle Haven where a majority of Black/Latino voting age residents could be achieved more easily.
- *Rental housing versus single-family home population*  
Some of the committee members felt apartment dwellers represented a community of interest and might in some cases be a proxy for income and race. While no clear majority emerged on this issue, it was noted that District 3 had a significant number of apartment dwellers.

## 2. Election sequencing

### a. Legal framework

The City Council must establish an election sequence schedule to ensure that either five or seven council seats are filled after the November 2018 election and that elections continue to be staggered.<sup>11</sup> State law permits the City Council to specify transitional sequencing in order to implement the new districts.<sup>12</sup> The only caveat is that no existing incumbent's term may be cut short.<sup>13</sup> For each draft plan, a proposed election sequence must be specified at the time the plan is published.<sup>14</sup> In determining the final sequence, the City Council must give special consideration to the purposes of the California Voting Rights Act<sup>15</sup> and may take into account the preferences expressed by members of the districts.<sup>16</sup>

### b. Committee recommendation

The Committee recommended the following election sequencing for the five and six district recommended maps:

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<sup>11</sup> Staggering council seats is not legally required, but the vast majority of cities do it in order to preserve institutional knowledge and smooth governance. Like most California cities, Menlo Park's current practice is to stagger elections.

<sup>12</sup> Government Code section 34878.

<sup>13</sup> Government Code §34873.

<sup>14</sup> Elec. Code § 10010(a).

<sup>15</sup> Elections Code § 10010(b).

<sup>16</sup> *Id.*

In a five-district option, the current election cycle of three councilmember seats up in 2018 and two up in 2020 would remain.

Election Year Sequencing for a 5-district option		
Map	2018 Election (3 districts)	2020 Election (2 districts)
5-007a	D1 (Vacant) - 4 year term D2 (Keith) - 4 year term D4 (Cline and Ohtaki) - 4 year term	D3 (Vacant) - 4 year term D5 (Carlton and Mueller) - 4 year term

In a six-district option, with an at-large Mayor, in 2018, three City Council districts would elect councilmembers to four-year terms; a fourth City Council district would elect a councilmember to a two-year term; and an at-large Mayor would be elected. In 2020, the remaining two districts would elect councilmembers to four-year terms, as would the district that in 2018 elected a councilmember to an initial two-year term.

Election Year Sequencing for a 6-district option		
Map	2018 Election (4 districts and Mayor)	2020 Election (3 districts)
6-007b	D1 (Vacant) - 4 year term D2 (Vacant) - 4 year term D3 (Keith) - 2 year term D4 (Cline and Ohtaki) - 4 year term At-large Mayor	D3 - 4 year term D5 (Mueller) - 4 year term D6 (Carlton) - 4 year term

The Committee wrestled with two major issues in establishing the proposed election sequencing. The first issue was when to schedule the newly created Belle Haven District (District 1) election. Traditionally presidential elections attract more minority voters than gubernatorial elections. Thus, the Committee pondered whether Belle Haven would prefer to wait until 2020 to have an election, whether to have a two year seat in 2018 and then phase into a permanent seat in 2020 (so future elections would correspond with the presidential cycle), or to schedule an immediate full term election with future elections corresponding with the gubernatorial cycle. The overwhelming response from Belle Haven community members was the preference for a four-year seat in 2018. This was because they wanted to seat a candidate in the 2018 election in order to have immediate representation and they did not want their candidate to immediately face another election in two years. Accordingly, the Committee deferred to the Belle Haven community's request and designated District 1 for a four-year term starting in 2018.

The second issue was how to sequence the two new seats in the six-district scenario. In order to continue staggered elections, one seat necessitated a two-year term. Ultimately, the Committee decided to designate the Willows/Linwood Oaks district (District 3) as a two year seat because it felt that the dates should be staggered on both sides of El Camino, it was the most convenient district to assign the 2-year seat, and it did not seem as if it would impose a particular hardship, given that there is an incumbent from this area.

3. Number of districts

a. Legal framework

As directed by the City Council, the Advisory Districting Committee recommended a five district and six-district map. Under a five district map the City Council would operate in a similar fashion as

currently constituted, except that each district would be able to elect its own council member. Under a six district map, the city would be divided into six districts which would each elect their own council member. The mayor would be elected at large. Under the six district scenario, the City Council would be required to adopt an ordinance adding two council members and providing for an elected mayor. While traditionally these types of ordinances were required to be submitted for voter approval, recent legislation clarified that any changes to the council structure made pursuant to the CVRA could be adopted by City Council-approved ordinance.<sup>17</sup>

Historically, most San Mateo and Santa Clara County cities have had five councilmembers. The City of Palo Alto currently has nine, which will be reduced to seven in 2018. The City of Fremont recently increased its council size from five to seven when it transitioned from at large to by district elections.

b. Committee recommendation

While the Committee was not directed to choose between the five and six district options, the Committee voted unanimously to issue an advisory opinion recommending a five district solution over a six. The primary reason for this justification was that the six district map divided portions of Belle Haven despite the preference expressed by the majority of the community that it did not want to be divided. The smaller district size made it more difficult to keep other neighborhoods intact (although the final map did a pretty good job on several of them). The committee felt that 7 seats seemed unnecessarily large, noting that Palo Alto was moving from 9 to 7 and the public input on this question favored a 5-member council. Finally, several members of the public commented that a seven member City Council would dilute the impact of district representation.

### Next steps

The City Council may select one of the maps recommended by the Committee or ask the Committee to modify one or both of the maps. If the City Council selects one of the maps, the next step would be to publish the preferred map for seven days, and direct staff to return with an ordinance implementing the preferred map and election sequencing. (See the district elections process timeline in Attachment D.) If the City Council desires to modify the maps, the Committee would be re-convened and the revised maps would be re-submitted to the City Council. The San Mateo County Registrar of Voters needs the final map by May 1, 2018. Candidates running in a newly created district must be residents of that district at the time they receive their nomination papers from the County Registrar.<sup>18</sup>

### Impact on City Resources

Expenditures associated with the transition to district elections and support for the Advisory Districting Committee including staffing, legal and consultant support were approved by the City Council and added to the current fiscal year budget.

### Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines

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<sup>17</sup> Government Code §34886: "Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval."

<sup>18</sup> Government Code § 34882.

Section 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment.

**Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. Resolution No. 6404 declaring intent to transition to district elections
- B. Resolution No. 6418 establishing an Advisory Districting Committee
- C. Final recommendation of Advisory Districting Committee
- D. District elections process timeline

Report prepared by:

Cara E. Silver, Assistant City Attorney

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**RESOLUTION NO. 6404****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE TO BY-DISTRICT COUNCILMEMBER ELECTIONS UNDER ELECTIONS CODE SECTION 10010**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code Section 14028(a)). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, pursuant to Elections Code subdivision 10010(e), if the City adopts a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so, then a prospective plaintiff may not bring a CVRA lawsuit within 90 days after that resolution's passage; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based electoral system, California Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts;
2. After all draft maps are drawn, City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published. The City Council shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

WHEREAS, the City is in the process of retaining an experienced demographer to assist the City to develop a proposal for a district-based electoral system; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. The City Council hereby resolves to consider adoption of an ordinance to transition to a district-based election system as authorized by Government Code Section 34886 for use in the City's General Municipal Election for City Councilmembers beginning in November 2018.

SECTION 2. The City Council directs staff to work with the City's 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 California Voting Rights Act and the Federal Voting Rights Act.

SECTION 3. The City Council hereby approves the tentative timeline as set forth in Exhibit A, attached to and made a part of this resolution, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map.

SECTION 4. The timeline contained in Exhibit A may be adjusted by the City Manager as deemed necessary.

SECTION 5. The City Council directs staff to post information regarding the proposed transition to a district based election system, including maps, notices, agendas and other information and to establish a means of communication to answer questions from the public.

I, Jelena Harada, Deputy City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourth day of October, 2017, by the following votes:

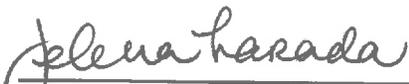
AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fourth day of October, 2017.



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Jelena Harada  
Deputy City Clerk

EXHIBIT A

TENTATIVE TIMELINE: CONSIDERATION AND IMPLEMENTATION  
OF "DISTRICT-BASED" ELECTION METHOD

DATE	EVENT	COMMENT
August 21, 2017	City received demand letter	City has 45 days to adopt Resolution of Intent to change to district elections. 45 days runs on October 5, 2017.
October 4, 2017	City Council adopts Resolution declaring its intention to transition from at- large to district-based elections.	CVRA Action cannot be commenced for 90 days. 90 days from this date is January 2, 2017.
October 5 – October 30, 2017	Public Outreach regarding process	No maps yet drawn.
October 30, 2017	1st Public Hearing	City Council hearing regarding composition of districts; no maps yet
November 29, 2017	2nd Public Hearing	City Council hearing regarding composition of districts, no maps -
TBD	Post draft maps and potential sequence of elections	Draft maps and proposed sequence must be posted publicly at least 7 days before hearing
TBD	3rd Public Hearing	City Council hearing regarding Draft Maps
TBD	Post any new or Amended Maps and potential sequence of elections.	Draft maps and proposed sequence must be posted publicly at least 7 days before hearing
TBD	4th Public Hearing: Select Map; City Council introduces ordinance establishing district elections, including District Boundaries and Election Sequence	If selected map is amended, ordinance cannot be introduced until 7 days after amended map is published
TBD	5th Public Hearing: 2nd reading of ordinance	Ordinance adopted

**RESOLUTION NO. 6418****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MENLO PARK ESTABLISHING AN ADVISORY  
DISTRICTING COMMITTEE PURSUANT TO  
ELECTIONS CODE SECTION 23002**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each city councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large city councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing city councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting impairs the ability of a protected class to elect their preferred candidates (Elections Code Sections 14027 and 14028). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, on October 4, 2017, the City Council adopted a Resolution expressing its Intent to transition from at-large to district based elections; and

WHEREAS, Elections Code 23002 authorizes the City Council to appoint an advisory districting committee and Menlo Park Municipal Code Section 2.04.200 requires the City Council to form committees by Resolution; and

WHEREAS, the City Council desires to receive input on district boundaries from a geographically diverse sector of the community, including the Belle Haven neighborhood which is the subject of the CVRA complaint; and

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. Establishment. There shall be established the Menlo Park Advisory Districting Committee, hereinafter "Committee." The Committee shall be established by January 20, 2018 and shall exist until the City Council adopts an ordinance establishing City Council district boundaries for the November 2018 election.

SECTION 2. Purview. The Committee shall present two recommendations to the City Council: (1) a recommendation for dividing the City into five voting districts and (2) a recommendation for dividing the City into six voting districts (with an at-large elected mayor). Each submitted districting map shall also contain an election sequencing recommendation. Election sequencing shall take into account the City's practice of staggering elections every two years and in accordance with State law shall not cut any existing city councilmember's term short.

SECTION 3. Membership. The Committee shall consist of up to 9 Committee members. Committee members shall consist of a diverse group of residents.

SECTION 4. Selection Process. The Committee member selection process is designed to produce a qualified, independent and impartial Committee. Committee members shall be selected through an open application process. Any person who meets the minimum Committee member qualifications in Section 5 may apply to serve on the Committee.

A. The City Clerk shall initiate and widely publicize the Committee application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage

qualified persons to apply. The application period shall be open through January 8, 2018.

B. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including applicants' eligibility to serve on the Committee under Section 5. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum Committee member qualifications.

C. The City Clerk shall, at a public meeting of the City Council, randomly select 3 names from that subpool. Those 3 shall serve as Committee members.

D. Those initial 3 Committee members shall, by majority vote at a public meeting, select the final up to 6 Committee members from the remaining applicants in the subpool.

E. The initial 3 Committee members should select applicants taking into account the following factors:

(1) The Committee should not be comprised entirely of members who are registered to vote with the same political party preference.

(2) Committee members should reasonably reflect the City of Menlo Park's diverse geography and reside in diverse areas throughout the city.

(3) Race/ethnicity may be considered without using formulas, quotas or ratios.

(4) Gender, age, economic class, sexual orientation and party registration may be considered in selecting Committee members.

(5) Committee members shall be impartial, know the jurisdiction's neighborhoods and communities, appreciate the jurisdiction's diversity and work well with others.

(6) If committee members utilize a random selection process, they should consider dividing applications into geographic areas to better ensure geographic diversity.

SECTION 5. Eligibility Requirements for Members of the Committee. The application process shall be open to all eligible residents. The following qualifications and restrictions are imposed on members of the Committee:

A. A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has done any of the following in the preceding eight years, shall not be appointed to serve on a Committee:

- (1) Been elected or appointed to, or been a candidate for, an elective office of Menlo Park.
- (2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of Menlo Park.
- (3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
- (4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of Menlo Park.
- (5) Been registered to lobby in Menlo Park.
- (6) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of Menlo Park.

B. A member of the Committee shall not do any of the following:

- (1) While serving on the Committee, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.
- (2) Be a candidate for an elective office of Menlo Park for 10 years commencing with the date of his or her appointment to the Committee.
- (3) For four years commencing with the date of his or her appointment to the Committee:
  - a. Accept an appointment to a Menlo Park Board, Commission or committee.
  - b. Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.
  - c. Receive a noncompetitively bid contract with Menlo Park.
  - d. Register as a lobbyist in Menlo Park.

C. Must be a resident of Menlo Park and resided in Menlo Park for at least the past five years.

D. Must be a registered voter.

E. Must have voted in two of the last three local Menlo Park City Council elections. Those residents not eligible to vote due to age or citizenship are

exempt from this requirement.

**SECTION 6. During and Post-Service Restrictions.** Committee members shall comply with the following during and post-service restrictions as contained in California Elections Code Section 23003(d):

A. While serving on the Committee, members may not work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.

B. Committee members may not run for an elective office of Menlo Park for 10 years commencing with the date of my appointment to the Committee.

C. For four years commencing with the date of his or her appointment to the Committee, members shall not:

(1) Accept an appointment to a Menlo Park Board, Commission or Committee.

(2) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.

(3) Receive a noncompetitively bid contract with Menlo Park.

(4) Register as a lobbyist in Menlo Park.

**SECTION 7. Districting Criteria.** The Committee shall take into account the following legally required criteria in recommending district boundaries:

A. Each city council district shall contain a nearly equal population;

B. A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act, the California Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and

C. City Council districts shall not be drawn with race as the predominate factor.

The Committee may also adopt its own criteria consistent with this Section 7 and may take into account additional criteria, including the criteria set forth in Elections Code 21601, such as including topographical and geographical boundaries (major roads, freeways, creeks, railroad lines or other barriers) and communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.).

**SECTION 8. Public Transparency.** The Committee shall implement an open process for public input and Committee deliberation as follows:

A. The Committee members shall file Form 700 – Statement of Economic Interest

forms.

B. The Committee shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.

C. The Committee shall publish on the internet and make available to the public a draft version of a proposed final map before final recommendation to the City Council.

D. All records of the Committee relating to districting, and all data considered by the Committee in drawing a draft map or proposed final map, are public records.

E. The Committee shall establish and make available to the public on the internet a calendar of all public hearings.

F. The City shall establish and maintain, at least until the districting process is concluded, a webpage for the Committee where important redistricting materials may be published, including hearing agendas, hearing minutes, links to hearing audio or video recordings where applicable, a Committee member roster, and draft maps created by the Committee.

G. Committee members shall disclose all contact regarding the Committee's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Committee members shall disclose these contacts no later than the Committee's next regular or special meeting.

H. Any person who is compensated for communicating with the Committee or any Committee member, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

SECTION 9. Public Engagement. The Committee and the City should actively encourage residents to participate in the districting process.

A. The Committee shall make every reasonable effort to afford maximum public access to its proceedings.

B. The City shall solicit broad public participation in the districting process, including from residents of communities that traditionally participate less frequently in the local political process. At minimum, the City Clerk shall:

(1) Develop and present a proposed outreach campaign to the City Council at a public meeting;

(2) Conduct an outreach campaign to educate the public on the districting process and how to be involved; and

(3) Request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting public review process.

SECTION 10. Committee Meetings. The hearing location shall be accessible to persons with disabilities and, to the extent practicable, shall have free parking nearby and be accessible by public transit. Public hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Committee shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Committee's consideration.

SECTION 11. Administration. A quorum shall consist of a majority of the seated Committee members (i.e., if nine members are seated, a quorum shall be five members). The Committee may only recommend a plan for district boundaries and election sequencing with a 2/3 affirmative vote of the seated Committee members (i.e., if nine members are seated, six votes would be needed). All other Committee actions, other than maps and sequencing, require only a majority vote of those present, provided that a quorum is present. The City Council or the Committee may remove a Committee member for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Before being removed, a Committee member must be provided with the reasons for their proposed removal, at least a week's notice of the public hearing where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the hearing.

SECTION 12. Staff Support. The City Manager, City Clerk, and City Attorney shall designate staff to support the Committee, as needed.

SECTION 13. Schedule. The Committee shall forward its final recommendation regarding proposed five and six member district maps and related election sequencing to the City Clerk by no later than February 23, 2018. Upon receipt of the recommendation, the City Clerk shall immediately cause the recommended map(s) to be published for a seven day public review period. Thereafter, the City Council shall conduct a public hearing on the Committee proposed map(s). At this hearing the City Council may elect to: (1) direct staff to introduce an ordinance approving one of the Committee recommended maps/sequencing or (2) reject the map(s)/sequencing and return it to the Committee for reconsideration with a statement of the reasons for such disapproval and request the Committee to modify the map(s)/sequencing. If the City Council rejects the Committee's recommendation, the Committee shall have up to seven days (but in no event later than March 26, 2018) to submit a revised map(s)/sequencing to the City Council for further consideration. Upon receipt of the revised map(s) the City Clerk shall immediately cause the maps to be published for a seven day public review period.

SECTION 14. Statement of Council Intent: It is the intention of the City council to adopt one of the districting maps recommended by the Committee.

I, Clay J. Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing resolution was duly and regularly passed and adopted at a meeting by said City Council on the twelfth day of December, 2017, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twelfth day of December, 2017.

  
\_\_\_\_\_  
Clay J. Curtin, Interim City Clerk



## MEMORANDUM

**Date:** 2/23/2018  
**To:** City Council  
**From:** Advisory Districting Committee  
**Re:** Recommendations

The Advisory Districting Committee is pleased to present its results to the City Council, consisting of:

1. A recommendation for dividing the City into five voting districts
2. A recommendation for dividing the City into six voting districts (with an at-large elected mayor)
3. A recommendation for election sequencing for each map, taking into account the City's practice of staggering elections every two years. In accordance with State law it shall not cut short any existing councilmember's term
4. An advisory recommendation to adopt the five-district solution over the six-district plan.

The Committee met eight times in six weeks. During the process, the Committee relied on criteria outlined in the City Council resolution and federal and state voting rights laws. The Committee supplemented these criteria and organized them into primary and secondary categories.

Primary criteria included:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- "Reasonably balanced" population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- "Eyeball test" (boundaries should make logical sense to the average voter)

Secondary criteria included:

- School attendance areas
- Compactness
- Consideration for common neighborhood issues
- Use of obvious boundaries (e.g., major roads)
- Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
- Consideration of other relevant "communities of interest"
- Owner versus renter or single-family versus multifamily

The Committee recognized early on that there are major issues involved in the districting process, including how to keep the Belle Haven neighborhood together, and how best to represent the various interests among those near the El Camino Real corridor and in downtown along Santa Cruz Avenue.

To help address these issues, the Committee conducted outreach efforts, including distributing flyers in various neighborhoods, conducting polls on Nextdoor and Facebook, and held a meeting in the Belle Haven district. The Committee received input from the public on these and other issues, in the form of statements at the meetings, submitted maps and email comments.

In the course of the process, the Committee recognized several factors that impacted the possible solutions. The outline of the city's boundary is very irregular and includes natural bottlenecks. Consideration was limited to the 2010 census data, which does not reflect recent residential developments, and by the shape and populations of the defined census blocks. The requirement to balance populations in some cases resulted in awkward shapes of the districts, especially in the six-district map.

In the end, after taking into account all these factors, the original criteria and public input and considering almost 40 maps, the committee arrived at its recommendations.

The Committee is grateful for the opportunity to serve the city in this capacity, and to the many concerned citizens who took the time to attend meetings, or to submit maps and comments. The Committee would also like to express its appreciation of the efforts of the demographics consultant NDC, and the dedicated support of the city staff.

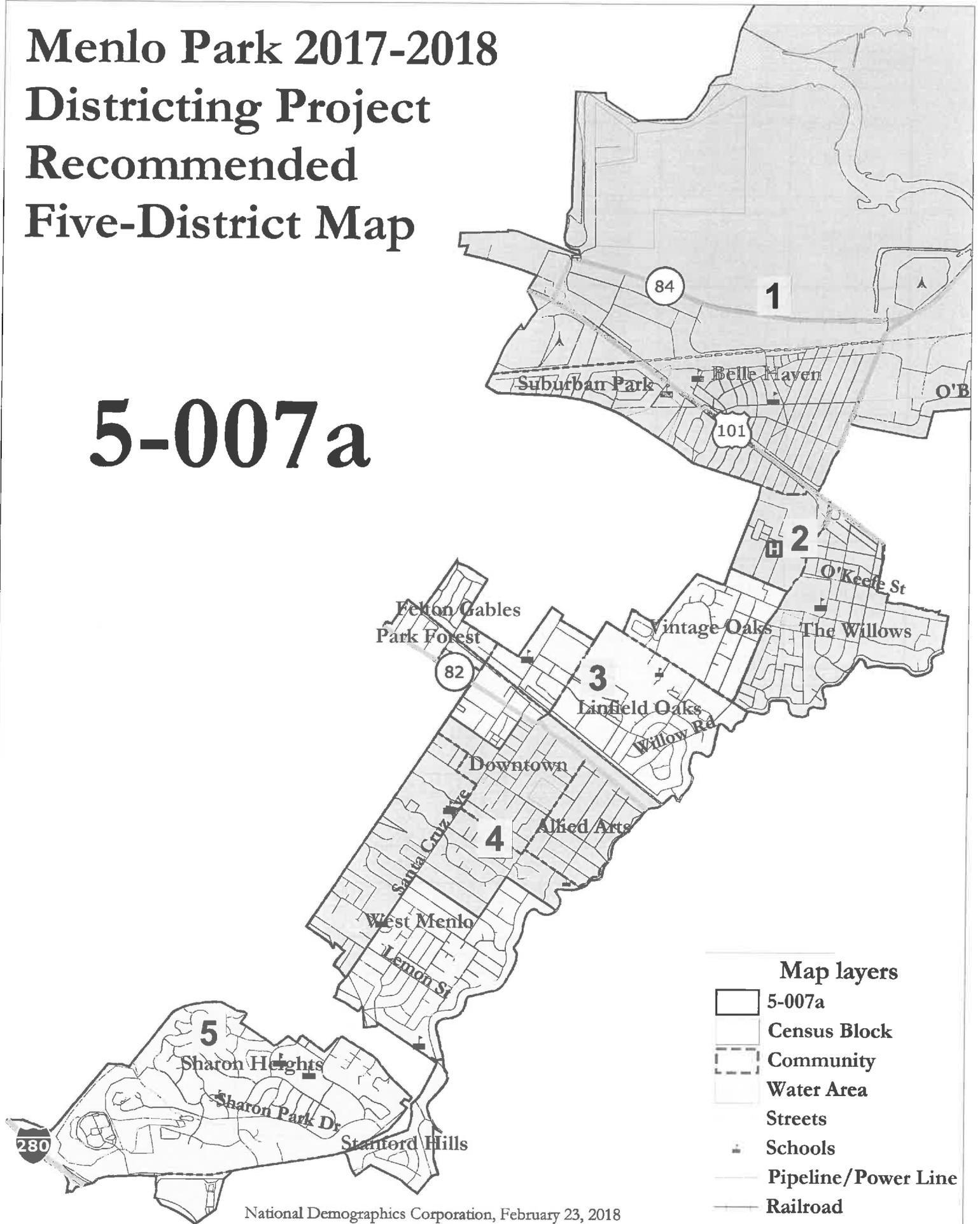
Attachments:

- A. Recommended 5-district map
- B. Recommended 6-district map
- C. Recommended election sequencing

For more information on the districting process, please visit [menlopark.org/districtelections](http://menlopark.org/districtelections).

# Menlo Park 2017-2018 Districting Project Recommended Five-District Map

## 5-007a



**City of Menlo Park - Recommended Map 5-007a**

District		1	2	3	4	5	Total
<b>Ideal</b>	Total Pop	5,975	6,479	6,483	6,538	6,551	32,026
6,405	Deviation from ideal	-430	74	78	133	146	576
	% Deviation	-6.71%	1.16%	1.22%	2.08%	2.28%	8.99%
Total Pop	% Hisp	69%	10%	8%	6%	4%	18%
	% NH White	4%	72%	72%	80%	79%	62%
	% NH Black	18%	4%	2%	1%	1%	5%
	% Asian-American	3%	12%	16%	12%	16%	12%
Citizen Voting Age Pop	Total	2,593	4,737	4,270	4,381	4,335	20,317
	% Hisp	51%	11%	7%	3%	4%	12%
	% NH White	10%	66%	74%	81%	84%	68%
	% NH Black	32%	8%	1%	1%	1%	6%
Voter Registration (Nov 2016)	% Asian/Pac.Isl.	7%	15%	18%	14%	11%	13%
	Total	2,395	3,952	4,048	4,365	4,399	19,160
	% Latino est.	51%	7%	6%	4%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	6%	5%	3%	2%	9%
Voter Turnout (Nov 2016)	% NH White est.	8%	80%	83%	87%	89%	75%
	% NH Black	34%	4%	1%	1%	1%	6%
	Total	1,697	3,355	3,448	3,767	3,783	16,051
	% Latino	52%	7%	6%	3%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	7%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
Voter Turnout (Nov 2014)	% Spanish-Surnamed	47%	6%	5%	3%	2%	9%
	% NH White est.	8%	81%	83%	88%	89%	77%
	% NH Black	33%	4%	1%	1%	1%	5%
	Total	618	2,326	2,088	2,566	2,601	10,199
	% Latino	40%	5%	5%	3%	2%	6%
	% Asian-Surnamed	3%	5%	7%	5%	5%	5%
ACS Pop. Est.	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	7%	85%	86%	91%	91%	84%
	% NH White est.	49%	4%	2%	1%	1%	5%
	% NH Black est.	36%	5%	4%	2%	2%	5%
	Total	5,400	6,959	6,779	6,874	6,633	32,644
	Age	age0-19	31%	29%	25%	24%	28%
age20-60		58%	56%	58%	57%	47%	55%
age60plus		11%	15%	17%	19%	25%	18%
Immigration	immigrants	39%	23%	23%	24%	19%	25%
	naturalized	36%	45%	47%	41%	54%	44%
Language spoken at home	english	28%	68%	77%	76%	81%	68%
	spanish	65%	15%	7%	4%	3%	17%
	asian-lang	4%	8%	6%	6%	7%	6%
	other lang	3%	9%	10%	14%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	11%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	17%	14%	16%	23%
	bachelor	13%	29%	36%	35%	29%	30%
	graduatedegree	5%	33%	44%	48%	54%	39%
Child in Household	child-under18	42%	40%	31%	31%	36%	35%
Pct of Pop. Age 16+	employed	66%	64%	67%	66%	58%	64%
Household Income	income 0-25k	23%	9%	6%	9%	5%	9%
	income 25-50k	25%	11%	12%	10%	9%	12%
	income 50-75k	14%	16%	11%	11%	6%	11%
	income 75-200k	34%	35%	43%	33%	36%	36%
	income 200k-plus	3%	29%	29%	36%	44%	31%
Housing Stats	single family	74%	72%	49%	58%	71%	63%
	multi-family	26%	28%	51%	42%	29%	37%
	rented	57%	38%	52%	52%	26%	44%
	owned	43%	62%	48%	48%	74%	56%

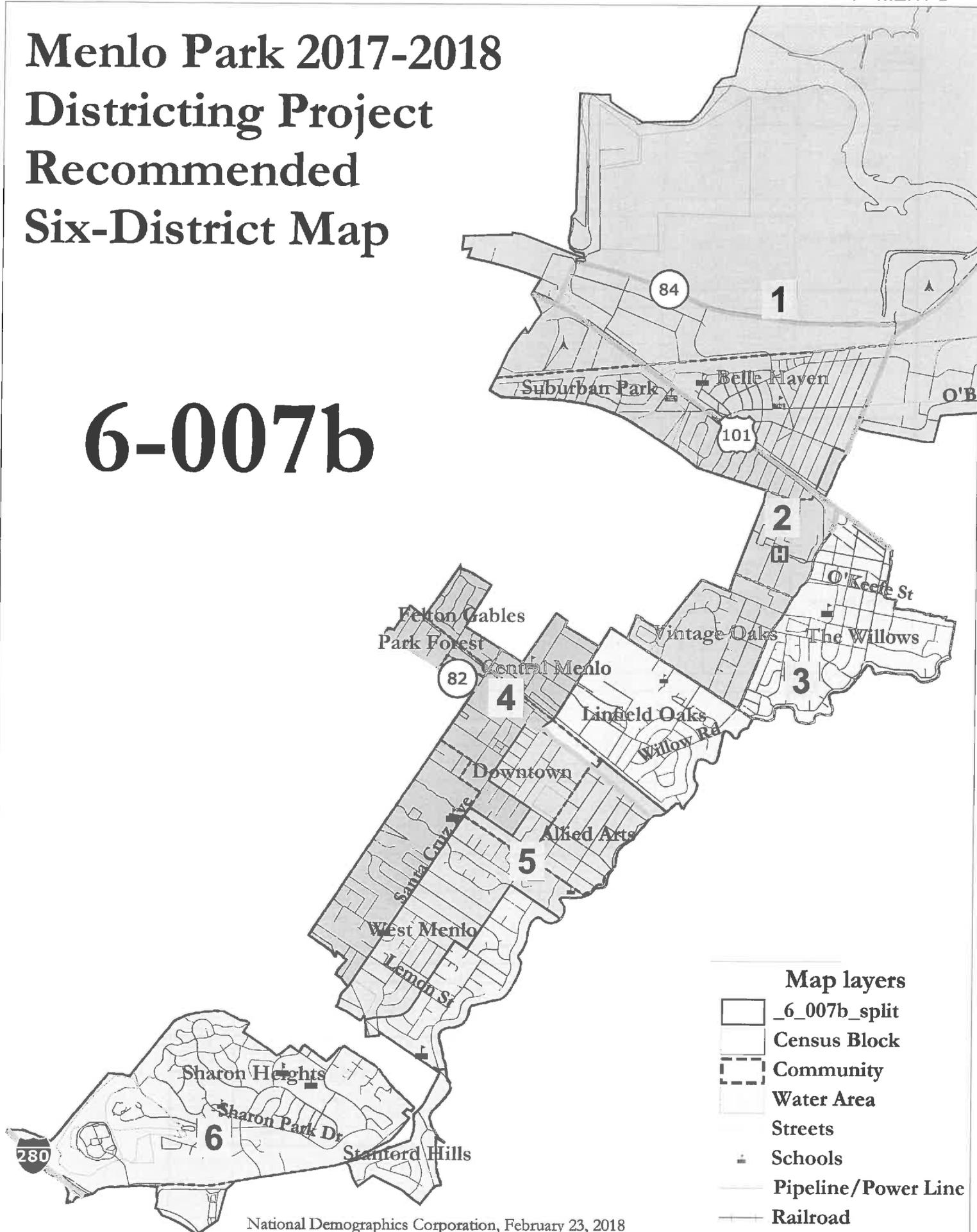
Total population data from the 2010 Decennial Census.

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.

# Menlo Park 2017-2018 Districting Project Recommended Six-District Map

## 6-007b



- Map layers**
- \_6\_007b\_split
  - Census Block
  - Community
  - Water Area
  - Streets
  - Schools
  - Pipeline/Power Line
  - Railroad
  - River

## City of Menlo Park - Recommended Map 6-007b

District		1	2	3	4	5	6	Total
<u>Ideal</u>	Total Pop	5,622	5,172	5,410	5,197	5,236	5,389	32,026
5,338	Deviation from ideal	284	-166	72	-141	-102	51	450
	% Deviation	5.32%	-3.11%	1.35%	-2.64%	-1.91%	0.96%	8.43%
Total Pop	% Hisp	68%	15%	8%	7%	5%	4%	18%
	% NH White	3%	61%	76%	78%	80%	77%	62%
	% NH Black	18%	6%	2%	2%	0%	1%	5%
	% Asian-American	3%	14%	14%	12%	12%	17%	12%
Citizen Voting Age Pop	Total	2,413	3,460	3,968	3,429	3,416	3,630	20,317
	% Hisp	51%	10%	10%	6%	4%	3%	12%
	% NH White	9%	65%	67%	82%	82%	84%	68%
	% NH Black	32%	10%	2%	1%	1%	1%	6%
	% Asian/Pac.Isl.	7%	14%	21%	11%	14%	12%	13%
Voter Registration (Nov 2016)	Total	2,298	2,823	3,563	3,365	3,483	3,627	19,160
	% Latino est.	51%	9%	5%	5%	4%	3%	10%
	% Asian-Surnamed	4%	8%	10%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	8%	5%	5%	3%	2%	9%
	% NH White est.	8%	79%	82%	85%	87%	88%	75%
Voter Turnout (Nov 2016)	% NH Black	35%	4%	2%	1%	1%	1%	6%
	Total	1,628	2,387	3,032	2,879	3,018	3,107	16,051
	% Latino	53%	8%	5%	5%	3%	3%	10%
	% Asian-Surnamed	4%	7%	9%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	47%	7%	5%	5%	3%	3%	9%
	% NH White est.	7%	80%	83%	85%	88%	89%	77%
% NH Black	34%	4%	2%	1%	1%	1%	5%	
Voter Turnout (Nov 2014)	Total	596	1,476	2,075	1,873	2,106	2,074	10,199
	% Latino	40%	7%	4%	3%	3%	2%	6%
	% Asian-Surnamed	3%	7%	6%	5%	5%	6%	5%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	6%	82%	86%	91%	91%	91%	84%
	% NH White est.	50%	4%	3%	0%	1%	1%	5%
% NH Black est.	36%	6%	4%	3%	2%	2%	5%	
ACS Pop. Est.	Total	5,081	5,394	5,859	5,360	5,461	5,490	32,644
Age	age0-19	31%	29%	26%	24%	25%	27%	27%
	age20-60	58%	55%	59%	56%	56%	47%	55%
	age60plus	11%	17%	15%	19%	19%	26%	18%
Immigration	immigrants	39%	20%	26%	22%	22%	20%	25%
	naturalized	36%	54%	40%	43%	42%	54%	44%
Language spoken at home	english	28%	72%	68%	78%	77%	81%	68%
	spanish	65%	12%	16%	4%	4%	3%	17%
	asian-lang	4%	7%	7%	5%	6%	7%	6%
	other lang	3%	9%	9%	12%	13%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	8%	12%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	23%	13%	14%	16%	23%
	bachelor	13%	30%	31%	37%	34%	29%	30%
	graduatedegree	5%	34%	36%	48%	48%	55%	39%
Child in Household	child-under18	42%	41%	35%	30%	33%	35%	35%
Pct of Pop. Age 16+	employed	66%	64%	66%	67%	66%	57%	64%
Household Income	income 0-25k	23%	8%	8%	7%	8%	6%	9%
	income 25-50k	25%	9%	13%	12%	10%	9%	12%
	income 50-75k	14%	15%	15%	9%	11%	6%	11%
	income 75-200k	34%	36%	38%	40%	34%	36%	36%
	income 200k-plus	3%	32%	27%	32%	38%	42%	31%
Housing Stats	single family	74%	84%	52%	50%	62%	66%	63%
	multi-family	26%	16%	48%	50%	38%	34%	37%
	rented	57%	29%	52%	53%	47%	28%	44%
	owned	43%	71%	48%	47%	53%	72%	56%

Total 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.

## Advisory Districting Committee Recommendation

2/23/2018

In a five-district option, the current election cycle of three councilmember seats up in 2018 and two up in 2020 would remain.

Election Year Sequencing for a 5-district option		
Map	2018 Election (3 districts)	2020 Election (2 districts)
5-007a	D1 (Vacant) - 4 year term	D3 (Vacant) - 4 year term
	D2 (Keith) - 4 year term	D5 (Carlton and Mueller) - 4 year term
	D4 (Cline and Ohtaki) - 4 year term	

In a six-district option, with an at-large Mayor, in 2018 three City Council districts would elect councilmembers to four-year terms; a fourth City Council district would elect a councilmember to a two-year term; and an at-large Mayor would be elected. In 2020, the remaining two districts would elect councilmembers to four-year terms, as would the district that in 2018 elected a councilmember to an initial two-year term.

Election Year Sequencing for a 6-district option		
Map	2018 Election (4 districts and Mayor)	2020 Election (3 districts)
6-007b	D1 (Vacant) - 4 year term	
	D2 (Vacant) - 4 year term	D3 - 4 year term
	D3 (Keith) - 2 year term	D5 (Mueller) - 4 year term
	D4 (Cline and Ohtaki) - 4 year term	D6 (Carlton) - 4 year term
	At-large Mayor	

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TRANSITION TO DISTRICT ELECTIONS DRAFT TIMELINE		
Dates	Event	Status
October 4, 2017	City Council adopted Resolution of Intent to Transition to District Elections and to Explore other voting methods	Completed
October 30, 2017	<b>1<sup>st</sup> public hearing:</b> City Council gather public input on the composition of districts	Completed
November 29, 2017	<b>2<sup>nd</sup> public hearing:</b> Gather public input on the composition of districts	Completed
December 12, 2017	City Council adopts guidelines and approves application form for an up to 9-member Advisory Districting Committee. Committee recruitment opens	Completed
January 8, 2018	Deadline to receive commission applications (29 applications received)	Completed
January 16, 2018	Three committee members selected by random draw	Completed
January 19, 2018	Three original committee members convene to select remaining committee members	Completed
January 22, 2018	First meeting of Advisory Districting Committee: provide Brown Act and Form 700 training, discuss districting criteria and conduct interactive map training; schedule public meetings; discuss public outreach	Completed
January 22-February 22	Advisory Districting Committee meetings (eight meetings). All meetings open to the public; conducted at different times and location to encourage full public participation	Completed
February 23, 2018	Advisory District Committee submits recommended maps and sequencing to City Clerk for publishing	Completed
February 24 – March 20	Advisory Districting Committee's recommended maps posted (7 day posting required)	Completed
March 21, 2018	<b>3<sup>rd</sup> public hearing:</b> City Council considers Advisory Districting Committee recommended maps	
March 22 – April 9, 2018	If City Council rejects first map, Advisory Districting Committee submits second map(s) and proposed sequencing to City Clerk for publishing – must be published at least <u>7 days</u> before 4 <sup>th</sup> hearing.	
April 17, 2018	<b>4<sup>th</sup> public hearing:</b> Public input on draft maps and election sequencing; introduction of districting ordinance	
April 24, 2018	<b>5<sup>th</sup> public hearing:</b> Public input on draft maps and election sequencing; Second reading and final adoption of districting ordinance (election ordinances take effect immediately)	
May 1, 2018	Map submitted to San Mateo County Registrar of Voters	
November 6, 2018	First by-district election in three districts (and possibly Mayor)	
November 2020	First by-district elections in remaining districts	
2021	Districts redrawn to reflect 2020 census data	



## Jessica Blair

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**From:** Sabrina Brennan [REDACTED]  
**Sent:** Sunday, May 6, 2018 10:47 AM  
**To:** David Boesch; Catherine Engberg SMW Law  
**Cc:** James Lee Han; Jessica Blair; Helen Grieco; Nicolas Heidorn; Raúl Macías; Belinda Arriaga; Joaquin Jimenez; Brent Turner; Beth Pielert  
**Subject:** Independent Districting Commission: Attn: HMB City Manager & HMB City Attorney  
**Attachments:** HMB Independent Districting & Redistricting Commission.pdf; ATT00001.htm; Menlo Park Advisor Districting Committee Recommendation.pdf; ATT00002.htm

Hello David & Catherine,

It was nice meeting you at the City Council Strategic Planning Retreat on Tuesday.

Please see the attached Ordinance that the Coastside Progressive Democrats submitted on April 17, 2018. We attended the April 17th City Council meeting and the May 1st City Council Strategic Planning Retreat. We made comments in support of an Independent Districting Commission at both meetings. We look forward to attending the next City Council meeting on May 15, 2018 to view maps and comment on the process.

I have also attached a PDF file containing documents from the City of Menlo Park. Please read Attachment B (Resolution No. 6418) regarding Menlo Park's establishment of an advisory districting committee. Please note the yellow highlighted sections.

An Independent Districting Commission will increase public participation, depoliticize decision-making, avoid conflict of interest, improve minority disenfranchisement, result in better maps, split fewer neighborhoods, eliminate gerrymandering, increase minority representation, and improve transparency. The ordinance helps ensure that commissioners meet minimum criteria for **impartiality**.

California is leading the fair districting process. The Citizen Redistricting Commission is responsible for establishing districts for State Senate, Assembly, Board of Equalization and all 53 Federal Congressional Districts including District 14, Congresswoman Speier and District 18, Congresswoman Eshoo. Success at the Federal and State level provides an opportunity to turn our attention to the local districting process.

In 2008, Californians approved Prop 11, the Voters First Act and two years later Prop 20 passed, the Voters First Act for Congress. A newly formed Citizen Redistricting Commission completed its first federal and state maps in 2011. The City of Half Moon Bay has an opportunity to help complete the process at the local level.

On April 11, 2018, the Coastside Progressive Democrats held a Voting Rights forum in Half Moon Bay with ACLU attorney Raúl Luévano Macías. The meeting was noticed in the Half Moon Bay Review newspaper, open to the public, broadcast on PCTV and a video is published on YouTube.

It's our understanding that attorney Kevin Shenkman capped his fees at \$30,000 and allowed time extensions to help the cities of Menlo Park and Santa Rose establish districting commissions/committees. We hope the City of Half Moon Bay will consider requesting additional time to establish a Half Moon Bay Independent Districting & Redistricting Commission.

**A healthy Democracy requires that voters choose politicians, instead of politicians choosing voters.**

Thank you,  
Sabrina & James



Sabrina Brennan  
President

James Lee Han  
Vice-President

Coastside Progressive Democrats  
[CoastsideProgressive.org](http://CoastsideProgressive.org)

# Half Moon Bay Independent Districting & Redistricting Commission

## SECTION 1.

### A. Establishment

1. There shall be established the Half Moon Bay Independent Districting & Redistricting Commission, hereinafter "Commission," vested with the exclusive authority to adopt new council district boundaries. The new district boundaries shall go into effect immediately upon adoption by the Commission.
2. The Commission shall be established by June 15, 2018 to establish the City's inaugural council district boundaries,
3. After inaugural district boundaries have been established, the Commission shall be re-established by February 15 in each year following the year in which the national census is taken to redraw council district boundaries to account for changes in district population. Notwithstanding the foregoing if, after the 2020 census, each district remains substantially equal in population as required by the United States Constitution and California law, the City Council may vote to keep district boundaries the same and forego re-establishing the Commission until after the next national census.
4. The Commission shall consist of seven commissioners and one alternate. The alternate may fully participate in Commission deliberations but may not vote and may not be counted towards the establishment of a quorum. The alternate is subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners under this Section.
5. The term of office of each commissioner and the alternate begins with their appointment to the Commission and ends when new final district boundaries are adopted.
6. The Commission shall comply with the applicable requirements of Chapter nine of Division 21 of the California Elections Code, beginning with Section 23000.

### B. Selection Process

1. The commissioner selection process is designed to produce a qualified, independent, and impartial Commission.
2. Commissioners shall be selected through an open application process.
3. Any person who meets the minimum commissioner qualifications in Subsection C may apply to serve on the Commission.
4. The City Clerk shall initiate and widely publicize the Commission application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage qualified persons to apply. The application period shall be open for at least three weeks.
5. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including each applicant's eligibility to serve on the Commission under Subsection C. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum commissioner qualifications.

6. From this screened pool of qualified applicants, the City Clerk shall, at a noticed public meeting, select between 12 and 16 persons, inclusive, to constitute the subpool of eligible applicants. Beginning after 2020, in any year the Commission is re-established, the subpool shall contain at least two eligible applicants from each existing council district.

7. The City Clerk shall, at a public meeting, randomly select four names from that subpool. Those four shall serve as commissioners. Beginning after 2020, in any year the Commission is re-established, each of the four randomly-selected applicants shall reside in a different existing council district.

8. Those initial four commissioners shall, by majority vote at a noticed public hearing, select the final three commissioners and one alternate from the remaining applicants in the subpool. The initial commissioners shall select final commissioners such that the Commission shall not be comprised entirely of commissioners who are registered to vote with the same political party preference.

9. The City Clerk and the initial four commissioners should select applicants that are best qualified to carry out the Commission's duties under this Section and that, as a group, reasonably reflect the diversity of the City, provided that no quotas, formulas, or ratios may be applied for this purpose. In evaluating applications, the City Clerk and the initial four commissioners shall consider each applicant's:

- a. ability to serve with impartiality in a nonpartisan role;
- b. familiarity with the City's neighborhoods and communities;
- c. appreciation for the diverse demographics and geography of the City; and
- d. apparent ability to work cooperatively with other commissioners.

10. "Diversity" for the purposes of this Subsection means diversity of:

- a. geography;
- b. race and ethnicity; and
- c. gender.

### **C. Commissioner Qualifications**

1. Applicants shall comply with the eligibility requirements in California Elections Code Sections 23001 and 23003(b) and (c).

### **D. During and Post-Service Restrictions**

1. Commissioners shall comply with California Elections Code Section 23003(d) and (f).

### **E. Districting and Redistricting Criteria**

1. The Commission shall adopt, in a final map, new council district boundaries that comply with the United States Constitution, California Constitution, and applicable federal and state laws, including the federal Voting Rights Act, California Elections Code Section 21601, and California Elections Code Section 23003(h).

### **F. Transparency**

1. The Commission shall establish and implement an open process for public input and Commission deliberation.

2. The Commission shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.
3. The Commission shall publish on the internet and make available to the public a draft version of a final map for at least seven days before it may be adopted as a final map.
4. All records of the Commission relating to districting or redistricting, and all data considered by the Commission in drawing a draft map or final map, are public records.
5. To the extent practicable, all Commission meetings shall be audio or video recorded.
6. The Commission shall establish and make available to the public on the internet a calendar of all its public meetings.
7. The City shall establish and maintain, at least until the districting or redistricting process is concluded, a webpage for the Commission where important districting or redistricting materials may be published, including meeting agendas, meeting minutes, links to meeting audio or video recordings, a commissioner roster, and draft maps created by the Commission.
8. Any person who is compensated for communicating with the Commission or any commissioner, other than a reimbursement of that person's reasonable travel expenses, shall identify the party compensating them in such communication.
9. Commissioners shall disclose all contact regarding the Commission's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Commissioners shall disclose these contacts no later than the Commission's next regular or special meeting. The Commission shall establish procedures for disclosure. These procedures shall, at minimum, require disclosure of, and a summary of the substance of, any contact with members of the City Council or their staff.

#### **G. Public Engagement**

1. The Commission and the City should actively encourage residents to participate in the districting or redistricting process.
2. The Commission shall make every reasonable effort to afford maximum public access to its proceedings.
3. The City shall solicit broad public participation in the districting or redistricting process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process. At minimum, the City shall request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting or redistricting public review process.
4. Before the Commission draws its first draft map, the Commission shall hold at least two public meetings, at which the public is invited to provide input regarding the placement of district boundaries.
5. After the Commission publishes its first draft map but before a final map is adopted, the Commission shall hold at least three public meetings, at which the public is invited to comment on the draft map or maps or to suggest alternative maps.
6. Public meetings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

7. The Commission shall accept written public comment, including the submission of draft maps and draft partial maps for the Commission's consideration.

8. The Commission shall provide the public with tools and relevant population and demographic data to create draft maps and draft partial maps, which may include providing the public with free online mapping software.

9. The Commission shall arrange for the live translation of a public meeting held pursuant to this Section in an applicable language if a request for translation is made at least 48 hours before the hearing. For purposes of this Paragraph, an "applicable language" is any language for which translated materials are required at one or more polling places within the jurisdiction pursuant to California Elections Code 14201(c) or its successor.

#### **H. Administration**

1. A quorum shall consist of four commissioners.

2. The Commission may only adopt a final map of new district boundaries with the affirmative vote of four commissioners. All other Commission actions require only a majority vote of those present, provided that a quorum is present.

3. The Commission may remove a commissioner for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Prior to being removed, a Commissioner must be provided with the reasons for their proposed removal, at least a week's notice of the public meeting where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the meeting.

4. The City Council shall appropriate sufficient funds to allow the Commission to carry out its powers and duties under this Section.

5. The City Manager, City Clerk, and City Attorney shall designate staff or consultants to support the Commission, as needed. Beginning after 2020, in any year the Commission is re-established, and subject to the funds appropriated to the Commission, the Commission may hire one or more independent consultants experienced and competent in local districting or redistricting, demography, or community outreach following an open bidding process.

6. The Commission shall establish inaugural council districts by November 15, 2018. Beginning after 2020, the Commission shall adopt new council district boundaries within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than November 1 of the year following the year in which the census is taken.



## STAFF REPORT

## City Council

Meeting Date:

3/21/2018

Staff Report Number:

18-056-CC

## Public Hearing:

**Consideration of the Advisory Districting Committee's recommendation on adoption of a five-district map and six-district map (with an at-large elected mayor) and related election sequencing**

**Recommendation**

Staff recommends that the City Council conduct a public hearing and:

1. Consider the Advisory Districting Committee's recommendation on adoption of a five-district map and six-district map (with an at large elected mayor) and related election sequencing and
2. Receive public input on other draft maps of voting district boundary options as authorized under Elections Code Section 10010.

**Background**Menlo Park's recent voting rights challenge

On Aug. 21, 2017, the City received a letter from Kevin Shenkman of Shenkman & Hughes ("Shenkman Letter"). It alleged that Menlo Park's voting is racially polarized, resulting in minority vote dilution and that the City's at-large elections violate the CVRA. Specifically, the letter alleged that, "Menlo Park's at-large system dilutes the ability of Latinos and African-American (each a 'protected class') to elect candidates of their choice or otherwise influence the outcome of Menlo Park's council elections." The letter made the following claims to support this allegation: (1) The 2016 election, whereby Cecilia Taylor, an African-American woman from Belle Haven, ran for City Council and lost, despite being preferred by Latino and African-American voters; and (2) No Latinos have ever run for City Council. The City has not confirmed whether these statements are accurate. The Shenkman Letter demanded that the City voluntarily transition to by district elections.

The California Voting Rights Act

The CVRA was signed into law in 2002 with an effective date of January 1, 2003. It was specifically enacted to eliminate several key burden of proof requirements that exist under the Federal Voting Rights Act of 1965 ("FVRA")<sup>1</sup> after several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. The CVRA made fundamental changes to minority voting rights in California, making it easier for plaintiffs in California to challenge the at-large voting system employed by many local jurisdictions resulting in dilution of voting power for minority groups.

*Establishing a CVRA violation*

The CVRA does not require proof of intent on the part of the voters or elected officials to discriminate against a protected class.<sup>2</sup> Also, unlike federal law, the CVRA does not require a showing that members of

<sup>1</sup> 52 USC §10301 *et seq.*

<sup>2</sup> Elections Code §14027.

protected class live in a geographically compact area.<sup>3</sup> This means that a CVRA claim can be established in many cities with a large minority of protected class residents.

In order to prevail in a suit brought for a violation of the CVRA, the plaintiff must show evidence of "racially polarized voting" within the jurisdiction. According to the CVRA, "racially polarized" voting is determined:

"...from examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. One circumstance that may be considered in determining a violation of Section 14027 and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on Section 14027 and this section. In multi seat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative group wide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis."<sup>4</sup>

#### CVRA "Safe Harbor" Legislation

In 2016, the Legislature adopted two bills designed to encourage the transition from at large to by district voting. AB 350 added a Safe Harbor provision which insulates the City from litigation if it follows a prescribed process and timeline for converting to "by district" elections. The Safe Harbor requires a prospective plaintiff to send notice to a city alleging a CVRA violation, before that prospective plaintiff may file a CVRA lawsuit against the City.<sup>5</sup> Then, the prospective plaintiff may not file a lawsuit until Forty-Five (45) days after the letter, and may only file if the city does not adopt a resolution declaring the council's intent to transition from at-large elections to district-based elections within that time.<sup>6</sup>

If a Resolution of Intention is adopted pursuant to the requirements of Elections Code § 10010, a prospective plaintiff may not commence an action within ninety (90) days of the Resolution of Intention's passage.<sup>7</sup> During the Ninety (90) day period, a city must hold Five (5) public hearings and at the last public hearing adopt an ordinance establishing district-based elections as required by Elections Code § 10010(a) in order to avoid a potential CVRA lawsuit.<sup>8</sup> The public hearings give the community an opportunity to weigh in on the content of the draft maps and the proposed sequence of elections. Within thirty (30) days of an ordinance's adoption, the potential plaintiff who sent the notice may demand attorney's fees in an amount not to exceed \$30,000.<sup>9</sup>

The second bill (AB 2220) permits all cities to voluntarily switch from an at-large to a by-district elections system by council adopted ordinance, rather than voter approved ordinance. Prior law limited this procedure to cities having populations of less than 100,000. To take advantage of this streamlined approach, the City Council adopted ordinance must include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the CVRA.

<sup>3</sup> Elections Code §14025(c); *Sanchez v. City of Modesto* (2006) 145 Cal. App. 4<sup>th</sup> 660, 667.

<sup>4</sup> Elections Code §14028(b).

<sup>5</sup> Elections Code §10010(e)(1).

<sup>6</sup> Elections Code §10010(e)(2), (3)(a).

<sup>7</sup> Elections Code §10010(a).

<sup>8</sup> Mr. Shenkman has informed the City Attorney he will not file a lawsuit against the City provided the City's schedule allows the transition to be completed in time for the November 2018 election.

<sup>9</sup> Elections Code §10010(f).

### City Council response to CVRA claim

On October 4, 2017, the City Council conducted a hearing to consider whether to explore transitioning from at-large to by-district elections. The City Council voted 5-0 to adopt Resolution No. 6404 declaring its intent to transition to by-district elections (Attachment A). The City Council also expressed a desire to consider other types of voting systems and directed staff to hire National Demographics Corporation to assist in the transition process.

On October 30, 2017, the City Council conducted a public hearing to solicit community input on district formation. At that meeting, the City Council directed National Demographic Corporation to prepare mapping tools to allow residents to draw five- or six-district maps. NDC developed both an online mapping tool that was made available on the City's District Election webpage at [menlopark.org/districtelections](http://menlopark.org/districtelections). NDC also developed a paper-mapping tool available on the City's District Election webpage, available at the City Clerk's office and distributed to several City facilities. Video instructions for using both of these tools are also posted on the District Election webpage.

On November 29, 2017, the City Council conducted a second hearing to solicit input on district formation and to consider appointing a districting committee. At the public hearing, the City Council discussed whether to appoint an advisory committee, which would make recommendations to the City Council, or an independent commission, which would have independent authority to adopt the final maps. After considerable public input and debate, the City Council elected to appoint an advisory committee due to the compressed time schedule arising out of the districting safe harbor legislation as well as the need to provide districting maps to the County Clerk in advance of the November 2018 election. The City Council also indicated a general preference to eventually appoint an independent commission and directed the staff to come back to City Council with an enabling ordinance early next year.

### Appointment of Advisory Districting Committee

On December 12, 2017, the City Council adopted Resolution No. 6418 establishing an Advisory Districting Committee consisting of nine members (Attachment B). Many aspects of the advisory committee were modeled after the independent districting committee provided under State law. The Committee was intended to be impartial and apolitical. As such, Committee members were required to adhere to strict pre-, during- and post-service conflict of interest rules. Commissioners were also required to file Statements of Economic Interests (Form 700).

The City Council directed the Committee to provide recommendations to the City Council on districting boundaries and election sequencing. The City Council charged the Committee with providing five- and six-district maps and related election sequencing recommendations to the City Council no later than February 23, 2018. If the City Council chose not to adopt the Committee's original recommendation, the Committee would be given another opportunity to consider and provide a further recommendation to City Council. The revised recommendation must be delivered to City Council within seven days of City Council's decision rejecting the original decision but in no event later than March 26, 2018. The Committee recommendations must be made by a 2/3 vote of the seated members. The City Council resolution provided that it was the City Council's intention to adopt one of the districting maps recommended by the Committee.

Twenty-nine people applied for the Advisory Committee with one being eliminated due to not meeting the residency requirements. The City Clerk randomly selected three applicants and those applicants randomly selected the remaining six. In seating the remaining six, attention was given to providing diversity in the following areas: gender, race, age, neighborhood and political party affiliation.

### Advisory Districting Committee recommendation

The Committee met eight times in six weeks and considered over 40 draft maps. The Committee solicited public input through fliers, "sandwich board" signs placed at strategic locations, Nextdoor.com and public meetings at City Hall and in Belle Haven. The Committee also drafted and posted a poll on Nextdoor and Facebook and established a Districting Committee website that allowed for email comments from the public. All of the Committee's meetings were open to the public and complied with the Brown Act.

In drawing the maps, the Committee relied on criteria outlined in the City Council resolution and supplemented it with the following:

#### Primary criteria:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- "Reasonably balanced" population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- "Eyeball test" (boundaries should make logical sense to the average voter)

#### Secondary criteria:

- School attendance areas
- Compactness
- Consideration for common neighborhood issues
- Use of obvious boundaries (e.g., major roads)
- Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
- Consideration of other relevant "communities of interest"
- Owner versus renter or single-family versus multifamily

(Note some of these criteria overlap with the legally required criteria.)

On February 23, 2018, the Committee issued a final report consisting of recommendations for a five-district map (Map 5-007a), a six-district map with an elected at-large mayor (Map 6-007b) and related election sequencing. In addition, the Committee issued an advisory recommendation expressing a preference for a five-district solution over a six-district solution. The Committee's final report is contained in Attachment C.

### **Analysis**

The transition to district based elections involves three major policy decisions: (1) the boundaries of the districts, (2) the election sequencing and (3) the number of districts. The legal framework and the basis of the Committee's decision are described below.

#### 1. District boundaries

##### a. Legal Framework for drawing district boundaries

Certain legally required criteria apply to the creation of districts and must be observed. These are:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

In addition, other traditional criteria used by cities include communities of interest (interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.), compact, contiguous, visible (natural and human made (major roads, freeways, creeks, railroad lines or other barriers) and respect for voters' wishes and continuity in office.<sup>10</sup>

In determining population balance, the City must use the 2010 federal census data. Note that when the 2020 census data are published, boundaries must be re-examined and adjusted.

b. Basis for Committee's recommendation

During their deliberations, the Committee identified the following key constraints/issues:

- *Geography*  
The outline of the city's boundary is very irregular and includes natural bottlenecks. This results in sometimes non-compact districts. The requirement to balance populations in some cases resulted in awkward shapes of the districts, especially in the six-district map, as districts are based on population count, not land area. In addition, the mapping tool required populations to be divided by census blocks, further affecting the shape.
- *Census data*  
By law, population balance is based on the most current census data, the 2010 census in this case. This did not reflect recent residential developments and in some parts of the city included land areas that had zero population as of 2010, but which had since been developed. While technically the zero population districts could not be included in the population numbers, the Committee elected to defer to the comments by the Belle Haven neighborhood to include these zero population districts in the Belle Haven district.
- *Keeping neighborhoods intact*  
One of the primary issues discussed was how to keep the self-identified neighborhoods intact. These areas included West Menlo, Allied Arts, Downtown, Linfield Oaks, the Willows, Suburban Park and Belle Haven. In the six-district map, the Committee struggled with how to keep Belle Haven intact while adhering to the criteria of evenly balanced population. It was recognized that a deviation of more than 10 percent between the lowest and highest populated districts could expose the City to litigation and the Committee desired to minimize that risk. Accordingly, it recommended splitting off a small section of Belle Haven in the six-district map. Likewise, West Menlo was split into three different districts in the six-district map. The Committee also struggled with how to split West Menlo in the five-district map. Since Sharon Heights was not large enough to support its own district, a portion of West Menlo was added to balance the district.
- *Multiple representation of key commercial areas*  
There was significant discussion about having multiple districts cover major commercial areas (Facebook and the Downtown commercial area). Several speakers from Belle Haven made it clear that the community did not want the Facebook area split between two districts, so that view was respected in the final maps. In addition, several speakers from the Chamber of Commerce strongly urged that three districts cover the downtown commercial area, and submitted a 5-district map to that effect. While this idea was appealing to the Committee, they ultimately decided against it as the Chamber's map divided Linfield Oaks and contained three long narrow, non-compact strips. However, the Committee was supportive of the basic concept, so the final 5-district map has two districts covering the Downtown area.

<sup>10</sup> See Elections Code 21601 for list of optional criteria.

- *Multiple incumbents in a single district*  
Four current councilmembers live in the west part of the city. Some committee members felt all things being equal it would be preferable to split incumbents into different districts in order to allow the voters a choice to re-elect. Other committee members thought the districting process should not take into account the location of either incumbents or potential candidates. In the end, given the close proximity of the incumbents' homes, nearly all of the five district maps reviewed by the Committee contained at least two incumbents in a single district and some contained three or four. The five-district map selected by the Committee contains two districts with two incumbents in each (Districts 4 and 5). Given the smaller population size required in the six-district scenario, the six-district map selected by the Committee contains only one district with two incumbents (District 4).
- *Keeping school attendance areas intact*  
The Committee recognized school attendance areas as a community of interest and attempted where possible to keep such areas intact.
- *Racial majority/voting age population*  
The Committee reviewed detailed demographic information for each map it considered. In selecting a map, it attempted to maximize the Black and Latino voting age population, particularly in Belle Haven where a majority of Black/Latino voting age residents could be achieved more easily.
- *Rental housing versus single-family home population*  
Some of the committee members felt apartment dwellers represented a community of interest and might in some cases be a proxy for income and race. While no clear majority emerged on this issue, it was noted that District 3 had a significant number of apartment dwellers.

## 2. Election sequencing

### a. Legal framework

The City Council must establish an election sequence schedule to ensure that either five or seven council seats are filled after the November 2018 election and that elections continue to be staggered.<sup>11</sup> State law permits the City Council to specify transitional sequencing in order to implement the new districts.<sup>12</sup> The only caveat is that no existing incumbent's term may be cut short.<sup>13</sup> For each draft plan, a proposed election sequence must be specified at the time the plan is published.<sup>14</sup> In determining the final sequence, the City Council must give special consideration to the purposes of the California Voting Rights Act<sup>15</sup> and may take into account the preferences expressed by members of the districts.<sup>16</sup>

### b. Committee recommendation

The Committee recommended the following election sequencing for the five and six district recommended maps:

<sup>11</sup> Staggering council seats is not legally required, but the vast majority of cities do it in order to preserve institutional knowledge and smooth governance. Like most California cities, Menlo Park's current practice is to stagger elections.

<sup>12</sup> Government Code section 34878.

<sup>13</sup> Government Code §34873.

<sup>14</sup> Elec. Code § 10010(a).

<sup>15</sup> Elections Code § 10010(b).

<sup>16</sup> *Id.*

In a five-district option, the current election cycle of three councilmember seats up in 2018 and two up in 2020 would remain.

Election Year Sequencing for a 5-district option		
Map	2018 Election (3 districts)	2020 Election (2 districts)
5-007a	D1 (Vacant) - 4 year term D2 (Keith) - 4 year term D4 (Cline and Ohtaki) - 4 year term	D3 (Vacant) - 4 year term D5 (Carlton and Mueller) - 4 year term

In a six-district option, with an at-large Mayor, in 2018, three City Council districts would elect councilmembers to four-year terms; a fourth City Council district would elect a councilmember to a two-year term; and an at-large Mayor would be elected. In 2020, the remaining two districts would elect councilmembers to four-year terms, as would the district that in 2018 elected a councilmember to an initial two-year term.

Election Year Sequencing for a 6-district option		
Map	2018 Election (4 districts and Mayor)	2020 Election (3 districts)
6-007b	D1 (Vacant) - 4 year term D2 (Vacant) - 4 year term D3 (Keith) - 2 year term D4 (Cline and Ohtaki) - 4 year term At-large Mayor	D3 - 4 year term D5 (Mueller) - 4 year term D6 (Carlton) - 4 year term

The Committee wrestled with two major issues in establishing the proposed election sequencing. The first issue was when to schedule the newly created Belle Haven District (District 1) election. Traditionally presidential elections attract more minority voters than gubernatorial elections. Thus, the Committee pondered whether Belle Haven would prefer to wait until 2020 to have an election, whether to have a two year seat in 2018 and then phase into a permanent seat in 2020 (so future elections would correspond with the presidential cycle), or to schedule an immediate full term election with future elections corresponding with the gubernatorial cycle. The overwhelming response from Belle Haven community members was the preference for a four-year seat in 2018. This was because they wanted to seat a candidate in the 2018 election in order to have immediate representation and they did not want their candidate to immediately face another election in two years. Accordingly, the Committee deferred to the Belle Haven community's request and designated District 1 for a four-year term starting in 2018.

The second issue was how to sequence the two new seats in the six-district scenario. In order to continue staggered elections, one seat necessitated a two-year term. Ultimately, the Committee decided to designate the Willows/Linwood Oaks district (District 3) as a two year seat because it felt that the dates should be staggered on both sides of El Camino, it was the most convenient district to assign the 2-year seat, and it did not seem as if it would impose a particular hardship, given that there is an incumbent from this area.

3. Number of districts

a. Legal framework

As directed by the City Council, the Advisory Districting Committee recommended a five district and six-district map. Under a five district map the City Council would operate in a similar fashion as

currently constituted, except that each district would be able to elect its own council member. Under a six district map, the city would be divided into six districts which would each elect their own council member. The mayor would be elected at large. Under the six district scenario, the City Council would be required to adopt an ordinance adding two council members and providing for an elected mayor. While traditionally these types of ordinances were required to be submitted for voter approval, recent legislation clarified that any changes to the council structure made pursuant to the CVRA could be adopted by City Council-approved ordinance.<sup>17</sup>

Historically, most San Mateo and Santa Clara County cities have had five councilmembers. The City of Palo Alto currently has nine, which will be reduced to seven in 2018. The City of Fremont recently increased its council size from five to seven when it transitioned from at large to by district elections.

b. Committee recommendation

While the Committee was not directed to choose between the five and six district options, the Committee voted unanimously to issue an advisory opinion recommending a five district solution over a six. The primary reason for this justification was that the six district map divided portions of Belle Haven despite the preference expressed by the majority of the community that it did not want to be divided. The smaller district size made it more difficult to keep other neighborhoods intact (although the final map did a pretty good job on several of them). The committee felt that 7 seats seemed unnecessarily large, noting that Palo Alto was moving from 9 to 7 and the public input on this question favored a 5-member council. Finally, several members of the public commented that a seven member City Council would dilute the impact of district representation.

### Next steps

The City Council may select one of the maps recommended by the Committee or ask the Committee to modify one or both of the maps. If the City Council selects one of the maps, the next step would be to publish the preferred map for seven days, and direct staff to return with an ordinance implementing the preferred map and election sequencing. (See the district elections process timeline in Attachment D.) If the City Council desires to modify the maps, the Committee would be re-convened and the revised maps would be re-submitted to the City Council. The San Mateo County Registrar of Voters needs the final map by May 1, 2018. Candidates running in a newly created district must be residents of that district at the time they receive their nomination papers from the County Registrar.<sup>18</sup>

### Impact on City Resources

Expenditures associated with the transition to district elections and support for the Advisory Districting Committee including staffing, legal and consultant support were approved by the City Council and added to the current fiscal year budget.

### Environmental Review

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines

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<sup>17</sup> Government Code §34886: "Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval."

<sup>18</sup> Government Code § 34882.

Section 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment.

**Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. Resolution No. 6404 declaring intent to transition to district elections
- B. Resolution No. 6418 establishing an Advisory Districting Committee
- C. Final recommendation of Advisory Districting Committee
- D. District elections process timeline

Report prepared by:

Cara E. Silver, Assistant City Attorney

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**RESOLUTION NO. 6404****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK DECLARING ITS INTENT TO TRANSITION FROM AT-LARGE TO BY-DISTRICT COUNCILMEMBER ELECTIONS UNDER ELECTIONS CODE SECTION 10010**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting occurs in elections (Elections Code Section 14028(a)). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, pursuant to Elections Code subdivision 10010(e), if the City adopts a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so, then a prospective plaintiff may not bring a CVRA lawsuit within 90 days after that resolution's passage; and

WHEREAS, prior to the City Council's consideration of an ordinance to establish district boundaries for a district-based electoral system, California Elections Code Section 10010 requires all of the following:

1. Prior to drawing a draft map or maps of the proposed boundaries of the districts, the City shall hold at least two (2) public hearings over a period of no more than thirty (30) days, at which the public will be invited to provide input regarding the composition of the districts;
2. After all draft maps are drawn, City shall publish and make available for release at least one draft map and, if members of the City Council will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections shall also be published. The City Council shall also hold at least two (2) additional hearings over a period of no more than forty-five (45) days, at which the public shall be invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven (7) days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven (7) days before being adopted; and

WHEREAS, the City is in the process of retaining an experienced demographer to assist the City to develop a proposal for a district-based electoral system; and

WHEREAS, the adoption of a district-based elections system will not affect the terms of any sitting councilmember, each of whom will serve out his or her current term.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. The City Council hereby resolves to consider adoption of an ordinance to transition to a district-based election system as authorized by Government Code Section 34886 for use in the City's General Municipal Election for City Councilmembers beginning in November 2018.

SECTION 2. The City Council directs staff to work with the City's 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 California Voting Rights Act and the Federal Voting Rights Act.

SECTION 3. The City Council hereby approves the tentative timeline as set forth in Exhibit A, attached to and made a part of this resolution, for conducting a public process to solicit public input and testimony on proposed district-based electoral maps before adopting any such map.

SECTION 4. The timeline contained in Exhibit A may be adjusted by the City Manager as deemed necessary.

SECTION 5. The City Council directs staff to post information regarding the proposed transition to a district based election system, including maps, notices, agendas and other information and to establish a means of communication to answer questions from the public.

I, Jelena Harada, Deputy City Clerk of Menlo Park, do hereby certify that the above and foregoing City Council Resolution was duly and regularly passed and adopted at a meeting by said City Council on the fourth day of October, 2017, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this fourth day of October, 2017.

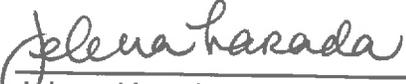
  
\_\_\_\_\_  
Jelena Harada  
Deputy City Clerk

EXHIBIT A

TENTATIVE TIMELINE: CONSIDERATION AND IMPLEMENTATION  
OF "DISTRICT-BASED" ELECTION METHOD

DATE	EVENT	COMMENT
August 21, 2017	City received demand letter	City has 45 days to adopt Resolution of Intent to change to district elections. 45 days runs on October 5, 2017.
October 4, 2017	City Council adopts Resolution declaring its intention to transition from at- large to district-based elections.	CVRA Action cannot be commenced for 90 days. 90 days from this date is January 2, 2017.
October 5 – October 30, 2017	Public Outreach regarding process	No maps yet drawn.
October 30, 2017	1st Public Hearing	City Council hearing regarding composition of districts; no maps yet
November 29, 2017	2nd Public Hearing	City Council hearing regarding composition of districts, no maps -
TBD	Post draft maps and potential sequence of elections	Draft maps and proposed sequence must be posted publicly at least 7 days before hearing
TBD	3rd Public Hearing	City Council hearing regarding Draft Maps
TBD	Post any new or Amended Maps and potential sequence of elections.	Draft maps and proposed sequence must be posted publicly at least 7 days before hearing
TBD	4th Public Hearing: Select Map; City Council introduces ordinance establishing district elections, including District Boundaries and Election Sequence	If selected map is amended, ordinance cannot be introduced until 7 days after amended map is published
TBD	5th Public Hearing: 2nd reading of ordinance	Ordinance adopted

**RESOLUTION NO. 6418****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
MENLO PARK ESTABLISHING AN ADVISORY  
DISTRICTING COMMITTEE PURSUANT TO  
ELECTIONS CODE SECTION 23002**

WHEREAS, members of the City Council of the City of Menlo Park ("City") are currently elected in "at-large" elections, in which each City Councilmember is elected by the registered voters of the entire City; and

WHEREAS, California Government Code Section 34886 in certain circumstances, authorizes the legislative body of a city of any population to adopt an ordinance to change its method of election from an "at-large" system to a "district-based" system in which each city councilmember is elected only by the voters in the district in which the candidate resides; and

WHEREAS, the City received a certified letter on August 21, 2017, from Kevin Shenkman of the law firm of Shenkman & Hughes asserting that the City's at-large city councilmember electoral system violates the California Voting Rights Act ("CVRA") and threatening litigation if the City declines to voluntarily change to a district-based election system for electing city councilmembers; and

WHEREAS, a violation of the CVRA is established if it is shown that racially polarized voting impairs the ability of a protected class to elect their preferred candidates (Elections Code Sections 14027 and 14028). "Racially polarized voting" means voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate (Elections Code Section 14026(e)); and

WHEREAS, although the letter was not accompanied by any evidence to support the claim of a CVRA violation, the City Council has directed staff to initiate the process to establish by-district elections to avoid costs associated with defending a lawsuit based on the CVRA, even if that lawsuit settles; and

WHEREAS, the California Legislature in amendments to Elections Code Section 10010, has provided a method whereby a jurisdiction can expeditiously change to a by-district election system and avoid the high cost of litigation under the CVRA; and

WHEREAS, the City denies its election system violates the CVRA or any other provision of law and asserts the City's election system is legal in all respects and further denies any wrongdoing whatsoever in connection with the manner in which it has conducted its City Council elections; and

WHEREAS, despite the foregoing, the City Council has concluded it is in the public interest to begin the process of transitioning from at-large to district-based elections due to the uncertainty of litigation to defend against a CVRA lawsuit, the potentially extraordinary cost of such a lawsuit, even if the City were to prevail; and

WHEREAS, on October 4, 2017, the City Council adopted a Resolution expressing its Intent to transition from at-large to district based elections; and

WHEREAS, Elections Code 23002 authorizes the City Council to appoint an advisory districting committee and Menlo Park Municipal Code Section 2.04.200 requires the City Council to form committees by Resolution; and

WHEREAS, the City Council desires to receive input on district boundaries from a geographically diverse sector of the community, including the Belle Haven neighborhood which is the subject of the CVRA complaint; and

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore does hereby resolve as follows:

SECTION 1. Establishment. There shall be established the Menlo Park Advisory Districting Committee, hereinafter "Committee." The Committee shall be established by January 20, 2018 and shall exist until the City Council adopts an ordinance establishing City Council district boundaries for the November 2018 election.

SECTION 2. Purview. The Committee shall present two recommendations to the City Council: (1) a recommendation for dividing the City into five voting districts and (2) a recommendation for dividing the City into six voting districts (with an at-large elected mayor). Each submitted districting map shall also contain an election sequencing recommendation. Election sequencing shall take into account the City's practice of staggering elections every two years and in accordance with State law shall not cut any existing city councilmember's term short.

SECTION 3. Membership. The Committee shall consist of up to 9 Committee members. Committee members shall consist of a diverse group of residents.

SECTION 4. Selection Process. The Committee member selection process is designed to produce a qualified, independent and impartial Committee. Committee members shall be selected through an open application process. Any person who meets the minimum Committee member qualifications in Section 5 may apply to serve on the Committee.

A. The City Clerk shall initiate and widely publicize the Committee application process. To promote a large and diverse applicant pool, the City Clerk shall seek assistance from a broad range of community-based organizations to encourage

qualified persons to apply. The application period shall be open through January 8, 2018.

B. At the end of the application period, the City Clerk shall review and verify the information contained in each application, including applicants' eligibility to serve on the Committee under Section 5. The City Clerk shall remove from the applicant pool any applicant who does not meet the minimum Committee member qualifications.

C. The City Clerk shall, at a public meeting of the City Council, randomly select 3 names from that subpool. Those 3 shall serve as Committee members.

D. Those initial 3 Committee members shall, by majority vote at a public meeting, select the final up to 6 Committee members from the remaining applicants in the subpool.

E. The initial 3 Committee members should select applicants taking into account the following factors:

(1) The Committee should not be comprised entirely of members who are registered to vote with the same political party preference.

(2) Committee members should reasonably reflect the City of Menlo Park's diverse geography and reside in diverse areas throughout the city.

(3) Race/ethnicity may be considered without using formulas, quotas or ratios.

(4) Gender, age, economic class, sexual orientation and party registration may be considered in selecting Committee members.

(5) Committee members shall be impartial, know the jurisdiction's neighborhoods and communities, appreciate the jurisdiction's diversity and work well with others.

(6) If committee members utilize a random selection process, they should consider dividing applications into geographic areas to better ensure geographic diversity.

SECTION 5. Eligibility Requirements for Members of the Committee. The application process shall be open to all eligible residents. The following qualifications and restrictions are imposed on members of the Committee:

A. A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has done any of the following in the preceding eight years, shall not be appointed to serve on a Committee:

- (1) Been elected or appointed to, or been a candidate for, an elective office of Menlo Park.
- (2) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of Menlo Park.
- (3) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.
- (4) Served as a staff member of, consultant to, or contracted with, a currently serving elected officer of Menlo Park.
- (5) Been registered to lobby in Menlo Park.
- (6) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of Menlo Park.

B. A member of the Committee shall not do any of the following:

- (1) While serving on the Committee, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.
- (2) Be a candidate for an elective office of Menlo Park for 10 years commencing with the date of his or her appointment to the Committee.
- (3) For four years commencing with the date of his or her appointment to the Committee:
  - a. Accept an appointment to a Menlo Park Board, Commission or committee.
  - b. Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.
  - c. Receive a noncompetitively bid contract with Menlo Park.
  - d. Register as a lobbyist in Menlo Park.

C. Must be a resident of Menlo Park and resided in Menlo Park for at least the past five years.

D. Must be a registered voter.

E. Must have voted in two of the last three local Menlo Park City Council elections. Those residents not eligible to vote due to age or citizenship are

exempt from this requirement.

**SECTION 6. During and Post-Service Restrictions.** Committee members shall comply with the following during and post-service restrictions as contained in California Elections Code Section 23003(d):

A. While serving on the Committee, members may not work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of Menlo Park.

B. Committee members may not run for an elective office of Menlo Park for 10 years commencing with the date of my appointment to the Committee.

C. For four years commencing with the date of his or her appointment to the Committee, members shall not:

(1) Accept an appointment to a Menlo Park Board, Commission or Committee.

(2) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of Menlo Park.

(3) Receive a noncompetitively bid contract with Menlo Park.

(4) Register as a lobbyist in Menlo Park.

**SECTION 7. Districting Criteria.** The Committee shall take into account the following legally required criteria in recommending district boundaries:

A. Each city council district shall contain a nearly equal population;

B. A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act, the California Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and

C. City Council districts shall not be drawn with race as the predominate factor.

The Committee may also adopt its own criteria consistent with this Section 7 and may take into account additional criteria, including the criteria set forth in Elections Code 21601, such as including topographical and geographical boundaries (major roads, freeways, creeks, railroad lines or other barriers) and communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.).

**SECTION 8. Public Transparency.** The Committee shall implement an open process for public input and Committee deliberation as follows:

A. The Committee members shall file Form 700 – Statement of Economic Interest

forms.

B. The Committee shall comply with the California Public Records Act, commencing with Section 6250 of the California Government Code, and the Ralph M. Brown Act, commencing with Section 54950 of the California Government Code.

C. The Committee shall publish on the internet and make available to the public a draft version of a proposed final map before final recommendation to the City Council.

D. All records of the Committee relating to districting, and all data considered by the Committee in drawing a draft map or proposed final map, are public records.

E. The Committee shall establish and make available to the public on the internet a calendar of all public hearings.

F. The City shall establish and maintain, at least until the districting process is concluded, a webpage for the Committee where important redistricting materials may be published, including hearing agendas, hearing minutes, links to hearing audio or video recordings where applicable, a Committee member roster, and draft maps created by the Committee.

G. Committee members shall disclose all contact regarding the Committee's subject matter jurisdiction that occurs outside of a publicly noticed meeting. Committee members shall disclose these contacts no later than the Committee's next regular or special meeting.

H. Any person who is compensated for communicating with the Committee or any Committee member, other than a reimbursement of reasonable travel expenses, shall identify the party compensating them in such communication.

SECTION 9. Public Engagement. The Committee and the City should actively encourage residents to participate in the districting process.

A. The Committee shall make every reasonable effort to afford maximum public access to its proceedings.

B. The City shall solicit broad public participation in the districting process, including from residents of communities that traditionally participate less frequently in the local political process. At minimum, the City Clerk shall:

(1) Develop and present a proposed outreach campaign to the City Council at a public meeting;

(2) Conduct an outreach campaign to educate the public on the districting process and how to be involved; and

- (3) Request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations with engaging residents in the districting public review process.

**SECTION 10. Committee Meetings.** The hearing location shall be accessible to persons with disabilities and, to the extent practicable, shall have free parking nearby and be accessible by public transit. Public hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible. The Committee shall establish and implement a process for accepting written public comment, including the submission of draft maps and draft partial maps for the Committee's consideration.

**SECTION 11. Administration.** A quorum shall consist of a majority of the seated Committee members (i.e., if nine members are seated, a quorum shall be five members). The Committee may only recommend a plan for district boundaries and election sequencing with a 2/3 affirmative vote of the seated Committee members (i.e., if nine members are seated, six votes would be needed). All other Committee actions, other than maps and sequencing, require only a majority vote of those present, provided that a quorum is present. The City Council or the Committee may remove a Committee member for substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Before being removed, a Committee member must be provided with the reasons for their proposed removal, at least a week's notice of the public hearing where his or her proposed removal will be voted on, and an opportunity to respond to or rebut those reasons in writing and at the hearing.

**SECTION 12. Staff Support.** The City Manager, City Clerk, and City Attorney shall designate staff to support the Committee, as needed.

**SECTION 13. Schedule.** The Committee shall forward its final recommendation regarding proposed five and six member district maps and related election sequencing to the City Clerk by no later than February 23, 2018. Upon receipt of the recommendation, the City Clerk shall immediately cause the recommended map(s) to be published for a seven day public review period. Thereafter, the City Council shall conduct a public hearing on the Committee proposed map(s). At this hearing the City Council may elect to: (1) direct staff to introduce an ordinance approving one of the Committee recommended maps/sequencing or (2) reject the map(s)/sequencing and return it to the Committee for reconsideration with a statement of the reasons for such disapproval and request the Committee to modify the map(s)/sequencing. If the City Council rejects the Committee's recommendation, the Committee shall have up to seven days (but in no event later than March 26, 2018) to submit a revised map(s)/sequencing to the City Council for further consideration. Upon receipt of the revised map(s) the City Clerk shall immediately cause the maps to be published for a seven day public review period.

SECTION 14. Statement of Council Intent: It is the intention of the City council to adopt one of the districting maps recommended by the Committee.

I, Clay J. Curtin, Interim City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing resolution was duly and regularly passed and adopted at a meeting by said City Council on the twelfth day of December, 2017, by the following votes:

AYES: Carlton, Cline, Keith, Mueller, Ohtaki

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twelfth day of December, 2017.

  
\_\_\_\_\_  
Clay J. Curtin, Interim City Clerk



## MEMORANDUM

**Date:** 2/23/2018  
**To:** City Council  
**From:** Advisory Districting Committee  
**Re:** Recommendations

The Advisory Districting Committee is pleased to present its results to the City Council, consisting of:

1. A recommendation for dividing the City into five voting districts
2. A recommendation for dividing the City into six voting districts (with an at-large elected mayor)
3. A recommendation for election sequencing for each map, taking into account the City's practice of staggering elections every two years. In accordance with State law it shall not cut short any existing councilmember's term
4. An advisory recommendation to adopt the five-district solution over the six-district plan.

The Committee met eight times in six weeks. During the process, the Committee relied on criteria outlined in the City Council resolution and federal and state voting rights laws. The Committee supplemented these criteria and organized them into primary and secondary categories.

Primary criteria included:

- Compliance with Federal and State voting rights acts (FVRA and CVRA)
- Respect for the integrity of traditional neighborhoods
- "Reasonably balanced" population – to the extent possible minimizing population differences among districts, yet recognizing it may cause carve outs or boundary shifts
- "Eyeball test" (boundaries should make logical sense to the average voter)

Secondary criteria included:

- School attendance areas
- Compactness
- Consideration for common neighborhood issues
- Use of obvious boundaries (e.g., major roads)
- Possible consideration of how district boundaries affect the ability of incumbents/other likely candidates to run for office
- Consideration of other relevant "communities of interest"
- Owner versus renter or single-family versus multifamily

The Committee recognized early on that there are major issues involved in the districting process, including how to keep the Belle Haven neighborhood together, and how best to represent the various interests among those near the El Camino Real corridor and in downtown along Santa Cruz Avenue.

To help address these issues, the Committee conducted outreach efforts, including distributing flyers in various neighborhoods, conducting polls on Nextdoor and Facebook, and held a meeting in the Belle Haven district. The Committee received input from the public on these and other issues, in the form of statements at the meetings, submitted maps and email comments.

In the course of the process, the Committee recognized several factors that impacted the possible solutions. The outline of the city's boundary is very irregular and includes natural bottlenecks. Consideration was limited to the 2010 census data, which does not reflect recent residential developments, and by the shape and populations of the defined census blocks. The requirement to balance populations in some cases resulted in awkward shapes of the districts, especially in the six-district map.

In the end, after taking into account all these factors, the original criteria and public input and considering almost 40 maps, the committee arrived at its recommendations.

The Committee is grateful for the opportunity to serve the city in this capacity, and to the many concerned citizens who took the time to attend meetings, or to submit maps and comments. The Committee would also like to express its appreciation of the efforts of the demographics consultant NDC, and the dedicated support of the city staff.

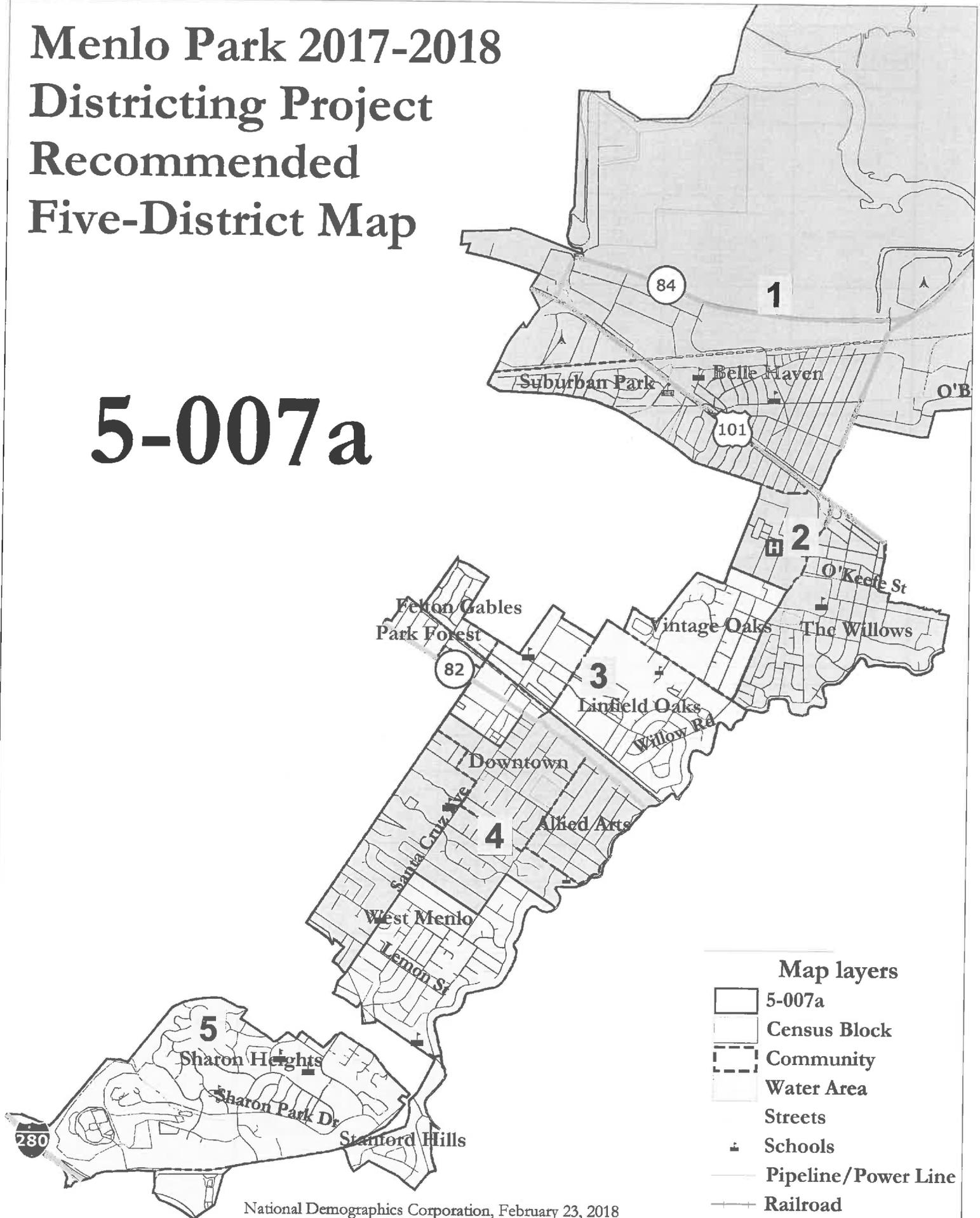
Attachments:

- A. Recommended 5-district map
- B. Recommended 6-district map
- C. Recommended election sequencing

For more information on the districting process, please visit [menlopark.org/districtelections](http://menlopark.org/districtelections).

# Menlo Park 2017-2018 Districting Project Recommended Five-District Map

## 5-007a



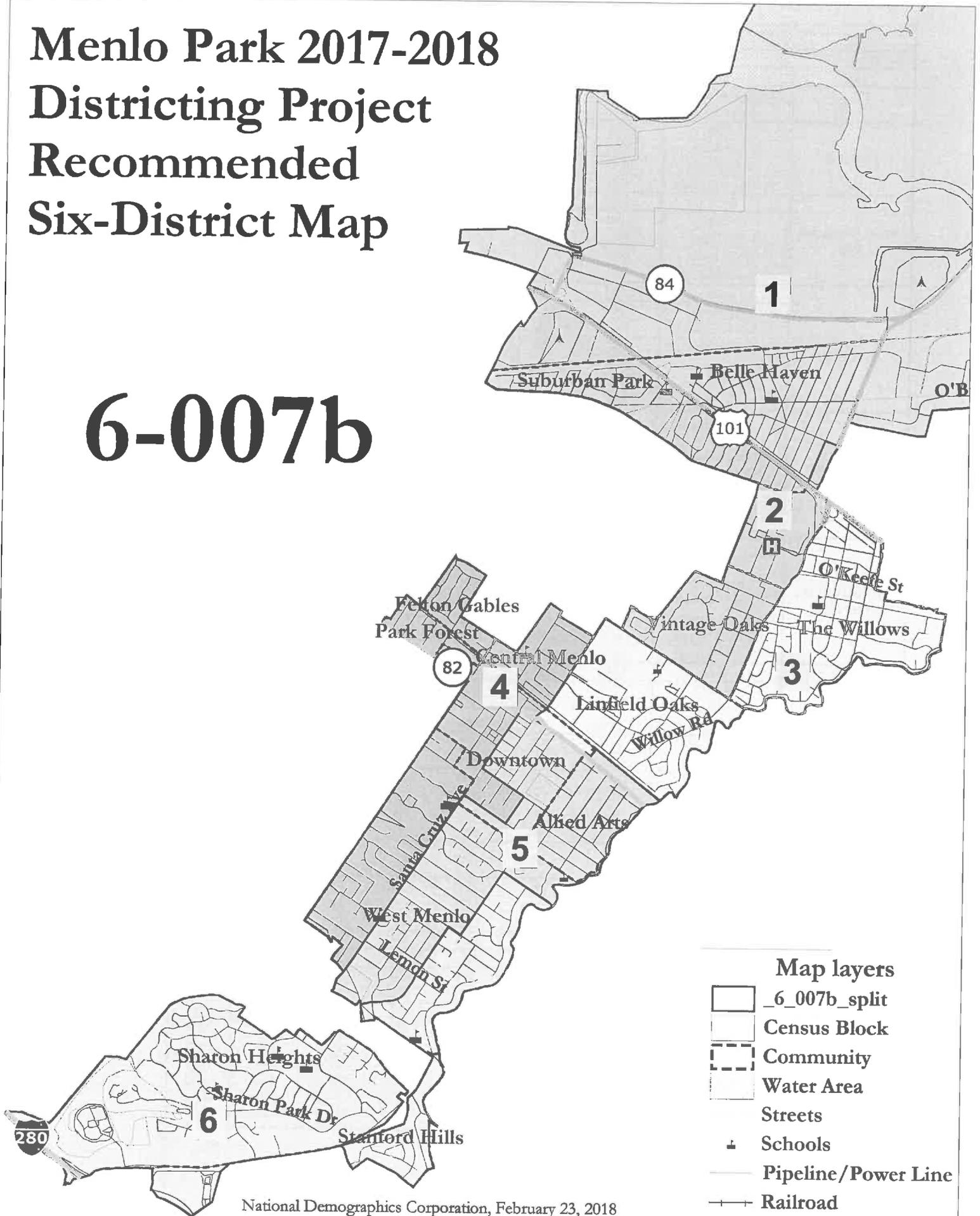
National Demographics Corporation, February 23, 2018

## City of Menlo Park - Recommended Map 5-007a

District		1	2	3	4	5	Total
<u>Ideal</u>	Total Pop	5,975	6,479	6,483	6,538	6,551	32,026
6,405	Deviation from ideal	-430	74	78	133	146	576
	% Deviation	-6.71%	1.16%	1.22%	2.08%	2.28%	8.99%
Total Pop	% Hisp	69%	10%	8%	6%	4%	18%
	% NH White	4%	72%	72%	80%	79%	62%
	% NH Black	18%	4%	2%	1%	1%	5%
	% Asian-American	3%	12%	16%	12%	16%	12%
Citizen Voting Age Pop	Total	2,593	4,737	4,270	4,381	4,335	20,317
	% Hisp	51%	11%	7%	3%	4%	12%
	% NH White	10%	66%	74%	81%	84%	68%
	% NH Black	32%	8%	1%	1%	1%	6%
Voter Registration (Nov 2016)	% Asian/Pac.Isl.	7%	15%	18%	14%	11%	13%
	Total	2,395	3,952	4,048	4,365	4,399	19,160
	% Latino est.	51%	7%	6%	4%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	6%	5%	3%	2%	9%
Voter Turnout (Nov 2016)	% NH White est.	8%	80%	83%	87%	89%	75%
	% NH Black	34%	4%	1%	1%	1%	6%
	Total	1,697	3,355	3,448	3,767	3,783	16,051
	% Latino	52%	7%	6%	3%	3%	10%
	% Asian-Surnamed	4%	8%	9%	7%	7%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	47%	6%	5%	3%	2%	9%
Voter Turnout (Nov 2014)	% NH White est.	8%	81%	83%	88%	89%	77%
	% NH Black	33%	4%	1%	1%	1%	5%
	Total	618	2,326	2,088	2,566	2,601	10,199
	% Latino	40%	5%	5%	3%	2%	6%
	% Asian-Surnamed	3%	5%	7%	5%	5%	5%
	% Filipino-Surnamed	1%	1%	1%	1%	0%	1%
ACS Pop. Est.	% Spanish-Surnamed	7%	85%	86%	91%	91%	84%
	% NH White est.	49%	4%	2%	1%	1%	5%
	% NH Black est.	36%	5%	4%	2%	2%	5%
	Total	5,400	6,959	6,779	6,874	6,633	32,644
Age	age0-19	31%	29%	25%	24%	28%	27%
	age20-60	58%	56%	58%	57%	47%	55%
	age60plus	11%	15%	17%	19%	25%	18%
Immigration	immigrants	39%	23%	23%	24%	19%	25%
	naturalized	36%	45%	47%	41%	54%	44%
Language spoken at home	english	28%	68%	77%	76%	81%	68%
	spanish	65%	15%	7%	4%	3%	17%
	asian-lang	4%	8%	6%	6%	7%	6%
	other lang	3%	9%	10%	14%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	11%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	17%	14%	16%	23%
	bachelor	13%	29%	36%	35%	29%	30%
	graduatedegree	5%	33%	44%	48%	54%	39%
Child in Household	child-under18	42%	40%	31%	31%	36%	35%
Pct of Pop. Age 16+	employed	66%	64%	67%	66%	58%	64%
Household Income	income 0-25k	23%	9%	6%	9%	5%	9%
	income 25-50k	25%	11%	12%	10%	9%	12%
	income 50-75k	14%	16%	11%	11%	6%	11%
	income 75-200k	34%	35%	43%	33%	36%	36%
	income 200k-plus	3%	29%	29%	36%	44%	31%
Housing Stats	single family	74%	72%	49%	58%	71%	63%
	multi-family	26%	28%	51%	42%	29%	37%
	rented	57%	38%	52%	52%	26%	44%
	owned	43%	62%	48%	48%	74%	56%
Total 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.							

# Menlo Park 2017-2018 Districting Project Recommended Six-District Map

## 6-007b



### City of Menlo Park - Recommended Map 6-007b

District		1	2	3	4	5	6	Total
Ideal	Total Pop	5,622	5,172	5,410	5,197	5,236	5,389	32,026
5,338	Deviation from ideal	284	-166	72	-141	-102	51	450
	% Deviation	5.32%	-3.11%	1.35%	-2.64%	-1.91%	0.96%	8.43%
Total Pop	% Hisp	68%	15%	8%	7%	5%	4%	18%
	% NH White	3%	61%	76%	78%	80%	77%	62%
	% NH Black	18%	6%	2%	2%	0%	1%	5%
	% Asian-American	3%	14%	14%	12%	12%	17%	12%
Citizen Voting Age Pop	Total	2,413	3,460	3,968	3,429	3,416	3,630	20,317
	% Hisp	51%	10%	10%	6%	4%	3%	12%
	% NH White	9%	65%	67%	82%	82%	84%	68%
	% NH Black	32%	10%	2%	1%	1%	1%	6%
Voter Registration (Nov 2016)	% Asian/Pac.Isl.	7%	14%	21%	11%	14%	12%	13%
	Total	2,298	2,823	3,563	3,365	3,483	3,627	19,160
	% Latino est.	51%	9%	5%	5%	4%	3%	10%
	% Asian-Surnamed	4%	8%	10%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	46%	8%	5%	5%	3%	2%	9%
	% NH White est.	8%	79%	82%	85%	87%	88%	75%
% NH Black	35%	4%	2%	1%	1%	1%	6%	
Voter Turnout (Nov 2016)	Total	1,628	2,387	3,032	2,879	3,018	3,107	16,051
	% Latino	53%	8%	5%	5%	3%	3%	10%
	% Asian-Surnamed	4%	7%	9%	7%	7%	8%	7%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	47%	7%	5%	5%	3%	3%	9%
	% NH White est.	7%	80%	83%	85%	88%	89%	77%
% NH Black	34%	4%	2%	1%	1%	1%	5%	
Voter Turnout (Nov 2014)	Total	596	1,476	2,075	1,873	2,106	2,074	10,199
	% Latino	40%	7%	4%	3%	3%	2%	6%
	% Asian-Surnamed	3%	7%	6%	5%	5%	6%	5%
	% Filipino-Surnamed	1%	1%	1%	1%	1%	0%	1%
	% Spanish-Surnamed	6%	82%	86%	91%	91%	91%	84%
	% NH White est.	50%	4%	3%	0%	1%	1%	5%
% NH Black est.	36%	6%	4%	3%	2%	2%	5%	
ACS Pop. Est.	Total	5,081	5,394	5,859	5,360	5,461	5,490	32,644
Age	age0-19	31%	29%	26%	24%	25%	27%	27%
	age20-60	58%	55%	59%	56%	56%	47%	55%
	age60plus	11%	17%	15%	19%	19%	26%	18%
Immigration	immigrants	39%	20%	26%	22%	22%	20%	25%
	naturalized	36%	54%	40%	43%	42%	54%	44%
Language spoken at home	english	28%	72%	68%	78%	77%	81%	68%
	spanish	65%	12%	16%	4%	4%	3%	17%
	asian-lang	4%	7%	7%	5%	6%	7%	6%
	other lang	3%	9%	9%	12%	13%	9%	9%
Language Fluency	Speaks Eng. "Less than Very Well"	31%	8%	12%	6%	7%	5%	11%
Education (among those age 25+)	hs-grad	49%	29%	23%	13%	14%	16%	23%
	bachelor	13%	30%	31%	37%	34%	29%	30%
	graduatedegreec	5%	34%	36%	48%	48%	55%	39%
Child in Household	child-under18	42%	41%	35%	30%	33%	35%	35%
Pct of Pop. Age 16+	employed	66%	64%	66%	67%	66%	57%	64%
Household Income	income 0-25k	23%	8%	8%	7%	8%	6%	9%
	income 25-50k	25%	9%	13%	12%	10%	9%	12%
	income 50-75k	14%	15%	15%	9%	11%	6%	11%
	income 75-200k	34%	36%	38%	40%	34%	36%	36%
	income 200k-plus	3%	32%	27%	32%	38%	42%	31%
Housing Stats	single family	74%	84%	52%	50%	62%	66%	63%
	multi-family	26%	16%	48%	50%	38%	34%	37%
	rented	57%	29%	52%	53%	47%	28%	44%
	owned	43%	71%	48%	47%	53%	72%	56%

Total 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.

## Advisory Districting Committee Recommendation

2/23/2018

In a five-district option, the current election cycle of three councilmember seats up in 2018 and two up in 2020 would remain.

Election Year Sequencing for a 5-district option		
Map	2018 Election (3 districts)	2020 Election (2 districts)
5-007a	D1 (Vacant) - 4 year term D2 (Keith) - 4 year term D4 (Cline and Ohtaki) - 4 year term	D3 (Vacant) - 4 year term D5 (Carlton and Mueller) - 4 year term

In a six-district option, with an at-large Mayor, in 2018 three City Council districts would elect councilmembers to four-year terms; a fourth City Council district would elect a councilmember to a two-year term; and an at-large Mayor would be elected. In 2020, the remaining two districts would elect councilmembers to four-year terms, as would the district that in 2018 elected a councilmember to an initial two-year term.

Election Year Sequencing for a 6-district option		
Map	2018 Election (4 districts and Mayor)	2020 Election (3 districts)
6-007b	D1 (Vacant) - 4 year term D2 (Vacant) - 4 year term D3 (Keith) - 2 year term D4 (Cline and Ohtaki) - 4 year term At-large Mayor	D3 - 4 year term D5 (Mueller) - 4 year term D6 (Carlton) - 4 year term

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TRANSITION TO DISTRICT ELECTIONS DRAFT TIMELINE		
Dates	Event	Status
October 4, 2017	City Council adopted Resolution of Intent to Transition to District Elections and to Explore other voting methods	Completed
October 30, 2017	<b>1<sup>st</sup> public hearing:</b> City Council gather public input on the composition of districts	Completed
November 29, 2017	<b>2<sup>nd</sup> public hearing:</b> Gather public input on the composition of districts	Completed
December 12, 2017	City Council adopts guidelines and approves application form for an up to 9-member Advisory Districting Committee. Committee recruitment opens	Completed
January 8, 2018	Deadline to receive commission applications (29 applications received)	Completed
January 16, 2018	Three committee members selected by random draw	Completed
January 19, 2018	Three original committee members convene to select remaining committee members	Completed
January 22, 2018	First meeting of Advisory Districting Committee: provide Brown Act and Form 700 training, discuss districting criteria and conduct interactive map training; schedule public meetings; discuss public outreach	Completed
January 22-February 22	Advisory Districting Committee meetings (eight meetings). All meetings open to the public; conducted at different times and location to encourage full public participation	Completed
February 23, 2018	Advisory District Committee submits recommended maps and sequencing to City Clerk for publishing	Completed
February 24 – March 20	Advisory Districting Committee's recommended maps posted (7 day posting required)	Completed
March 21, 2018	<b>3<sup>rd</sup> public hearing:</b> City Council considers Advisory Districting Committee recommended maps	
March 22 – April 9, 2018	If City Council rejects first map, Advisory Districting Committee submits second map(s) and proposed sequencing to City Clerk for publishing – must be published at least <u>7 days</u> before 4 <sup>th</sup> hearing.	
April 17, 2018	<b>4<sup>th</sup> public hearing:</b> Public input on draft maps and election sequencing; introduction of districting ordinance	
April 24, 2018	<b>5<sup>th</sup> public hearing:</b> Public input on draft maps and election sequencing; Second reading and final adoption of districting ordinance (election ordinances take effect immediately)	
May 1, 2018	Map submitted to San Mateo County Registrar of Voters	
November 6, 2018	First by-district election in three districts (and possibly Mayor)	
November 2020	First by-district elections in remaining districts	
2021	Districts redrawn to reflect 2020 census data	



## Jessica Blair

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**From:** Christina Conklin [REDACTED]  
**Sent:** Friday, May 18, 2018 11:03 AM  
**To:** Jessica Blair  
**Subject:** district maps

Dear Ms. Blair,

I have been playing around in the mapping software somewhat successfully, and wanted share my thoughts based on my knowledge of the northern half of town (I live in Casa del Mar).

I think the top priority should be that districts are the best possible combination of being 1) contiguous and 2) diverse.

Based on the census map links provided in the City's email, it is clear that we need census tracts are not granular enough, but that census blocks are; the data provided on Hispanic and Asian ethnicity seem perhaps they can be used decent proxies for "diversity" given the information available.

Using the mapping software, there appears to be a contiguous northern district that run from the northern edge of town, including Frenchman's Creek, Casa del Mar and Sea Haven, that has about 2800 people in it. There seems to be another district that includes everything north of Granelli and much of downtown that also has about 2800, including Patrick Way, and the Hilltop trailer park. Bellevue and Terrace/Silver could be in either district, depending on the headcount.

I very much would not want to see all of Alsace Lorraine in one district, especially if that district did not include the neighborhood north of Kelly Ave. We need diversity in these districts so that a wide variety of concerns and points of view are represented by each council member.

Having said this, I also think it is important to have a district that is likely to me majority Latino, so that this important segment of our community is represented. Perhaps Moonridge up to Main Street, plus a chunk of downtown would be a good southern district? (I did not do a population/size mock up of this scenario.)

Thank you for considering my input.

Sincerely,  
Christina Conklin  
[REDACTED]

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*Those who dwell among the beauties and mysteries  
of the earth are never alone or weary of life.  
The more clearly we can focus our attention  
on the wonders and realities of the universe about us,  
the less taste we shall have for destruction. --Rachel Carson*

ChristinaConklin.com

## Jessica Blair

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**From:** Alice Cottrell [REDACTED] >  
**Sent:** Monday, May 21, 2018 5:12 PM  
**To:** Jessica Blair  
**Subject:** District based elections feedback

Hello Jessica,

I attended the city council meeting on 5/15 and listened to the discussion with interest.

I'm in favor of a 4 year mayoral term -- based on the assumption that a mayor that just isn't working out could be ousted by a majority of council members (3 out of 4) or recalled by a public vote.

I'd like to see the district boundaries meet a couple of requirements:

- 1- Hispanics should be a majority in at least one district. I don't think they have enough population to be a majority in two districts based on the most recent census.
- 2- Pieces of the downtown business district should be included in at least two districts or more if possible.
- 3- If we go with a 4 year mayoral term, it would be nice to work towards having the mayor elected during a presidential election year so we'd have a better turnout. This might mean the first term (if we have it start in 2018) would be only 2 years and subsequent terms would be 4 years.

Thanks,  
Alice Cottrell  
24 Amesport Landing  
Half Moon Bay, CA 94019

## Jessica Blair

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**From:** Debbie Goodin [REDACTED]  
**Sent:** Friday, May 18, 2018 6:07 PM  
**To:** Jessica Blair  
**Subject:** Mayoral term

My household (3 voters) agree that the term should be for 4 years. What is more important is how the citizens can hold the mayor accountable for specific performance goals. Is there a process to develop (with voter input) and monitor those?

Thank you. Deborah Goodin

Sent from my iPad

**Jessica Blair**

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**From:** Nicolas Heidorn [REDACTED]  
**Sent:** Tuesday, May 22, 2018 5:17 PM  
**To:** Catherine Engberg SMW Law  
**Subject:** Half Moon Bay - local districting

Hi Ms. Engberg,

I understand from some community members that Half Moon Bay is transitioning to by-district elections and that there has been some community interest in setting up a citizens commission, in essence a local version of the State Commission, to accomplish that.

Common Cause is a good government nonprofit that promotes nonpartisan elections and ethics reform. We support independent commissions at the local level as a best practice for transparency, citizen engagement, and promoting community-representative maps. We've assisted a number of cities, including in the CVRA context, to enact commissions.

If I can be of help, or can answer any questions regarding commissions, please let me know. In partnership with McGeorge School of Law, we've also create a resource on local (re)districting at [www.localredistricting.org](http://www.localredistricting.org), that might be useful.

Best,

**Nicolas Heidorn**  
Policy and Legal Director  
California Common Cause

[REDACTED]  
Sacramento, CA 95814

[REDACTED]@commoncause.org  
[www.commoncause.org](http://www.commoncause.org)

**Jessica Blair**

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**From:** Robin Jeffs [REDACTED]  
**Sent:** Sunday, May 20, 2018 3:36 PM  
**To:** Jessica Blair

4 Years for our mayor

Robin Jeffs

**Jessica Blair**

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**From:** David Moore [REDACTED]  
**Sent:** Thursday, May 17, 2018 11:18 AM  
**To:** Jessica Blair  
**Subject:** Mayor'term

I feel it should be 4 years !

Thank you for asking !!  
David Moore  
Sent from my iPhone

COMMENTS FROM NEXTDOOR (May 17, 2018)

Paulette E., Kehoe/Casa del Mar·5d ago

4 year term for mayor otherwise the mayor will be constantly campaigning

Christine E., Ocean Colony·5d ago

4 year term. Can't get anything done otherwise because of investing time in re election.

Paul G., Ocean Colony·5d ago

What Christine and Paulette said. I also think it's important to strengthen Council in relation to staff. Currently, Council seems consistently underserved.

## Jessica Blair

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**From:** Doug Nolan [REDACTED]  
**Sent:** Friday, May 18, 2018 9:11 AM  
**To:** Jessica Blair  
**Subject:** Mayoral Term HMB

I support a 2 year term for the Mayor. If the Mayor is performing well (s)he will be re-elected. We don't want a Ron Gonzales in Half Moon Bay.

Question: do the voters have a mechanism to oppose and prevent the proposed district voting plan - or is that now unstoppable?

Thanks Kindly,  
Doug



CITY OF HALF MOON BAY

MAY 22 2018

RECEIVED

May 21, 2018

Mayor Penrose  
c/o Half Moon Bay City Hall  
501 Main Street  
Half Moon Bay, CA 94019

**Re: Ocean Colony is a Community of Interest for purposes of district elections**

Dear Mayor Penrose,

On April 17th the Half Moon Bay City Council passed a resolution to adopt District elections instead of at-large elections for City Council members beginning with the 2020 elections. In the meantime, significant analysis of population demographics will be conducted by the City to determine District boundaries in a manner consistent with state and federal voting laws.

One factor in the choice of district boundaries will be “communities of interest”, which are defined as geographically contiguous communities with common social, cultural, and/or economic interests<sup>1</sup>. This letter is intended to respond to the request for public testimony to establish that Ocean Colony is and has been a vibrant community with common interests, such that in the process of establishing district boundaries, its population and property should be included in a single district rather than split between one or more districts.

The continuity of interest of Ocean Colony residents extends back to the initial formation of the Half Moon Bay Golf Links in the 1950s and the homes surrounding it. This common interest has grown socially, economically, and culturally. Today, Ocean Colony has over 550 homeowners and over 1000 residents. These residents have common interests in, advancing environmental

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<sup>1</sup> Karin Mac Donald\* and Bruce E. Cain, “Community Interest Methodology and Public Testimony”, UC Irvine Law Review, Vol. 3, p. 609 (2013)



protection along the coast, engaging in local community activities and outdoor recreation, protecting their children, and seeking a safe living environment and protecting their property.

While these common interests seem self-evident to residents, they may not seem self-evident to those who will choose District boundaries. Therefore, the Ocean Colony Homeowners Association Board of Directors wishes to submit the following information on the history, economic relationships, social relationships, and cultural identity that defines Ocean Colony as a “community of interest” for the purposes of District elections.

### **Ocean Colony has a long history working, living, giving and playing together**

Ocean Colony was first formed in 1974 from the property that was the Half Moon Bay golf course developed in the 1950s. Ever since, the community of Ocean Colony has been defined by its residents who have a common interest in coastal living, local community engagement and charitable activities. All existing Ocean Colony residents have acquired real estate within Ocean Colony since that time and have been an integral part of the community.

### **Residents of Ocean Colony are required to be members of Ocean Colony Association (OCA)**

Ocean Colony is a Planned Unit Development defined in Chapter 9.3.16 of the Local Coastal Plan. The residential and commercial lots within Ocean Colony are governed by Covenants, Conditions, and Restrictions (CC&Rs) binding the owners by deed restrictions, which are effectively contractual agreements, to act together in common interests. The governing documents of Ocean Colony also include Bylaws and Rules and Regulations governing residents. There are approximately 565 individual homes and three vibrant commercial enterprises (hotel, golf course, and club), all of which serve not only residents but enrich the local community in many ways. The elected Board of Directors of the Ocean Colony Homeowners Association is the governing board for facilitating many of these common interests. All property owners in Ocean Colony are required by the CC&Rs to belong to the Association.



**Ocean Colony self-funds the common infrastructure ordinarily paid by the City**

All Ocean Colony property owners pay fees annually as a requirement of the recorded CC&Rs. These fees fund both administrative oversight and also maintenance of the capital infrastructure. In Ocean Colony, all roads, sidewalks, and common grounds are maintained by the Association. The annual budget for these maintenance activities exceeds \$200,000. In many communities in Half Moon Bay, similar expenses are borne by the City out of general revenues. In Ocean Colony, however, these expenses are borne directly by the residents through their annual Association fee.

**Ocean Colony reviews and pre-authorizes architectural changes precedent to a building permit**

All Ocean Colony residents are subject to the CC&Rs that govern matters generally pertaining to building and other regulatory permits. Residents are required to submit applications to the Architectural Review Committee (ARC), which compares the proposed work to Ocean Colony's rules and also to the City's ordinances for building permits. This amounts to a pre-screening of proposed building modifications that aids the City planning department. The Association's architectural guidelines also enhance the common and desired look and feel of the community for its residents, contributing to the strong sense of community identity.

**Ocean Colony holds several events each year that are limited to residents**

Each year, the Association chooses a list of events to sponsor that have the objective to build and enhance the relationships among residents. In past years, these have included bar-b-que picnics, holiday parties, and Annual Meetings and Bi-Monthly Board meetings. Additionally, several committees of residents meet each month to discuss matters involving traffic safety, property management, playground construction and management, reserve fund management, and architectural guidelines.



**Ocean Colony residents and commercial entities host numerous charity events that benefit Half Moon Bay**

The cohesiveness of Ocean Colony and its residents and commercial entities enable others to benefit as well. Each year the Coastside Women's Group and the Half Moon Bay Golf Links host charity events (such as the Navy SEALs) at venues within Ocean Colony. These benefit a wide variety of local and national charities. For example, the Half Moon Bay High School golf team is partly subsidized by the golf links. And, the Special Olympics is afforded use of the pool. The Association also makes its Community Center Recreation Room available at very low cost to other charitable events sponsored by residents and benefitting those throughout the entire community.

For these reasons, and others we have omitted in this submission due to space limitations, Ocean Colony Association hereby submits that the census blocks within the PUD commonly known as Ocean Colony are a community of interest for the purposes of creating district boundaries. Exhibit A contains a list of the census blocks within tract 6137 that the Association believes constitute Ocean Colony. This submission is not intended in any way to exclude nearby census blocks, which we would welcome as the City considers how many residents should be assigned to each district. Our intent is simply to show that Ocean Colony residents constitute a legally recognizable community of interest that should be maintained in a single voting district.

These census blocks contain a population estimated to be 1350 as of the census date in 2010.

Sincerely,

*On behalf of the Board of Directors  
Ocean Colony Association*

*Cc: Jessica Blair, City Clerk*



## **Exhibit A**

### List of census blocks that should be considered part of the Ocean Colony Community of Interest<sup>2</sup>

Block 5000, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5001, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5002, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5004, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5005, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5007, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5008, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5009, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5010, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5011, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5012, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5013, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5014, Block Group 5, Census Tract 6137, San Mateo County,  
California  
Block 5016, Block Group 5, Census Tract 6137, San Mateo County,

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<sup>2</sup> Census block 5000 contains land both within and outside of Ocean Colony. We include it in the list to be inclusive of all Ocean Colony residents.



California

Block 5017, Block Group 5, Census Tract 6137, San Mateo County,  
California

Block 5035, Block Group 5, Census Tract 6137, San Mateo County,  
California

Block 5036, Block Group 5, Census Tract 6137, San Mateo County,  
California

**Jessica Blair**

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**From:** Steve Oku [REDACTED]  
**Sent:** Friday, May 18, 2018 10:40 AM  
**To:** Jessica Blair  
**Subject:** District elections

I'm concerned about the trend toward "tribalism" in this society. I feel that if the purpose of district elections is to create a voice. But I also fear it will creates a tribe. For this reason I am opposed. History shows tribalism only creates discourse and warfare.

Steve Oku  
Half moon bay

Sent from my iPhone

**Jessica Blair**

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**From:** maureen perron [REDACTED]  
**Sent:** Thursday, May 17, 2018 12:07 PM  
**To:** Jessica Blair  
**Subject:** mayoral term

Hello.

I support a term of 4 years as it takes at least one year to settle into the position.

Maureen Perron  
[REDACTED] Road  
Half Moon Bay

## Jessica Blair

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**From:** Cynthia Sherrill [REDACTED]  
**Sent:** Thursday, May 17, 2018 1:21 PM  
**To:** Jessica Blair  
**Subject:** 4 yr mayoral term

IMO Two years is too brief a term to accomplish longer range civic projects. A two year term forces mayor to spend higher percentage of time focused on re-election instead of accomplishing city business.

Thank you for seeking responses via NextDoor.

Respectfully,  
Cynthia Sherrill

[REDACTED]  
HMB  
Registered voter

Sent from my iPhone

## Jessica Blair

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**From:** Jules Sofer [REDACTED]  
**Sent:** Friday, May 18, 2018 10:23 AM  
**To:** Jessica Blair  
**Subject:** Mayor's term

4 Years the same as all the others

## Jessica Blair

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**From:** Janice Solimeno [REDACTED]  
**Sent:** Thursday, May 17, 2018 11:21 AM  
**To:** Jessica Blair  
**Subject:** Mayoral & city council terms

Hello - thank you for asking our opinions about this forced change by an outsider. While I don't disagree with the spirit (getting a wider range of people involved in local, any, government), I am disheartened that someone can get their way with a threat of a costly lawsuit.

For me, ALL elections should be done along with the 4-year presidential election. We have ridiculously low turnout on the "off" 2-year elections and I don't think the results accurately reflect the will of the people. Well, one could argue that elections rarely accurately reflect the will of the people, but that's another topic. At least elections only ever 4-years has a better turn out. So what's the point of making this change if we can't get more voters involved too?

Thank you,  
Janice Solimeno

[REDACTED]  
HMB

## Jessica Blair

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**From:** Judy Taylor [REDACTED]  
**Sent:** Thursday, May 17, 2018 3:56 PM  
**To:** Jessica Blair  
**Subject:** 4 years

2 years and you're just learning how to do the job...

Sent from my iPhone

James T. Wilkerson  
[REDACTED]  
Half Moon Bay, CA 94019  
[REDACTED]  
May 17, 2018

CITY MANAGER'S OFFICE  
MAY 29 2018  
CITY OF HALF MOON BAY

Mayor Deborah Penrose  
Vice Mayor Harvey Rarback  
Council Member Adam Eisen  
Council Member Debbie Ruddock  
Council Member Rick Kowalczyk  
City Attorney, Catherine Engberg  
✓ Half Moon Bay City Hall  
501 Main Street  
Half Moon Bay, CA 94019

Re: Redistricting

Dear Mayor Penrose, Council Members and City Attorney,

I appreciate that the City has no real choice in confronting the complaint lodged by Southern California attorney Shenkman regarding the need/requirement to select council members by district rather than at large for the entire City of Half Moon Bay. The article in yesterday morning's *The Daily Journal* commented on the City's position with what seems to me to be a non sequitur. The article stated that the City denies the allegations by Shenkman but at the same time believes that litigating the issue would be a losing proposition.

I understand that the next Council meeting on Tuesday, June 5, 2018, will consider the choices for a redistricting method that may be used. I would like to suggest a completely neutral method for this task. I believe that it would be completely neutral and immune from an attack that there had been gerrymandering.

Perhaps my scientific background in describing the method may make things seem more intricate or difficult to understand, but attached is my idea for the redistricting that should work for the City, and for that matter, any community that needs redistricting.

If you have questions, feel free to contact me. I also plan on being at the next council meeting to offer what I may on this question.

Yours,



James Wilkerson

Redistricting Plan  
Offered by James Wilkerson  
May 18, 2018

The following is an idea for a completely non-gerrymandered plan for creating/drawing districts for electing council members for the City of Half Moon Bay, or any other jurisdiction, city, county or state.

The steps are:

First: the location of the populace for the area to be districted is readily known from the decennial census. Of course, the district boundaries will need to be redrawn after the 2020 census.

Second: layout the community on a map and decide whether to start the district selection from the north, east, west, or south border of the community.

Third: draw a line horizontally if a north or south border edge has been selected as the starting point, or vertically if an east or west border edge has been selected as the starting point.

Fourth: begin moving the line toward the opposite border, moving it only enough to include a fraction of the population that represents that percentage of the population that each district is to include (for example, 25% for four districts). Then, for the next district,, from that line, move the line in the same direction until another equal portion of the population of the community is selected. Continue the process until the correct number of districts have been set out.

If it is not possible to move the line without including too many people for a proper division, then instead of the line going all the way across the community, it can terminate at an appropriate place. The next district would then start at that end point, go to the boundary of the community, and then continue to move in the direction vertically or horizontally until the next district has been populated, or that the opposite border of the community (city, county or state) has been districted.

END OF PROCESS.