

<p style="text-align: center;">City of Visalia Agenda Item Transmittal</p>
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Meeting Date: 7/21/2014

<p>Agenda Item Number (Assigned by City Clerk): <#></p>
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Agenda Item Wording: Receive the initial presentation from Doug Johnson of National Demographic Corporation regarding the process for developing options for City Council voting districts to be implemented in November, 2016, and provide direction regarding any optional criteria the City Council may want to consider in the development of voting district options.

Deadline for Action: 7/21/2014

Submitting Department: Administration

<p>Contact Name and Phone Number:</p>
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<p>Leslie Caviglia, 4317</p>

Department Recommendation: It is recommended that the City Council receive the initial presentation from Doug Johnson of National Demographic Corporation regarding the process for developing options for City Council voting districts to be implemented in November, 2016, and provide direction regarding any optional criteria the City Council may want to consider in the development of voting district options. Staff will bring back a resolution to the next meeting with the criteria defined by the City Council for formal approval.

Summary:

The City of Visalia must develop five City Council districts prior to the 2016 City Council election, and must comply with legal criteria when developing these districts. The legal criteria includes:

- *The boundaries of the districts shall be established so that the districts are at least as nearly equal in population as required by law.
- *The boundaries of the districts shall be established so that the districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
- *The boundaries of the districts shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

In addition to the legal criteria, the City Council may choose to adopt optional criteria to be used in the development of the districts. Optional criteria varies by community; some direct that

specific criteria be used in addition to the legal criteria, others use only the legal criteria. NDC provided optional criteria that has been used in other communities:

*The boundaries of the districts shall observe communities of interest, such as school- and park-connected neighborhoods, rural or urban populations, city planning areas, social interests, agricultural, industrial or service industry interests, or other locally recognized definitions of communities and neighborhoods, insofar as practicable.

*The boundaries of the districts may take into account visible features, such as topography and geography, including mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc., insofar as practicable.

*The boundaries of the districts shall be compact, insofar as practicable.

*The boundaries of the districts shall be created to contain contiguous territory, insofar as practicable.

*The boundaries of the districts may consider avoiding pairing two or more incumbents in a single district, insofar as this does not conflict with the constitution and laws of the State of California and the United States.

*To maintain a longer-term population balance, districts known to be areas of higher-than-average population growth following redistricting may be under-populated within the population deviation amounts allowed by law.

*Each new district may aim to preserve the corresponding existing district's population and territory as much as possible;

*The boundaries of the districts shall comply with such other factors which become known during the redistricting process and are formally adopted by the City Council.

The City Council may choose to include some, all or none of these criteria, or may choose to come up with unique criteria that Council believes is applicable to Visalia. In addition, members of the community may suggest criteria that the Council may want to consider.

Once the City Council has established the criteria, NDC will use the legal and optional criteria to develop at least three district options for the public and the City Council to consider. There will be several community forums where the district options are discussed, and the City Council has chosen to include the distribution of paper participation kits so that members of the public have the tools to suggest district options for consideration. There will be public forums and public hearings prior to the adoption of the districts.

The City Council's goal is to adopt the district boundaries by June, 2015 to ensure there is ample time for the citizens and any potential City Council candidates to understand the districts prior to the election cycle in 2016. The preliminary schedule that NDC has proposed to maintain this timeline is as follows:

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| 1. Introduction and Council direction on criteria | July 21, 2014 |
| 2. Community Forum(s) & distribution of participation kits | mid August/early September |
| 3. Consultant's Draft Plans released | late September |
| 4. Council hearing on Consultant's & Public Plans | October |

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| 5. Community Forum(s) | October/November |
| 6. Council hearing & direction | January / February 2015 |
| 7. Council hearing(s), readings and adoption | February / March / April |
| 8. Council election using 2 new districts | November 2016 |
| 9. Council election using the remaining 3 new districts | November 2018 |

It is possible that scheduling may become problematic later in the year due to scheduling conflicts. If so, the forums will be moved to early 2015 and the scheduled shifted by a couple of months. Even if this is necessary, it should still be reasonable to meet the June, 2015 schedule.

Background Discussion:

Earlier this year the court ordered the City of Visalia to begin electing City Council members by district. The first two Council members are to be elected by district in 2016, and the remaining three in 2018.

In preparation for complying with this court order, the City must adopt boundaries that divide the City in to five districts. The districts must comply with State and Federal election laws, and detailed demographic data is needed to develop appropriate district boundaries. The City does not have these skills in house, therefore, staff recommended hiring an experienced demographer to perform the needed technical tasks to establish election districts. Council concurred, and authorized the City Manager to enter in to a contract with National Demographics Corporation (NDC) to work on the District Election boundary process. Doug Johnson, principal with NDC, previously worked with the City in 2012 during the time the Blue Ribbon Task Force was discussing district elections. NDC has a unique understanding of the Tulare County area because the firm worked with the Visalia Unified School District, and the Tulare District Hospital, when those agencies developed their district boundaries.

Fiscal Impact: The contract with NDC is for up to \$48,000.

Prior Council Action:

February, 2014 - City Council authorized the City Manager to solicit proposals from qualified demographers.

March, 2014 - City Council authorized the City Manager to enter in to a contract with NDC.

Other: N/A

Committee/Commission Review and Action:

N/A

Alternatives: None recommended.

Attachments: NDC powerpoint presentation

Recommended Motion (and Alternative Motions if expected):

I move that the following optional criteria be used when establishing the districts for future City Council elections in Visalia, and direct staff to bring back a resolution at the next meeting for formal adoption.

Copies of this report have been provided to: N/A

Environmental Assessment Status

CEQA Review: N/A