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MEMORANDUM

DATE: June 18, 2014

TO: Mayor and City Council
CC: City Manager

FROM: William A. Vaughn, City Attorney

RE: Adoption of By District Method of Election of City Council Members

Recommendation. It is recommended that the City Council approve Resolution _____ A Resolution of the City Council of the City of Los Banos Specifying the Criteria to Guide the Preparation of Council Districts, For Submission of By-District Election Method to the Voters on The November 4, 2014 Ballot

Background. On June 4, the Council adopted a resolution to begin the process for Submission of By-District Election Method to the Voters on the November 4, 2014 Ballot.

Discussion. The City has retained an experienced redistricting/demographic consulting firm, National Demographics Corporation (“NDC”) and experienced special legal counsel, Nielsen Merksamer Parrinello Gross & Leoni LLP to advise the City on the process of preparing a Council district plan for submission to the voters. The City’s special counsel and demographic consultant will make presentations to the City Council and to the public regarding the demographic, legal, and policy considerations that govern the districting process. Following the presentation, staff recommends that the City Council receive public input regarding the appropriate criteria and then adopt criteria to guide the line-drawing process.

Fiscal Impact. There will be significant legal, experts, consultants, and processing costs associated with this process however, as of this writing those fiscal impacts cannot be accurately estimated.

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS BANOS SPECIFYING
THE CRITERIA TO GUIDE THE PREPARATION OF COUNCIL DISTRICTS, FOR
SUBMISSION OF BY-DISTRICT ELECTION METHOD TO THE VOTERS ON THE
NOVEMBER 4, 2014 BALLOT

WHEREAS, the City of Los Banos (“City”) currently elects each member of its City Council “at-large”, *i.e.*, by the registered voters of the entire City; and

WHEREAS, the City of Los Banos seeks to promote the full participation of all residents in electing members of the City Council; and

WHEREAS, it is important to ensure equal opportunity of all groups to participate in the electoral process to elect candidates that reflect community interests and to ensure full participation of all groups in local government to ensure a representative government that serves all; and

WHEREAS, it is the considered view of the City Council of the City of Los Banos that the public interest would be better served if by-district elections of its Council members were conducted in single-member districts, rather than in the current at-large system; and

WHEREAS, the City Council believes that “by-district” elections will provide for an enhanced opportunity for representation of all communities within the City on the City Council; and

WHEREAS, the City Council believes that “by-district” elections will enhance the ability for a greater number of candidates to run for seats on the Council by eliminating the costs associated with running for election City-wide; and

WHEREAS, on June 4, 2014, the City Council adopted Resolution No. 5584, initiating the process of preparing Council districts for submission to the voters of the City on November 4, 2014, pursuant to Government Code § 34871; and

WHEREAS, Resolution No. 5584 also “authorize[ed] the City Manager to retain the professional services of special legal counsel, demographers, experts, and consultants necessary to assist the City in the process of submitting a ballot measure to the voters to adopt by-district method of election to be placed on the November 4, 2014 ballot”; and

WHEREAS, the City has retained an experienced redistricting/demographic consulting firm, National Demographics Corporation (“NDC”), based in Claremont, California, and experienced legal counsel to advise it on the process of preparing a Council district plan for submission to the voters; and

WHEREAS, on June 18, 2014, the Council and the public received a presentation from the City’s legal counsel and NDC regarding the current demographics of the City under the 2010 Census and the procedures and legal and policy criteria governing redistricting; and

WHEREAS, following the presentations by the City's legal counsel and demographic consultant, the Council received public comment regarding appropriate criteria to guide the establishment of Council district boundaries; and

WHEREAS, the Council has fully considered all of the public comments received; and

WHEREAS, the Council now wishes to adopt criteria to guide the establishment of Council districts consistent with legal requirements, including reasonably equal population and Section 2 of the federal Voting Rights Act, and which address other concerns and considerations important to the City;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Los Banos, California, as follows:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council hereby adopts the criteria identified in Exhibit A to this Resolution as criteria to guide the establishment of Council districts for submission to the voters to adopt by-district method of election to be placed on the November 4, 2014 ballot.

SECTION 3. The City Manager is hereby authorized and directed to instruct the professional demographer to formulate one or more Council district plan scenarios based upon the criteria specified in Exhibit A for review by the public at future public hearings and for consideration by the City Council at future meetings.

SECTION 4. The City Manager shall consult with legal counsel to resolve any legal issues necessary to give effect to this Resolution.

The foregoing Resolution was introduced at a regular meeting of the City Council of the City of Los Banos held on this ____ day of _____ 2014, by Council person _____, who moved its adoption, which motion was duly seconded by Council person _____, and the Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

Michael Villalta, Mayor

ATTEST:

Lucille L. Mallonee, City Clerk

EXHIBIT A

Specification of Criteria to Guide the Establishment of Council Districts

1. The boundaries of the Council districts shall be established so that the Council districts are equal in population as defined by law.
2. The boundaries of the Council districts shall not be gerrymandered in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.
3. The boundaries of the Council districts shall be established so that the Council districts do not result in a denial or abridgement of the right of any citizen to vote on account of race or color as provided in Section 2 of the federal Voting Rights Act.
4. The boundaries of the Council districts shall observe communities of interest including rural or urban populations, municipalities, social interests, agricultural, industrial or service industry interests, and the like, insofar as practicable.
5. The boundaries of the Council districts shall be compact, insofar as practicable.
6. The boundaries of the Council districts shall be created to contain cohesive, contiguous territory, insofar as practicable.
7. The boundaries of the Council districts may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways and canals, etc. as natural divisions between districts, insofar as practicable.
8. Unless otherwise required by law, the Council districts shall be created using whole census blocks.
9. The boundaries of the Council districts may seek to avoid the "pairing" of incumbents in the same Council districts, insofar as this does not conflict with the constitution and laws of the State of California and the United States, and insofar as feasible.
10. The boundaries of the Council districts shall comply with such other factors which become known during the redistricting process and are formally adopted by the City Council.