



## Agenda Item Staff Report

**To:** Honorable Mayor and Members of the City Council  
*For the Meeting of November 23, 2021*

**From:** Chris Constantin, City Manager  
Jeff Malawy, City Attorney

**Subject:** Public Hearing Regarding Draft District Maps and Election Sequencing for a District Based Election System; Selection of District Map and Election Sequence; Adoption of Ordinance No. 1292 Establishing a District Based System of Elections for Members of the City Council

### **SUMMARY**

38 district maps and 3 potential communities of interest were submitted prior to the deadline and posted on the City's sandimasdistricts.org website. At the continued public hearing on November 15, 2021, the City Council introduced Ordinance No. 1292 with Map 131 attached to the ordinance as Exhibit A, and with an election sequence of Districts 2 and 4 in the 2022 election and Districts 1 and 3 in the 2024 election. Tonight, the City Council should conduct a public hearing, and then staff recommends the City Council adopt Ordinance No. 1292 (and thereby Map 131) to establish a district-based system of elections for members of the City Council.

### **RECOMMENDATION**

Staff recommends the City Council:

- 1) Conduct a public hearing
- 2) Adopt Ordinance No. 1292 (Attachment 1 to this staff report) establishing a district-based system of elections for members of the City Council with Map 131 as the district map

### **BACKGROUND**

The members of the San Dimas City Council are currently elected at-large. In an at-large election system, every voter in the City votes for each member of the City Council, regardless of where the voter or the candidate resides.

On August 25, 2020, the City Council approved a settlement agreement with attorney Kevin I. Shenkman, who had alleged the City's at-large system of electing City Councilmembers violates the California Voting Rights Act because it allegedly abridges the rights of Latino voters. Under the settlement agreement, Mr. Shenkman waives all of his claims against the City, provided the City adopts an ordinance transitioning to district elections in time for the next City Council election.

Under a district-based system of elections, the City would be divided into geographic districts, and City Council candidates may only run for the seat representing the district in which they reside, and voters may only vote for the candidates from their district. The City currently has a directly elected Mayor, elected at-large. The Mayor can continue to be elected at-large even under a district-based election system for the other city councilmembers.

The City has a specific timeline in order to complete the process in time and submit the map to the Los Angeles County Registrar of Voters in time for the 2022 election cycle. If the City Council chooses to complete the transition to district elections, it had to select a map and introduce the ordinance by November 17, 2021 at the latest and adopt that map and ordinance by November 23, 2021 at the latest,<sup>1</sup> in order to hold district elections in the June 2022 City Council election. The settlement allows the City to choose its own district boundaries, rather than risk a court doing so, and avoids the potential of paying millions of dollars in attorney fees to Mr. Shenkman (as other cities have been ordered to pay).

### **DISCUSSION**

38 maps and 3 potential communities of interest were submitted and posted on the City's sandimasdistricts.org website for the required seven days.<sup>2</sup>

At the continued public hearing on November 15, 2021, the City Council introduced Ordinance No. 1292 with Map 131 attached to the ordinance as Exhibit A, and with an election sequence of Districts 2 and 4 in the 2022 election and Districts 1 and 3 in the 2024 election.

Tonight, the City Council should conduct a public hearing, and then staff recommends the City Council adopt Ordinance No. 1292 (and thereby Map 131) to establish a district-based system of elections for members of the City Council.

### **CONCLUSION**

After adoption of Ordinance 1292, staff will submit the ordinance and map to the County by the December 9, 2021 deadline, and the districts will be in place for the June 2022 general municipal election.

Respectfully submitted,



Chris Constantin  
City Manager



Jeff Malawy  
City Attorney

Attachments: 1 – Ordinance 1292

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<sup>1</sup> The actual deadline set by LA County is December 9, 2021. However, an ordinance must be adopted at a regular meeting. The last regular San Dimas City Council meeting prior to December 9 is November 23, 2021. The ordinance must be introduced by November 17 because an ordinance cannot be adopted within five days of its introduction.

**ORDINANCE 1292**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, AMENDING CHAPTER 2.04 OF THE SAN DIMAS MUNICIPAL CODE TO ESTABLISH A DISTRICT-BASED SYSTEM OF ELECTIONS FOR MEMBERS OF THE CITY COUNCIL**

**WHEREAS**, the members of the City Council of the City of San Dimas (City) are currently elected at-large, whereby all members are elected by all of the voters of the City; and

**WHEREAS**, the City also has an elective Mayor, who is elected every two years to a two-year term, as approved by the voters of the City in November 1979; and

**WHEREAS**, pursuant to Government Code sections 34886 and 34871, the City has the authority to adopt an ordinance requiring members of the City Council to be elected by district in four districts with an elective mayor; and

**WHEREAS**, pursuant to Elections Code section 10010, the City Council held public hearings on August 10, 2021 and August 24, 2021 to receive public input regarding the composition of district maps, and also held public hearings on October 12, 2021, October 26, 2021, and November 9 and 15, 2021, regarding the content of proposed district maps and sequences of elections; and

**WHEREAS**, also pursuant to Elections Code section 10010, the City Council held a public hearing on November 23, 2021, prior to adoption of this Ordinance; and

**WHEREAS**, in order to further the purposes of the California Voting Rights Act of 2001, the City Council now wishes to adopt an ordinance providing that the members of the City Council shall be elected by-district in four districts with an elective mayor beginning at the June 7, 2022 general municipal election; and

**WHEREAS**, the City Council electoral districts to be established are described further in this Ordinance and shown on the district map attached hereto as Exhibit "A" to this Ordinance.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN DIMAS, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**SECTION 1. Findings.** The City Council finds as follows:

- A. The above recitals are true and correct and are incorporated herein by this reference.
- B. The City Council hereby declares the intent and purpose of this Ordinance adopting a district-based system of elections for members of the City Council is to further the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

**SECTION 2. By-District Electoral System.** Section 2.04.040 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

**2.04.040 By-District Electoral System.**

- A. Beginning with the June 7, 2022 general municipal election, and thereafter, members of the City Council of the City of San Dimas shall be elected by-district in four single-member districts with an elective mayor.
- B. Each member of the City Council elected or appointed to represent a district must reside in that district and be a registered voter in that district. Each candidate for City Council must be a registered voter in the City of San Dimas and reside in the district in which that candidate is seeking election at the time nomination papers are issued to that candidate, pursuant to Elections Code 34882. Termination of residency in a district by a seated Councilmember shall create a vacancy for that City Council district unless a substitute residence within the district is established within thirty (30) days after that termination of residency.
- C. Notwithstanding any other provision of this chapter, the members of the City Council in office at the time this section takes effect may continue in office until the expiration of the full term to which they were elected and until their successor is qualified.

**SECTION 3. Establishment of City Council Electoral Districts.** Section 2.04.050 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

**2.04.050 Establishment of City Council Electoral Districts.**

- A. Subject to the provisions of this chapter, members of the City Council shall be elected by-district from City Council districts shown and numbered on the map titled 'City of San Dimas District Map', a copy of which shall be on file in the City Clerk's office, and which is attached as Exhibit A to this ordinance.
- B. The City Council electoral districts described in this section shall be adjusted from time to time as required by Elections Code section 21600 et seq. or by other law.

**SECTION 4. Election Sequence for Implementation of By-District Electoral System.** Section 2.04.060 is added to Chapter 2.04 of the San Dimas Municipal Code to read in its entirety as follows:

**2.04.060 Election Sequence for Implementation of By-District Electoral System.**

- A. Members of the City Council shall be elected in City Council Districts 2 and 4 at the 2022 general municipal election and every four years thereafter. Members of the City Council shall be elected in City Council Districts 1 and 3 at the 2024 general municipal election and every four years thereafter.
- B. Elections for the office of mayor shall not be impacted by the provisions of this chapter.

**SECTION 5. Severability.** If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining

portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more section, subsection, subdivision, sentence, clause, phrase, or portion thereof be declared invalid or unconstitutional.

**SECTION 6. Effective Date and Publication.** This ordinance shall take effect 30 days after its adoption. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be posted in the manner required by law.

**PASSED, APPROVED AND ADOPTED** at a regular meeting of the City Council of the City of San Dimas this 23rd day of November, 2021, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTAIN:**

\_\_\_\_\_  
Emmett Badar, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Debra Black, City Clerk

\_\_\_\_\_  
Jeff Malawy, City Attorney

Exhibit A: City of San Dimas District Map

I, DEBRA BLACK, CITY CLERK of the City of San Dimas, do hereby certify that Ordinance 1292 was introduced at a regular meeting of the City Council of the City of San Dimas on the 9th, day of November, 2021, and thereafter passed, approved and adopted at a regular meeting of said City Council held on the 23rd, day of November, 2021.

**EXHIBIT A**

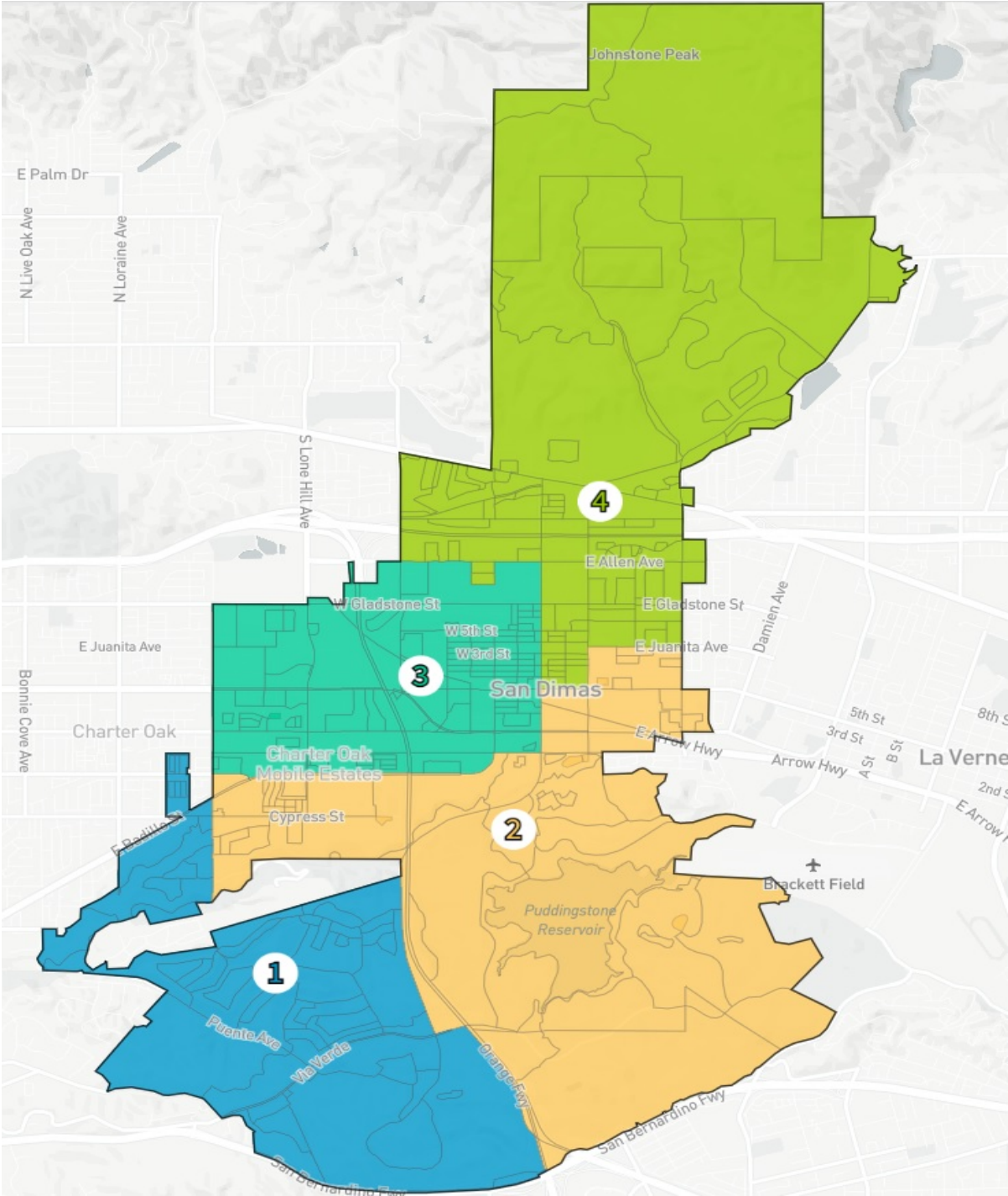
**CITY OF SAN DIMAS DISTRICT MAP**

**(Immediately behind this page)**

# City of San Dimas District Map

## Map 131 – DistrictR ID 73950

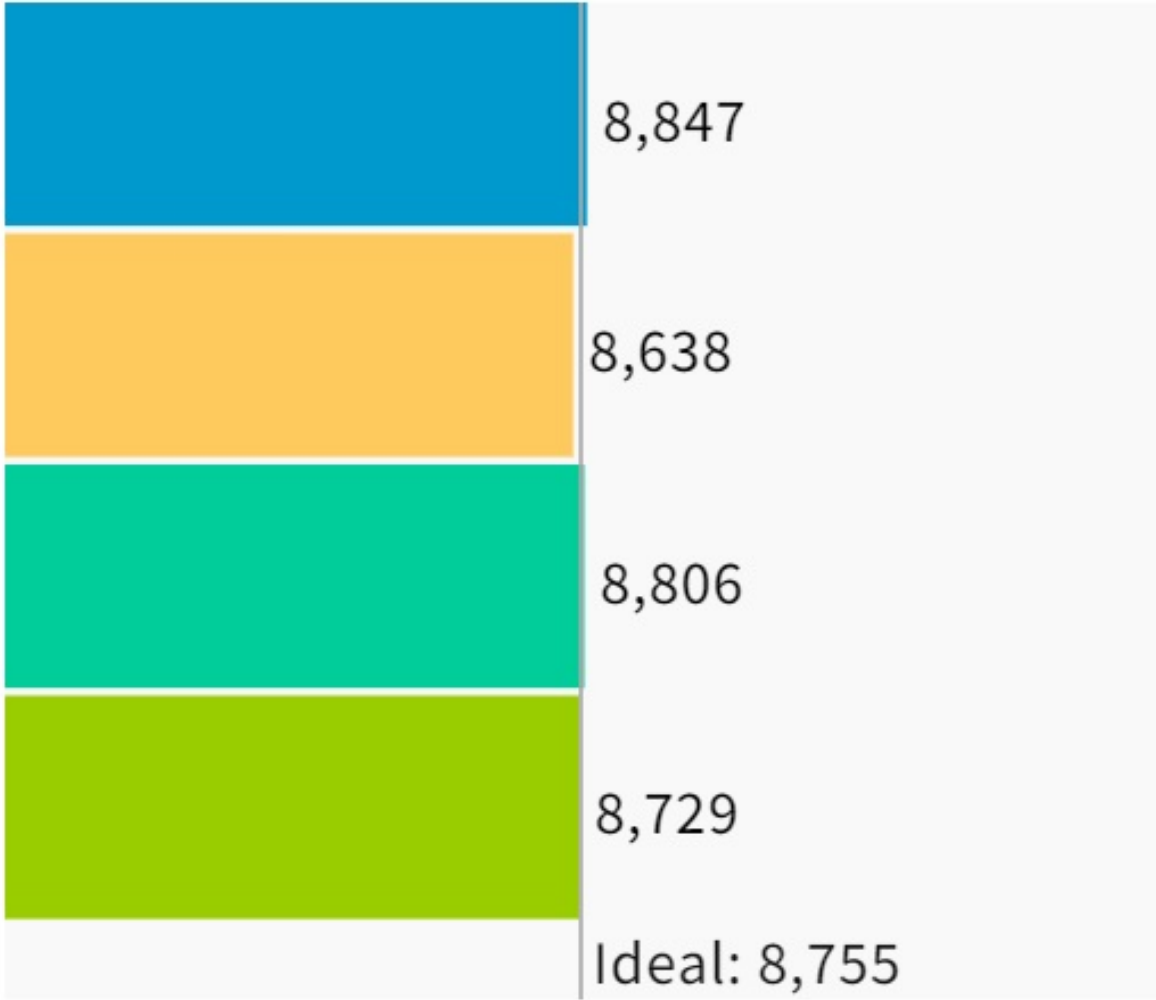
**Election Sequence:** Districts 2 & 4 in 2022 Election and every four years thereafter, Districts 1 & 3 in 2024 Election and every four years thereafter



|            |             |            |
|------------|-------------|------------|
| Population | Data Layers | Evaluation |
|------------|-------------|------------|

▼ Population Balance

① Uses adjusted 2020 Decennial Census population with processing by National Demographics Corporation on 2020 Blocks.



|                            |       |
|----------------------------|-------|
| UNASSIGNED POPULATION:     | 0     |
| MAX. POPULATION DEVIATION: | 1.34% |



▼ **Population by Race**

COMPARE  ▼

WITH  ▼

AND  ▼

|          | White | Hispanic | Asian |
|----------|-------|----------|-------|
| <b>1</b> | 40%   | 30.6%    | 23.4% |
| <b>2</b> | 41.4% | 37.8%    | 13.7% |
| <b>3</b> | 37%   | 44.4%    | 12%   |
| <b>4</b> | 44.8% | 35.6%    | 12.2% |
| Overall  | 40.8% | 37.1%    | 15.4% |

▼ **Voting Age Population by Race**

COMPARE  ▼

WITH  ▼

AND  ▼

|          | White | Hispanic | Asian |
|----------|-------|----------|-------|
| <b>1</b> | 42.4% | 28.7%    | 23.1% |
| <b>2</b> | 44.4% | 34.7%    | 13.7% |
| <b>3</b> | 40.4% | 41.4%    | 11.6% |
| <b>4</b> | 49%   | 31.7%    | 12.2% |
| Overall  | 44%   | 34%      | 15.3% |