



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

Department: CITY ATTORNEY

Prepared by: Lisa Goldfien,  
Assistant City Attorney

City Manager Approval: 

**TOPIC: DISTRICT-BASED CITY ELECTIONS**

**SUBJECT: PUBLIC HEARING TO CONSIDER DRAFT MAPS SHOWING ALTERNATIVES FOR THE ESTABLISHMENT OF CITY VOTING DISTRICTS AND FOR FINAL ADOPTION OF AN ORDINANCE ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FOUR COUNCIL DISTRICTS PURSUANT TO CALIFORNIA ELECTIONS CODE § 10010 & CALIFORNIA GOVERNMENT CODE §§ 34871(C) & 34886**

**RECOMMENDATION:**

1. Hold a public hearing to receive public comment concerning the alternative draft maps prepared by the City’s demographer and by the public showing how the four City Council electoral districts might be drawn, as well as the sequence of elections for Council seats; and
2. Adopt the attached ordinance establishing a by-district election process and election sequence for four council districts according to map “**Canal 3B**”.

**EXECUTIVE SUMMARY:**

On January 16, 2018, the City Council approved Resolution No. 14453 (Attachment 3), expressing the City Council’s intention to transition to district-based elections for the City’s four City Council seats, starting with the General Municipal Election of November 3, 2020, and setting forth a timeline for several public hearings required for that process. Following subsequent public hearings on February 5, February 20, March 5, March 19, and April 2, and a study session on March 12, to consider criteria for establishing the districts and numerous alternative maps proposing how the districts should be drawn, the Council voted on April 2, 2018 to pass to print an ordinance that would establishing a by-district election process and election sequence for four council districts according to the proposed map designated as “**Canal 3B**” (Attachment 1). This evening’s meeting is for the Council to conduct an additional public hearing prior to final adoption of that ordinance.

**BACKGROUND:**

In 2002, the Legislature enacted the California Voting Rights Act (CVRA) (Elec. Code §§14025 – 14032), which prohibits California public agencies from imposing or applying an at-large election method “that impairs the ability of a protected class to elect candidates of its choice or its ability to

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**FOR CITY CLERK ONLY**

File No.: \_\_\_\_\_

Council Meeting: \_\_\_\_\_

Disposition: \_\_\_\_\_

influence the outcome of an election.” (Elec. Code §14027) A protected class is defined by the CVRA as “a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965.”

The CVRA defines an at-large method of election to include the election method used by the City of San Rafael, in which the voters of the entire City elect all the members of the City Council. In a lawsuit brought pursuant to the CVRA, a plaintiff who establishes a history of “racially polarized voting” under a city’s at-large election system can require a city to change to a district-based election system.

On November 20, 2017 the City received a letter from Malibu attorney Kevin Shenkman, on behalf of his client Southwest Voter Registration Education Project, urging the City to change its at-large voting system to a district-based voting system, asserting that “San Rafael’s at-large system dilutes the ability of Latinos (a ‘protected class’) - to elect candidates of their choice or otherwise influence the outcome of San Rafael’s council elections.” Receipt of this letter started a 45-day timeline under California Elections Code section 10010 for the City “to pass 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.”

After several public hearings in November and December 2017 and on January 16, 2018 concerning whether the City should change to a district-based election system, the City Council voted unanimously on January 16, 2018 to adopt Resolution No. 14453 (Attachment 3), expressing the City Council’s intention to transition to district-based elections for the City’s four City Council seats, starting with the election of November 3, 2020, and setting forth a timeline for that process. Pursuant to Elections Code section 10010, the City Council’s adoption of Resolution No. 14453 gave the City protection from the filing of a lawsuit for an additional 90 days, or through April 16, 2018, to allow the Council to hold at least five public hearings and officially adopt an ordinance establishing the boundaries of, and the sequence of elections for, the four new election districts.

The first two hearings, to receive public input regarding the composition of the districts, were held on February 5 and February 20, 2018. On February 20, 2018, the City Council adopted Resolution No. 14468, providing guidelines for the preparation of draft district maps. (Attachment 4.) On February 26, 2018, six draft maps, designated as “**Green**”, “**Purple**” and “**Orange**” (all prepared by the City’s demographic consultant), and “**Tan**”, “**Olive**”, and “**Violet**” (all prepared and submitted by members of the public) were published and made available for consideration at a public hearing held on March 5, 2018. Thereafter, at a study session held on March 12, 2018, and at subsequent public hearings held on March 19, 2018 and April 2, 2018, the City Council considered numerous additional alternative maps, designated variously as “**Canal 1**”, “**District Elections 1**”, “**District Elections 2**”, “**Canal 2**”, “**Carney 1**”, “**Canal 3A**”, “**Canal 3B**”, and “**Canal 3A1**”, that were timely submitted either by members of the public or by the City’s demographer per requests from City Councilmembers.

The staff reports for all prior public hearings on this matter can be reviewed in English and in Spanish by going to the City’s website at <https://www.cityofsanrafael.org/meeting-updates/>.

All fourteen alternative maps may be reviewed by going to the City’s website at <https://www.cityofsanrafael.org/draft-maps/>.

**ANALYSIS:**

Following the public hearing on April 2, 2018, the City Council voted 4-1 to pass to print an ordinance establishing a by-district electoral system and election sequence for the City’s four City Council seats according to map “**Canal 3B**” (Attachment 1), beginning with the General Municipal Election to be held

in November 2020. Councilmember Colin, opposing the motion, favored adoption of the ordinance with reference to map “**Canal 3A1**” (Attachment 2).

The ordinance passed to print by the Council has been designated as Ordinance No. 1956. At tonight’s meeting, the Council may approve the final adoption of Ordinance No. 1956 following a final public hearing. The public hearing is another opportunity for the public and the City Council to consider the alternative draft maps for the establishment of the four City Council districts.

Following the public hearing, should a majority of the Council wish to choose a map other than “**Canal 3B**” to establish the four City Council districts, the Council may do so by passing the ordinance to print again but with reference to the newly-selected map. In that case, the ordinance would be brought back to the Council for another public hearing and final adoption on May 2, 2018.

It should be noted that since April 16, 2018 is the final day to adopt the ordinance in compliance with the statutory timeline established by Elections Code section 10010, deferring final adoption of the ordinance beyond tonight’s meeting will expose the City to the possibility of a lawsuit filed by Mr. Shenkman’s client.

**COMMUNITY OUTREACH:**

The City is partnering with community groups to communicate information throughout San Rafael. A website, <https://www.cityofsanrafael.org/district-elections/> has been created to provide information about the topic, a schedule of meetings, and an online form for public feedback. Meetings have been announced via the City’s website, email notifications, the City Manager’s newsletter, and via social media. The City Council considered this issue at a study session on November 20, and at its regular meetings on December 4, 2017, December 18, 2017, January 16, 2018, February 5, 2018, February 20, 2018, March 5, 2018, the study session on March 12, 2018, and at its regular meetings of March 19, 2018 and April 2, 2018. Including tonight’s meeting, the City Council has considered this issue at 11 regular City Council meetings or study sessions.

The Canal Alliance, Canal Welcome Center, Alcohol Justice, Youth for Justice, and United Marin Rising organizations sponsored a public meeting at the Albert Boro Community Center on Saturday January 13 for the purpose of providing information to and receiving input from interested members of the public. Another community meeting was held on March 1, 2018 at the offices of Alcohol Justice at 24 Belvedere Street, at which the City’s demographer, outside counsel, and City staff were present to explain and answer questions about drawing districts and using the online mapping tool.

A notice of public hearing has been posted in the Marin IJ prior to each public hearing. Printed information prepared by or on behalf of the City in connection with this issue, including slide decks, has been made available in English and in Spanish on the City’s website. Bilingual City staff has also disseminated informational flyers directly to the public.

Finally, the City has provided on its website an interactive online tool that the public can use to draw and submit proposed districting plans. The tool is in addition to other available methods such as paper or on-line population maps.

**FISCAL IMPACT:**

The full extent of the fiscal impacts of a change to district elections is unknown at this time. The City has retained National Demographics, Inc. to provide demographic information and prepare optional district maps. The City’s costs for demographic services, including an interactive online tool for use by the public in drawing and submitted proposed district maps, will be between \$43,500 and \$45,500.

There are sufficient funds to support this contract in the City Clerk's department budget in the City's General Fund.

The City's costs incurred for the services of outside counsel during the transition process through March 31, 2018 are \$42,558.79, and additional fees of at least \$5,000 are expected to be incurred. There are sufficient funds to support this contract in the City Attorney's department budget in the City's General Fund.

In addition, upon adoption of the ordinance establishing the electoral districts for the 2020 election, the City will be liable for the payment attorney Kevin Shenkman's attorney's fees incurred in this matter, subject to documentation and capped at \$30,000. There are sufficient funds to support this obligation in the City Clerk's department budget in the City's General Fund.

Finally, the City Clerk has received an informal indication from the County Registrar's office that the City's November 2020 election costs will almost certainly be higher than in past elections, since the costs are calculated based upon the number of distinct contests in the election. Once a district-based election system is established, there will be a separate contest in each of two City Council districts rather than just one contest for all open City Council seats as has occurred in the past under the City's at-large election system.

**OPTIONS:**

The City Council has the following options to consider on this matter:

1. Hold a public hearing and approve final adoption of Ordinance No. 1956 establishing electoral districts and an election sequence according to map "**Canal 3B**".
2. Hold a public hearing and select an alternative map representing the desired City electoral districts and election sequence, and pass the ordinance to print again with reference to that map.

**RECOMMENDED ACTION:**

Approve final adoption of the attached Ordinance establishing a by-district election process and election sequence for four council districts according to map "**Canal 3B**".

**ATTACHMENTS:**

1. Ordinance No. 1956, passed to print on April 2, 2018, establishing a by-district election process and election sequence for four council districts, with Exhibit A: map "**Canal 3B**".
2. Draft Map "**Canal 3A1**"
3. Resolution No. 14453, with Exhibit A, timeline
4. Resolution No. 14468, with Exhibit A, criteria to guide establishment of electoral districts
5. Public Notices
6. Correspondence

**ORDINANCE NO. 1956**

**AN ORDINANCE OF THE CITY OF SAN RAFAEL  
ESTABLISHING A BY-DISTRICT ELECTION PROCESS IN FOUR COUNCIL  
DISTRICTS PURSUANT TO CALIFORNIA ELECTIONS CODE § 10010 &  
CALIFORNIA GOVERNMENT CODE §§ 34871(C) & 34886**

WHEREAS, the City of San Rafael supports the full participation of all residents in electing members of the City Council; and

WHEREAS, Article VI of the Charter of the City of San Rafael provides for four elected City Council members and a separately elected Mayor; and

WHEREAS, the City of San Rafael currently elects four of its City Council members using an at-large election system, with a separately elected Mayor, who is also a member of the City Council; and

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

WHEREAS, in a by-district election system a candidate for City Council must reside in the district which he or she wishes to represent, and only the voters of that district are entitled to vote to decide who their representative will be; and

WHEREAS, on November 10, 2017, the City received a letter from an attorney asserting the City's at-large electoral system violated the California Voting Rights Act, and threatening litigation if the City declined to adopt by-district elections; and

WHEREAS, the letter did not contain any evidence of a violation, but the cost of defending against a claim under the California Voting Rights Act is extremely high; and

WHEREAS, Article IV, Section 2, of the Charter of the City of San Rafael provides that all elections to fill the City's public offices shall be conducted in the manner provided for by general law; and

WHEREAS, California Government Code section 34886, as amended effective January 1, 2017, provides:

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. An ordinance adopted pursuant to this section shall 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 California Voting Rights Act of 2001

(Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code); and

WHEREAS, California Government Code section 34871(c) provides for the election of members of the legislative body of a city by districts in four districts, with a separately elected mayor; and

WHEREAS, at its regular meeting on January 16, 2018, the City Council adopted a resolution of intent to establish a by-district voting process pursuant to Elections Code section 10010; and

WHEREAS, pursuant to California Government Code section 34886, it is declared the change in the method of electing members of the City Council of the City of San Rafael made by this ordinance is to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution, as set forth in Section 14031 of the California Voting Rights Act; and

WHEREAS, under the provisions of California Elections Code section 10010, a political subdivision that changes from an at-large method of election to a by-district method of election shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts before drawing a draft map or maps of the proposed boundaries of the districts; and

WHEREAS, before any maps of the proposed boundaries of the districts were drawn, the City Council held public hearings on February 5, 2018, and February 20, 2018, at which time input from the public on the proposed district boundaries was invited and heard; and

WHEREAS, at the public hearing on February 20, 2018, the City Council instructed its demographic consultant to develop redistricting plan options in accordance with the criteria adopted by the Council in Resolution No. 14468; and

WHEREAS, on February 26, 2018, consistent with the provisions of California Elections Code section 10010, the City published and made available for release, six draft maps for consideration by the Council, three of which were prepared by the City's demographic consultant and three of which were prepared and submitted to the City by members of the public; and

WHEREAS, the potential sequence of elections was also published; and

WHEREAS, as required by California Elections Code section 10010 and as detailed hereafter, the City held at least two additional hearings within a period of no more than 45 days from February 26, 2018, at which the public was again invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, as required by California Elections Code section 10010, the City held a public hearing on March 5, 2018, at which the public was invited to provide input regarding the content of the draft maps and the potential sequence of elections; and

WHEREAS, on March 5, 2018, consistent with the provisions of California Elections Code section 10010, the City published, and made available for release, one additional draft map prepared and submitted by members of the public for consideration by the public and the City Council; and

WHEREAS, the potential sequence of elections for that map was also published; and

WHEREAS, on March 12, 2018, the City Council held a specially-noticed study session for further consideration of the seven draft maps that were published on or before March 12, 2018; and

WHEREAS, on March 12, 2018, consistent with the provisions of California Elections Code section 10010, the City published and made available for release, four additional/revised draft map(s) for consideration by the public and the City Council; and

WHEREAS, the potential sequence of elections for those maps was also published; and

WHEREAS, as required by California Elections Code section 10010, the City held a public hearing on March 19, 2018, at which the public was invited to provide input regarding the content of the eleven draft maps published and made available for release on or before March 12, 2018, and the potential sequence of elections; and

WHEREAS, on March 26, 2018, consistent with the provisions of California Elections Code section 10010, the City published, and made available for release, three additional draft maps prepared and submitted by the City's demographic consultant for consideration by the public and the City Council; and

WHEREAS, the potential sequence of elections for those maps was also published; and

WHEREAS, as required by California Elections Code section 10010, the City held a public hearing on April 2, 2018, at which the public was invited to provide input regarding the content of the fourteen draft maps published and made available for release on or before March 26, 2018, and the potential sequence of elections; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to the Charter of the City of San Rafael and California Government Code section 34886, an ordinance providing for the election of the members of the City Council of the City of San Rafael by-district in four single-member districts, retaining a separately elected office of Mayor.

**NOW, THEREFORE**, the City Council of the City of San Rafael does ordain as follows:

## **DIVISION 1.**

Chapter 2.02 of the San Rafael Municipal Code, entitled "Elections", is hereby amended by amending Section 2.02.040 thereof to read as follows:

### **2.02.040. By-district electoral system for four City Councilmembers; Mayor separately elected.**

A. Pursuant to the City Charter and California Government Code sections 34886 and 34871(c), councilmembers shall be elected by-districts in four (4) single-member districts. As required by the City Charter, the Mayor will be separately elected by a citywide vote.

B. (1) Beginning with the general municipal election in November 2020, councilmembers shall be elected in the electoral districts reflected on the map contained in Exhibit A hereto and as subsequently reapportioned as provided by State law. Elections shall take place on a by-district basis as that term is defined in California Government Code section 34871, meaning one member of the City Council shall be elected from each district, by the voters of that district alone, except for the Mayor, who shall be elected citywide. In accordance with the City Charter, each councilmember and the Mayor, shall serve a four-year term until his or her successor has qualified.

(2) Except as provided in subdivision (B)(3) hereof, the councilmember elected to represent a district must reside in that district and be a registered voter in that district, and any candidate for City Council must live in, and be a registered voter in, the district in which he or she seeks election at the time nomination papers are issued, pursuant to California Government Code section 34882 and Elections Code section 10227. Termination of residency in a district by a councilmember shall create an immediate vacancy for that council district unless a substitute residence within the district is established within 30 days after the termination of residency.

(3) Notwithstanding any other provision of this section, each of the councilmembers in office at the time this Chapter takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified. Vacancies in councilmember offices elected at-large may be filled from the City at-large. At the end of the term of each councilmember, that member's successor shall be elected on a by-district basis in the districts established in Subsection A and the map contained in Exhibit A hereto, as may subsequently reapportioned as provided by State law. A vacancy in a Councilmember office elected by-district shall be filled by a person qualified to hold the office, who is a resident of the district.

**DIVISION 2.**

Chapter 2.02 of the San Rafael Municipal Code, entitled "Elections", is hereby amended by adding new Section 2.02.050 to read as follows:

**2.02.050. Election schedule for Councilmembers elected by-district.**

A. Councilmembers shall be elected in Council Districts 4/North and 1/South beginning at the General Municipal Election in November 2020, and every four years thereafter.

B. The Councilmembers from Council Districts 3/East and 2/West shall be elected beginning at the General Municipal Election in November 2022, and every four years thereafter.

**DIVISION 3.**

Chapter 2.02 of the San Rafael Municipal Code, entitled "Elections", is hereby amended by adding new Section 2.02.060 to read as follows:

**2.02.060 Election of other City officers.**

The election of members of the board of education, and all other elective city officers, shall occur at the general municipal election, and the terms of their offices shall be as set forth in the City Charter. Nominations and all elections to fill public offices and elections on measures shall be made, held and conducted in the manner provided for by general law.

**DIVISION 4.**

If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

**DIVISION 5:**

The City Council finds that the proposed amendments to the San Rafael Municipal Code are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

**DIVISION 6.**

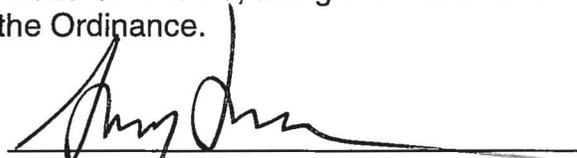
If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.

**DIVISION 7.**

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, Marin County, State of California.

Within fifteen (15) days after adoption, the City Clerk shall also post in the office of the City Clerk a certified copy of the full text of this Ordinance, along with the names of those Councilmembers voting for or against the Ordinance.

  
GARY O. PHILLIPS, Mayor

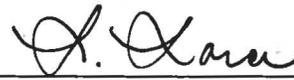
ATTEST:

  
LINDSAY LARA, City Clerk

The foregoing Ordinance No. 1956 was read and introduced at a regular meeting of the City Council of the City of San Rafael on Monday, April 2, 2018, and was ordered passed to print by the following vote, to wit:

- AYES: Councilmembers: Bushey, Gamblin, McCullough & Mayor Phillips
- NOES: Councilmembers: Colin
- ABSENT: Councilmembers: None

And will come up for adoption as an Ordinance of the City of San Rafael at a Regular Meeting of the Council to be held on the 16<sup>th</sup> day of April 2018.



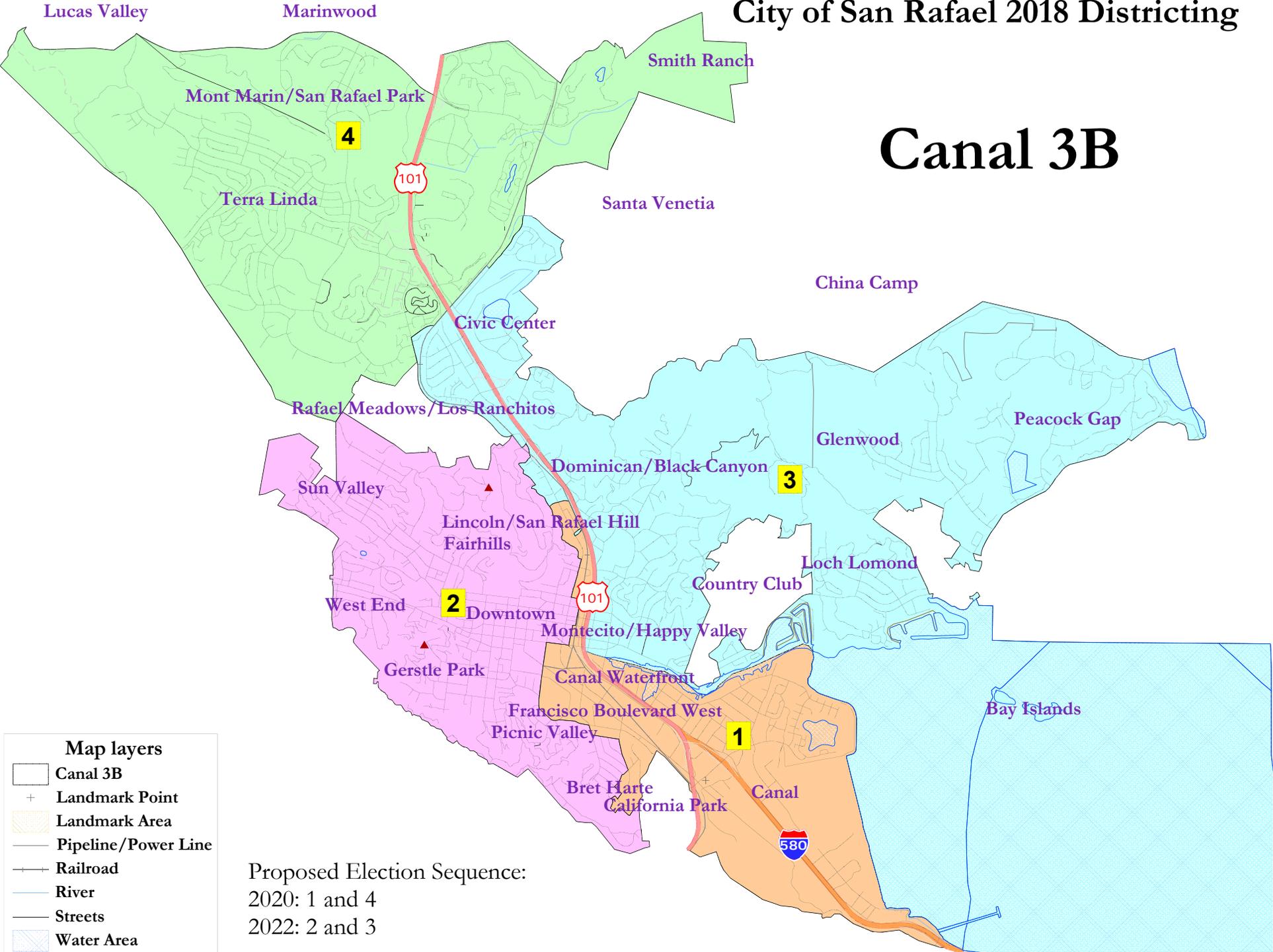
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LINDSAY LARA, City Clerk

[EXHIBIT A – CANAL 3B DISTRICT MAP]

# City of San Rafael 2018 Districting

## Canal 3B



**Map layers**

- Canal 3B
- Landmark Point
- Landmark Area
- Pipeline/Power Line
- Railroad
- River
- Streets
- Water Area
- Neighborhoods

Proposed Election Sequence:  
 2020: 1 and 4  
 2022: 2 and 3

## City of San Rafael - Canal 3B Map

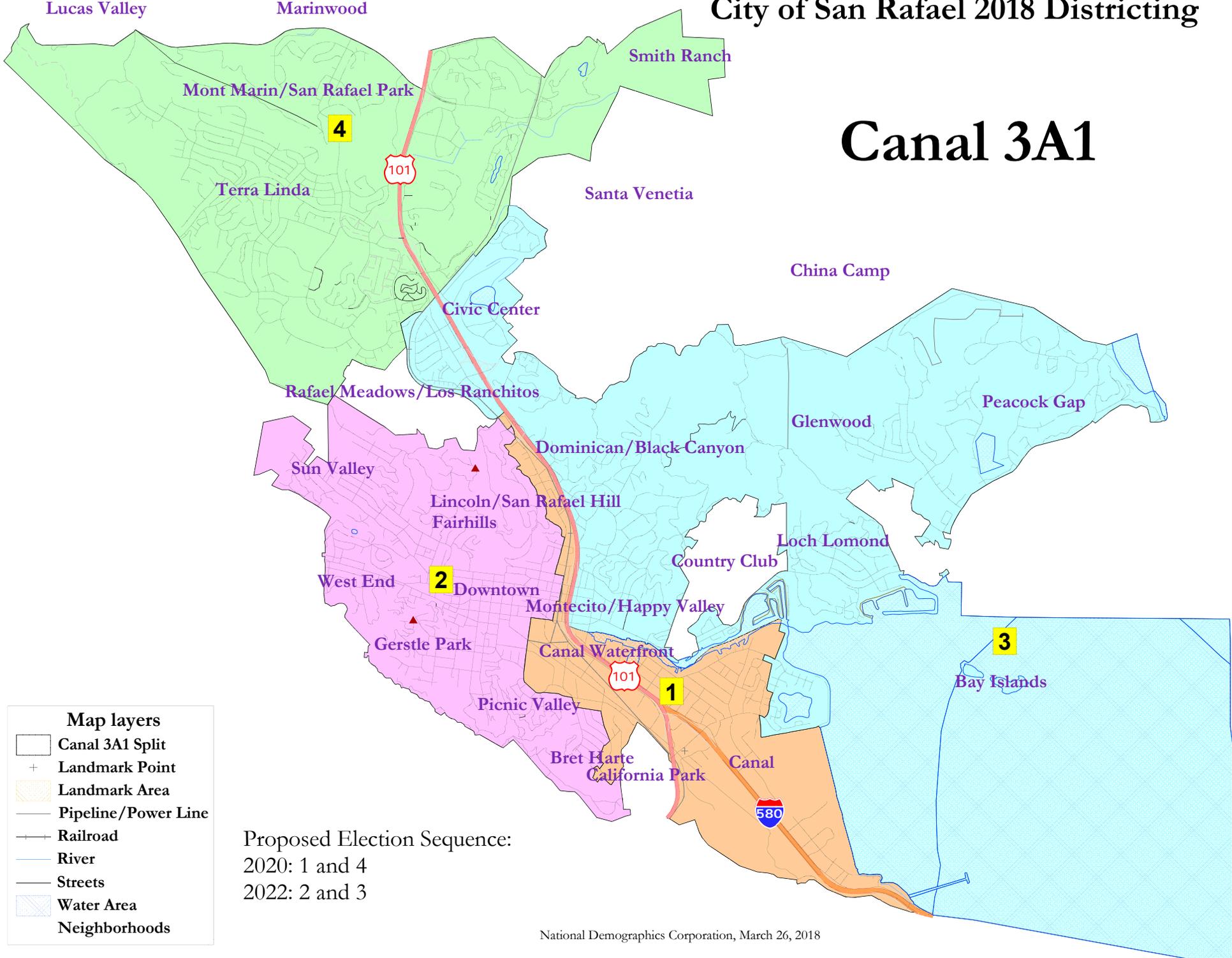
District		1	2	3	4	Total
<u>Ideal</u>	Total Pop	14,215	14,633	14,049	14,822	57,719
14,430	Deviation from ideal	-215	203	-381	392	773
	% Deviation	-1.49%	1.41%	-2.64%	2.72%	5.36%
Total Pop	% Hisp	77%	16%	17%	11%	30%
	% NH White	15%	74%	71%	75%	59%
	% NH Black	2%	2%	2%	2%	2%
	% Asian-American	5%	6%	8%	9%	7%
Citizen Voting Age Pop	Total	4,057	11,302	10,248	11,518	37,123
	% Hisp	39%	9%	8%	7%	11%
	% NH White	42%	81%	81%	81%	77%
	% NH Black	2%	4%	4%	3%	3%
Voter Registration (Nov 2016)	% Asian/Pac.Isl.	15%	5%	5%	7%	7%
	Total	2,932	9,582	8,894	9,822	31,230
	% Spanish-surnamed	23%	7%	6%	6%	8%
	% Asian-Surnamed	9%	3%	3%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
Voter Turnout (Nov 2016)	% NH White est.	55%	85%	86%	84%	82%
	% NH Black	5%	3%	3%	3%	3%
	Total	2,343	8,339	7,881	8,696	27,259
	% Spanish-surnamed	21%	6%	6%	6%	7%
	% Asian-Surnamed	8%	3%	3%	4%	4%
Voter Turnout (Nov 2014)	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	58%	86%	87%	85%	83%
	% NH Black	5%	3%	3%	3%	3%
	Total	1,109	5,048	5,077	5,610	16,844
	% Spanish-surnamed	14%	4%	4%	4%	5%
ACS Pop. Est.	% Asian-Surnamed	7%	3%	2%	3%	3%
	% Filipino-Surnamed	0%	0%	1%	1%	0%
	% NH White est.	70%	91%	91%	89%	89%
	% NH Black est.	5%	2%	2%	2%	2%
	Total	14,418	15,529	14,272	15,264	59,482
Age	age0-19	31%	19%	22%	20%	23%
	age20-60	59%	59%	47%	50%	54%
	age60plus	10%	22%	31%	31%	24%
Immigration	immigrants	54%	19%	20%	17%	27%
	naturalized	18%	34%	52%	58%	33%
Language spoken at home	english	23%	73%	79%	77%	64%
	spanish	69%	18%	9%	9%	25%
	asian-lang	6%	2%	4%	6%	4%
	other lang	2%	6%	8%	8%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	51%	11%	8%	9%	19%
Education (among those age 25+)	hs-grad	40%	41%	36%	41%	40%
	bachelor	11%	30%	33%	29%	27%
	graduatedegree	6%	22%	24%	24%	20%
Child in Household	child-under18	47%	24%	26%	26%	29%
Pct of Pop. Age 16+	employed	70%	66%	58%	58%	63%
Household Income	income 0-25k	29%	17%	13%	16%	17%
	income 25-50k	26%	20%	14%	15%	18%
	income 50-75k	15%	11%	9%	16%	13%
	income 75-200k	25%	40%	39%	36%	36%
	income 200k-plus	5%	12%	26%	17%	16%
Housing Stats	single family	33%	55%	77%	60%	59%
	multi-family	67%	45%	23%	40%	41%
	rented	73%	56%	28%	36%	46%
	owned	27%	44%	72%	64%	54%

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.

# Canal 3A1



## City of San Rafael - Canal 3A1 Map

District		1	2	3	4	Total
<u>Ideal</u>	Total Pop	13,966	14,633	14,298	14,822	57,719
14,430	Deviation from ideal	-464	203	-132	392	856
	% Deviation	-3.22%	1.41%	-0.91%	2.72%	5.93%
Total Pop	% Hisp	80%	16%	15%	11%	30%
	% NH White	12%	74%	73%	75%	59%
	% NH Black	2%	2%	2%	2%	2%
	% Asian-American	5%	6%	8%	9%	7%
Citizen Voting Age Pop	Total	3,772	11,302	10,533	11,518	37,123
	% Hisp	42%	9%	7%	7%	11%
	% NH White	37%	81%	81%	81%	77%
	% NH Black	2%	4%	4%	3%	3%
Voter Registration (Nov 2016)	% Asian/Pac.Isl.	15%	5%	6%	7%	7%
	Total	2,581	9,582	9,245	9,822	31,230
	% Spanish-surnamed	22%	7%	7%	6%	8%
	% Asian-Surnamed	7%	3%	4%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
Voter Turnout (Nov 2016)	% NH White est.	55%	85%	85%	84%	82%
	% NH Black	6%	3%	3%	3%	3%
	Total	2,072	8,339	8,152	8,696	27,259
	% Spanish-surnamed	21%	6%	6%	6%	7%
	% Asian-Surnamed	7%	3%	3%	4%	4%
Voter Turnout (Nov 2014)	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	58%	86%	86%	85%	83%
	% NH Black	6%	3%	3%	3%	3%
	Total	991	5,048	5,195	5,610	16,844
	% Spanish-surnamed	15%	4%	4%	4%	5%
ACS Pop. Est.	% Asian-Surnamed	8%	3%	2%	3%	3%
	% Filipino-Surnamed	0%	0%	1%	1%	0%
	% NH White est.	66%	91%	91%	89%	89%
	% NH Black est.	6%	2%	2%	2%	2%
	Total	14,094	15,529	14,596	15,264	59,482
Age	age0-19	30%	19%	23%	20%	23%
	age20-60	59%	59%	47%	50%	54%
	age60plus	11%	22%	31%	31%	24%
Immigration	immigrants	52%	19%	22%	17%	27%
	naturalized	18%	34%	47%	58%	33%
Language spoken at home	english	26%	73%	76%	77%	64%
	spanish	67%	18%	12%	9%	25%
	asian-lang	5%	2%	4%	6%	4%
	other lang	2%	6%	8%	8%	6%
Language Fluency	Speaks Eng. "Less than Very Well"	49%	11%	11%	9%	19%
Education (among those age 25+)	hs-grad	40%	41%	36%	41%	40%
	bachelor	12%	30%	32%	29%	27%
	graduatedegree	7%	22%	23%	24%	20%
Child in Household	child-under18	46%	24%	27%	26%	29%
Pct of Pop. Age 16+	employed	70%	66%	59%	58%	63%
Household Income	income 0-25k	29%	17%	13%	16%	17%
	income 25-50k	26%	20%	15%	15%	18%
	income 50-75k	15%	11%	9%	16%	13%
	income 75-200k	25%	40%	38%	36%	36%
	income 200k-plus	5%	12%	25%	17%	16%
Housing Stats	single family	33%	55%	77%	60%	59%
	multi-family	67%	45%	23%	40%	41%
	rented	73%	56%	29%	36%	46%
	owned	27%	44%	71%	64%	54%

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.

**RESOLUTION NO. 14453**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
DECLARING ITS INTENTION TO TRANSITION FROM AT-LARGE TO  
DISTRICT-BASED ELECTIONS FOR CITY COUNCIL PURSUANT TO  
ELECTIONS CODE SECTION 10010(E)(3)(A), EFFECTIVE  
FOR THE NOVEMBER 2020 GENERAL MUNICIPAL ELECTION**

**WHEREAS**, the City of San Rafael is a charter city duly organized and existing pursuant to the Constitution and laws of the State of California; and

**WHEREAS**, Article VI of the Charter of the City of San Rafael ("City Charter") provides for the election of four city councilmembers and a separately elected mayor at the general municipal election; and

**WHEREAS**, Article IV of the City Charter provides that all elections to fill public offices shall be held and conducted as provided by general state law; and

**WHEREAS**, the City currently uses an at-large election system for electing the mayor and city councilmembers; and

**WHEREAS**, on November 20, 2017, the City Clerk received by certified mail a letter from attorney Kevin I. Shenkman asserting that the City's at-large election system violates the California Voting Rights Act of 2001 (Elections Code §§14025-14032) ("CVRA") and threatening to sue the City unless the City transitions to a district-based election system for its city council; and

**WHEREAS**, a violation of the CVRA is established if it can be proven that "racially polarized voting" occurs in the City's at-large election system. 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", an in the choice of candidates or other electoral choices that are preferred by voters in the rest of the electorate (Elections Code §14026(e)); and

**WHEREAS**, the City Council has been advised that defending a lawsuit filed pursuant to the CVRA will require the City to incur legal fees and costs potentially in the hundreds of thousands of dollars for the City's own defense, and additional liability of potentially hundreds of thousands of dollars in legal fees and costs payable to the prevailing plaintiffs if the City is unsuccessful; and

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

**WHEREAS**, the California Legislature, in amendments to Elections Code section 10010, has provided a method whereby a jurisdiction, including a charter city, can expeditiously change to a by-district election system and avoid litigation under the CVRA; and

**WHEREAS**, if the City elects to transition to a district-based election system within the timeframe established in Elections Code section 10010, then the City is protected from the filing

of a CVRA lawsuit with its incumbent costs, and its liability to the potential plaintiffs for legal fees will be capped at \$30,000; and

**WHEREAS**, although Mr. Shenkman's letter was not accompanied by any evidence to support his claim of a CVRA violation, the City Council finds that the City should act within the safe-harbor timeframe provided by Elections Code Section 10010 to transition from an at-large election system to a district-based election system for electing the city councilmembers; 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 will retain 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 electoral system will not affect the term of any sitting Council Member, each of whom will serve out his or her current term;

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of San Rafael as follows:

1. The City Council shall consider an ordinance to change to a district-based election system for use in the City's General Municipal Election for City Council Members beginning in November 2020.
2. The City Council directs staff to work with the City's retained 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.
3. The City Council approves the tentative timeline set forth in Exhibit A, attached to and made a part of this resolution, for conducting a public process to solicit public input on proposed district-based electoral maps before adopting any such map.

4. The City Council directs staff to institute a program for public outreach and to inform the residents of San Rafael of this resolution and the process set forth in Exhibit A, and to facilitate and encourage public participation.
5. The timeline contained in Exhibit A may be adjusted as deemed necessary, provided that such adjustments shall not prevent the City from complying with the time frames specified by Election Code Section 10010.

I, LINDSAY LARA, Interim City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael held on the 16<sup>th</sup> day of January, 2018, by the following vote, to wit:

AYES: COUNCILMEMBERS: Bushey, Colin, Gamblin, McCullough & Mayor Phillips

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



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Lindsay Lara, Interim City Clerk

**EXHIBIT A**

**TENTATIVE TIMELINE  
TRANSITION TO DISTRICT-BASED ELECTIONS PER ELECTIONS CODE §10010**

NO.	TASK	DATE
1	Adopt Resolution of Intention	January 16, 2018
2	1 <sup>ST</sup> Public Hearing: Consider composition of districts	February 5, 2018
3	2 <sup>nd</sup> Public Hearing: Consider composition of districts	February 20, 2018
4	Publication of draft maps and proposed election sequence	By February 26, 2018
5	3 <sup>rd</sup> Public Hearing: Consider draft maps and election sequence	March 5, 2018
6	Publication of any new or revised draft maps and/or proposed election sequences	By March 12, 2018
7	4 <sup>th</sup> Public Hearing: Consider draft maps election sequence, and introduce ordinance establishing district elections	March 19, 2018
8	Publication of any new or revised draft maps and/or proposed election sequences	By April 9, 2018
9	5 <sup>th</sup> Public Hearing: Adopt ordinance establishing district	April 16, 2018
10	Day 90	April 16, 2018
11	Effective date of ordinance	
12	First district-based election	November 3, 2020

RESOLUTION NO. 14468

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL  
SPECIFYING THE CRITERIA TO GUIDE THE ESTABLISHMENT OF  
ELECTORAL DISTRICTS AND TO FURTHER SPECIFY THE DEADLINE FOR  
SUBMISSION OF PROPOSED MAPS BY THE PUBLIC**

**WHEREAS**, on January 16, 2018, the City Council of the City of San Rafael ("City") adopted Resolution No. 14453, stating its intention to adopted district-based elections pursuant to Elections Code section 10010 and the California Voting Rights Act; and

**WHEREAS**, the City has retained an experienced demographer and special legal counsel to assist the City in establishing a by-district electoral system; and

**WHEREAS**, on February 5, 2018, and February 20, 2018, the City Council received presentations from its special counsel concerning the current demographics of the City under the 2010 census and American Community Survey, and the procedures and legal and policy criteria governing districting, and received public comment regarding appropriate criteria; and

**WHEREAS**, on February 5, 2018, and February 20, 2018, the City Council further conducted duly noticed public hearings at which it received testimony from the public regarding appropriate districting criteria; and

**WHEREAS**, the City Council has fully considered the presentations of its consultants and all of the public comments received; and

**WHEREAS**, the City Council now wishes to adopt criteria to guide the establishment of electoral 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; and

**WHEREAS**, the City has made available on its website materials, including an online mapping program, that are designed to enable members of the public to submit proposed district maps for consideration by the Council; and

**WHEREAS**, in adopting Resolution No. 14453, the City Council also adopted a timeline for the consideration of proposed maps; and

**WHEREAS**, to facilitate full consideration of proposed maps at public hearings scheduled for March 5, 2018, March 19, 2018, and April 16, 2018, the Council wishes to adopt a deadline for submission of proposed maps from the public;

**NOW, THEREFORE, BE IT RESOLVED**, the above recitals are true and correct; and

**BE IT FURTHER RESOLVED**, that the City Council hereby adopts the criteria identified in Exhibit A to this Resolution as criteria to guide the establishment of electoral districts to be implemented beginning with the November 2020 City Council elections; and

**BE IT FURTHER RESOLVED**, that the City's redistricting/demographic consulting firm, acting under the supervision of the City Manager, is hereby authorized and directed to formulate one or more electoral district plan scenarios based upon the criteria specified in Exhibit A for

review by the public and by the City Council at three public hearings (or more if necessary), in accordance with the adopted timeline; and

**BE IT FURTHER RESOLVED**, that the City Council hereby adopts a deadline of March 8, 2018, for submission of proposed maps by the public for consideration by the City Council at future public hearings; and

**BE IT FURTHER RESOLVED**, that the City Manager shall consult with legal counsel to resolve all legal issues necessary to give effect to this Resolution.

I, LINDSAY LARA, Interim City Clerk of the City of San Rafael, hereby certify that the foregoing Resolution was duly and regularly introduced and adopted at a regular meeting of the City Council of the City of San Rafael, held on Tuesday, the 20th of February 2018, by the following vote, to wit:

AYES: Councilmembers: Colin, McCullough & Mayor Pro Tem Bushey

NOES: Councilmembers: None

ABSENT: Councilmembers: Gamblin & Mayor Phillips



Lindsay Lara, Interim City Clerk

## EXHIBIT A

### Specification of Criteria to Guide the Establishment of Electoral Districts

1. The boundaries of the electoral districts shall be established so that the electoral districts are equal in population as defined by law.
2. The boundaries of the electoral 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 electoral districts shall be established so that the electoral 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 electoral districts shall observe communities of interest as identified in public comment or identified by the city council, including, but not limited to social interests; historical areas; industrial or service industry interests; residential and commercial areas, the location of city facilities and historical sites, and the like, insofar as practicable.
5. The boundaries of the electoral districts shall be compact, insofar as practicable.
6. The boundaries of the electoral districts shall be created to contain cohesive, contiguous territory, insofar as practicable. A district shall not be determined to be non-contiguous within the meaning of this criterion if it is connected by Census blocks comprised of water, and the Council may also take into account the existence of numerous unincorporated islands within the boundaries of the City that are not part of incorporated San Rafael in assessing contiguity.
7. The boundaries of the electoral districts may observe topography and geography, such as the existence of mountains, flat land, forest lands, man-made geographical features such as highways, major roadways and canals, etc., as natural divisions between districts, insofar as practicable.
8. Unless otherwise required by law, the electoral districts shall be created using whole census blocks, insofar as practicable.
9. The boundaries of the electoral districts may avoid the "pairing" of incumbents in the same electoral district, insofar as this does not conflict with the constitution and laws of the State of California and the United States.
10. The boundaries of the electoral districts shall comply with such other factors which become known during the districting process and are formally adopted by the City Council.

# **CITY OF SAN RAFAEL**

## **NOTICE OF PUBLIC HEARING**

The City Council of the City of San Rafael will hold a public hearing:

**DATE/TIME/PLACE:** Monday, April 16, 2018, at 7:00 p.m.  
City Hall Council Chambers, 1400 Fifth Avenue, San Rafael

**PURPOSE:** Public Hearing: On April 2 and April 16, 2018, at 7:00 p.m., in the City Council Chambers located at 1400 Fifth Avenue, the City Council of the City of San Rafael will conduct Public Hearings regarding establishing single-member council districts in which to conduct by-district elections for the City Council members, and the potential sequence of elections in such districts. At the public hearing on April 2 and April 16, the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections and the City Council will consider adoption of an ordinance establishing district-based elections, the boundaries of the districts and the sequence of elections for each district. Comments can also be submitted via e-mail to [Lindsay.lara@cityofsanrafael.org](mailto:Lindsay.lara@cityofsanrafael.org). More information about the establishment of single-member districts for by-district elections, including draft maps when they become available, will be included on the City's website at <https://www.cityofsanrafael.org/district-elections>. In the event changes are necessary to the public hearing schedule noted above, a new notice will be published in accordance with law.

**IF YOU CANNOT ATTEND:** You may send a letter to Lindsay Lara, City Clerk, City of San Rafael, P.O. Box 151560, San Rafael, CA 94915-1560. You may also hand deliver a letter to the City Clerk prior to the meeting.

**FOR MORE INFORMATION:** You may contact Lisa Goldfien, Assistant City Attorney, at (415) 485-3081. Office hours are Monday through Friday, 8:30 a.m. to 5:00 p.m.

SAN RAFAEL CITY COUNCIL  
/s/ LINDSAY LARA  
LINDSAY LARA, City Clerk

# CIUDAD DE SAN RAFAEL

## AVISO DE AUDIENCIA PÚBLICA

El Concejo Municipal de la Ciudad de San Rafael tendrá una audiencia pública:

**FECHA / HORA / LUGAR:** Lunes, 16 de abril de 2018 a las 7:00 p.m.  
Sala del Consejo Municipal, 1400 Fifth Avenue, San Rafael,  
CA 94901

**PROPÓSITO:** Audiencia pública: El 2 de abril y el 16 de abril de 2018, a las 7:00 p.m., en la Sala del Consejo Municipal, ubicada en 1400 Fifth Avenue, el Consejo Municipal de la Ciudad de San Rafael conducirá audiencias públicas con respecto al establecimiento de distritos municipales de un solo miembro en los cuales se llevarán a cabo elecciones para los miembros del Consejo Municipal, y la posible secuencia de elecciones en tales distritos. En la audiencia pública el 2 de abril y el 16 de abril, se invita al público a proporcionar su opinión sobre el contenido del mapa o mapas preliminares y la secuencia propuesta de elecciones, y el Consejo Municipal considerará adoptar una ordenanza que establezca elecciones basadas en distritos, los límites de los distritos, y la posible secuencia de elecciones en tales distritos. También puede enviar sus comentarios por correo electrónico a [lindsay.lara@cityofsanrafael.org](mailto:lindsay.lara@cityofsanrafael.org). Se incluirá más información sobre el establecimiento de distritos de un solo miembro para elecciones por distrito, y borradores de mapas cuando estén disponibles, en el sitio web de la Ciudad en <https://www.cityofsanrafael.org/district-elections>. En el caso de que sean necesarios cambiar el calendario de la audiencia pública que está mencionado anteriormente, se publicará un nuevo aviso de acuerdo con la ley.

**SI NO PUEDE ASISTIR:** Puede enviar una carta a Lindsay Lara, Secretaria Municipal, City of San Rafael, P.O. Box 151560, San Rafael, CA 94915-1560. Usted también puede entregar una carta a la Secretaria Municipal en persona antes de la reunión.

**PARA OBTENER MÁS INFORMACIÓN:**

Puede comunicarse con Lisa Goldfien, Abogado Asistente Municipal, al (415) 485-3081. El horario de oficina es de lunes a viernes, de 8:30 a.m. a 5:00 p.m.

CONSEJO MUNICIPAL DE SAN RAFAEL

/f/ LINDSAY LARA  
LINDSAY LARA, SECRETARIA MUNICIPAL

Title	Description	Submitted
District-Based Elections	<p>All of the proposed district maps, bar one, exclude the North side of Bret Ave from the rest of the rest of the Bret Harte neighborhood district. This makes no sense as it is clearly part of the same neighborhood geographically, demographically and would have the same issues needing council representation. A more sensible split would be to include Woodland Ave in one district and ALL of Bret Ave in with the rest of the Bret Harte neighborhood.</p>	<p>2018-04-03 James Spencer</p>
<p>Support : Proposed District Elections--Maps (Dated 04/02/2018 Council Meeting</p>	<p>I followed the San Rafael District Election discussion and debate on the City of San Rafael web site. I applaud all of you for the intelligent discussion and debate surrounding this issue.</p> <p>I firmly support the selected map, Canal 3B. I also think that the focused maps, District Election 2, Canal 1, Canal 2, Canal 3A would make good alternate choices.</p> <p>I applaud all of you for your final discussion comments at the 04/02/2018 meetings. I think that you have selected the best maps for the City of San Rafael.</p> <p>Thank you for your continuing good work.</p>	<p>2018-04-03 Michael Paganini</p>
new districts	<p>Thank you for creating geographic districts. It would have been very divisive to have "cultural" or "ethnic" districts that would be gerrymandered. When are you going to implement parking restrictions. Every Monday cars follow the street sweeper to get their "assigned" parking spot on the street. They never move until the next sweeping day and don't allow for any visitor parking. There should be 2 or 4 hour spaces even in the residential Canal area for any workmen during the day. As it is, I have to ask owners in our complex if the plumber or electrician etc can use their parking space in the carport.</p> <p>The guy in charge of parking is TOTALLY NON-RESPONSIVE TO TAX PAYERS.</p>	<p>2018-04-04 Chris Tittiger</p>