



# STAFF REPORT

2100 Thousand Oaks Boulevard • Thousand Oaks, CA 91362  
Phone 805/449.2121 • Fax 805/449.2125 • www.toaks.org

**TO:** Andrew P. Powers, City Manager

**FROM:** Tracy M. Noonan, City Attorney

**DATE:** May 16, 2023

**SUBJECT: Transition to District Elections - Map Criteria Hearing #2**

## **RECOMMENDATION:**

1. Receive report from National Demographics Corporation (NDC) on districting process and permissible criteria to be considered should district boundaries be created.
2. Conduct public hearing to receive public input on district boundaries.
3. Find that this action is not a project as defined in the California Environmental Quality Act.

## **FINANCIAL IMPACT:**

**No Additional Funding Requested.** Minimal staff time to write report is included in the Adopted FY 2022-23 General Fund Budget.

## **BACKGROUND:**

The City of Thousand Oaks currently uses an "at-large" election system, in which all voters in the City have the opportunity to vote for candidates for all five seats on the City Council. City Council candidates may reside anywhere in the City, and they each provide citywide representation. A district-based election system is one in which the City is physically divided into voting districts, each with one council member who resides in the district and is chosen by the electors residing in that particular district.

On March 15, 2023, the City received a letter alleging the City's at-large method of electing members of City Council violates the California Voting Rights Act (CVRA/the Act). The letter demanded the City transition to district-based elections or face litigation under the CVRA.

At the April 4, 2023, City Council meeting, staff presented a variety of options and issues associated with the CVRA challenge to the City's current at-large method

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of electing members of City Council. After considering all the information and options presented, City Council voted to initiate the transition to district-based elections, authorizing staff to bring back a resolution declaring City Council's intent to transition to districts pursuant to Elections Code Section 10010(e)(3)(A).

On April 25, 2023, City Council adopted Resolution No. 2023-011, initiating the process to transition from an at-large election system to a district-based election system. A key reason the City is proceeding with district-based elections is the threat of significant litigation under the CVRA. Faced with potentially hundreds of thousands, or even millions, of dollars in legal fees and damages (as some cities have experienced), the City decided to voluntarily proceed with transitioning to district-based elections. This allows the City to retain its own ability to determine and adopt an appropriate district map instead of having the risk of a court doing so.

On May 9, 2023, City Council conducted the first public hearing. During the public hearing, City Council received a presentation by NDC on the mapping process and allowed for public comments to be heard on the transition from at-large to district-based elections for members of the City Council.

**DISCUSSION/ANALYSIS:**

The first step in the transition process is to hold two public hearings to invite public input regarding the composition of the City's voting districts before any draft maps are drawn. After these two public hearings are complete, the City Council must hold at least two additional public hearings on the map(s) of the districts themselves. The maps must be publicly available for at least seven days before the public hearing, and if a change is made to the map after the first public hearing, the revised map must be available at least seven days before the districts are adopted by ordinance.

The purpose of the first two public hearings is to inform the public about the districting process and to hear from the community on what factors should be taken into consideration when creating voting district boundaries, before any maps are drawn. The public is requested to provide input regarding communities of interest and other local factors that should be considered while drafting district maps. A "community of interest" is a neighborhood or group that would benefit from being in the same district because of shared interests, views, or characteristics. Relationships with political parties, incumbents, or political candidates are not a basis for identifying a community of interest. Possible community features include, but are not limited to:

1. School attendance areas;
2. Natural dividing lines such as major roads, hills, or highways;

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3. Areas around parks and other neighborhood landmarks;
4. Common issues, neighborhood activities, or legislative/election concerns;  
and
5. Shared demographic characteristics, such as:
  - a. Similar levels of income, education, or linguistic isolation;
  - b. Languages spoken at home; and
  - c. Single-family and multi-family housing unit areas.

In creating the district boundaries, the City must ensure compliance with the following State- and federally-mandated criteria:

Federal Criteria for Cities:

1. Each council district shall contain a nearly equal population as required by law; and
2. Each council district shall be drawn in a manner that complies with the Federal Voting Rights Act. No council district shall be drawn with race as the predominant factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), and its progeny.

California Criteria for Cities:

1. Geographically contiguous;
2. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together);
3. Easily identifiable boundaries; and
4. Compact (do not bypass one group of people to get to a more distant group of people).

Other Traditional Districting Principles:

1. Respect voters' choices / continuity in office; and
2. Future population growth.

Next Steps

At the June 20, 2023, City Council Meeting, the City Council will conduct Public Hearing #3 to seek public input on how the districts should be drawn and sequencing of elections. NDC is providing mapping tools for the public to use to draw draft maps, which include both an online tool and a paper version.

NDC will then prepare draft district maps that will be posted on the City's website at [maptoaks.org](http://maptoaks.org) and available at City Hall in the City Clerk Department. Draft maps are scheduled to be released on June 13, 2023. The draft maps will be posted at least seven days prior to Public Hearings #3 and #4, which are currently scheduled to take place on June 20, 2023, and July 11, 2023. Between the last

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two public hearings, there will be two workshops. A virtual workshop will be held via Zoom on June 22, 2023, and an in-person workshop will take place on June 24, 2023. Final map adoption would be required to occur by July 18, 2023.

Outreach

To engage the community, City staff launched a full marketing campaign. Staff created a dedicated website on the districting process, which is currently featured on the City website's home page and at [maptoaks.org](http://maptoaks.org). Staff has conducted community outreach via email, print signage, social media, water bill inserts, City newsletters, and announcements at City Council meetings. Public hearing notices are published in the Ventura County Star. The City also established a specific email address for members of the public wishing to submit feedback via email, which is: [districtelections@toaks.org](mailto:districtelections@toaks.org). Additional outreach efforts will continue throughout the districting process. Staff invites the public to spread the message to friends and neighbors to help inform them of the process.

**COUNCIL GOAL COMPLIANCE:**

Meets the following City Council goals:

A. Create a more equitable, accessible, safe, welcoming, and inclusive government and community regardless of race, color, ethnicity, religion, sex, physical or mental ability, sexual orientation, gender identity and expression, age, language, education, and/or socio-economic status.

B. Provide municipal government leadership which is open and responsive to residents, and is characterized by ethical behavior, stability, promoting public trust, transparency, confidence in the future, and cooperative interaction among civic leaders, residents, business representatives, and staff, while recognizing and respecting legitimate differences of opinion on critical issues facing the City.

C. Operate City government in a fiscally and managerially responsible and prudent manner to ensure that the City of Thousand Oaks remains one of California's most desirable places to live, work, visit, recreate, and raise a family.

**SUBMITTED BY:** Laura B. Maguire, City Clerk