



# City of Chula Vista

## Staff Report

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**File#:** 15-0378, **Item#:** 20.

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### REPORT BY DISTRICTING COMMISSION ON RECOMMENDED DISTRICTING PLAN

RESOLUTION NO. 2015-177 OF THE CITY COUNCIL APPROVING THE DISTRICTING COMMISSION'S RECOMMENDED DISTRICTING PLAN AS THE CITY'S FINAL DISTRICTING PLAN

### RECOMMENDED ACTION

Council hear the report, hold the public hearing and adopt the resolution.

### SUMMARY

In 2012, the City's Charter was amended to provide that City Councilmembers be elected by district. District elections are scheduled to commence with the 2016 City Council elections. Pursuant to the Charter provisions, the Districting Commission has prepared a Recommended Districting Plan, as well as its report to the City Council regarding the Plan. Tonight, the Commission will present its report and the Recommended Districting Plan to the Council for consideration and action.

### ENVIRONMENTAL REVIEW

The Development Services Director has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(5) of the State CEQA Guidelines because it involves only the approval of a districting plan and therefore is an organizational or administrative activity of government that will not result in a direct or indirect physical change in the environment; therefore, pursuant to Sections 15060(c)(2) and (3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

### BOARD/COMMISSION RECOMMENDATION

The Districting Commission voted 6-1 to approve the Recommended Districting Plan. Its resolution approving the Plan is attached as Attachment 1 to this Report.

### DISCUSSION

#### I. Background

The City Charter was amended in 2012 to provide that City Councilmembers be elected by district. That amendment included the addition of Charter section 300.5, which established a Districting Commission (the "Commission"), and set forth the process by which the Final Districting Plan would be implemented. The Commission was charged with conducting public outreach, preparing a Draft Districting Plan, conducting additional public outreach and preparing a Recommended Districting Plan, along with a report, to be submitted to the City Council. The Charter requires that the districts be approved by the City Council no later than February 1, 2016, for use in the 2016 general municipal election. However, because candidates for that election can begin receiving campaign funds as early as July 2015, and because the County Registrar needs

the district information by December 2015, staff and the Commission began the districting process last July in an effort to have the Final Districting Plan in place as early as possible. The Commission has fulfilled its duties under the Charter and now brings forward its Recommended Districting Plan for City Council consideration and action.

## **II. The Recommended Plan**

The Recommended Districting Plan was prepared in accordance with Charter Sections 300.5.F and G. That section set forth the Districting Criteria, as well as the procedures for preparing the Draft and Recommended Districting Plans. The criteria which the Commission and the City Council are required to adhere to in considering and approving or disapproving a Districting Plan are set forth in Section 300.5.F., as follows:

1. Districts shall have reasonably equal populations as required by the Federal and State constitutions;
2. District boundaries shall be geographically compact and contiguous;
3. District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible;
4. District boundaries shall respect communities of interest to the extent practicable;
5. District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers; and
6. District boundaries shall be drawn without regard for advantage or disadvantage to any political party.

Section 300.G. sets forth the process to be followed in creating the Recommended Plan. Specifically, it requires that the Commission to:

1. Approve a Draft Districting Plan based on application of the above criteria, by at least 5 affirmative votes;
2. Hold at least two public meetings prior to approving the Draft Plan;
3. Make the Draft Plan available for thirty days before taking action to approve a Recommended Plan;
4. Hold at least two public meetings between the release of the Draft Plan and the Recommended Plan, no sooner than seven days following release of the Draft Plan;
5. Approve a Recommended Plan for consideration by the City Council, by at least five affirmative votes; and
6. Prepare a report to the City Council that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Plan.

As detailed in the Commission's report (Attachment 2 to this Report), the Commission complied with the Charter requirements in preparing the Recommended Plan which is now presented to the City Council.

## **III. City Council Action**

Charter Section 300.5.H. details the process for implementation of the Final Districting Plan. It requires that the Recommended Plan be made publicly available for at least fourteen days and that the City Council hold a public hearing prior to approving or disapproving the Recommended Plan. These requirements have been met because the Recommended Plan was approved on June 11, 2015 and has been publicly available since that time, and a public hearing was noticed for this

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evening's consideration of the Recommended Plan.

The Recommended Plan is now before the Council for its consideration and action. The Council may approve it, in which case it shall immediately become the Final Districting Plan. Alternatively, the Council may disapprove the Plan. If the Council disapproves the Recommended Plan, Charter Section 300.5.H.5. requires that the Council immediately state in writing to the Commission the reasons for the disapproval, including any deviations by the Commission from the districting criteria specified in the Charter. The Commission would then reconvene to consider the reasons for disapproval. The Commission could alter the Recommended Plan in response to those reasons, but it would not be required to do so. The Commission would then submit its Final Districting Plan to the City Council for immediate implementation by the City. At that point, the City Council would have no further authority to alter or reject the Plan.

#### **IV. Conclusion**

The Districting Commission's Recommended Districting Plan and report have been submitted for City Council consideration. If the City Council approves the Recommended Plan, City staff will take the necessary steps to implement it as the City's Final Districting Plan. If the City Council does not approve it, City staff will work with the City Council and the Commission to take the City Council's comments back to the Commission for consideration.

#### **DECISION-MAKER CONFLICT**

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the 500-foot rule found in California Code of Regulations Title 2, section 18705.2(a)(11), is not applicable to this decision for purposes of determining a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision maker conflict of interest in this matter.

#### **LINK TO STRATEGIC GOALS**

The City's Strategic Plan has five major goals: Operational Excellence, Economic Vitality, Healthy Community, Strong and Secure Neighborhoods and a Connected Community. Adoption of this ordinance would support the Connected Community goal by establishing the framework by which members of the community are elected to the City Council.

#### **CURRENT YEAR FISCAL IMPACT**

There are no fiscal impacts in the current fiscal year associated with approving the Recommended Districting Plan.

#### **ONGOING FISCAL IMPACT**

Based on information provided by the County Registrar of Voters, it is anticipated that the cost of electing members of the City Council by-district will be approximately 54% to 72% less than electing the members at-large.

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**ATTACHMENTS:**

1. Districting Commission Resolution No. 2015-005 Approving the Recommended Districting Plan, including the Recommended Districting Plan as Exhibit A to the Resolution
2. Districting Commission Report Regarding the Recommended Districting Plan, including Resolution No. 2015-006 approving the Report

*Staff Contact: Jill Maland, Assistant City Attorney*