



# Agenda Report

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**Date:** May 26, 2015  
**To:** Jeffrey W. Collier, City Manager  
**From:** Kimberly Hall Barlow, Assistant City Attorney  
**Subject:** Adoption of Voting District Boundaries

## RECOMMENDATION

It is recommended the City Council:

1. Discuss and assign district numbers to the four districts previously determined by the City Council; and
2. Introduce and give first reading to an ordinance establishing the boundaries of four council districts.

## BACKGROUND

On June 3, 2014, voters approved a Charter amendment establishing four district-based Council member seats and a directly-elected Mayor position (Attachment A). District boundaries must be drawn before the next municipal election in April 2016.

On September 9, 2014, the City Council approved an agreement with Compass Demographics to direct the process of creating districts. On September 23, 2014, the City Council approved an agreement with Arellano Associates (AA) to design and implement a community participation plan to gather public input on voting district boundaries. On October 14, 2014, the City Council approved a community participation plan developed by consultants from Compass Demographics and AA, along with City staff, to gather public input on district boundaries.

### Community Outreach

The consultants assisted the City to develop promotional and informational materials to elicit public input, including a PowerPoint presentation, frequently asked questions (FAQs) document, press releases, guiding principles, fact sheets, Census population map, instructions on how to submit a districting map, and other materials. Communications about districting were released in English and Spanish and included the City's bilingual voting telephone number. The City established two email addresses specifically for voting district communications: [districts@cityofwhittier.org](mailto:districts@cityofwhittier.org) and [districtos@cuidaddewhittier.org](mailto:districtos@cuidaddewhittier.org); and created a dedicated web page on the City's website with information in both English and Spanish: [www.cityofwhittier.org/vdf](http://www.cityofwhittier.org/vdf) and [www.cuidaddewhittier.org/vdf](http://www.cuidaddewhittier.org/vdf). The mailing list now includes about 275 addresses.

The expert demographer, staff and AA conducted a round of outreach meetings to discuss how equal population districts might be distributed, using a Whittier map with United States 2010 Census population figures by Census block groups to facilitate stakeholder efforts and input regarding communities of interest. There were then three community meetings to gather additional public input to assist in forming district boundaries.

A second round of outreach meetings followed, with individual, small group and group mapping meetings. Three more community meetings were held throughout the community at local schools to allow input on the draft proposals and on public submissions.

In addition, the City Council held three public hearings to receive public input and discuss the district mapping process. The final public hearing was held on April 20, 2015, at which time the Council selected the approximate boundaries of the four council districts and directed staff to prepare an implementing ordinance.

## **DISCUSSION**

The Council will also need to assign numbers to the districts. Pursuant to the adopted charter amendment, Districts 1 and 3 will hold elections in April 2016 and Districts 2 and 4 elections in April 2018. One Council member will be chosen from each district only by the voters residing in that district. The remaining Council member will be a directly elected mayor serving a term of two years. The mayor will be a voting member of the City Council, and will have the additional powers currently provided in the City's charter, and any which may be later established by ordinance. Elections will continue to be staggered so that two Council members and the mayor will be selected at one election and the remaining two Council members and the mayor will be selected at the next election.

The attached ordinance describes, with metes and bounds and a map, the district boundaries selected by the City Council at the April 20, 2015 meeting (Attachment B). The attached ordinance includes as Exhibit A a map showing proposed numbering for the districts as recommended by Dave Ely, the City's demographics expert. If the City Council wishes to assign different numbers to the districts, that should be done before giving the ordinance first reading so that the numbers may be incorporated into the ordinance. Staff is recommending that the ordinance be codified into the Municipal Code so that the public may easily see the district boundaries. In addition, the ordinance amends section 2.04.040 of the Code to reflect the change to district elections and residency requirements.



These districts will remain in effect until changed by action of the council as provided for in the charter amendment. A redistricting process will be undertaken in 2021, if necessary, after the 2020 Census information becomes available.

**FISCAL IMPACT**

There is no additional fiscal impact. The City Council previously approved up to \$117,000 for public outreach costs and expert consultant costs in Districting Process account 100-15-151-303-619000-605900.

Submitted by:



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Kimberly Hall Barlow  
Assistant City Attorney

Attachments: A – Charter Amendment Ordinance  
B – Proposed Ordinance



## ORDINANCE NO. 3011

## AN ORDINANCE OF THE PEOPLE OF THE CITY OF WHITTIER, CALIFORNIA, AMENDING SECTIONS 400 AND 404 OF THE CHARTER OF THE CITY OF WHITTIER TO ESTABLISH A DIRECTLY ELECTED MAYOR AND BY-DISTRICT ELECTION OF FOUR COUNCIL MEMBERS

WHEREAS, Whittier's City Charter, enacted by voters in 1957, provides for five city council members to be elected at large, with staggered terms of office, at municipal elections held on the second Tuesday in April of even numbered years;

WHEREAS, both state and federal law have changed since the adoption of the City's Charter, requiring a variety of actions to ensure fair and equal access to the electoral system by all citizens;

WHEREAS, the City takes special steps at each City election to ensure compliance with the federal and California Voting Rights Act, including establishing a Voting Rights Act Advisory Committee to review and implement a program of outreach to all eligible voters, preparation and distribution of ballot materials, registration and vote-by-mail materials, and election related information in several languages, publicizing the city elections, and promotion of registration and voting by all those eligible;

WHEREAS, the City Council has acted to enhance the City's voter outreach and Voting Rights Act compliance and has monitored both the City's program and election turnout and results to ensure that all Whittier citizens are equally able to participate in City elections and elect candidates of their choosing;

WHEREAS, Whittier citizens have recently raised concerns about whether the City's electoral system violates the California Voting Rights Act; and

WHEREAS, the City Council committed to and did study the issue in detail, and as a result of that study, have proposed a ballot measure before the City's voters to decide whether to amend the City's Charter to provide for a directly elected mayor and district voting rather than at large voting.

NOW THEREFORE THE PEOPLE OF THE CITY OF WHITTIER, CALIFORNIA, DO ORDAIN AS FOLLOWS:

SECTION 1. Section 400 of the Whittier Charter is repealed and replaced in its entirety with the following:

**SECTION 400. Elective Officers.**

A. Officers. The elective officers of the city shall constitute a Council consisting of a mayor directly elected by the voters city-wide to serve a two year term, until his or her respective successor qualifies, and a city council of four additional members elected by district at the times and in the manner provided in this charter, each of whom shall serve for a term of four years and until their respective successors qualify.

B. Council Districts. The City is hereby divided into four (4) Council districts, to be determined by the City Council in any manner provided by law. Candidates for Council seats other than the Mayor shall be nominated and elected by such district and shall be residents of such district.

C. Changes in Boundaries of Council Districts. The boundaries of said Council districts, but not the number thereof, may be changed by ordinance adopted by the Council by a three-fifths (3/5) vote of all its members; provided, that districts established by the Council shall be as nearly equal in population and as geographically compact as practical. Boundaries shall be evaluated within at least one (1) year subsequent to the availability of the information from each decennial United States census or on another basis adopted by three-fifths (3/5) vote of the total membership of the Council; however, the Council shall not change the boundaries of districts more than once in any two-year period and no such change shall be made within the period of one hundred eighty (180) days preceding a general municipal election. The preceding limitations shall not apply to changes made necessary by changes to the City boundaries. After the Council has once exercised its power to change the boundaries of districts, these changes shall immediately be reflected in the district boundaries specified by ordinance adopted by the Council.

D. Residency in Districts. The elected Mayor may reside within any council district of the City. Each member of the Council, excluding the Mayor, must also be a resident of the council district from which the member is nominated at the times the member is nominated and elected. In the event any member of the Council shall cease to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated, the office shall immediately become vacant and shall be filled in the same manner as herein provided for other vacancies. If a member of the Council ceases to be a resident of the district from which the member (or, in the case of an appointee, a predecessor) was nominated solely because of a change in the boundaries of any district as in this Charter provided, the member shall not lose office during that term by reason of such change.

E. Current Office Holders. The five members of the city council in office at the time this section takes effect shall continue in office until their terms expire.



F. Council Elections Sequenced. The Mayor shall serve a two year term and the position of Mayor shall be elected commencing in the year 2016, and every two years thereafter. The members of the Council of the first and third Council districts shall be elected commencing in the year 2016 to the Council seats then open, and in each fourth year thereafter. The members of the Council of the second and fourth Council districts shall be elected commencing in the year 2018 to the Council seats then open, and in each fourth year thereafter.

G. Commencement of Terms of Office. The term of each member of the city council shall commence on the first Tuesday following his or her election. Ties in voting among candidates for office shall be settled by the casting of lots.

SECTION 2. Section 404 of the Whittier Charter is repealed and replaced in its entirety with the following:

**SECTION 404. The Mayor; Mayor Pro Tempore.**

A. Mayor. One of the three Council seats open at the first municipal election following the date on which this section takes effect shall be designated as the office of mayor, to be filled at the election. The person elected at the election as mayor shall hold office from the Tuesday succeeding his or her election, and until his or her successor is elected and qualifies. Candidates for mayor may reside in any council district of the City, and all qualified voters of the city shall be able to vote for the office of Mayor. The elected mayor is a member of the city council and has all the powers and duties of a member of the city council.

The mayor may make and second motions and shall have a voice and vote in all its proceedings. He or she shall be the official head of the city for all ceremonial purposes. He or she shall have the primary but not exclusive responsibility for interpreting the policies, programs and needs of the city government to the people, and, as occasion requires, he or she may inform the people of any major change in policy or program. He or she shall perform such other duties consistent with the office as may be prescribed by this charter or as may be imposed by the city council.

B. Mayor Pro Tem. On the first Tuesday following any general or special municipal election at which any council member is elected, the city council shall meet and shall elect one of its members as mayor pro tempore, who shall serve in such capacity at the pleasure of the city council. The mayor pro tempore shall perform the duties of the mayor during his or her absence or disability.

SECTION 3. Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this ordinance be declared invalid.

SECTION 4. After this ordinance amending the charter as provided for herein is approved by a majority vote of the voters, the Mayor and City Clerk-Treasurer shall certify that the charter amendment was submitted to the voters of the city and that it was approved by a majority vote. One copy of the approved charter amendment shall be filed with the County Recorder's office and one shall be kept in the City's archive. A third copy of the charter amendment shall be submitted by the City Clerk-Treasurer to the Secretary of State with (1) copies of all publications and notices in connection with the calling of the election; (2) certified copies of any arguments for or against the charter proposal which were mailed to the voters; (3) a certified abstract of the vote at the election on the charter amendment. The City Clerk-Treasurer shall certify to the passage and adoption of this ordinance and shall cause the same to be published in the manner required by law. The charter amendment approved by this Ordinance will go into effect immediately after it has been filed and accepted by the Secretary of State.

APPROVED AND ADOPTED this 8th day of July 2014.

  
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CATHY WARNER, Mayor

ATTEST:

  
\_\_\_\_\_  
KATHRYN A. MARSHALL  
City Clerk-Treasurer



## ORDINANCE NO. \_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY  
OF WHITTIER, CALIFORNIA, ESTABLISHING DISTRICT  
BOUNDARY LINES FOR BY-DISTRICT ELECTION OF  
COUNCIL MEMBERS

WHEREAS, Whittier's City Charter, originally enacted in 1955, was amended by vote of the electorate in June 2014 to provide for by-district elections of its city council. Ordinance No. 3011 as approved by the electorate established a directly elected mayor and divided the City into four (4) council districts, to be established by the city council in the manner provided by law; and

WHEREAS, following certification of the charter amendment, the council directed staff to retain a districting expert and to hold and publicize a number of both individual and public meetings throughout the city to study the communities of interest, natural boundaries, geographic, topographic and population data, cohesiveness, contiguity, integrity, and compactness of territory; and

WHEREAS, the city council held public hearings on October 14, 2014, December 9, 2014, and April 20, 2015 to take public comment on, study, discuss and act on selection of the appropriate district boundaries taking into account all requirements of federal and California law.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA DOES ORDAIN AS FOLLOWS:

**SECTION 1:** Section 2.04.040 of the Whittier Municipal Code is hereby amended to read as follows:

**2.04.040 - Qualifications.**

- A. A person is not eligible to hold office as mayor unless he is at the time of seeking nomination or appointment to office an elector of the city. If, during his term of office he moves his place of residence outside of the city limits or ceases to be an elector of the city, his office shall immediately become vacant.
- B. A person is not eligible to hold office as council member unless he is at the time of seeking nomination or appointment to office an elector of the city, residing in the district from which he is appointed or elected. If, during his term of office he moves his place of residence outside of the district boundaries or ceases to be an elector of the city, his office shall immediately become vacant. However, no council member shall be deemed to have moved outside of his district as a result of district boundary changes which may occur during his term of office. Any council member who is no longer a resident of the district from which he was appointed or elected shall continue to serve until his term is complete or the office otherwise becomes vacant.

**SECTION 2:** Section 2.04.050 is hereby added to the Whittier Municipal Code:

**2.04.050 – District Boundaries.**

The council member districts of the city shall have the following legal boundaries:

District 1. The region bounded and described as follows: Beginning at the point of intersection of Broadway and City Boundary, and proceeding easterly along Broadway to Comstock Avenue, and proceeding southerly along Comstock Avenue to Wardman Street, and proceeding easterly along Wardman Street to Painter Avenue, and proceeding southerly along Painter Avenue to Whittier Boulevard, and proceeding westerly along Whittier Boulevard to Washington Avenue, and proceeding southerly along Washington Avenue to Putnam Street, and proceeding northerly along Putnam Street to Greenleaf Avenue, and proceeding southerly along Greenleaf Avenue to Danbrook Drive, and proceeding easterly along Danbrook Drive to Shoemaker Avenue, and proceeding southerly along Shoemaker Avenue to Block Boundary, and proceeding easterly along Block Boundary to Somerset Street, and proceeding easterly along Somerset Street to Addington Street, and proceeding easterly along Addington Street to Painter Avenue, and proceeding southerly along Painter Avenue to City Boundary, and proceeding westerly along City Boundary to the point of beginning.

District 2. The region bounded and described as follows: Beginning at the point of intersection of City Boundary and Broadway, and proceeding easterly along City Boundary to Block Boundary, and proceeding southerly along Block Boundary to Penn Street, and proceeding westerly along Penn Street to Painter Avenue, and proceeding northerly along Painter Avenue to Wardman Street, and proceeding westerly along Wardman Street to Comstock Avenue, and proceeding northerly along Comstock Avenue to Broadway, and proceeding westerly along Broadway to the point of beginning.

District 3. The region bounded and described as follows: Beginning at the point of intersection of City Boundary and Block Boundary, and proceeding easterly along City Boundary to Colima Road, and proceeding northerly along Colima Road to Whittier Boulevard, and proceeding westerly along Whittier Boulevard to Catalina Avenue, and proceeding northerly along Catalina Avenue to Mar Vista Street, and proceeding westerly along Mar Vista Street to Catalina Avenue, and proceeding northerly along Catalina Avenue to Precinct Boundary, and proceeding northerly along Precinct Boundary to Block Boundary, and proceeding easterly along Block Boundary to the point of beginning.

District 4. The region bounded and described as follows: Beginning at the point of intersection of Penn Street and Painter Avenue, and proceeding easterly along Penn Street to Block Boundary, and proceeding easterly along Block Boundary to Precinct Boundary, and proceeding southerly along Precinct Boundary to Catalina Avenue, and proceeding southerly along Catalina Avenue to Mar Vista Street, and proceeding easterly along Mar Vista Street to Catalina Avenue, and proceeding southerly along



Catalina Avenue to Whittier Boulevard, and proceeding easterly along Whittier Boulevard to Colima Road, and proceeding southerly along Colima Road to City Boundary, and proceeding westerly along City Boundary to Painter Avenue, and proceeding northerly along Painter Avenue to Addington Street, and proceeding westerly along Addington Street to Somerset Street, and proceeding westerly along Somerset Street to Block Boundary, and proceeding westerly along Block Boundary to Shoemaker Avenue, and proceeding northerly along Shoemaker Avenue to Danbrook Drive, and proceeding westerly along Danbrook Drive to Greenleaf Avenue, and proceeding northerly along Greenleaf Avenue to Putnam Street, and proceeding southerly along Putnam Street to Washington Avenue, and proceeding northerly along Washington Avenue to Whittier Boulevard, and proceeding easterly along Whittier Boulevard to Painter Avenue, and proceeding northerly along Painter Avenue to the point of beginning.

These district boundaries are depicted on a boundary map attached hereto as Exhibit A. These boundaries will remain in effect until amended by ordinance.

Nothing herein shall affect the terms of office of the five members of the city council in office at the time this section takes effect, who shall continue in office until their terms expire.

**SECTION 3.** Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of the Ordinance, to the extent of such inconsistencies and no further, are repealed or modified to that extent necessary to affect the provisions of this Ordinance.

**SECTION 4.** Should any section, subsection, clause or provision of this ordinance for any reason be held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance, it being hereby expressly declared that this ordinance, and each and every section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, approved, adopted and/or ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases of this ordinance be declared invalid.

**SECTION 5.** The Mayor shall sign and the City Clerk-Treasurer shall attest to the passage of this Ordinance. The City Clerk-Treasurer shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective thirty (30) days after its adoption.



APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
FERNANDO DUTRA, Mayor

Attest:

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KATHRYN A. MARSHALL  
City Clerk-Treasurer

Exhibit: A – District Boundaries Map

# Whittier City Council Voting Districts



