



## **CALL OF SPECIAL MEETING**

### **Antioch City Council Special Meeting**

Pursuant to Government Code section 54956, I hereby call a Special Meeting of the Antioch City Council. Said meeting shall be held on the following date, time and place:

**DATE: Saturday, March 10, 2018**

**TIME: 9:00 A.M. Special Meeting**

**PLACE: Nick Rodriguez Community Center  
213 F Street  
Antioch, California 94509**

The only items of business to be considered at such special meeting shall be set forth on the Special Meeting Agenda.

Dated: February 13, 2018

  
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**SEAN WRIGHT, Mayor**  
**City of Antioch**

Regular Meetings:  
2nd and 4th Tuesday  
of each month



Agenda prepared by:  
Office of the City Clerk  
(925) 779-7009

# **ANNOTATED AGENDA**

for

## **SPECIAL MEETING OF THE ANTIOCH CITY COUNCIL**

**Nick Rodriguez Community Center  
213 F Street  
Antioch, CA 94509**

**SATURDAY  
MARCH 10, 2018  
9:00 A.M.**

**9:04 A.M. ROLL CALL – Council Members Thorpe, Tiscareno, Ogorchock, and Mayor Wright  
(Council Member Wilson arrived at 10:05 a.m.)**

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS – None**

### ***PUBLIC HEARING***

1. DISTRICT-BASED ELECTIONS

**10:33 A.M. ADJOURNED TO BREAK (After Presentation and Public Comments received)**

**10:50 A.M. RECONVENE. ROLL CALL for Council Members – All Present**

### ***COUNCIL COMMUNICATIONS (To discuss additional draft maps to be drawn)***

**11:38 A.M. ADJOURNED TO BREAK (To draw up additional draft maps)**

**11:58 A.M. RECONVENE. ROLL CALL for Council Members – All Present**

Recommended Action: It is recommended that the City Council receive public input regarding a proposed map or maps for a district-based system of electing Antioch City Council members.

***Council received public input regarding proposed draft maps. The Demographer commented the draft maps would be posted on the City's Webpage 03/12/18.***

STAFF REPORT

STAFF REPORT

**PUBLIC COMMENTS  
STAFF COMMUNICATIONS  
ADJOURNMENT – 12:27 p.m.**

STAFF REPORT

*The City Council meetings are accessible to those with disabilities. Auxiliary aides will be made available for persons with hearing or vision disabilities upon request in advance at (925) 779-7009 or TDD (925) 779-7081.*



## CITY OF ANTIOCH NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the City Council of the City of Antioch will hold a public hearing, per Elections Code Section 10010, at a **SPECIAL MEETING** at the Nick Rodriguez Community Center, 213 F Street, Antioch, **9:00 A.M. on SATURDAY, MARCH 10, 2018**, on the following matter:

Receipt of public input regarding a draft map or maps for a district-based system of electing Antioch City Council members.

All interested persons are invited to be present at aforesaid hearing and be heard thereon. Written statements may be filed with the City Clerk, City Hall, 200 H Street (P.O. Box 5007), Antioch, CA 94531-5007, or e-mailed to: [districting@ci.antioch.ca.us](mailto:districting@ci.antioch.ca.us) at any time prior to the hearing. This meeting facility is handicapped accessible. Auxiliary aides will be made available upon advance request for persons with hearing or vision disabilities. (925) 779-7009, TDD (925) 779-7081.

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### AVISO DE AUDIENCIA PÚBLICA

**POR LA PRESENTE SE DA AVISO** que el Concejo Municipal de la Ciudad de Antioch conducirá una audiencia pública por Sección de Código de Elecciones 10010, en una Junta Special de el Concejo Municipal en el Centro Comunitario Nick Rodriguez, 213 F Street, Antioch, **9:00 A.M., el sábado, 10 de marzo de 2018**, en el siguiente asunto:

Recibo de comentarios del público con respecto a un mapa preliminar o mapas para un sistema de Elecciones Basado por Distrito para elegir a los miembros del Concejo Municipal de Antioch.

Se invita a todas personas interesadas a estar presente a tal audiencia y ser escuchadas sobre este asunto. Declaraciones en escrito pueden ser archivadas con la Secretaria de la Ciudad, en el Palacio Municipal, 200 H Street/P.O. Box 5007, Antioch, CA 94531-5007 ó ser mandadas por correo electronico a: [districting@ci.antioch.ca.us](mailto:districting@ci.antioch.ca.us) en cualquier momento antes de la audiencia. Esta instalacion de reuniones sera accesible para discapacitados. Ayudas auxiliaries seran disponibles por solucitud con anticipación por personas con discapacidades de oír y vision. Lame a (925) 779-7009, TDD (925) 779-7081.

/s/ ARNE SIMONSEN

ARNE SIMONSEN, CMC, City Clerk

Publication Date: 02/28/18

cc: City Attorney



## STAFF REPORT TO THE CITY COUNCIL

**DATE:** Special Meeting of March 10, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Derek P. Cole, Interim City Attorney *DC*

**SUBJECT:** Receipt of public input regarding the drafting of a proposed map or maps for a district-based system of electing Antioch City Council members.

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### **RECOMMENDED ACTION**

It is recommended that the City Council receive public input regarding the drafting of a proposed map or maps for a district-based system of electing Antioch City Council members.

### **STRATEGIC PURPOSE**

The proposed action is consistent with Strategy N-1, Effectively and efficiently provide legal services in support of the City's policies, procedures and initiatives.

### **FISCAL IMPACT**

None.

### **DISCUSSION**

#### **Background**

At its meeting on January 23, 2018 the Council adopted a resolution formally declaring its intention to convert from at-large to by-district City Council elections. The Council's adoption of this resolution started a process that must be completed within 90 days and that will culminate in April with consideration of an ordinance effecting the change in the Council selection system.

At meetings on February 13 and 15, 2018, the Council received presentations from its demographer and took public testimony regarding "communities of interest" that should be preserved as part of the creation of councilmember districts. The demographer has taken that information, along with information received via online submissions, to prepare two draft maps for Council consideration. Those two drafts are included as attachments to this staff report.

### **Number of Council Seats Preferred**

Separately, I note that I have researched the issue of whether the Council could create a greater number of council seats as part of the process the California Voting Rights Act provides for converting from at-large to by-district elections. My research has disclosed express authority for the creation of additional districts per California Government Code section 34886. However, because City voters have previously endorsed having an elected mayor, I do not believe any ordinance any Council adopts in the CVRA process could eliminate the elective mayor position. (That could only occur by submitting an appropriate measure to the voters.)

In sum, based on my research, it is my opinion that the Council keep four electoral districts and maintain its current composition (i.e., one elected mayor and four councilmembers), or it could it raise the number of council districts to six or eight<sup>1</sup> (while keeping the elected mayor position, for a 7-member or 9-member body, respectively).

At the March 10, 2018 meeting, my office requests the Council provide direction on whether it wishes to stick to its current 5-member arrangement or move to a 7-member body. To facilitate consideration of an alternative number of council seats, I have requested the demographer draw a proposed district map that includes six council seats. I will forward that draft map under separate cover when I receive it later this week. (I assume that a 9-member body would be too large given the City's population, but if it is the Council's pleasure to consider having that many seats, then we would be happy to work with the demographer accordingly.)

### **Timing of Implementation of District Elections**

A separate issue for which Council direction is necessary is on when to have the district elections begin. To this end, I include correspondence from the County Registrar of Voters, who has expressed concerned about his office's ability to implement district elections in the upcoming general election this November (which is the first available election in which Antioch could switch to by-district elections.) I question whether the Registrar has the authority to not implement districting elections starting this year, but I did want to convey his statement to the Council for your consideration.

I note that two councilmembers have been elected for terms through 2020. Consistent with Government Code section 34873, it does not appear these terms can be abridged. Thus, the options appear to be to partially implement district elections starting in 2018 or

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<sup>1</sup> It does not appear, however, that the City could have a combination of by-district and at-large council seats. For instance, the City could not have a combination of four district positions and two at-large positions. The applicable Government Code section, section 34871, does not indicate such is a permissible composition for a *general law* city council. (A *charter* city likely could have such a council composition, but Antioch is a general law city.) This section only authorizes "by-district" or "from-district" elections (in which councilmembers are elected in districts in which they live, but in which the entire population is able to vote for each district).

to implement districting all at once beginning in 2020. Possible scenarios could include the following:

Staggered rollout of district elections starting this year: In this scenario, the City would keep the two at-large seats of the councilmembers whose terms do not expire, and it would implement two of the four districts for this November's election; then in 2020, the City would replace the two remaining at-large seats with the two other districts. This would keep the current staggering of elections in which two councilmembers are up for election each election cycle.

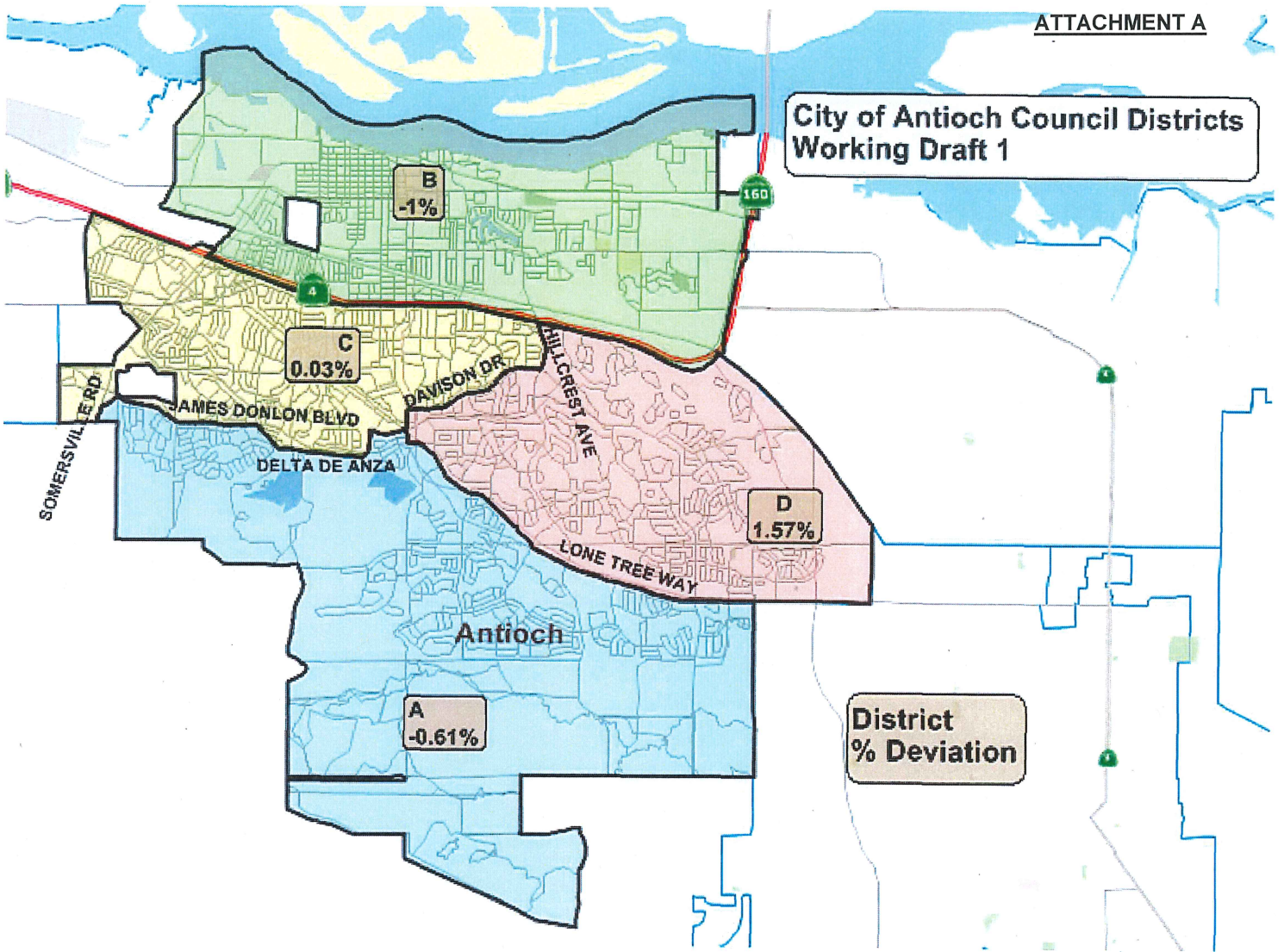
Implement districts all at once in 2020: With this option, the city would start all district elections in 2020, but provide that half of the districts would initially be for 2-year terms, while the other half would be for full 4-year terms. Then, in 2022, the districts for which 2-year initial terms were held would convert to 4-year terms. This would allow for the Council to maintain a staggered election system. (What this would mean for the two council seats that are up this year is that those would still be elected on an at-large basis in November, but they would only provide for terms of two years.)

If a 6-member council is preferred: In this scenario, I recommend the Council keep a four-member council for 2018 and choose one of the two options above. The additional two council seats would then be created effective for the 2020 election. To ensure an even staggering (i.e., three seats up each election cycle), one new district seat would need to be for an initial 2-year term.

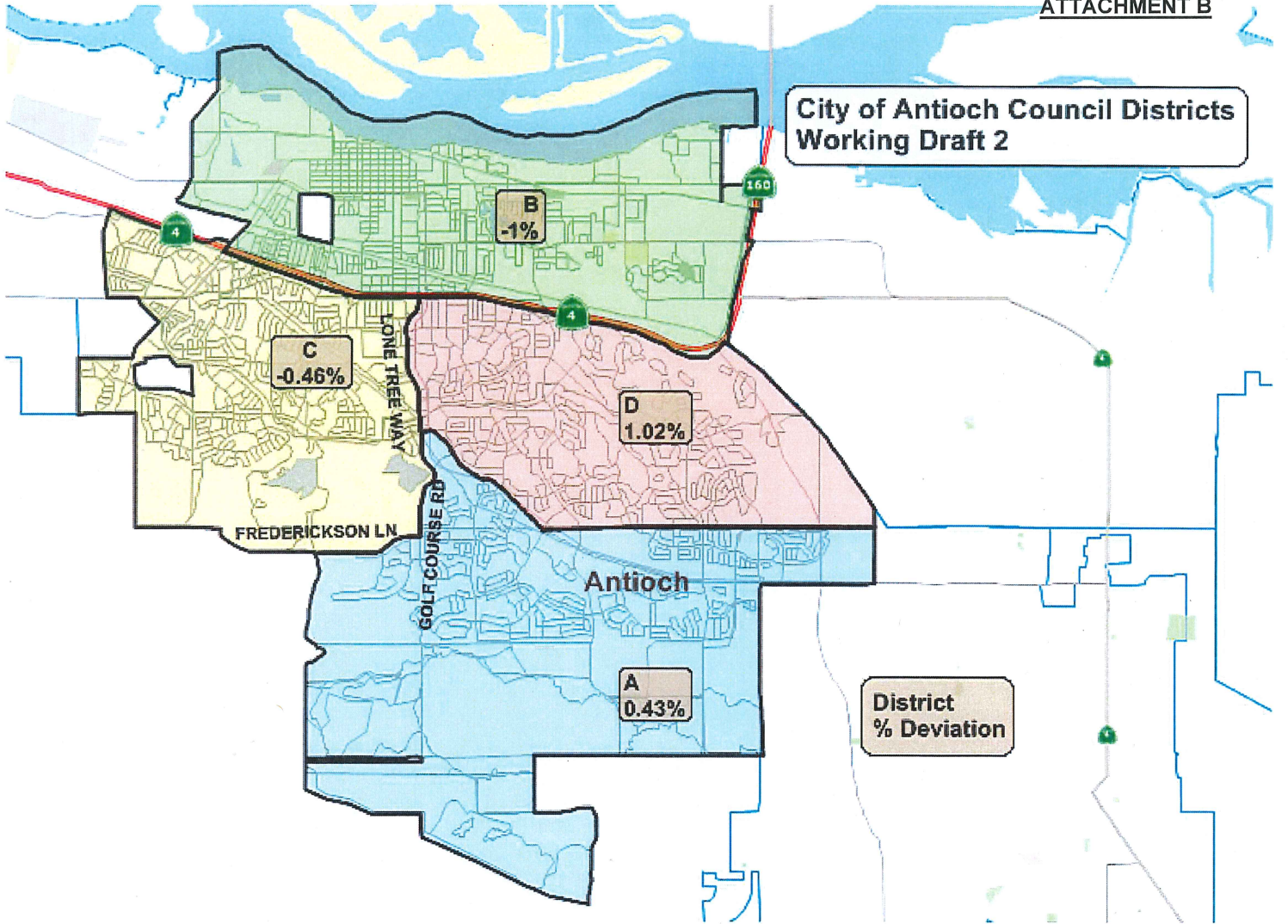
## **ATTACHMENTS**

- A. Working Draft District Map No. 1
- B. Working Draft District Map No. 2
- C. Memorandum from J. Canciamilla, Jan. 29, 2018

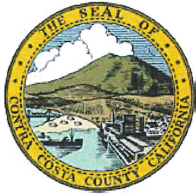
City of Antioch Council Districts  
Working Draft 1



City of Antioch Council Districts  
Working Draft 2







CONTRA COSTA COUNTY  
CLERK/RECORDER - ELECTIONS DIVISION  
555 ESCOBAR STREET  
MARTINEZ, CALIFORNIA 94553  
925.335.7800 1.877.335.7802  
[www.cocovote.us](http://www.cocovote.us)

## ATTACHMENT C

Joseph E. Canciamilla  
County Clerk-Recorder-Registrar

Scott O. Konopasek  
Assistant Registrar of Voters

January 29, 2018

The Clerk-Recorder, this County's Registrar of Voters, is aware that numerous cities and school districts have received letters demanding implementation of the California Voting Rights Act. The purpose of this letter is to provide you with an overview of the process that this office needs to undertake to transition a city or a school district from an at-large election to a district-based election.

### **1. How the Office of the Clerk-Recorder Handles At-Large and District Elections**

The Office of the Clerk-Recorder proffers no opinion on the merit of at-large versus district elections in any jurisdiction. While the rules for each election-type differ, we are able to conduct both types of elections. We currently conduct both types of elections routinely and concurrently.

### **2. The Clerk-Recorder's Role in Changing a Jurisdiction from an At-Large Election to an Election by District**

When a change is made from an at-large election to an election by district, this office is responsible for ensuring that affected voters receive the proper ballot. To do so, we must create a code for each district and then associate individual voters to the appropriate districts. We then verify the data to ensure that we have not introduced any errors by associating a voter with an incorrect district. Because we use more than one data system, these changes and verifications need to be completed in each system. We can only proceed after confirming all of the changes are 100% accurate.

The approach a city or school district chooses to draw the district lines significantly affects our risk of entering erroneous data. Accordingly, the amount of time that this office must spend in making changes and verifying the changes can vary greatly. Whether the district lines are congruous with precinct lines is a factor that may have the largest impact on the time that this office must spend on requested changes:

District lines corresponding to precinct lines: If a city or district approves a district map on which the district lines are congruent with the current precinct lines, the Clerk-Recorder's incorporation of that information into data system is facilitated because this office has already associated voters with precincts and verified that the association is accurate.

District lines that do not correspond to precinct lines: If a city or district approves a district map that does not follow existing precinct lines, one of the two highly-trained

Clerk-Recorder staff who are experienced in geographic information system (GIS) mapping must create new precinct lines. This is a time-consuming process that must be double and triple-checked for errors. Any error that misassigns voters to a precinct or misassigns a precinct to a new district will result in voters receiving an incorrect ballot. Such an error can result in the voter being disenfranchised by not being able to properly cast their vote in the election.

The complexity of this process will be compounded when, as we anticipate, this office receives a request to convert to district elections from both a city and a school district within the city. This office will need to go through the entire process twice, once for the city and once for the school district. The overlay of the two new sets of districts can result in as many as 25 new and unique voting areas in each city.

### **3. Considerations Relating to Timing**

Based on the current status of matters before city councils and school boards, we anticipate that, at the earliest, cities and school districts will submit their requests and maps to this office two to three months before the June election. To prevent introducing errors while the June election is pending, we will not be able to make any changes to the voter data. Only once the June election is certified, can we begin the process of placing each voter in the new districts and making precinct changes. Accordingly, the earliest that this office could begin making the changes is July 5.

If we are not able enter and verify these changes by August 10, we will need to halt our work in preparing ballots and voting material for all federal, state, county, city, and district offices until the changes are completed. Any such delays could have serious consequences. There is no extra time in the election calendar because federal and state deadlines for mailing ballots need to be completed within a narrow time frame. For instance, the US Department of Justice strictly enforces the law requiring ballots to be mailed to military and overseas voters at least 45 days prior to any election. Because such voters need sufficient time to return their ballots, this office's failure to mail ballots according to the statutory deadline could cause the election to be called into question.

### **4. Background of the Current Situation**

This office learned of the letters challenging the at-large elections of Martinez, Concord, Martinez Unified School District, Antioch, and Brentwood in mid-November after a city shared a copy of the letter with us. Although the letter did not mention an effective date for changes, we realized that the timing of the letter could force jurisdictions to submit changes to this office while we are in the midst of the 2018 election cycle.

We proactively outlined our concerns to the cities in a memo summarizing the facts above. To ensure that the integrity of the 2018 elections was not compromised while simultaneously following the requirement for adopting an ordinance, we suggested that they consider a 2020 implementation date. We immediately followed up with a meeting to discuss the memo and answer the questions of all city managers, city attorneys and city clerks in the County.

In the memo and in the discussion we offered to work with the cities in developing their districting plans and emphasized this office's interest in the new district lines conforming to existing precinct lines as much as possible for the reasons previously discussed.

If faced with the choice of jeopardizing the entire election or accommodating an unnecessarily hasty effort to convert to districts in 2018 by cities fearing the threat of litigation, we informed the cities that we would, in a worst case scenario, consider asking the Board of Supervisors to decline a city's request to conduct its 2018 election. Our concern was that if numerous cities and school districts simultaneously requested to make changes to their system, this office might not be able to responsibly accommodate their requests within the brief window during July when the change would need to be made. This could be particularly difficult in those cases where the district boundaries do not conform to precinct boundaries.

While we are supportive of cities as they transition to district elections, we are concerned about the potential effect of an unknown number of jurisdictions seeking to convert to district elections. This uncertainty is magnified because we lack control over whether the adopted districts will conform to property boundaries and precinct lines. We would be neglecting our professional responsibilities if we did not make the cities aware of potential problems as they considered and planned their transition to district elections.

## **5. Questions Bearing on the Impact of the Change to District Elections**

As explained, this office's concerns are based upon the uncertainty the current situation poses to the preparations for the November election. The cities and school districts' decisions will determine if these changes can be completed through our usual business processes or if they will result in complicated scenarios that will overwhelm this office's resources given the brief window when such changes must be made.

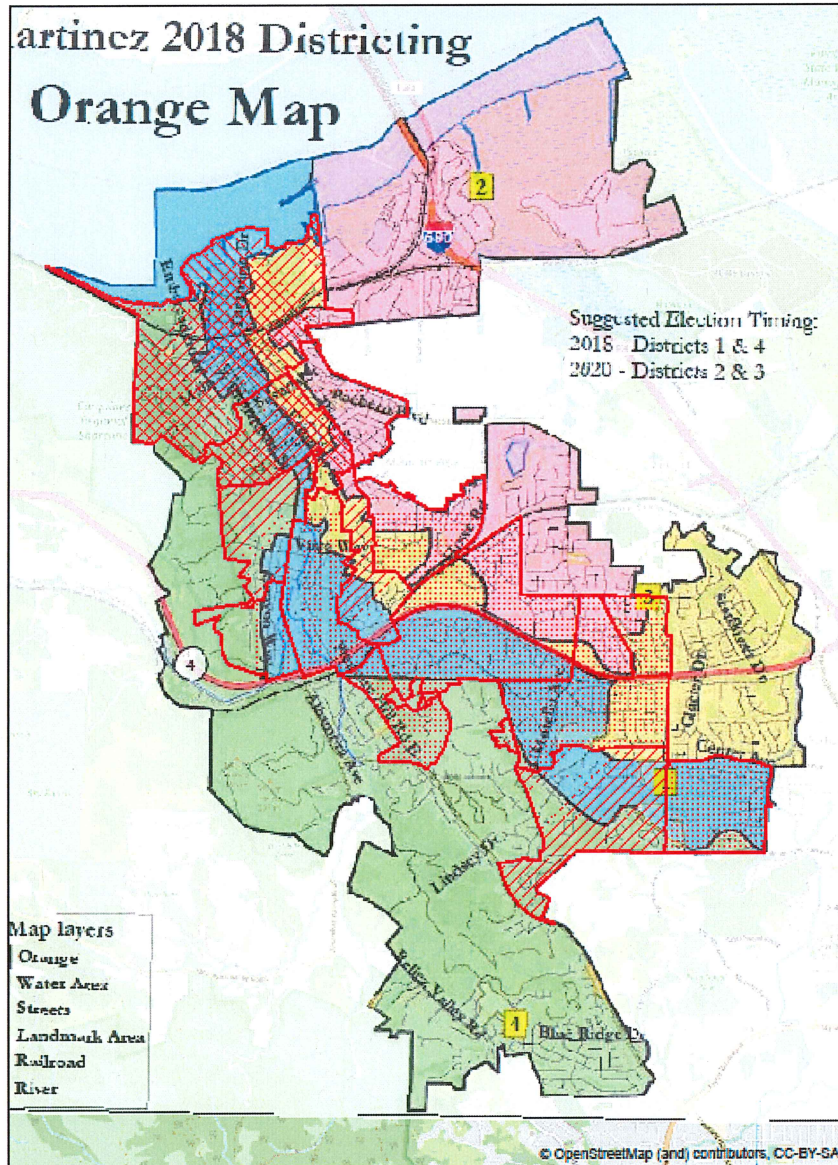
There are two questions that bear directly on the magnitude of the impact of conducting district election in 2018:

1. Is it possible to draw districts that use only existing precinct lines?
2. When district lines are not congruent with existing precinct lines, how precisely does it affect the steps that the Clerk-Recorder must take?

### **Case Study – City of Martinez**

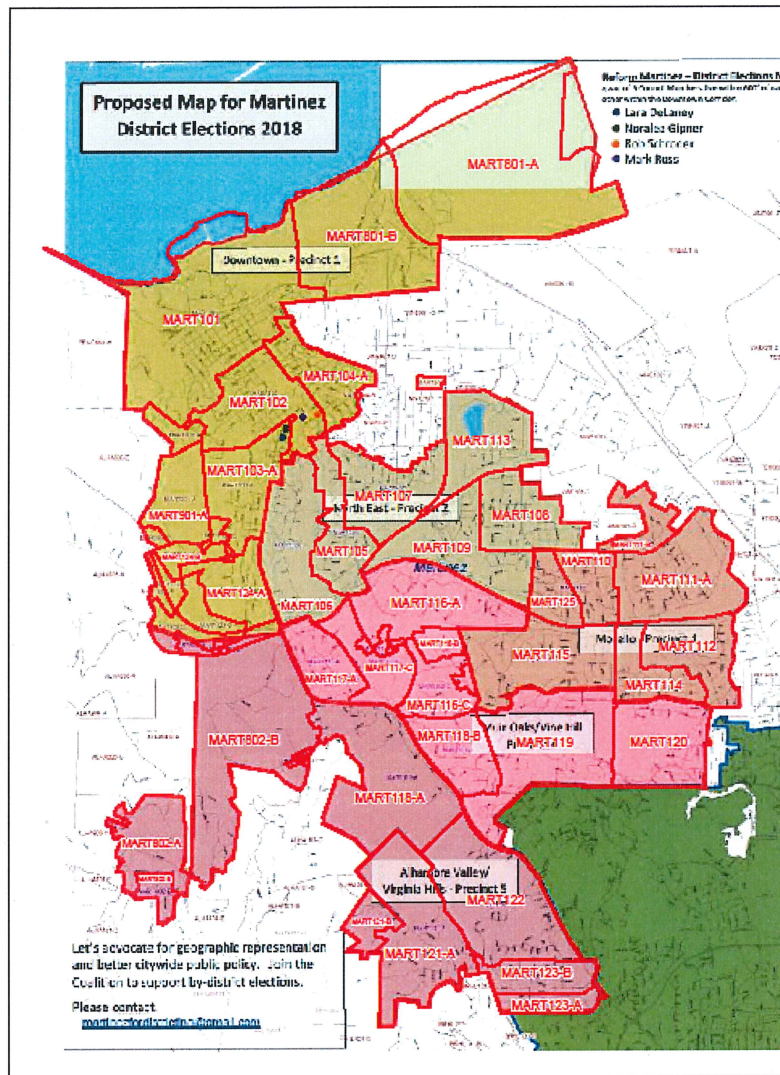
The City of Martinez has posted maps on its website prepared by its consultant. The City has given citizens the opportunity to draw and propose their own maps. The maps prepared by the consultant based upon guidance from the City Council paid little heed to the existing precinct lines. The hash-marked areas represent the effect of crossing existing precinct lines. In this proposal there are at least 39 conflicts between proposed district lines and existing precinct lines.

## Public Map Number 2



One citizen has proposed a map with district boundaries that both appear to be coherent and respect precinct lines. This seems to be evidence that it is possible to draw boundaries and respect precinct lines at the same time. The superimposed red lines are the existing precinct lines

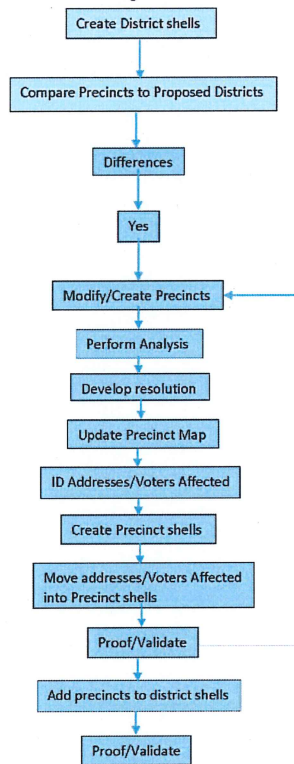
### Public Map Number 2



Voting Precinct Portions (52)

If the City were to adopt and submit the first proposal, precincts would need to be modified and voters reassigned. The flowchart below outlines the required steps. The steps would need to be repeated for each district that is non-congruous with existing precinct lines. The average time to complete each iteration is 3 hours by a trained-GIS professional. In the case of this scenario with 39 discrepancies, it could require up to 117 hours by such a professional to make and validate the needed changes.

Flowchart for creating new district boundaries



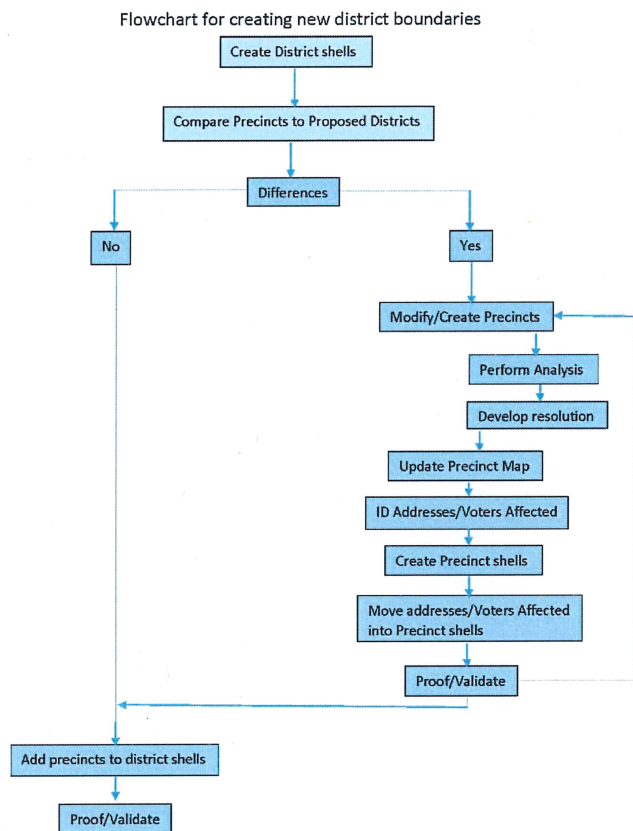
On the other hand, if the City were to adopt and submit the citizen proposal, no precincts would need to be modified nor voters reassigned. The flowchart below outlines the required steps. The steps would need to be completed once for the entire city to update all five districts. The expected time to complete the process is one half (.5) hour per trained-GIS professional.

Flowchart for creating new district boundaries





The time and resources required to accommodate a city’s adopted district boundaries varies greatly depending on the approach taken by each city. Cities that choose to have district elections in 2018 can also choose draw the initial boundaries using existing precincts which will facilitate their desire for swift implementation.



Cities choosing to have “custom” lines are free to do so and this office will gladly support their decision. However, it is uncertain whether the Office of the Clerk-Recorder will be able to implement such changes in time for the 2018 November election.



**SUPPLEMENTAL STAFF REPORT TO THE CITY COUNCIL**

**DATE:** Special Meeting of March 10, 2018

**TO:** Honorable Mayor and Members of the City Council

**SUBMITTED BY:** Derek P. Cole, Interim City Attorney *DC*

**SUBJECT:** Supplemental Staff Report: Receipt of public input regarding the drafting of a proposed map or maps for a district-based system of electing Antioch City Council members.

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As indicated in my staff report for this matter, our consultant would be preparing a draft six-district map should the Council wish to entertain the option to converting to a 7-member body (including the elected mayor). Attached is the draft 6-district map the consultant has prepared. This draft map has been labeled "Working Draft District Map No. 3" and is presented for Council and public consideration along with the tow working drafts provided with my original staff report.

**ATTACHMENTS**

1. Working Draft District Map No. 3

# City of Antioch Council Districts Working Draft 3

