

**ACTION MINUTES OF THE CITY COUNCIL
SPECIAL/COUNCIL DISTRICTING
Wednesday, January 9, 2002
CITY HALL COUNCIL CHAMBERS**

CALL TO ORDER/ROLL CALL

Mayor Leary called the January 9, 2002 Special Districting City Council meeting to order at 5:32 p.m.

Present: Mayor Leary, Mayor Pro Tem Scherman, Councilmembers Briggs, Cooper and Soares
Absent: None

Mayor Leary led the Pledge of Allegiance.

PUBLIC COMMENT

David Gordon expressed concern regarding the need to district at this time. He believes that drawing maps is necessary to provide representation to the Laguna West and Lakeside communities once annexed. He stated it does not appear to be fiscally responsible to district at this time. He questioned whether it is necessary to draw district maps prior to the next general election and what is the penalty for postponing districting until after the annexation?

Joe Debbs expressed concern regarding illegal dumping on the Laguna Reserve near his home. The property runs parallel to West Stockton Boulevard behind Gateway. People allow their dogs to run freely in the Laguna Reserve, leaving trash behind. Others dump sofas, refrigerators and tires on or near the property. Mr. Debbs asked for Council aid to prevent the dumping and stated he is willing to help in the cleanup of the property.

Mayor Leary suggested instituting a Neighborhood Watch, and asked staff to provide Mr. Debbs with an illegal dumping phone number.

Mr. Debbs asked that the violators be reprimanded for dumping violations.

Mayor Leary suggested calling the service center to aggressively pursue violations and provide some assistance in the removal of the items dumped.

Lisa Dixon agreed that violators should be prosecuted and asked whether the Laguna Reserve is posted for dumping and running of dogs off leash.

Mayor Leary responded that the property is posted.

With no other requests to speak, the public comment opportunity was closed.

COUNCIL DISTRICTING WORKSHOP

Agenda Item No. 3.1: District Variants

Dr. Peter Morrison provided detail on boundaries for the City, handouts included detail for districting alternatives. Dr. Morrison presented three variants 1A, 1B and 1B-2 the citizens' districting plan number 1, which was presented by Dannetta Garcia at the October 24, 2001 meeting. The citizens' plan number 1 was verified and is in demographic balance. Dr. Morrison explained that variant 1-B2 divides the Old Town area within two districts, as does the map prepared by Ms. Garcia.

Dr. Morrison stated that the districts will require numbering and a legal review by Mr. McDermott. Once complete, a final, official map with the street detail and a memo recording detail of the racial ethnic makeup of each district will be prepared.

Mayor Leary opened the public comment opportunity.

Mayor Leary asked that Ms. Garcia provide Council with the maps she prepared.

Dannetta Garcia stated that Census track blocks are used to determine how areas are divided. Looking at Mr. McDermott's variant options, census block tracks are divided and Ms. Garcia stated that census block tracks cannot be cut or divided as they must remain whole by law. Ms. Garcia explained that the number within each census block represents the number of people who live in that block.

Ms. Garcia stated that the citizens wanted to lessening the deviation on the variant map, and succeeded in a zero deviation, concluding that the districts are at zero deviation and that the districts have the appropriate district numbers 1, 2, 3, 4, and 5 (showing the sequence on the map) according to the superior court. Ms. Garcia stated that the Tiger files do not allow the numbers of the districts to be changed. Ms. Garcia provided an explanation of the zero deviation to the districts with the map presented by the citizens. Ms. Garcia asked that Council accept this second map for the Council districting for the City of Elk Grove.

Sandi Russell requested that if the City sees it necessary to district, to please use the map presented by Ms. Garcia. Ms. Russell stated that she does not believe it is necessary or financially responsible to district at this time.

Sharon Goodnight stated that the provision for districting was placed by LAFCo in the agreement for incorporation and that if districting did not occur there would be no penalty. If districting does occur, it would seem more effective to wait for the annexation of Laguna West, and expressed that the goal of cityhood is to create a cohesive community. Ms. Goodnight asked Council of their intent to become a Charter City, where candidates run, and people vote only in that district.

Lisa Dixon expressed that everyone was aware that districting was an aspect of incorporation. If districting is deferred because of the Laguna West annexation along with other parts of the annexation, there could be a long delay in districting. Ms. Dixon asked the Council to support the districting plan as provided by Ms. Garcia.

Frank Maita expressed that delaying districting will not be advantageous to the City. Districting would relieve the anxiety of people who may consider running for Council within a particular district. Mr. Maita stated that he would like the City to become a Charter City. The districting option that should be considered is the one that does not divide the Old Town area of Elk Grove and he urged the Council to move forward with districting.

Sarah Johnson stated that she does not support districting.

Norm DeYoung stated that there is a legal obligation to obey the law and pointed out that census tracks shall not be divided and how districts are numbered is a legal precedent. Mr. DeYoung stated that he supports districting using the map proposed by the citizens.

David Gordon asked if the City Attorney had reviewed the concerns regarding the mandatory obligation to district. His biggest concern is the representation of West Laguna and providing those residents the opportunity to be included in the districting process.

Mayor Leary asked Dr. Morrison to respond to the questions raised by the audience.

Dr. Morrison provided some clarification to concerns raised. Dr. Morrison stated that in districting, census tracks could be divided. Census blocks, which correspond to city blocks, however, cannot or should not be divided. Dr. Morrison stated that the sole criterion is not to have the deviation at zero.

He noted that the County Registrar of Voters needs substantial lead-time to incorporate the new boundaries into their balloting system, and districting should be finalized by the beginning of May to allow the Registrar the necessary time to coordinate the new districts with their precincts.

Dr. Morrison stated that the term "Old Town" is being used differently, and technically, the historic string of blocks that constitutes Old Town is very narrowly defined. A tiny historic area is split along the main thoroughfare, and the larger area that is understood to be Old Town is not just the historic Old Town. The effort has been to keep it contained in one or two districts based on the populous.

Councilmember Soares asked if the Registrar of Voters is able to amend the map selected by the City.

Dr. Morrison responded that the districting is being prepared with the census geography and he has obtained the maps used by the Registrar for precinct boundaries.

To align the City's boundaries with Registrar's precinct boundaries would be ideal in keeping costs to a minimum for printing sample ballots. This has proven to be unfeasible, and the boundaries just do not align with census geography.

Mayor Leary asked if the City districts, who runs for election.

Dr. Morrison stated that districts need to be numbered in a certain manner, but was uncertain of the method.

Anthony Manzanetti, City Attorney, stated that if the City districts in time for the November 2002 general municipal election, the two incumbents receiving the lowest number of votes from the first election would be running. If districting is not in place, the three incumbents receiving the lowest number of votes in the first election would run for election.

Mayor Leary stated that if the City districts, the districts from the two lowest vote recipients would then have the district numbers changed to correspond with those running for election.

Peggy Jackson, City Clerk, stated that as the City Attorney has opined the Government Code provides that when the election of Councilmembers is associated with city incorporation, the two incumbents receiving the lowest number of votes would run in the next general election. As a matter of operation, the two incumbents with the lowest number of votes would represent even-numbered districts and the three incumbents receiving the highest number of votes would represent the odd numbered districts.

Dannetta Garcia reiterated that the law provides for standards governing districting, and urged Council to accept the map submitted by the citizens.

Sharon Lynes asked whether the order in which districts are numbered matters.

Anthony Manzanetti stated that the numbering sequence was not reviewed.

Sharon Lynes affirmed that this would Councilmembers Briggs and Soares who would be in the even numbered districts. Ms. Lynes further questioned where the numbering would begin.

Anthony Manzanetti stated that this is one of the districting issues that has not been researched.

Sharon Lynes asked what law governs the sequence of numbering the districts. If the numbering must begin at a certain location, then Councilmembers Briggs and Soares may not be able to run for election.

Mayor Leary explained that the numbering of the districts may be adjusted, in order to reflect the even and odd numbering of the districts.

Sharon Lynes stated that she is in favor of waiting to district until the annexation of Laguna West is complete. Ms. Lynes asked what the time frame is for completing the annexation.

Mayor Leary stated that the attorney has been tasked with looking at the sequence of numbering the districts, and the completion date for annexation is roughly eight months to one year.

Sharon Lynes stated that large amounts of money are being spent to prepare districting maps, and it may be necessary to redo within a short time. Ms. Lynes urged the Council to delay the districting until the annexation is complete, although if Council choose to proceed with districting, then to select the map prepared by the citizens.

Mike Monasky asked for a definition of one person, one vote.

City Attorney Anthony Manzanetti stated that the principle of one person, one vote simply means that no person's vote should count for more than another person's vote, and does not believe that it relates to the districting process, but deferred to Mr. Morrison.

Dr. Morrison stated that the idea is that everyone is entitled to equal representation. People under eighteen, non-citizens or residents of the City, and the one person, one vote is designed to assure that interests are represented politically, even on behalf of segments of the population who do not vote.

Joe Debbs urged Council to district, and redistrict again when West Laguna is annexed and supported the map provided by the citizens.

The public comment opportunity was closed.

Councilmember Soares stated that both the Executive Director of LAFCo and the Registrar of Voters expressed that it was not their understanding that the incorporation of the City of Elk Grove required districting. Councilmember Soares continued by saying that he will represent all of Elk Grove's citizens and not just those in his district.

Councilmember Briggs explained that districting does not limit representation to the district in which you reside, but to who can run for election and that candidates are required to seek the vote of the entire community.

He also requested additional information on whether the City is truly required to district, and what the penalty is if the City does not district. He too represents everyone and would like to have the citizen's map included in the next presentation.

Councilmember Cooper, agreeing with Councilmembers Soares and Briggs, stated that he also spoke to members of the community and they were not aware of the districting conditions placed by LAFCo at incorporation. He requested additional research be done on the questions posed.

Mayor Pro Tem Scherman concurred and stated that it would be appropriate to take action at another time and to obtain additional information.

Mayor Leary stated that Laguna West plays a big part in the process and there would be 10,000 people unrepresented for an extended period of time, and is in favor of receiving more information.

Mayor Pro Tem Scherman made a motion for staff to return within 30 days with answers to the questions asked this evening.

After discussion, Council concurred that the districting issue be brought forward in about 30 days as an agenda item for action.

ADJOURNMENT

With no additional business to conduct at the special workshop meeting of January 9, 2002, the meeting was adjourned at 6:51 p.m.

PEGGY JACKSON, CITY CLERK

ATTEST:

MICHAEL P. LEARY, MAYOR

Prepared By:

TINA MCVAY, DEPUTY CITY CLERK