



- A.**     **Call To Order**
- B.**     **Roll Call**
- C.**     **Closed Session/Workshop**
- D.**     **Invocation and Pledge of Allegiance** – Councilman Rigsby (In keeping with long-standing traditions of legislative invocations, this City Council meeting may include a brief, non-sectarian invocation. Such invocations are not intended to proselytize or advance any one, or to disparage any other, faith or belief. Neither the City nor the City Council endorses any particular religious belief or form of invocation.)
- E.**     **Items To Be Added Or Deleted**
- F.**     **Oral Reports/Public Participation - Non-Agenda Items** (Limited to 30 minutes; 3 minutes allotted for each speaker)
- G.**     **Conflict of Interest Disclosure** - Note agenda item that may require member abstentions due to possible conflicts of interest
- H.**     **Scheduled and Related Items**
1. **Public Hearing** – Discussion and public input pertaining to the process to transition to district-based elections and receive input from the community regarding communities of interest [**City Manager**]
- I.**     **Consent Calendar**
- J.**     **Old Business**
- K.**     **New Business**
- L.**     **Reports of Councilmen** (This portion of the agenda provides City Council Members an opportunity to provide information relating to other boards/commissions/committees to which City Council Members have been appointed).
- M.**     **Reports Of Officers** (This portion of the agenda provides Staff the opportunity to provide informational items that are of general interest as well as information that has been requested by the City Council).
- N.**     **Adjournment** - Adjourn to Regular Meeting of September 13, 2022

**POSTING**

I, Lynette Arreola, City Clerk, do hereby certify and declare that on the 1<sup>st</sup> day of September 2022, I caused this agenda to be posted at the following three (3) locations, to-wit:

1. Loma Linda Branch Library, 25581 Barton Road, Loma Linda, California
2. City Council Chambers, 25541 Barton Road, Loma Linda, California
3. U. S. Post Office Annex, Newport Avenue, Loma Linda, California



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Lynette Arreola, City Clerk  
City of Loma Linda, California

## **PUBLIC ACCESS & PARTICIPATION AT THE CITY COUNCIL MEETING OF SEPTEMBER 6, 2022**

***The City Council meetings are no longer available through remote participation; however, due to the circumstances of this meeting, remote participation will be available.***

### ***Remote Meeting Access information for public participation:***

- a) Go to <https://us02web.zoom.us/j/89790522082?pwd=WkZselJ3blNaWjRIRy9XRmdvS21aUT09>
- b) Or call 1(408) 638-0968

**Input Meeting ID: 897 9052 2082.** No participant ID is necessary. Dial the # key as prompted.

The meeting of September 6, 2022 will be held in person and open to the public. Physical distancing and masks may be required. This meeting will also be available via zoom's virtual meeting platform for the purpose of public comment.

### **VIEW OR DOWNLOAD MEETING AGENDAS**

Agendas for all meetings are available on the website: [www.lomalinda-ca.gov](http://www.lomalinda-ca.gov) – Click “Our City” » “City Council” » “Agendas”

### **REMOTE PUBLIC ACCESS TO LIVE MEETINGS**

The public may comment during the public comment portion of the meeting or on a particular agenda item via Zoom's virtual meeting platform.

- Computer or smart device via ZOOM meeting platform: You may join via ZOOM with a computer or via an app using a smart device (Android phone, iPhone, iPad, tablet, etc.). Participants using a computer or smart device will be able to see visual presentations provided during the meeting, if any.
  - Computer: Visit the ZOOM website at <http://www.zoom.us> and click "JOIN A MEETING" located at the top right corner of the page. Enter the "Meeting ID" number provided on the meeting's agenda and you will be prompted to register with your name and your email address.
  - Note: If you do not have speakers or a microphone and will be using a phone to listen to and/or speak during the meeting, you will also use the call-in number and, when prompted on the phone, enter the "Meeting ID" number provided when you entered the meeting on the computer.
  - Smart Device: Download the "ZOOM Cloud Meetings" app in Google Play (Android devices) or the App Store (Apple devices). This method should not require a separate phone for listening and speaking capabilities. When you start the app, you will need to enter the "Meeting ID" provided on the meeting's agenda, then you will be prompted to register with your name and email address.

- Telephone Only: Interested parties can call using a cell phone or landline telephone to listen to and participate in meetings live over the phone at the scheduled meeting times. Call the "Call-In Number" and enter the "Meeting ID" number, provided below. If asked for a Participant ID number, press #.

***All callers and ZOOM users will be placed on mute by default and for the duration of the meeting, until called on for comment. Please mute yourself during the meeting until the Mayor requests comments from those who wish to speak.***

## **REMOTE PUBLIC PARTICIPATION**

**VERBAL COMMENTS** - Provide comments verbally during the meeting over the phone or using the ZOOM meeting platform.

ZOOM participants may use the "raise hand" function to indicate they wish to speak, and those participants will be unmuted by the Meeting Host to speak. The Meeting Host will then unmute all telephone participants and ask if anyone else wishes to speak. At this time, those who wish to speak may unmute themselves to be heard. If you're unable to locate the "raise hand" button, use the meeting's "chat" function to inform the moderator you wish to speak.

**WRITTEN COMMENTS** - Submit written comments:

- via e-mail to [larreola@lomalinda-ca.gov](mailto:larreola@lomalinda-ca.gov) with "**City Council Meeting Comment**" on the subject line of the email. Emails must be received by 5:00pm the day of the meeting;
- via U.S. Mail to City of Loma Linda, City Clerk's Office, 25541 Barton Rd., Loma Linda, CA, or send your comments to the City Clerk via U.S. Mail. The City of Loma Linda cannot be held responsible for U.S. Mail that does not arrive on time prior to the subject meeting.

Comments are limited to 250 words. They will be printed and provided to your City Council Members prior to the start of the meeting. The regular meeting begins at 7:00 p.m.

*Any information, including email addresses, submitted to the City via the public comment email system may become subject to disclosure under the Public Records Act.*

### **NEED HELP?**

If you have any questions or need further assistance to participate in this meeting, please call the City Clerk at (909) 799-2819 during business hours (Monday through Thursday, 7:00 a.m. to 5:30 p.m.).



# City of Loma Linda Staff Report

Phil Dupper, Mayor  
Ronald Dailey, Mayor pro tempore  
Rhodes Rigsby, Councilman  
John Lenart, Councilman  
Bhavin Jindal, Councilman

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## CITY COUNCIL STAFF REPORT MEETING OF SEPTEMBER 6, 2022

Approved/Continued/Denied

By City Council

Date: \_\_\_\_\_

**TO:** City Council

**FROM:** Aleks R. Giragosian, Special Counsel

**SUBJECT:** Public Hearing Regarding the Process to Transition to District-Based Elections and to Receive Input from the Community Regarding Communities of Interest

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### RECOMMENDATION

Staff recommends the City Council conduct a second public hearing to receive information regarding the process to transition to district-based elections under Elections Code section 10010 and to receive public testimony on the composition, factors, and community characteristics to consider in drawing potential district maps under Elections Code section 21601.

### ANALYSIS

#### *At-large v. by-district*

The City of Loma Linda currently elects its City Councilmembers through an at-large electoral system in which each Councilmember can reside anywhere in the City and is elected by the voters of the entire electorate to provide citywide representation. Once elected, the City Councilmembers pick one Councilmember to serve as mayor and another to serve as mayor pro tem. Councilmembers each serve for a term of four years.

Under a district-based election system, the City would be divided into new equally populated districts. A candidate must reside within an election district and is elected only by voters residing within that same election district. Councilmembers will continue to serve for a term of four years. No sitting Councilmember will be required to leave office until the Councilmember serves the entirety of his term.

#### *California Voting Rights Act & Safe Harbor Provision*

On May 31, 2022, the City of Loma Linda received a letter via certified mail from attorney Kevin I. Shenkman of Shenkman & Hughes on behalf of his client, the Southwest Voter Registration Education Project. The letter contains unsubstantiated allegations that the City's at-large electoral system prevents members of Loma Linda's Asian and Latino communities from electing their

preferred candidate(s) and violates the California Voting Rights Act (“CVRA”). The letter threatens the City with litigation if the City declines to adopt a district-based electoral system.

Elections Code section 10010 provides an opportunity for cities to limit their exposure to legal liability under the CVRA to approximately \$30,000. Under Elections Code section 10010, a city must adopt a resolution of intention to transition to district-based elections, hold at least four public hearings over the course of ninety days, and adopt an ordinance creating district maps and establishing district-based elections. These deadlines may be extended by agreement with the person making the transition demand.

A city does not admit any guilt or wrongdoing by taking advantage of the “safe harbor” provisions of Elections Code section 10010. Rather, it is an attempt to preserve a city’s resources and protect against potentially costly litigation. On July 12, 2022, the City Council adopted the Resolution of Intention declaring the Council’s intent to consider whether to transition from at-large to district-based elections.

#### *First and Second Public Hearings*

Elections Code section 10010, subdivision (a)(1), provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two public hearings over a period of no more than thirty days from the adoption of the resolution of intention. The purpose of the first and second public hearings is to inform the public about the CVRA, the difference between at-large and district-based elections, and the “safe harbor” process under Elections Code section 10010. Additionally, the hearings are an opportunity for members of the public to describe factors that should be incorporated into future draft maps.

#### *Elements to be Included*

Under Elections Code section 21601, subdivision (a)-(c), the City Council must incorporate the following two elements in any district map:

- Substantially equal population as determined by the most recent federal decennial census; and
- Compliance with the United States Constitution and federal Voting Rights Act of 1965 (“VRA”).

With respect to the VRA, district shall not be drawn with race as a predominant factor in violation of the principles established by the U.S. Supreme Court in *Shaw v. Reno* (1993) 509 U.S. 630 and its progeny. The *Shaw v. Reno* ruling still allows for race to be considered among other factors in drawing districts, but requires that race be only one of many factors evaluated. In *Shaw*, North Carolina had drawn a Congressional district that was long and narrow, widening only to encompass various urban areas with no apparent common connection to each other beyond a large African-American population. The Court held that a district with a shape and composition “so bizarre on its face that it is unexplainable on grounds other than race” is subject to strict scrutiny. (509 U.S.

630, 644 [citation omitted].) Strict scrutiny requires a challenged government action to further a compelling government interest, to be narrowly tailored to accomplish that interest, and to be the least restrictive means to do so. Applying that standard, the Court held that this district failed to survive strict scrutiny because it was evidently drawn with the sole purpose of creating a majority-minority district, without consideration of other factors such as communities of interest, compactness, contiguity, and other geographical and jurisdictional boundaries.

*Factors to be Weighed*

The City Council must also consider the following factors in the following order of priority in drawing districts:

- Geographic contiguity;
- Geographic integrity;
- Geographic familiarity; and
- Geographic compactness.

Geographic contiguity means the boundaries share common borders. Boundaries that meet only at the points of adjoining corners are not contiguous.

Geographic integrity means that, to the extent practicable, the integrity of a local neighborhood or community of interest is respected in a manner that minimizes its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with:

- political parties,
- incumbents, or
- political candidates.

The districts may include relationships based on the following non-exclusive list of factors:

- zoning designations,
- school attendance areas,
- common neighborhood issues or legislative concerns,
- areas around public spaces or other neighborhood landmarks, or
- shared demographic characteristics.

Geographic familiarity means that the district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts should be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

Geographic compactness ensures that nearby areas of population are not bypassed in favor of more distant populations.

### *Next Steps*

The City Council conducted the first public hearing on August 9, 2022. On September 6, 2022, staff will conduct a second public hearing to seek community input and to provide direction on “communities of interest” and the composition of districts to its demographer. This would meet the requirement of holding the first two public hearings within 30 days of the adoption of the Resolution of Intent.

On October 11, 2022, the City Council will conduct a third public hearing to seek public input on the composition of the draft district map(s) and sequence of elections. The City Council will be requested to select a preferred map and direct amendments as necessary. Draft maps under consideration at this third public hearing will be published online and in the newspaper for public review and evaluation at least 7 days in advance of the hearing.

On October 25, 2022, the City Council will conduct a fourth public hearing to adopt a preferred district map and to consider whether to adopt an ordinance to transition to a district-based electoral system. If the City Council desires additional time to make a decision, it may schedule a fifth public hearing for November 8, 2022.

## **PUBLIC NOTICING AND OUTREACH**

The City created [drawlomalinda.org](http://drawlomalinda.org), a website dedicated to the City’s consideration of district-based elections. The webpage includes the following:

- an explanation of the CVRA and the districting process;
- A schedule of public hearings and map submission deadlines;
- A gallery of draft maps;
- An explanation of and link to the resources available to draft a district map;
- Responses to frequently asked questions;
- Resources regarding the CVRA and the districting process; and
- Contact information.

A link to [drawlomalinda.org](http://drawlomalinda.org) is prominently displayed on the City’s homepage.

On August 25, 2022, the City mailed fliers in English and Spanish to each utility billing address in the City, informing residence of the districting process, the schedule of public hearings, the map submission deadlines, and the [drawlomalinda.org](http://drawlomalinda.org) website.

The City Manager contacted community groups, including the City’s various committees, to inform them of the districting process.



Public hearing notices identifying the four public hearing dates for this district-election process were published in English and Spanish in the Sun Newspaper on July 31, 2022.

The public hearing notices were also posted at four public locations within the City of Loma Linda on July 27, 2022.

### **FISCAL IMPACT**

There will be significant staff and City Attorney time needed to transition to a district-based electoral system due to the need to conduct multiple public hearings. The City can also expect to incur costs related to the demographer and public outreach.

### **CONCLUSION**

**Report prepared by:** Diane Robbins, City Attorney, and  
Aleks R. Giragosian, Special Counsel  
**Reviewed/Approved by:** T. Jarb Thaipejr, City Manager