

# OAKLEY



CALIFORNIA

## AGENDA Oakley City Council

Tuesday, August 31, 2021  
6:30 PM

**Special City Council Meeting to be held in the Oakley City Council Chambers located at 3231 Main Street, Oakley, California 94561. BE ADVISED that this meeting will be live-streamed on the City's website at [www.oakleyinfo.com](http://www.oakleyinfo.com), there will be a call in line for this meeting only.**

### **How to Participate**

**Telephone:** You may participate via telephone by calling (669)900-9128 and using Meeting ID#: 858 0900 5401. Please call or text (619)861-8193 with any difficulties with the call-in number or ID. The meeting host will call on you when it is your turn to speak. Please mute your phone until then.

**E-mail:** Public comments can be submitted until 5 p.m. the day of the meeting by completing an online comment form through the City's website, <https://www.ci.oakley.ca.us/agendas-minutes-videos-archive/>. Comments will be distributed to the City Council via email and summarized in the meeting minutes. Please indicate on the comment form if you wish to speak during the meeting. Comments are public record.

**MISSION STATEMENT:** The City of Oakley exists to build and enhance a quality community and to serve the public in a friendly, efficient, responsive manner.

**VISION STATEMENT:** The City of Oakley will be recognized as a model of civic participation and a vibrant Delta community where families live, work, play, shop and visit.

Agendas are posted in Oakley at Oakley City Hall-3231 Main Street, outside the gym at Delta Vista Middle School-4901 Frank Hengel Way and outside the Library at Freedom High School-1050 Neroly Road; agendas are also posted on the City's Internet Website [www.ci.oakley.ca.us](http://www.ci.oakley.ca.us).

A complete packet of information containing staff reports and exhibits related to each item is available for public review prior to an Oakley City Council and/or City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority meeting at Oakley City Hall, 3231 Main Street, Oakley, CA 94561. Any writings or documents provided to a majority of the Oakley City Council, Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency or Oakley Public Financing Authority regarding any item on this agenda will be made available for public inspection, during regular business hours, at the front counter in the Main Lobby of the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561.

Agendas may be picked up at the Oakley City Hall located at 3231 Main Street, Oakley, CA 94561 for no charge. To request information regarding placement on the City's agenda e-mail distribution list, please contact us at (925) 625-7000.

We provide social media options to stay connected to City Hall through Facebook, Twitter, Next Door and Instagram. Other opportunities to connect with City Hall include Engage In Oakley, Oakley OnDemand on the city's website; and by emailing [info@ci.oakley.ca.us](mailto:info@ci.oakley.ca.us). Constant Contacts. Please contact us at (925) 625-7000 for additional information or at [www.oakleyinfo.com](http://www.oakleyinfo.com).

If you have a physically challenging condition and require special accommodations, please call the City Clerk's office at (925) 625-7013.

**Please keep cell phones/electronic devices turned off during the meeting. Please be advised that City Council meetings are video recorded and attendees may appear on video.**

Members of the public may address the Council on items of interest that are within the City's jurisdiction. Public comment on items not listed on the agenda will be heard under the Public Comments section of the agenda. In compliance with State law, the Council may not take action on an item that is not specifically listed on the agenda. If you would like to speak on any agenda item, please fill out a blue speaker card available in the lobby and submit it to the City Clerk prior to the agenda item being called. The Mayor will call you by name to the podium to hear your comments and you have up to 3 minutes to speak.

## 1. CALL TO ORDER AND ROLL CALL

## 2. PLEDGE OF ALLEGIANCE

### **2.1 Pledge of Allegiance to the Flag (Mayor Higgins)**

## 3. PUBLIC COMMENTS

At this time, the public is permitted to address the Oakley City Council/Oakley City Council Acting as the Successor Agency to the Oakley Redevelopment Agency/Oakley Public Financing Authority on non-agendized items. PUBLIC COMMENTS ARE LIMITED TO THREE (3) MINUTES. In accordance with State Law, however, no action or discussion may take place on any item not appearing on the posted agenda.

## 4. PUBLIC HEARINGS

### **4.1 Compliance with the California Voting Rights Act: Public Hearing to Receive Input Concerning "Communities of Interest" to Be Considered in the Creation of City Council Electoral Districts (Derek Cole, City Attorney)**

[Staff Report](#)

- [1. Frequently Asked Questions](#)
- [2. Request for Public Input - Fillable Form](#)

### 3. Glossary

### 5.ADJOURN



## STAFF REPORT

**DATE:** August 31, 2021

**TO:** Joshua McMurray,  
Interim City Manager

*Approved and Forwarded to the City Council*

**FROM:** Derek P. Cole, City Attorney

**SUBJECT: Receipt of Public Input Regarding the Drafting of a Proposed Map or Maps and the Sequence of Elections for a District-Based System of Electing Oakley City Council Members**

---

### **Discussion**

At its meeting on July 13, 2021, the City 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 180 days and that will culminate in December 2021 with consideration of an ordinance effecting the change in the Council selection system.

This meeting is the first of six hearings in which the City Council will consider the switch in elections systems. The purpose of this meeting is to solicit input from the public regarding the drafting of district maps and the sequence of elections. When the item is called, an interactive discussion will be led by our demographer, Karin Mac Donald of Q2 Data & Research LLC, who will also make a comprehensive, informative presentation to give the Council and members of the public a full understanding of the many factors that go into the creation of Council districts.

For the sake of providing basic information regarding the district conversion process, the following information is intended to provide a brief overview.

#### **Generally, the following criteria are used in drawing council districts:**

- Each district should contain nearly the same number of people.
- Boundaries shall be drawn in a manner that complies with the United States Constitution and the Federal Voting Rights Act.
- Council districts shall consist of contiguous territory in as compact form as practicable.

- Districts shall follow visible features and boundaries when possible.
- Council districts shall respect communities of interest as much as practicable. Communities of Interest (discussed further below) generally refer to a contiguous population which shares common social and economic interests that should be included within a single district for purposes of fair and effective representation.
- The demographer will disregard the location of incumbents and candidates, as well as the interests of political parties.

In summary, this means:

- The demographer will use a mapping program to construct districts after public input has been received.
- Census data will be used to find out how many people live in each part of the city and ensure that each district contains roughly the same number of people.
- Census geography will be used to ensure that the districts are compact and contiguous.
- The demographer will collect and utilize community of interest data from the residents of Oakley to use in the building of districts.
- The demographer will not use any address information for current council members or potential candidates or use political party affiliation or information in the drawing of districts.

### **How many people should be in each district?**

Districts are drawn using the total population as counted by the last Census. Everyone who was counted, irrespective of age or other demographics has to be assigned to a district. Districts are not equalized using voters, registered voters, or citizens.

As counted by the 2020 Census, the City of Oakley had a total population of 43,357. Because the decennial census is the only survey that counts everyone, we have to use those data to draw districts. There are currently five council positions. To figure out the “ideal population” for each council district, take the total population (43,357) and divide it by the number of districts (5) which equals 8,671 persons.

California law provides another option, in which the City could have four council districts and an at-large Mayor. In this system, the “ideal population” for the four council districts would be approximately 10,839.

### **What will happen at the August 31 Special Council Meeting?**

The hearing will be led by the demographer’s consulting team and is designed to be as accessible and transparent as possible. The hearing will have 3 phases. The

consultant will begin with a presentation to give an overview of the process and the criteria. After that, there will be an opportunity for the public to ask the consultants clarifying questions, view the map of the city, and prepare input. Finally, the hearing will resume to allow for formal public input to be presented by attendees. The consultants will be able to show the area that the input focuses on using mapping software and a projector. The consultants will use the public input in constructing the draft maps.

### **What information will be gathered from the public at the August 31 Council Meeting?**

One of the criteria to draw maps is called “Communities of Interest” or COI. Because there are no datasets available for Communities of Interest, the demographer will need the help of the public, the Council, and other interested parties to define them for the City of Oakley. A COI is a group of people in a defined geographic location that share a common bond or interest. The City’s districting criteria will likely define Community of Interest as “a contiguous population which shares common social and economic interests that should be included within a single district for purposes of fair and effective representation.” To that end, input will be sought as to what defines a particular Community of Interest, where it is located, and why it should stay together.

### **Fiscal Impact**

None.

### **Conclusion**

As noted above, the City’s demographer will provide a comprehensive overview of the district process and will conduct an interactive discussion to solicit both the Council’s and public’s input regarding the drawing of Council districts. The meeting is intended to be a workshop item in which direction will be provided to the demographer. No formal Council action will be taken.

### **Attachments**

1. Frequently Asked Questions
2. Request for Public Input – Fillable Form
3. Glossary

## Oakley Districting 2021: Frequently Asked Questions

### **Why is the City of Oakley enacting the districting process now?**

The City Clerk received a “demand letter” on March 13, 2020 that asserts that the City's at-large electoral system dilutes the ability of Latinos (a protected class) to elect candidates of their choice or otherwise influence the outcome of Oakley council elections. As a result, the letter contends the City violates the California Voting Rights Act (“CVRA”) by allowing "racially polarized voting" to occur.

The City currently utilizes an at-large election system, which means that the electors from the entire City choose each of the five Councilmembers. The Councilmembers are eligible to hold office no matter where in the City they reside. A district-based election system, in contrast, is one in which the City is delineated into separate districts, each with one councilmember who resides in the district and is chosen by the electors residing in that particular district.

On July 13, 2021, Oakley's City Council adopted a resolution of the intention to transition from At-Large Elections to District-Based Elections for City Council with five districts. This process is called “districting.”

### **How can I get involved in the districting process?**

The districting process was designed to be as transparent and accessible as possible. You are invited to attend one or more of the 5 City Council hearings to provide input in person. Please see below for the schedule. You can also provide input by mail or email or by dropping off materials to the City Clerk. Please see below for contact information.

### **When and where are the hearings?**

The Public Hearings will take place:

- August 31, 2021 at 6:30pm — Oakley City Council Chambers
- September 28, 2021 at 7pm — Oakley City Council Chambers
- October 5, 2021 at 6:30pm — Virtual Meeting
- October 26, 2021 at 7pm — Oakley City Council Chambers
- November 9, 2021 at 7pm — Oakley City Council Chambers
- December 14, 2021 at 7pm — Oakley City Council Chambers

## **What happens at the public hearings?**

The hearings will be led by the demographer's consulting team and are designed to be as accessible and transparent as possible. Generally, the hearings will have 3 phases. The consultant will begin with a presentation to give an overview of the process and the criteria. After that, there will be an opportunity for the public to ask the consultants clarifying questions, to view the map of the city, and talk to the consultants and other residents to prepare input. Finally, the hearings will resume to allow for formal public input to be presented by attendees. The consultants will be able to show the area that the input focuses on using mapping software and a projector. The consultants will use the public input in constructing the draft maps.

The first two hearings (August 31 and September 28) will provide training on the criteria and process, solicit public input on their communities of interest, and receive direction from the City Council. The third hearing (October 5) will focus on the drawing of the draft map and soliciting more public input. On October 12, the official draft map will be posted onto the website for feedback and comments. The fourth and fifth hearings (October 26 and Nov 9) are to receive feedback on the draft map. The consultants will be able to show the area that the input focuses on using mapping software. The finalized map will be voted on and adopted at the sixth hearing (Dec 14).

## **How are the districts drawn?**

Generally, the following criteria are used to draw the council districts:

- Each district should contain nearly the same number of people;
- Boundaries shall be drawn in a manner that complies with the United States Constitution and the Federal Voting Rights Act;
- Council districts shall consist of contiguous territory in as compact form as practicable;
- Districts shall follow visible features and boundaries when possible;
- Council districts shall respect communities of interest as much as practicable. Communities of Interest generally refers to a contiguous population which shares common social and economic interests that should be included within a single district for purposes of fair and effective representation;
- The demographer will disregard the location of incumbents and candidates, as well as the interests of political parties.

## **In summary, this means the following:**

- We will use a mapping program to construct districts after public input has been received.

- Census data will be used to find out how many people live in each part of the city and ensure that each district contains roughly the same number of people.
- Census geography will be used to ensure that the districts are compact and contiguous
- We will collect and utilize Community of Interest data from the residents of Antioch to use in the building of districts.
- We will not use any address information for current council members or potential candidates or use political party affiliation or information in the drawing of districts.

### **How many people should be in each district?**

As counted by the 2020 Census, the City of Oakley had a total population of 43,357 because the decennial census is the only survey that counts everyone, we have to use those data to draw districts. There will be 5 council districts. To figure out the 'ideal population' for each council district, take the total population 43,357 and divide it by the number of districts (5) which equals approximately 8,671 persons.

### **Do we use the number of voters to draw districts?**

Districts are drawn using the total population as counted by the last census. Everyone who was counted, irrespective of age, residency status or other demographics has to be assigned to a district. Districts are not equalized using voters, registered voters or citizens.

### **What information do you need from me?**

One of the criteria to draw maps is called "Communities of Interest" or COI. Because there are no datasets available for Communities of Interest, we appreciate your help to define them for the City of Oakley. A COI is a group of people in a defined geographic location that share a common bond or interest. The City's districting criteria define Community of Interest as "a contiguous population which shares common social and economic interests that should be included within a single district for purposes of fair and effective representation." Please tell us what defines your Community of Interest, where it is located and why it should stay together.

We have developed a handout that explains this in detail and provided a form to fill out along with a document that explains how to use free online software to make a map.

### **Why should I get involved in the districting process?**

We would like to hear from you so we can make informed decisions about where to draw district lines. Specifically, we need information from you about your neighborhoods

and communities of interests. You are the expert who knows your community and neighborhood! If we know the geographic locations of the Communities of Interest in Oakley, we can consider them when drawing lines and we won't inadvertently split them! Keeping communities together in the same district can help to get more responsive representation.

### How do I get answers to additional questions?

If you have more questions, we are available to answer them!

- You can attend the community meeting or any of the City council hearings
- Or email your question to: [districting@ci.oakley.ca.us](mailto:districting@ci.oakley.ca.us)
- Or mail your question to: Oakley City Hall, 3231 Main Street, Oakley CA, 94561
- Or call us: 925-625-7013

### What is the timeline?

The districting process timeline is prescribed by the **California Election Code. Section 10010(b)** requires that 2 hearings, no more than 30 days apart, are held prior to the development of a draft map. In order to enable resident participation in this process, the City is holding a third public hearing at which draft maps will be discussed and the council will have an opportunity to make changes to the maps live and in public. Two additional hearings, no more than 45 days apart, are required after a proposed map has been drawn. The entire process generally has to be completed within 90 days after the City Council has passed the resolution of intent, but the City received an extension to 180 days to finalize the new district lines.

Date and Time	Hearing	Location
August 31, 2021 - 6:30pm	Public Hearing 1: Pre-Draft Community Input	Oakley City Council Chambers
September 28, 2021 - 7pm	Public Hearing 2: Pre-Draft Community Input	Oakley City Council Chambers
October 5, 2021 - 6:30pm	Public Hearing 3: Map Drafting	Virtual Meeting via Zoom
October 12, 2021	Draft Map Posted Online for Comment	
October 26, 2021 - 7pm	Public Hearing 4: Feedback	Oakley City Council Chambers

November 9, 2021 - 7pm	Public Hearing 5: Feedback and first reading of ordinance	Oakley City Council Chambers
December 14, 2021 - 7pm	Public Hearing 6: Council Votes on Final Map	Oakley City Council Chambers

## Describe your Community of Interest (COI) below:

Please be sure to include what makes it a Community of Interest (e.g. shared culture, common neighborhood projects, etc.) where it is located (i.e. streets, creeks, freeways, or other places that make up the exterior boundaries of your COI) and why it should be kept together (e.g. easier to work with 1 City Council Member). **A COI can be any size – large or small – and does not need to be the same size as a district. Often multiple COIs are included in one district!**

What is your community's mutual interest?

---

---

---

---

---

---

Where is your community located? **Please be as specific as possible – what streets, highways, rivers, etc., make up the boundaries of your COI?**

---

---

---

---

---

---

Why should your community be kept together?

---

---

---

---

---

---

Date: \_\_\_\_\_ Name (optional): \_\_\_\_\_

Please email this completed form (or the information from this form) as soon as possible to: [districting@ci.oakley.ca.us](mailto:districting@ci.oakley.ca.us), or mail it to: Oakley City Hall, 3231 Main Street, Oakley CA, 94561 or drop it off at any redistricting meeting/hearing. Thank you for participating. This process would not be possible without your knowledge of your community!

## Oakley Districting Glossary

**American Community Survey (ACS):** A survey that releases data in four broad categories every year. The categories are: social, demographic, economic and housing. The ACS replaced the 'long form' of the census that was collected once every 10 years. The ACS does not report counts of the population but rather estimates.

**At-Large Election:** In a jurisdiction (for example a city) with an at-large election system, all voters in the jurisdiction vote for all candidates running for office in that city. In at-large election systems, the candidates and office holders are eligible to hold office irrespective of where they live within the jurisdiction.

**By-District Election:** In a jurisdiction (for example, a city) with a by-district election system, the voters from each district vote for the candidates running for office in the voters' respective district. Elected officials and candidates must also live in the district that they represent or want to represent.

**California Voting Rights Act:** The California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected minority group to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA is different from the Federal Voting Rights Act (FVRA). Since the CVRA became law, many jurisdictions in California have changed from at-large to by-district elections.

**Census Block:** The smallest level of census geography used by the Census Bureau to report census data. In urban areas, census blocks usually conform to city blocks, and in rural areas they are often delineated by other physical features and legal boundaries such as bodies of water and roads. Districting is based on census block level data.

**Census Tract:** A geographic area for which the census bureau releases data. Census tracts are relatively permanent 'units of analysis' that are delineated for the purpose of presenting decennial census data. Census tracts usually contain between 2,500 and 8,000 people. Census tracts may be split by local jurisdictional boundaries. Census blocks nest in census tracts.

**Citizen Voting Age Population (CVAP):** A variable collected by the American Community Survey that is used in Voting Rights Act assessments. The population that is 18 years and older and a citizen of the United States.

**Community of Interest:** Group of people with one or more specific common interests. For districting, communities of interest are defined geographically based on where people with common interests live.

**Compactness:** Compactness often refers to a district's shape and contours, focusing on how closely a district's borders resemble a circle or square. When a district has 'tentacles' or oddly shaped borders, it is often said to be non-compact. In California, compactness in redistricting is defined as 'not bypassing nearby population' when constructing districts.

**Contiguous OR Contiguity:** A contiguous district is one in which all parts are geographically connected to each other in some way. Within a contiguous district, one may travel from any location to any other location without crossing the district boundary. Some districts are "water-contiguous" which means that islands have to be connected to the mainland; others are contiguous via a bridge. Drawing contiguous districts is applying the criterion of 'contiguity.' If districts are only connected at one point, they are not considered contiguous.

**Cracking:** A term used in Voting Rights that describes splitting significantly sized racial or ethnic communities into multiple districts, rather than keeping them together. Cracking is a particular problem when the division prevents the community from electing a candidate of its choice because it constitutes too small a portion of the electorate in the multiple districts.

**Criteria for Districting:** Rules established in the law that the districting body must follow when drawing electoral district boundaries. For example, one criterion is that districts have reasonably equal populations.

**Deviation:** The difference between the total population of the district and the ideal population of the district.

**Districting:** The process of creating equally populated electoral districts by using various criteria (such as Communities of Interest). In districting, electoral districts are created

“from scratch” in a jurisdiction (a city for example) that does not currently have districts. Jurisdictions that do not have districts have “at-large” elections. Jurisdiction with districts redraw or adjust them (usually) every ten years after the release of the new census data to equalize the populations again. That process is called redistricting.

**Equivalency File:** A GIS file that shows the relationship between two geographic units. In districting, this file usually lists each census block in the dataset and indicates which district each block belongs to. The collection of block assignments is read by GIS software and displayed as district lines.

**Geographic Information Systems (GIS) Software:** A computer program for capturing, storing, checking, integrating, manipulating, analyzing and displaying data related to positions on the Earth’s surface. Examples of commonly used GIS software include Google Earth, ArcGIS, Mapitude and MapInfo.

**Ideal Population:** The total population for the jurisdiction as reported by the Census P.L. 94-171 dataset divided by the number of districts. The ideal population is the number of people that each district should contain when the districting process is complete.

**Map layer(s):** GIS term for spatial/geographic data files as they are displayed by GIS software. Map layers may display attribute data. The term ‘map layer’ is sometimes used interchangeably with ‘spatial file’ and ‘GIS data file.’

**Packing:** A term used in Voting Rights that describes over-concentrating a significantly sized racial or ethnic community within one district when it could have been allocated between two or more districts in which would have had the ability to elect a candidate of its choice. Packing is a problem because over-concentrating a community in one district reduces or dilutes its ability to achieve fair representation in the legislative body in general.

**Racially polarized voting (RPV) or racial bloc voting:** Racially polarized voting occurs when voters of different races as a group tend to vote for different candidates. For example, in an area where white voters tend to vote against the candidates for which Asian American voters cast their ballots, racially polarized voting is present.

**Reasonably Equal Population:** The districting criterion that implements the one-person, one-vote concept derived from the 14th Amendment to the US Constitution.

**Redistricting:** The constitutionally mandated redrawing of local, state, and federal political boundaries every ten years following the U.S. census. Redistricting is done to equalize the populations in the districts, using various criteria.

**Redistricting Data (P.L. 94-171) Summary File OR 'P.L. 94-171 Summary File':** The official name of the file that contains data used for districting and redistricting. Creation of this file, using data collected through the Decennial Census was mandated by Public Law 94-171. The P.L. 94-171 file reports basic demographic data for all people in the U.S. and is released on the census block level.

**Section 2 (of the Federal Voting Rights Act):** Section 2 of the Voting Rights Act (VRA) prohibits voting practices, policies, or procedures that have a discriminatory purpose or effect on racial or language minorities; this section applies nationwide and is a permanent provision of the VRA. To be in compliance with Section 2 of the VRA districts must provide voters with an equal opportunity to elect candidates of their choice.

**Total Deviation:** The difference between the lowest and the highest deviation of all districts.

**Voting Age Population (VAP):** The number of people aged 18 years or older.

**Voting Rights Act (VRA):** The Voting Rights Act (VRA) was originally passed in 1965 to prohibit discrimination on the basis of race or color. It has been amended several times, and now also prohibits discrimination based on membership in certain language minority groups.