



**SPECIAL MEETING AGENDA**

**Date:** 10/30/2017  
**Time:** 4:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

**4:30 p.m. Closed Session**

Public comment on this item will be taken before adjourning to Closed Session.

**CL1.** Closed session conference with legal counsel on anticipated litigation pursuant to Government Code §54956.9(d)(2) – one case

Attendees: City Manager Alex McIntyre, City Attorney Bill McClure

**7:00 p.m. Regular Session**

- A. Call To Order**
- B. Roll Call**
- C. Pledge of Allegiance**
- D. Public Comment**

Under “Public Comment,” the public may address the City Council on the subjects listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

**E. Commission Reports:**

E1. Consider applicants and make appointments to fill vacancies on the Sister City Committee (Staff Report #17-260-CC)

**F. Consent Calendar**

F1. Adopt a resolution authorizing the City Manager to sign an amendment to the contract with the State of California Department of Education to reimburse the City up to \$946,966 for child care services at the Belle Haven Child Development Center for fiscal year 2017-18 (Staff Report #17-261-CC)

**G. Public Hearing**

G1. Public Hearing to consider range of voting systems and to receive input from the community

regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010 ([Staff Report #17-259-CC](#))

## **H. Adjournment**

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at [www.menlopark.org](http://www.menlopark.org) and can receive email notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 10/26/2017)

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620 48 hours before the meeting.



## STAFF REPORT

**City Council**  
**Meeting Date:** 10/30/2017  
**Staff Report Number:** 17-260-CC

**Commission Reports:** Consider applicants and make appointments to fill vacancies on the Sister City Committee

### Recommendation

Staff recommends making appointments to Sister City Committee.

### Policy Issues

City Council Policy CC-01-004 establishes the policies, procedures, roles and responsibilities for the City's appointed commissions and committees, including the manner in which commissioners are selected.

### Background

Two vacancies on the committee exist due to resignation of former Committee members Dehn and Pratt in early summer 2017.

### Analysis

Pursuant to City Council Policy CC-01-0004, Committee members serve for designated terms of four years, or through the completion of an unexpired term or as otherwise designated. Nominations will be made and a vote will be called for each nomination. Applicants receiving the highest number of affirmative votes from a majority of the City Councilmembers present shall be appointed. Appointments will be to fill the two existing, unexpired 4-year terms ending April 30, 2020.

\*\*\*All applications will be provided to the City Council under separate cover and are also available for public viewing at the City Clerk's office during regular business hours or by request.

### ***Applicants to the Sister City Committee – 2 vacancies***

- Joseph Helmers (resident)
- Matthew Lewis (business representative)
- Chengzhi Yang (resident)

### Impact on City Resources

There is no fiscal impact on City resources by making these appointments.

### Public Notice

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report Prepared by:  
Clay J. Curtin, Assistant to the City Manager

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## STAFF REPORT

**City Council Meeting Date:** 10/30/2017  
**Staff Report Number:** 17-261-CC

**Consent Calendar:** **Adopt a resolution authorizing the City Manager to sign an amendment to the contract with the State of California Department of Education to reimburse the City up to \$946,966 for child care services at the Belle Haven Child Development Center for fiscal year 2017-18**

### Recommendation

Staff recommends that the City Council adopt a resolution executing an amendment to the contract with the State of California Department of Education for reimbursement to the City for up to \$946,966 for the delivery of child care services at the Belle Haven Child Development Center for fiscal year 2017-18.

### Policy Issues

The recommendation does not represent any change to the existing City policy of accepting state funding to help support subsidized child care in Belle Haven. If the State makes any amendment to the current agreement to release additional funds for the program it will require further action by the City Council. Staff will bring back this item to present additional information and for consideration by the City Council if it becomes necessary.

### Background

The City of Menlo Park has operated the Belle Haven Child Development Center (BH CDC) for over 30 years. The Belle Haven Child Development Center is licensed by the State Department of Social Services to provide quality child development services to families in Menlo Park and surrounding cities. The program receives funding from the State Department of Education, USDA Child and Adult Care Food Program, user fees, and contributions from the City of Menlo Park General Fund. The program seeks to build children's self-esteem by offering developmentally appropriate materials and activities supporting social, emotional, physical, and cognitive abilities. Children are provided breakfast, lunch, and snacks daily. The teacher to child ratio is 1:8.

Currently at capacity, the ninety-six (96) program enrollees are subsidized under the California Department of Education Child Development Division (CDD) State Preschool Program. State funding restrictions require all parents of children enrolled in the CDC's subsidized slots to be working, in school, in training, seeking permanent housing, actively seeking employment, or incapacitated. All families of children enrolled in the CDC must meet strict income eligibility requirements. The State contract also provides funding for additional resource materials, such as classroom supplies and small equipment to support families.

A resolution must be adopted annually in order to certify the approval of the funding by the Governing Board of the jurisdiction receiving the reimbursement and to authorize designated personnel to enter into the

contract with the California Department of Education. The City Manager has been identified as the Executive Director or the Authorizing Agent for the City of Menlo Park for the purpose of signing the contract. A copy of the amendment is included as Attachment A. Annual contracts are often amended at this time each year when State funding has been more precisely determined and the City’s contracted grant amount is historically amended upward.

**Analysis**

Under the terms of the contract, the City agrees to expend contract funds on reimbursable costs necessary to provide child care services for eligible children. The City is also required to meet all reporting requirements and other standard contract provisions. The contract specifies a Minimum Days of Operation (MDO) requirement of 246 days during the fiscal year and 19,181 Minimum Child Days of Enrollment (CDE). The reimbursement rate is \$49.37 per child per day, up to a maximum of \$946,966 based on the minimum service requirements.

Fiscal Year	Adopted Program Budget	Amended Program Budget	Adopted State and Federal Subsidy	Amended State and Federal Subsidy	Percent of State Decrease or Increase	Number of Subsidized Slots
2012-13	\$1,278,913	\$1,217,385	\$707,945	\$577,421	-18.40%	72
2013-14	\$1,087,187	\$1,136,416	\$577,414	\$620,043	7.40%	84
2014-15	\$1,167,599	\$1,186,895	\$587,872	\$732,964	18.20%	96
2015-16	\$1,264,337	\$1,265,051	\$732,964	\$746,685	1.90%	96
2016-17	\$1,484,874	\$1,485,716	\$796,890	\$837,694	12.10%	96
2017-18*	\$1,402,827	\$1,512,099	\$837,694	\$946,966	13%	96

\*Adopted Budget

**Impact on City Resources**

The City will receive up to \$946,966 to support the Belle Haven Child Development Center through the State contract proposed for authorization, representing an additional \$109,272 from the original contract estimate approved by Council in June, 2017. The City anticipates receiving additional revenues from parent fees, small grants, food reimbursements and other small revenue sources. The City’s budgeted direct cost to operate the Belle Haven Child Development Center is \$1,402,827 for the 2017-18 fiscal year. The City’s budgeted net General Fund contribution for the BHCDC program for the current fiscal year is \$455,861.

**Environmental Review**

Approval of the contract is not deemed a project under the California Environmental Quality Act.

**Public Notice**

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

**Attachments**

- A. Belle Haven CDC California Department of Education funding contract amendment for FY 2017-18

Report prepared by:  
Natalya Jones  
Recreation Supervisor

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Amendment 01

DATE: July 01, 2017

CONTRACT NUMBER: CSPP-7521

PROGRAM TYPE: CALIFORNIA STATE PRESCHOOL PROGRAM

PROJECT NUMBER: 41-2184-00-7

LOCAL AGREEMENT FOR CHILD DEVELOPMENT SERVICES

Budget Act

CONTRACTOR'S NAME: CITY OF MENLO PARK

This agreement with the State of California dated July 01, 2017 designated as number CSPP-7521 shall be amended in the following particulars but no others:

The Maximum Reimbursable Amount (MRA) payable pursuant to the provisions of this agreement shall be amended by deleting reference to \$837,634.00 and inserting \$946,966.00 in place thereof.

The Maximum Rate per child day of enrollment payable pursuant to the provisions of the agreement shall be amended by deleting reference to \$43.67 and inserting \$49.37 in place thereof.

SERVICE REQUIREMENTS

The minimum Child Days of Enrollment (CDE) Requirement shall be 19,181.0. (No change)

Minimum Days of Operation (MDO) Requirement shall be 246. (No change)

EXCEPT AS AMENDED HEREIN all terms and conditions of the original agreement shall remain unchanged and in full force and effect.

<b>STATE OF CALIFORNIA</b>		<b>CONTRACTOR</b>	
BY (AUTHORIZED SIGNATURE)		BY (AUTHORIZED SIGNATURE)	
PRINTED NAME OF PERSON SIGNING VALARIE BLISS,		PRINTED NAME AND TITLE OF PERSON SIGNING	
TITLE CONTRACT MANAGER		ADDRESS	
AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 109,332	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE	
PRIOR AMOUNT ENCUMBERED FOR THIS CONTRACT \$ 837,634	(OPTIONAL USE) See Attached		
TOTAL AMOUNT ENCUMBERED TO DATE \$ 946,966	ITEM See Attached	CHAPTER	STATUTE
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702		
I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.		T.B.A. NO.	B.R. NO.
SIGNATURE OF ACCOUNTING OFFICER See Attached		DATE	

Department of General Services use only

CONTRACTOR'S NAME: CITY OF MENLO PARK

CONTRACT NUMBER: CSPP-7521

# Amendment 01

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Federal		
PRIOR AMOUNT ENCUMBERED \$ 117,968	(OPTIONAL USE)0656 13609-2184	FC# 93.596	PC# 000321	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 117,968	ITEM 30.10.020.001 6100-194-0890	CHAPTER B/A	STATUTE 2017	FISCAL YEAR 2017-2018
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-5025 Rev-8290			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 0	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE Federal		
PRIOR AMOUNT ENCUMBERED \$ 54,182	(OPTIONAL USE)0656 15136-2184	FC# 93.575	PC# 000324	
TOTAL AMOUNT ENCUMBERED TO DATE \$ 54,182	ITEM 30.10.020.001 6100-194-0890	CHAPTER B/A	STATUTE 2017	FISCAL YEAR 2017-2018
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-5025 Rev-8290			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 51,442	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED \$ 394,673	(OPTIONAL USE)0656 23038-2184			
TOTAL AMOUNT ENCUMBERED TO DATE \$ 446,115	ITEM 30.10.010. 6100-196-0001	CHAPTER B/A	STATUTE 2017	FISCAL YEAR 2017-2018
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-6105 Rev-8590			

AMOUNT ENCUMBERED BY THIS DOCUMENT \$ 57,890	PROGRAM/CATEGORY (CODE AND TITLE) Child Development Programs	FUND TITLE General		
PRIOR AMOUNT ENCUMBERED \$ 270,811	(OPTIONAL USE)0656 23254-2184			
TOTAL AMOUNT ENCUMBERED TO DATE \$ 328,701	ITEM 30.10.020.001 6100-194-0001	CHAPTER B/A	STATUTE 2017	FISCAL YEAR 2017-2018
	OBJECT OF EXPENDITURE (CODE AND TITLE) 702 SACS: Res-6105 Rev-8590			

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and purpose of the expenditure stated above.  SIGNATURE OF ACCOUNTING OFFICER	T.B.A. NO.	B.R. NO.
	DATE	

*DRAFT – October 30, 2017*

**RESOLUTION NO.**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK  
AUTHORIZING AN AGREEMENT WITH THE CALIFORNIA  
DEPARTMENT OF EDUCATION TO RECEIVE THE SUBSIDY FOR  
CHILD CARE AND DEVELOPMENT SERVICES FOR FISCAL YEAR  
2017-18.**

WHEREAS, the City of Menlo Park has operated the Belle Haven Child Development Center (BHCCDC) for over 30 years; and

WHEREAS, the program offers developmentally appropriate materials and activities that support social, economical, physical and cognitive abilities; and

WHEREAS, the program receives funding from the State of California Department of Education; and

WHEREAS, a resolution must be adopted annually in order to certify the approval of the funding by the City Council receiving the reimbursement and authorizing the designated personnel to enter into the contract.

NOW, THEREFORE BE IT RESOLVED, that the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore do hereby authorize entering into local agreement number CSPP-7521 reimbursing the City up to \$946,999 for child care services at the Belle Haven Child Development Center for fiscal year 2017-18.

I, Jelena Harada, Deputy City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the thirtieth day of October, 2017, by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this thirtieth day of October, 2017.

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Jelena Harada  
Deputy City Clerk

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## STAFF REPORT

### City Council

Meeting Date:

10/30/2017

Staff Report Number:

17-259-CC

### Public Hearing:

**Public Hearing to consider range of voting systems and to receive input from the community regarding boundaries and composition of districts to be established for district based elections pursuant to Elections Code Section 10010**

## Recommendation

Staff recommends that the City Council:

1. Conduct a public hearing to solicit community input on range of voting systems and boundaries and composition of election districts;
2. Provide input to staff on what type of election system to pursue;
3. If the City Council elects to pursue a by district voting system, provide input on how many districts should be evaluated and whether to have an at large Mayor.
4. If the City Council elects to pursue a by district voting system, identify a list of criteria to be given to the demographer to create draft maps for public review and input.

## Policy Issues

On October 4, 2017, the City Council adopted a Resolution declaring its Intent to transition from at-large to by-district councilmember elections under Elections Code Section 10010. In addition, the City Council expressed its desire to examine other types of voting systems and to authorize the City Manager and City Attorney to hire a demographer. This decision was prompted by a recent allegation by an attorney on behalf of residents in the Belle Haven neighborhood that the City's current at-large election system violated the California Voting Rights Act ("CVRA"). The CVRA was adopted to address racially polarized voting in at large elections. Almost all cities facing CVRA claims have settled out of court by voluntarily shifting to district-based elections.

Last year, the Legislature approved a series of bills to make it easier for local governments to transition from at-large to district-based elections. As directed by the City Council, the City has retained a demographer National Demographics Corporation to assist the City in exploring different election types and transitioning to districts. This new "safe harbor" legislation provides a transition timeline and if followed insulates the City from litigation and caps attorney fee liability. This public hearing is the first step of the statutorily authorized timeline.

## Background

On Aug. 21, 2017, the City received a letter from Kevin Shenkman of Shenkman & Hughes ("Shenkman Letter"). A copy of the letter is attached. It alleges that voting within the City is racially polarized, resulting in minority vote dilution and that the City's at-large elections violate the CVRA. Specifically, the letter alleges that, "Menlo Park's at-large system dilutes the ability of Latinos and African-American (each a 'protected

class’) to elect candidates of their choice or otherwise influence the outcome of Menlo Park’s council elections.” The Shenkman Letter makes the following claims to support this allegation: (1) The 2016 election, whereby Cecilia Taylor, an African-American woman from Belle Haven, ran for City Council and lost, despite being preferred by Latino and African-American voters; and (2) No Latinos have ever run for City Council. The City has not confirmed whether these statements are accurate. The Shenkman Letter closes with a demand that the City advise Mr. Shenkman by no later than October 3, 2017, as to whether it would like to discuss voluntary change to the City’s current at-large system. [Note the 45-day period expired October 5, 2017, not October 3, 2017.]

On October 4, 2017, the City Council conducted a hearing to consider whether to explore transitioning from at-large to by-district elections. The City Council voted 5-0 to adopt a Resolution of Intent to Transition to By-District elections. The City Council also expressed a desire to consider other types of voting systems.

*Menlo Park Elections and 1990, 2000 and 2010 Census Data*

The City utilizes an at-large election system with a rotating mayor. This means that the electors from the entire City choose each of the five (5) Councilmembers and the mayor is chosen among the Councilmembers by vote of the City Council on a rotating basis. Elections are held every other year in even numbered years. On a staggered schedule, three seats are filled in one election cycle and the remaining two seats are filled in the next cycle. There is no limit to the number of terms that a councilmember may serve.

The Census data for the City breaks down the population percentage based on ethnicities for the City as a whole, and includes a breakdown by Census Tract. The major race and ethnicity for the City as a whole and for the Belle Haven neighborhood are listed below. [We have only provided data for the Belle Haven neighborhood because the allegations of racially polarized voting are only applicable to that neighborhood.] Note that the sum of the demographic categories exceeds 100 percent and the sum of the population numbers exceeds actual total population because the Census data classifies Hispanic or Latino as an ethnicity, not race. Therefore, those that identify as Hispanic or Latino, also identify as a race. For example, a person that represents themselves as white on census data, may also identify themselves as Hispanic or Latino.

Percentage breakdown by Race and Ethnicity for the entire city						
	1990 Census Data		2000 Census Data		2010 Census Data	
Total City Population	28,040		30,785		32,026	
White	22,176	79.1%	22,274	72.4%	22,194	70.2%
Black or African-American	3,467	12.4%	2,163	7%	1,551	4.8%
Asian (1990 Census combined Asian and Pacific Islander)	1,668	5.9%	2,201	7.1%	3,157	9.9%
Hispanic or Latino	2,710	9.7%	4,803	15.6%	5,902	18.4%

Percentage breakdown by Race and Ethnicity for the Belle Haven Neighborhood (Census Tract 6117)						
	1990 Census Data		2000 Census Data		2010 Census Data	
Total Belle Haven Population	5,127		6,095		5,970	
White	1,429	27.9%	1,253	20.6%	1,727	28.9%
Black or African-American	2,991	58.3%	1,828	30%	1,130	18.9%
Asian (1990 Census combined Asian and Pacific Islander)	57	1.1%	39	0.6%	167	2.8%
Hispanic or Latino	1,691	33%	3,653	60%	4,095	68.6%

Over the years, the City has had City Council candidates and elected councilmembers who identify as a minority race or ethnicity. For example, Billy Ray White, an African-American, ran for City Council and won as the highest vote-getter in 1982 and won in 1978. In fact, he was reported to be the first African-American Mayor on the Peninsula and resided in the Belle Haven neighborhood. Other minority candidates and council members are described in more detail in the earlier October 4, 2017 staff report.

*The California Voting Rights Act*

The CVRA was signed into law in 2002 with an effective date of January 1, 2003. It was specifically enacted to eliminate several key burden of proof requirements that exist under the Federal Voting Rights Act of 1965 (“FVRA”)<sup>1</sup> after several jurisdictions in California successfully defended themselves in litigation brought under the FVRA. The CVRA made fundamental changes to minority voting rights in California, making it easier for plaintiffs in California to challenge the at-large voting system employed by many local jurisdictions resulting in dilution of voting power for minority groups. In 2016 (effective January 1, 2017), the CVRA was amended to provide a safe harbor against a CVRA lawsuit (“Safe Harbor”). The Safe Harbor provisions place certain additional requirements on potential plaintiffs before filing a CVRA lawsuit.<sup>2</sup>

1. Recent constitutional challenge to the CVRA

Given the significant cost of defending a CVRA claim, most cities have elected not to fight the claim. We are aware of a few cities, however, who are or plan to challenge the claims. Santa Monica is currently in litigation over its decision to retain its at large voting system. Glendale and Huntington Beach have both announced \$4 Million budgets to legally defend their current at large systems. In addition, the former Poway Mayor recently filed a lawsuit in San Diego federal court seeking to invalidate the CVRA on the grounds that it unconstitutionally makes race the only factor in redistricting.<sup>3</sup> This action seeks a statewide injunction against enforcement of the CVRA. We will continue to monitor this case and any related appeals.

2. *Establishing CVRA Violation*

The CVRA does not require proof of intent on the part of the voters or elected officials to discriminate against a protected class.<sup>4</sup> Also, unlike federal law, the CVRA does not require a showing that members of

<sup>1</sup> 52 USC § 10301 *et seq.*

<sup>2</sup> See, Elections Code § 10010(e)

<sup>3</sup> *Higginson v. Becerra*, Case No. 3:17-cv-02032.

<sup>4</sup> Elections Code § 14027

a protected class live in a geographically compact area.<sup>5</sup> This means that a CVRA claim can be established in many cities with a large minority of protected class residents.<sup>6</sup>

In order to prevail in a suit brought for a violation of the CVRA, the plaintiff must show evidence of “racially polarized voting” within the jurisdiction. According to the CVRA, “racially polarized” voting is determined:

“...from examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. One circumstance that may be considered in determining a violation of [Section 14027](#) and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on [Section 14027](#) and this section. In multiseat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative groupwide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis.”<sup>7</sup>

There are only two published California cases analyzing the CVRA. In *City of Modesto*, the Court explained that, “the CVRA does not require that the plaintiff prove a ‘compact majority-minority’ district is possible for *liability* purposes.”<sup>8</sup> “The CVRA provides a private right of action to members of a protected class where, because of ‘dilution or the abridgement of the rights of voters,’ an at-large election system ‘impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election....’”<sup>9</sup> Courts have used a variety of factors in considering whether the plaintiff has established a violation of the CVRA, including: voting patterns correlate with the race of the voter, minority-preferred candidates are not elected, and the extent to which members of a protected class bear the effects of past discrimination such as education, employment and health, which hinder their ability to participate effectively in the political process. Proof of intent on the part of the voters or elected officials to discriminate against a protected class is not required.<sup>10</sup>

In *City of Palmdale*, the trial court ruled that Plaintiff’s evidence established racially polarized voting occurred in the city council elections.<sup>11</sup> This part of the trial court’s decision was not challenged on appeal and thus not analyzed on appeal. The trial court found that: “The failure of minority candidates to be elected to office does not by itself establish the presence of racially polarized voting, [but] the regression analysis undertaken by both experts nevertheless established a clear history of a difference between choice of candidates preferred by the protected class in the choice of the non-protected class.”<sup>12</sup>

### 3. CVRA Remedies

The Courts’ remedial powers under the CVRA are extremely broad, and specifically include the power to implement “appropriate remedies,” including court ordered “imposition” of by district elections.<sup>13</sup> The CVRA

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<sup>5</sup> Elections Code § 14025(c); *Sanchez v. City of Modesto* (2006) 145 Cal.App.4th 660, 667

<sup>6</sup> According to the 2010 Census, 18.4% of the City’s residents are Hispanic or Latino and 4.8% are Black or African American.

<sup>7</sup> Elections Code § 14028(b)

<sup>8</sup> *City of Modesto*, 145 Cal.App. 4th at 669

<sup>9</sup> *Id.* at 667, *citing* Elec. Code § 14027, 14032

<sup>10</sup> Elections Code § 14028(d)

<sup>11</sup> *City of Palmdale*, 226 Cal.App.4th at 791

<sup>12</sup> *Id.* at 790

<sup>13</sup> Elections Code §14029



also allows a prevailing plaintiff to recover attorney's fees and litigation expenses, including, but not limited to, expert witness fees and expenses.<sup>14</sup>

Numerous CVRA cases have been litigated and/or settled by cities. Virtually every settlement involves the city changing from an at large voting system to by district elections and payment of substantial attorney's fees. One city, Santa Clarita, agreed in its settlement to change to cumulative voting, but that settlement fell apart when the Court found that general law cities cannot convert to cumulative voting.

#### 4. Post 2016 CVRA Reform

In 2016, the Legislature adopted two key bills designed to encourage the transition from at large to by district voting.

##### a. *AB 2220- Adoption of Ordinance Requiring Election By District*

Effective January 1, 2017, the legislative body of a city may voluntarily switch from an at-large elections system by adopting an ordinance that requires members of the legislative body to be elected by district or by district with an elective mayor, without being required to submit the ordinance to the voters for approval.<sup>15</sup> Prior law limited this procedure to cities having populations of less than 100,000. To take advantage of this streamlined approach, the City Council adopted ordinance must include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the CVRA.<sup>16</sup>

##### b. *Assembly Bill 350 a "Safe Harbor"*

In addition, effective January 1, 2017, the Legislature added a Safe Harbor provision to the CVRA which insulates the City from litigation if it follows a prescribed process and timeline for converting to "by district" elections. The Safe Harbor requires a prospective plaintiff to send notice to a city alleging a CVRA violation, before that prospective plaintiff may file a CVRA lawsuit against the City.<sup>17</sup> Then, the prospective plaintiff may not file a lawsuit until Forty-Five (45) days after a city received the letter, and may only file if the city does not adopt a resolution declaring the council's intent to transition from at-large elections to district-based elections within that time.<sup>18</sup>

If a Resolution of Intention is adopted pursuant to the requirements of Elections Code § 10010 (e)(3)(A), a prospective plaintiff may not commence an action within Ninety (90) days of the Resolution of Intention's passage.<sup>19</sup> During the Ninety (90) day period, a city must hold Five (5) public hearings and at the last public hearing adopt an ordinance establishing district-based elections as required by Elections Code § 10010(a) in order to avoid a potential CVRA lawsuit. The public hearings give the community an opportunity to weigh in on the composition of the districts and to provide input regarding the content of the draft maps and the proposed sequence of elections. The first two public hearings give the public an opportunity to provide input regarding the composition of districts. These two hearings must be held within the span of no more than Thirty (30) days. Subsequently, draft district maps will be drawn and two additional public hearings must be held within a span of no more than Forty-Five (45) days. The final public hearing will be held when the City Council votes to consider an ordinance establishing district-based elections.<sup>20</sup>

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<sup>14</sup> Elections Code §14030

<sup>15</sup> Gov't Code § 34886

<sup>16</sup> *Id.*

<sup>17</sup> Elections Code § 10010(e)(1)

<sup>18</sup> Elections Code §§ 10010(e)(2),(3)(A)

<sup>19</sup> Elections Code § 10010(e)(3)(B)

<sup>20</sup> Elections Code § 10010(a)

Within Thirty (30) days of an ordinance's adoption, the potential plaintiff who sent the notice may demand reimbursement for costs of the work product generated to support the notice.<sup>21</sup> The city is then required to reimburse that potential plaintiff for reasonable costs claimed, which may not exceed \$30,000, within Forty-Five (45) days of receiving the written demand.<sup>22</sup>

By law, the terms of sitting Councilmembers cannot be cut short. The City Council will have an opportunity to determine the number of districts to be formed and how their boundaries are defined. This will be decided by the City Council based on information from the initial public hearings as required by California Elections Code § 10010, and other appropriate considerations, should it adopt the proposed resolution.

The benefits of utilizing the Safe Harbor statutes are they allow for elections to go to districts without a ballot measure, provide a defined process for making the switch, and limit the amounts of costs and fees that cities would otherwise likely be assessed if the plaintiff prevails in the litigation. In addition, for proponents of district elections, it provides incentive for cities to make the switch more quickly than they otherwise might. Drawbacks to the Safe Harbor statutes include the short period of time to complete the process. This often does not leave enough time for a city to evaluate whether racially polarized voting actually exists.

## Analysis

### *District Elections and Other Types of Voting Options*

There are five major types of voting systems in use in California:

- At large elections
- From district elections
- By district elections
- Cumulative voting
- Ranked choice voting

All five are briefly summarized below, although as a general law city, Menlo Park's choices are currently limited to at large, from district or by district.

#### *1. At-large elections*

The at-large elections system is where voters of the entire city elect all members of council. Advocates of at-large elections argue that governance is improved when elected officials answer to the entire community and not the interests of their district alone. They further contend that officials elected by districts tend to have too much influence over decisions affecting their district and that the district elections system encourages deal-making between council members to benefit their individual districts, rather than the community as a whole. Some argue that districts are unnecessary in small cities, where it is relatively easy and inexpensive to reach out to the entire electorate, such as by door-to-door campaigning.

#### *2. From district elections*

Another version of an at-large elections system is a "from district" elections system where each council member is elected by voters from the entire city, but the city is divided into districts and each council member must reside within a particular district. This hybrid system provides some assurance of geographical representation while also promoting citywide decision making. From district elections are used in Santa Ana and Newport Beach. The disadvantage of this system is that it is not immune from a CVRA challenge.

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<sup>21</sup> Elections Code § 10010(f)(1)

<sup>22</sup> Elections Code § 10010(f)(1-3)

### *3. By district elections*

By contrast, the by-district election system is where a city is divided into districts and one council member is elected by only the registered voters in that particular district. When a city utilizes a by district election system, the mayor may be elected at-large, or on a rotating basis. For example, if a city has five councilmembers, with a mayor elected at large, it will be broken up into four districts. Whereas, if the mayor is selected on a rotating basis, the city will consist of five districts. Most peninsula cities have a rotating mayor, except Morgan Hill's mayor is directly elected to serve two-year terms.

Advocates of district-based elections argue that officials elected by districts are more responsive to the constituents in the district. Also, as is being asserted by the Shenkman Letter, by district voting allegedly makes it easier for members of protected classes to elect candidates of their choice. Additionally, some argue that non-incumbents fare better in by district elections. By district elections are typically utilized in large cities with distinct neighborhoods that have distinct needs and concerns. By district elections are the only form of elections that are immunized from a CVRA challenge.

### *4. Cumulative voting*

Under cumulative voting, a voter may cast more than one vote per candidate. For example, if there are three City Council seats up for election, a voter can cast all three votes for one candidate, or two votes for one candidate and one for a second candidate, or one vote each for three candidates. There are no general law cities in California that use cumulative voting method.

### *5. Ranked-choice voting*

Ranked-choice, also known as instant-runoff voting, gives voters the option of choosing multiple candidates in order of preference. After the ballots are first counted, the candidate with the fewest top-rank votes is eliminated and the next choices of that candidate's supporters are apportioned among the remaining candidates. The process continues until one candidate gets a majority.

Instant runoff/ranked choice voting can be combined with by district elections. It is used in lieu of a primary system in order to assure that each elected official has 50 percent more or more support from the constituents of his or her district. The system is used in combination with by district elections in San Francisco, Oakland, Berkley and San Leandro. All of which are charter cities.

### *6. Hybrid systems*

It is also possible to combine some of these voting systems. For instance, a local newspaper editorial proposed increasing the council to seven members and having three council members elected at large and four elected by districts.

### *Restrictions on General Law Cities and Feasibility of Adopting Limited Charter*

General law cities have authority to conduct at large, from district or by district elections; however, they are currently restricted from conducting cumulative or ranked choice voting elections or the hybrid solution with mixed at large and by district elections. Recent legislative efforts to expand this authority have been unsuccessful with the Governor recently vetoing SB 1288 which would have authorized general law cities to utilize ranked voting.

Thus, the only way to implement Ranked Choice/Cumulative voting would be for Menlo Park to become a charter city. At the City Council's October 4, 2017, special meeting, Steve Chessin, President of Californians for Electoral Reform urged the City Council to consider adopting a limited charter with the exclusive focus of authorizing Ranked Choice/Cumulative voting. The City Council directed the City Attorney to explore this option further. At this point, it appears this process could not be implemented in time for the November 2018 election. SB 311, effective January 1, 2014, mandates that city charters be voted on

in the November general election. Previously, charters could be voted on in June primary elections, general elections or regularly scheduled municipal elections.<sup>23</sup>

#### *Five, Seven or Nine City Councilmembers*

Historically, most San Mateo and Santa Clara County cities have had five councilmembers, except the City of Palo Alto has nine, which will be reduced to seven in 2018. The Elections Code, however, also authorizes increased City Council size to seven or nine Councilmembers. Increasing the number of members of a legislative body, may require a ballot measure.<sup>24</sup>

In order to assist the demographer in drawing districts, staff recommends the City Council provide input on the following options:

- 5 districts with no publicly elected mayor
- 4 districts with at large elected mayor
- 7 districts with no publicly elected mayor
- 6 districts with at large elected mayor

#### *District Boundaries*

The purpose of this initial public hearing is to inform the public about the districting process and hear from residents on factors they believe should be taken into consideration when creating new voting districts, including suggestions for the drawing of district boundary lines.

Certain legally required criteria apply to the creation of districts and must be observed. These are:

- Each council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City Council districts shall not be drawn with race as the predominate factor in violation of the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993).

Additional criteria have been used by other communities when defining districts including topographical and geographical boundaries (major roads, freeways, creeks, railroad lines or other barriers) and communities of interest (school district boundaries, neighborhood boundaries, retail/commercial districts, voting precincts etc.).<sup>25</sup> At this meeting, the public is encouraged to provide further input on other criteria that should be considered. The City Council may choose to include some, all, or none of any additional criteria brought forth, or may choose to develop alternative criteria that City Council believes are applicable to the City.

Note that if the City Council elects to transition to district elections, the districts are legally required to be updated after the next federal census data are published (due in 2021).<sup>26</sup>

#### **Impact on City Resources**

On October 4, 2017, the City Council budgeted \$75,000 for outside consultant demographic services and additional legal fees.

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<sup>23</sup> Elections Code 1415

<sup>24</sup> Government Code § 34871

<sup>25</sup> Elections Code Section 21601

<sup>26</sup> Elections Code 21601

### **Environmental Review**

This action is not a project within the meaning of the California Environmental Quality Act (CEQA) Guidelines §§ 15378 and 15061(b)(3) as it is an organizational structure change that will not result in any direct or indirect physical change in the environment.

### **Public Notice**

Public notification was achieved by posting the agenda, with the agenda items being listed, at least 24 hours prior to the meeting.

### **Attachments**

- A. Shenkman Letter
- B. 1990, 2000 and 2010 Census Summary File

Report prepared by:  
William L. McClure, City Attorney

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**RECEIVED****AUG 21 2017****City Clerk's Office  
City of Menlo Park**

VIA CERTIFIED MAIL

August 14, 2017

Jelena Harada  
City Clerk  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

*Re: Violation of California Voting Rights Act*

We are writing on behalf of Southwest Voter Registration Education Project and registered voters residing in Menlo Park. The City of Menlo Park ("Menlo Park") relies upon an at-large election system for electing candidates to its City Council. Moreover, voting within Menlo Park is racially polarized, resulting in minority vote dilution. Therefore, Menlo Park's at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of so-called "at-large" voting – an election method that permits voters of an entire jurisdiction to elect candidates to each open seat. *See generally Sanchez v. City of Modesto* (2006) 145 Cal.App.4<sup>th</sup> 660, 667 ("*Sanchez*"). For example, if the U.S. Congress were elected through a nationwide at-large election, rather than through typical single-member districts, each voter could cast up to 435 votes and vote for any candidate in the country, not just the candidates in the voter's district, and the 435 candidates receiving the most nationwide votes would be elected. At-large elections thus allow a bare majority of voters to control *every* seat, not just the seats in a particular district or a proportional majority of seats.

Voting rights advocates have targeted "at-large" election schemes for decades, because they often result in "vote dilution," or the impairment of minority groups' ability to elect their preferred candidates or influence the outcome of elections, which occurs when the electorate votes in a racially polarized manner. *See Thornburg v. Gingles*, 478 U.S. 30, 46 (1986) ("*Gingles*"). The U.S. Supreme



Court “has long recognized that multi-member districts and at-large voting schemes may operate to minimize or cancel out the voting strength” of minorities. *Id.* at 47; *see also id.* at 48, fn. 14 (at-large elections may also cause elected officials to “ignore [minority] interests without fear of political consequences”), citing *Rogers v. Lodge*, 458 U.S. 613, 623 (1982); *White v. Register*, 412 U.S. 755, 769 (1973). “[T]he majority, by virtue of its numerical superiority, will regularly defeat the choices of minority voters.” *Gingles*, at 47. When racially polarized voting occurs, dividing the political unit into single-member districts, or some other appropriate remedy, may facilitate a minority group's ability to elect its preferred representatives. *Rogers*, at 616.

Section 2 of the federal Voting Rights Act (“FVRA”), 42 U.S.C. § 1973, which Congress enacted in 1965 and amended in 1982, targets, among other things, at-large election schemes. *Gingles* at 37; *see also* Boyd & Markman, *The 1982 Amendments to the Voting Rights Act: A Legislative History* (1983) 40 Wash. & Lee L. Rev. 1347, 1402. Although enforcement of the FVRA was successful in many states, California was an exception. By enacting the CVRA, “[t]he Legislature intended to expand protections against vote dilution over those provided by the federal Voting Rights Act of 1965.” *Jauregui v. City of Palmdale* (2014) 226 Cal. App. 4<sup>th</sup> 781, 808. Thus, while the CVRA is similar to the FVRA in several respects, it is also different in several key respects, as the Legislature sought to remedy what it considered “restrictive interpretations given to the federal act.” Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001-2002 Reg. Sess.) as amended Apr. 9, 2002, p. 2.

The California Legislature dispensed with the requirement in *Gingles* that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district.” *Sanchez*, at 669. Rather, the CVRA requires only that a plaintiff show the existence of racially polarized voting to establish that an at-large method of election violates the CVRA, not the desirability of any particular remedy. *See* Cal. Elec. Code § 14028 (“A violation of Section 14027 **is established** if it is shown that racially polarized voting occurs ...”) (emphasis added); *also see* Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”)

To establish a violation of the CVRA, a plaintiff must generally show that “racially polarized voting occurs in elections for members of the governing body



of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.” Elec. Code § 14028(a). The CVRA specifies the elections that are most probative: “elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class.” Elec. Code § 14028(a). The CVRA also makes clear that “[e]lections conducted prior to the filing of an action ... are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.” *Id.*

Factors other than “racially polarized voting” that are required to make out a claim under the FVRA – under the “totality of the circumstances” test – “are probative, but not necessary factors to establish a violation of” the CVRA. Elec. Code § 14028(e). These “other factors” include “the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns.” *Id.*

Menlo Park’s at-large system dilutes the ability of Latinos and African Americans (each a “protected class”) – to elect candidates of their choice or otherwise influence the outcome of Menlo Park’s council elections.

Menlo Park’s recent election history is illustrative. In 2016, Cecilia Taylor, an African American woman from Belle Haven, ran for City Council and lost. Although Latino and African American voters greatly preferred Ms. Taylor to her opponents, they were unable to counter the bloc voting of the non-Hispanic white majority. As for Latino candidates, none have run for Menlo Park City Council in the last 30 years, and it appears to be the case that no Latinos have *ever* run for Menlo Park City Council. This absence of minority candidates and specifically Latino candidates seeking Menlo Park City Council positions demonstrates the vote dilution that the CVRA is meant to prevent. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F.2d 1201, 1208-1209, n. 9 (5<sup>th</sup> Cir. 1989).

Opponents of fair, district-based elections may imprudently point to the historical absence of Latino candidates as evidence for a lack of Latino interest in City Council positions. However, as the residents of Belle Haven attest,

Political non-involvement does not mean they do not care. Often people here are barred from involvement by feeling uncomfortable, or they do not have time, or they are not aware of how to be involved in a political process. There needs to be more outreach by City Council.

(Belle Haven Neighborhood Action Plan (July 2013))

According to recent data, Latinos comprise approximately 18.4% of the population of Menlo Park, which amounts to about 5,902 people. The aforementioned Belle Haven neighborhood houses the overwhelming majority of Menlo Park's Latinos, approximately 4,095 of the 5,902 - approximately 60% of the Belle Haven neighborhood. Similarly, approximately 4.8% of the population of Menlo Park is African American, concentrated in the Belle Haven neighborhood, such that approximately 29% of the Belle Haven neighborhood is African American. As Belle Haven residents have expressed, their limited involvement in Menlo Park City Council results from their feeling of forced separation from the western half of the city. City Council meetings rarely take place in Belle Haven, and when they do, many residents do not know when or where they are.

The City of Menlo Park has largely neglected Belle Haven, with 33% of residents agreeing that general neighborhood conditions have gotten worse since they started living there. Moreover, the City Council does not understand the lives and struggles of the people of Belle Haven, the majority of whom work low paying, service-industry jobs in order to support their families and afford homes in the poorest part of Menlo Park. Belle Haven residents and the Latino and African American community that largely resides there would greatly benefit from a district-based election, which would allow them to appoint candidates that understand the issues facing their neighborhood. However, there are currently no Latino or African American representatives, or even any representatives from Belle Haven on the Menlo Park City Council. The contrast between the significant Latino and African American proportions of the electorate and the complete absence of Latinos and African Americans elected to the City Council is telling.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy was ultimately imposed upon the Palmdale city council, with districts that combine all incumbents into one of the four districts.

Given the historical lack of Latino and African American representation on the city council in the context of racially polarized elections, we urge Menlo Park to

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voluntarily change its at-large system of electing council members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than October 3, 2017 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman

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Census Tract 6117 - San Mateo County (2010)		
	Number	%
<b>Total population</b>	<b>5,970</b>	<b>100</b>
One race	5,716	95.7
White	1,727	28.9
Black or African American	1,130	18.9
American Indian and Alaska Native	87	1.5
American Indian, specified [1]	32	0.5
Alaska Native, specified [1]	0	0
Both American Indian and Alaska Native, specified [1]	0	0
American Indian or Alaska Native, not specified	55	0.9
Asian	167	2.8
Native Hawaiian and Other Pacific Islander	335	5.6
Some Other Race	2,270	38
Two or More Races	254	4.3
Two races with Some Other Race	117	2
Two races without Some Other Race	101	1.7
Three or more races with Some Other Race	15	0.3
Three or more races without Some Other Race	21	0.4
<b>HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	5,970	100
Hispanic or Latino (of any race)	4,095	68.6
Mexican	3,298	55.2
Puerto Rican	11	0.2
Cuban	3	0.1
Other Hispanic or Latino [2]	783	13.1
Not Hispanic or Latino	1,875	31.4
<b>RACE AND HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	5,970	100
One race	5,716	95.7
Hispanic or Latino	3,935	65.9
Not Hispanic or Latino	1,781	29.8
Two or More Races	254	4.3
Hispanic or Latino	160	2.7
Not Hispanic or Latino	94	1.6

Census Tract 6117 - San Mateo County (2000)		
	Number	%
<b>Total population</b>	<b>6,095</b>	<b>100</b>
One race	5,774	94.7
White	1,253	20.6
Black or African American	1,828	30
American Indian and Alaska Native	82	1.3
American Indian, specified [1]	14	0.2
Alaska Native, specified [1]	0	0
Both American Indian and Alaska Native, specified [1]	0	0
American Indian or Alaska Native, not specified	68	1.1
Asian	39	0.6
Native Hawaiian and Other Pacific Islander	315	5.2
Some Other Race	2,257	37
Two or More Races	321	5.3
Two races with Some Other Race	209	3.4
Two races without Some Other Race	112	1.8
Three or more races with Some Other Race	87	1.4
Three or more races without Some Other Race	25	0.4
<b>HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	6,095	100
Hispanic or Latino (of any race)	3,653	59.9
Mexican	2,885	47.3
Puerto Rican	3	0
Cuban	0	0
Other Hispanic or Latino [2]	765	12.6
Not Hispanic or Latino	2,442	40.1
<b>RACE AND HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	6,095	100
One race	5,774	94.7
Hispanic or Latino	3,467	56.9
Not Hispanic or Latino	2,307	37.9
Two or More Races	321	5.3
Hispanic or Latino	186	3.1
Not Hispanic or Latino	135	2.2

Census Tract 6117 - San Mateo County (1990)***		
	Number	%
<b>Total population</b>	<b>5,127</b>	<b>100</b>
One race		
White	1,429	27.8
Black or African American	2,991	58.3
American Indian and Alaska Native	52	1
American Indian, specified [1]		
Alaska Native, specified [1]		
Both American Indian and Alaska Native, specified [1]		
American Indian or Alaska Native, not specified		
Asian	57	1
Native Hawaiian and Other Pacific Islander	211	4
Some Other Race		
Two or More Races		
Two races with Some Other Race		
Two races without Some Other Race		
Three or more races with Some Other Race		
Three or more races without Some Other Race		
<b>HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	5,127	100
Hispanic or Latino (of any race)	1,691	32.9
Mexican		
Puerto Rican		
Cuban		
Other Hispanic or Latino [2]		
Not Hispanic or Latino	3,436	67
<b>RACE AND HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>
Total population	5,127	
One race		
Hispanic or Latino		
Not Hispanic or Latino		
Two or More Races		
Hispanic or Latino		
Not Hispanic or Latino		

City of Menlo Park	2010 Census		2000 Census		1990 Census	
	Number	%	Number	%	Number	%
<b>Total population</b>	<b>32,026</b>	<b>100</b>	<b>30,785</b>	<b>100</b>	<b>28,040</b>	<b>100</b>
One race	30,588	95.5	29,798	96.8		
White	22,494	70.2	22,274	72.4	22,176	79
Black or African American	1,551	4.8	2,163	7	3,467	12.3
American Indian and Alaska Native	156	0.5	136	0.4		
American Indian, specified [1]	83	0.3	47	0.2		
Alaska Native, specified [1]	1	0	3	0		
Both American Indian and Alaska Native, specified [1]	0	0	0	0		
American Indian or Alaska Native, not specified	72	0.2	86	0.3		
Asian	3,157	9.9	2,201	7.1	1,668**	5.9
Native Hawaiian and Other Pacific Islander	454	1.4	389	1.3		
Some Other Race	2,776	8.7	2,635	8.6		
Two or More Races	1,438	4.5	987	3.2		
Two races with Some Other Race	231	0.7	381	1.2		
Two races without Some Other Race	1,082	3.4	606	2		
Three or more races with Some Other Race	33	0.1	549	1.8		
Three or more races without Some Other Race	92	0.3	57	0.2		
<b>HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Total population	32,026	100	30,785	100	28,040	100
Hispanic or Latino (of any race)	5,902	18.4	4,803	15.6	2,710	9.6
Mexican	4,303	13.4	3,502	11.4		
Puerto Rican	78	0.2	46	0.1		
Cuban	35	0.1	31	0.1		
Other Hispanic or Latino [2]	1,486	4.6	1,224	4		
Not Hispanic or Latino	26,124	81.6	25,982	84.4	20,216	72.1
<b>RACE AND HISPANIC OR LATINO</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>	<b>Number</b>	<b>%</b>
Total population	32,026	100	30,785	100		
One race	30,588	95.5	29,798	96.8		
Hispanic or Latino	5,571	17.4	4,516	14.7		
Not Hispanic or Latino	25,017	78.1	25,282	82.1		
Two or More Races	1,438	4.5	987	3.2		
Hispanic or Latino	331	1	287	0.9		
Not Hispanic or Latino	1,107	3.5	700	2.3		

\*\* 1990 Census combined Asian or Pacific Islander

\*Source: 2010 & 2000 - Census Summary File QT-P3 & <https://www.census.gov/library/publications/1992/dec/cp-1.html>

\*\*\*Source: Steven Manson, Jonathan Schroeder, David Van Riper, and Steven Ruggles. IPUMS National Historical Geographic Information System: Version 12.0 [Database]. Minneapolis: University of Minnesota. 2017.

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