



Board Agenda Item 18

DATE: November 16, 2021
TO: Board of Supervisors
SUBMITTED BY: Jean M. Rousseau, County Administrative Officer
SUBJECT: Redistricting of County Supervisorial Districts (Set at 1:00 p.m.)

RECOMMENDED ACTION(S):

- 1.) **Conduct a public hearing to receive public input on the composition of one or more supervisorial districts.**
 - a. **Receive presentation from National Demographics Corporation on proposed amendment map options.**
 - b. **Hear public comment on communities of interest and the composition of one or more supervisorial districts, including draft maps.**
 - c. **Select a final draft map for adoption; provide direction to staff to prepare a Resolution to adopt final draft map on December 14, 2021.**

Pursuant to the Fair Maps Act and Elections Code Sections 21507 and 21507.1, your Board must conduct a public hearing at which the public is invited to provide input regarding the composition of one or more supervisorial districts. This item is countywide.

ALTERNATIVE ACTION(S):

Your Board may desire to change and/or reject any draft map(s), explore alternative supervisorial district boundaries, and establish additional public hearing dates. Adoption of the final district boundary map must occur by December 15, 2021.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations to cover all costs related to the redistricting process are included in the FY 2021-22 Adopted Budget, Org 2540 - Miscellaneous and Interest Expense. The forecasted cost of the redistricting process is estimated to be approximately \$270,000.

DISCUSSION:

The U.S. Constitution requires that everyone residing in the United States be counted every decade. The resulting Census data is used for geographically defining State and local legislative districts. This process is called "redistricting."

According to California Elections Code, following each decennial Federal census, your Board, using that census as a basis, shall adjust the boundaries of any or all the supervisorial districts of the County so that the districts shall be as nearly equal in population as feasible. Although the County went through a redistricting process back in 2011, the State has made significant statutory reforms to the redistricting

process since that time through the Fair Maps Act (AB 849), signed into law in October 2019 and Local Redistricting (AB 1276), signed into law in 2020.

When redrawing district boundaries, your Board must comply with the requirements of the U.S. Constitution, California Constitution, the Federal Voting Rights Act of 1965, and the California Elections Code. These authorities require each district to have substantially equal population, generally prohibit using race as a predominate criteria for redrawing districts and prohibit diluting the voting rights of racial or language minority communities. Additionally, based on the updated Elections Code, the updated district boundaries must be redrawn using the following State legal criteria listed in order of priority:

- To the extent practicable, supervisorial districts shall be geographically contiguous.
- To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A “community of interest” is defined in the Elections Code as “a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.”
- To the extent practicable, the geographic integrity of a city or census-designated place shall be respected in a manner that minimizes its division.
- Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the County.
- To the extent practicable and where it does not conflict with the preceding criteria, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Further, districts must not be redrawn to favor or discriminate against any political party.

Using the 2020 State-adjusted Census data, National Demographics Corporation (NDC) analyzed the population for the five current supervisorial district boundaries, which is shown in Attachment A. The analysis of the current supervisorial districts indicates that for representational equality there is currently a maximum (high - low) deviation of 21.75% for the total population. By comparison, in the 2010 Census data, the maximum (high - low) deviation was 25.54% for the total population prior to redrawing the district boundaries, while in the 2000 Census data, the maximum (high - low) deviation was 16.3%. In 2011, when the Board last adjusted supervisorial district boundaries, the redistricting process resulted in a total deviation of 1.14%. In the 2001 redistricting process, the total deviation was 2.0%. A total deviation of less than 10% is presumptively constitutional.

Attachment B contains Public Map 101b, the proposed amendment map options, and additional draft maps proposals that were submitted and evaluated by NDC through November 5, 2021. A list summarizing the community of interest public submissions gathered at the County’s public workshops, Advisory Redistricting Commission (ARC) public hearings, and in written public comments received at the time of this writing is contained in Attachment C. All written public comments received after 10:00 a.m. on November 2, 2021 through 9:00 a.m. on November 8, 2021 are contained in Attachment D. Additionally, all of the ARC and County public workshop agendas, ARC minutes, and video recordings of ARC meetings and public hearings and County public workshops have been posted on the County’s redistricting website.

Process and Timeline for Redistricting

Pursuant to the Fair Maps Act, the County must conduct at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts before your Board adopts a final redistricting plan. At least one of the public hearings must be held prior to drawing a draft map

or maps of the proposed supervisorial district boundaries, and at least two public hearings must be held after drawing a draft map or maps. The County has held three pre-draft map public hearings (August 12, October 5, and October 21, 2021) conducted by the ARC. The first post-draft map public hearing conducted by your Board occurred on November 2, 2021. Today's public hearing will be the second post-draft map public hearing conducted by your Board.

At the November 2, 2021 public hearing, your Board selected Public Map 101b and directed staff and NDC to develop proposed amendment options for further consideration at today's public hearing. After receiving public input, your Board should discuss Public Map 101b and the proposed amendment options and select a final draft map to adopt by resolution on December 14, 2021. Today's public hearing will provide the public with the opportunity to testify on the draft maps and any amended or preferred alternative selected by your Board today, prior to the adoption of a final map.

Due to the significant delay in receiving the adjusted 2020 Census data from the State, your Board has an extremely compressed timeframe to adopt a final redistricting plan. Under current State law, the Board must adopt boundaries no later than 174 days prior to the County's next regular election held after January 1, 2022. The County's next regular election after January 1, 2022 is the statewide direct primary election, which is presently scheduled for June 7, 2022. December 15, 2021 is 174 days prior to the June 7, 2022 primary election. Based on this, your Board will need to adopt a resolution redrawing the supervisorial boundaries no later than December 15, 2021. The redistricting plan/map must be approved by your Board by 4/5th vote, as determined in the County Charter. If your Board fails to adopt the new boundaries by December 15, 2021, California law requires your Board to immediately file a petition with the Superior Court within five days for an order adopting supervisorial district boundaries.

Staff has scheduled December 14, 2021 as the date your Board will adopt a final redistricting map by resolution at your regularly scheduled meeting.

Based on the Board's adopted regular meeting schedule, the following schedule will timely accomplish the process to adjust supervisorial district boundaries by the December 15, 2021 deadline:

November 16, 2021: Hold required post-draft map public hearing #2 to receive public input on the composition of one or more supervisorial districts. Review and consider amended map(s). Conclude hearing with selection of draft map for final adoption.

December 14, 2021: Adopt resolution to establish new supervisorial district boundaries. The vote to adopt the resolution must be by 4/5 vote.

It is anticipated that the public will continue to have interest in the adjustment of supervisorial district boundaries. Your Board may decide to schedule additional post-draft map public hearings including at a fixed time at your regularly scheduled hearing on December 14, 2021 to receive public testimony and/or to review and discuss any amended or preferred alternative draft maps prior to the December 15, 2021 deadline.

REFERENCE MATERIAL:

BAI #17, November 2, 2021
BAI #6, October 5, 2021
BAI #5, May 25, 2021
BAI #27, April 27, 2021
BAI #6, April 13, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

Attachment A - Current Supervisorial District Analysis

Attachment B - Draft Maps

Attachment C - List of Community of Interest Public Submissions

Attachment D - Written Public Comments received after 10:00 am on November 2, 2021

CAO ANALYST:

Yussel Zalapa