



Board Agenda Item 6

DATE: April 13, 2021

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer

SUBJECT: Supervisorial Redistricting 2021

RECOMMENDED ACTION(S):

Provide direction to staff choosing one of the three proposed options to establish a Supervisorial Redistricting Commission or to complete the redistricting process without a commission.

The U.S. Census Bureau is expected to release final census data on September 30, 2021. The State is expected to reallocate based on the prison database allowing for the final receipt of relevant census data to the County by late October 2021. December 15, 2021 is the legal deadline for the completion of any Supervisorial District redistricting. The intent of redistricting is to equalize, as closely as possible, the amount of population in each Supervisorial District. The purpose of this agenda item is for your Board to provide staff with direction and format on how to proceed in completion of the redistricting project. This item is countywide.

ALTERNATIVE ACTION:

There is no alternative action. Staff is required to move forward with required planning and public outreach that provides for the redistricting project completion by December 15, 2021. If the redistricting project is not completed by December 15, 2021, the process will be turned over to the Court's jurisdiction and the County will be responsible for all associated fees.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. It is expected if your Board appoints citizens to the committee, it would be done on a volunteer basis and there is no funding available to provide reimbursement for meals and mileage. However, staff is considering the use of consultants, a demographer and a consultant for public outreach, to assist the County and the commission as this process moves forward. The costs for the consultants are approximately a total of \$150,000 and sufficient appropriations are included in the FY 2020-21 Adopted Budget for Org 2540 and will be included in the FY 2021-22 Budget Request.

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 the California Elections Code, following each decennial Federal census, the 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 had a similar redistricting process 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.

When redrawing district boundaries, the 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:

1. Supervisorial districts shall be geographically contiguous.
2. The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.
3. The geographic integrity of a city or census-designated place shall be respected in a manner that minimizes its division.
4. Supervisorial district boundaries should be easily identifiable and understandable by residents.
5. 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.

OPTIONS:

Your Board has three options for establishing a Redistricting Commission or may take on the redistricting project responsibility without establishing a commission. If your Board decides to complete the redistricting process without a commission, your Board will work directly with consultants and staff on the project.

The list below outlines options for the three commission formats permitted by the Elections Code along with the corresponding level of responsibility of each. There are also membership eligibility requirements, which are summarized in Attachment A. Additionally, an overview of what we know other Counties are doing is summarized in Attachment B.

1. Advisory Redistricting Commission: This Commission would recommend boundaries to your Board. Your Board may prescribe the manner in which members are appointed to the Commission, with the caveat the County elected officials, family members, staff, or paid campaign staff of a County elected official cannot be appointed to this Commission.
2. Hybrid Redistricting Commission: This Commission would be directed by the Board to recommend two or more maps, one of which the Board agrees to adopt without modification. This Commission may not be appointed directly by the Board, but your Board may prescribe the manner in which members are appointed provided the application process is open to all eligible residents. Should the County pursue this option, a pre-defined appointment process would need to be established in order to select Commission members.
3. Independent Redistricting Commission: This Commission would be authorized by the Board to adopt new boundaries without returning to the Board for approval. This Commission may not be appointed directly by the Board, but your Board may prescribe the manner in which members are appointed provided the application process is open to all eligible residents. Should the County pursue this option, a pre-defined appointment process would need to be established in order to select Commission members.

During the last redistricting process, on April 12, 2011, the Board established the Fresno County Redistricting Task Force comprised of one representative from each of the supervisorial districts (option 1). Staff recommends that the Board consider option 1 establishing an advisory redistricting commission comprised of five members from the public; one representing each supervisorial district. Based on Elections

Code sections 23002, individuals appointed to an Advisory Redistricting Commission cannot be elected officials of the County and they also cannot be family members, staff members, or paid campaign staff of any elected County officials.

The Advisory Redistricting Commission would evaluate the existing boundaries of the Supervisorial District and develop options for boundary adjustments to account for population and demographic changes that have occurred between the 2020 and 2010 census. Public hearings will be conducted to consider any proposal to adjust the boundaries of a district and all impacted Cities will be notified of any proposed boundary changes. Ultimately the Advisory Redistricting Commission will make a recommendation to the Board for district boundaries, which would be subject to approval by the Board of Supervisors.

KEY DATES & DEADLINES

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 would need to adopt an ordinance redrawing the supervisorial boundaries no later than November 15, 2021. There is proposed legislation (SB 594 - Glazer) that, if adopted, would expressly authorize a county board of supervisors to adopt supervisorial district boundaries by ordinance or resolution thus helping Counties navigate this tight timeline. Should that legislation be approved, your Board must adopt the updated 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 the Board fails to adopt the new boundaries by December 15, 2021, the Board shall immediately file a petition with the Superior Court within five days for an order adopting supervisorial district boundaries.

For the upcoming redistricting effort, the U.S. Census Bureau will send the census data to local jurisdictions no later than September 30, 2021. Previously, census data was scheduled to be sent by March 2021 but due to the ongoing COVID-19 pandemic, this date has been postponed to September 30, 2021. The State will also need to reallocate State prisoners to their appropriate County, and it is anticipated that this will take up to 30 days before the final census data is received.

PROPOSED TIMELINE:

The timeline is subject to change based on the release of census data and possible changes in state deadlines through proposed legislation.

- **April - May 2021: Project Planning & Initial Outreach**
 - Determination of process and commission.
 - Selection of consultant to assist in training and guiding staff and commission.
 - Determine public mapping tool.
 - Launch Redistricting Website.
 - Outreach begins.

- **May - September 2021: Initial Data Analysis & Initial Hearings/Forums**
 - Population, demographic, socio-economic analysis and matching.
 - Initial hearings including an overview of the redistricting laws and criteria.
 - Additional outreach to the public.

- **October - November 2021: Draft Map Preparation & Review**
 - 2020 Census total population counts released, and California Statewide Database completes "prison adjustments" of the data. Total population counts in outreach materials and mapping tools are updated with the official Census data.

- Hearing(s) to review the draft maps, narrow down the list of initial draft maps, and provide direction on any desired new or revised maps.

- **November - December 2021: Map Adoption**
 - Necessary timing will depend on the outcome of proposed legislation which could allow the County to adopt supervisorial district boundaries by resolution.
 - Board would need to adopt final maps by November 15, 2021 absent proposed legislation. Board would need to adopt final maps by December 15, 2021 if allowed to adopt by resolution through proposed legislation. There is currently a Board meeting scheduled on December 14, 2021 that would be the target date.

Depending on the option your Board directs, staff will work with the Clerk of the Board on the required application and notification to our team of your appointment. The County's Redistricting efforts will ensure that Supervisorial districts comply with State requirements and achieve appropriate representation for County constituents.

REFERENCE MATERIAL:

BAI #12 September 20, 2011
Addendum A April 12, 2011

ATTACHMENTS INCLUDED AND/OR ON FILE:

ATTACHMENT A - Commission Member Eligibility Requirements
ATTACHMENT B - County Redistricting Options Sample Survey

CAO ANALYST:

Samantha Buck