



Board Agenda Item 9

DATE: October 19, 2021

TO: Board of Supervisors

SUBMITTED BY: Jean M. Rousseau, County Administrative Officer

SUBJECT: Amendments to Chapter 2.72 of the Fresno County Ordinance Code to allow for adoption of final supervisorial district maps by ordinance or resolution

RECOMMENDED ACTION(S):

- 1. Conduct first hearing of an amendment to the County of Fresno Ordinance Code to amend Title 2 - Administration, Chapter 2.72 - Supervisorial Districts to provide for adoption of final supervisorial boundary maps by ordinance or resolution in accordance with California State law (the Ordinance); waive the reading of the proposed Ordinance in its entirety; and set the second hearing of the proposed Ordinance including its requested Board adoption, for November 2, 2021;**
- 2. Designate County Counsel to prepare a fair and adequate summary of the proposed Ordinance; and**
- 3. Direct the Clerk of the Board to post and publish the required summary of the proposed Ordinance in accordance with Government Code Section 25124(b)(1).**

Approval of the recommended actions will initiate the process that will allow your Board to adopt new supervisorial district maps by ordinance or resolution. This item is countywide.

ALTERNATIVE ACTION(S):

The Board may decline to pass the proposed amendments in which case the procedure available to the Board to adopt new supervisorial districts following a decennial census would be limited to the adoption of new districts by ordinance.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Sufficient appropriations are included in the FY 2021-22 Adopted Budget, Org 2540 - Miscellaneous and Interest Expense.

DISCUSSION:

The County's current redistricting ordinances reflect prior California State law which required that new district boundaries for county supervisorial districts be adopted by ordinance. The Governor signed Senate Bill 594 into law on September 27, 2021 which amended Section 21500 of the California Elections Code (attachment "A") to expressly allow counties to adopt new supervisorial districts boundaries by ordinance OR by resolution. The proposed amendments to Chapter 2.72 of the Fresno County Ordinance Code

provide the Board of Supervisors the ability to adopt new supervisorial district boundaries following a federal decennial census by ordinance or by resolution.

Under California law, the adoption of an ordinance requires a first and a second hearing of the ordinance separated by no less than five days. With the release of official census data by the federal government delayed by the COVID-19 pandemic, and new public participation requirements put in place by the California Fair Maps Act, the process for consideration of new supervisorial districts has been compressed into a few months of intense effort by County staff, the Advisory Redistricting Commission, the public, and the Board of Supervisors.

The County has currently scheduled the necessary public hearings for the Advisory Redistricting Commission and the Board of Supervisors so that the Board may adopt maps via ordinance prior to the December 15, 2021 deadline, however, this has created a very tight schedule to complete the process. Should the Board require an additional meeting to make its final decision for adopting maps that conform to state and federal requirements, the option of being able to adopt the final maps by resolution rather than by ordinance (which require two meetings) would provide the Board with the ability to add an additional hearing at one of its upcoming meetings to provide for that additional public input and consideration of the maps by the Board. Nothing in the proposed ordinance requires the Board to adopt the new maps via resolution, and the Board is free to utilize the ordinance process as well.

If the recommended actions are approved by your Board, the second hearing will be scheduled for November 2, 2021.

REFERENCE MATERIAL:

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 - Elections Code § 21500 (as amended September 27, 2021)
Amended Ordinance
Amended Ordinance - Redline version
On file with Clerk - Summary of Ordinance

CAO ANALYST:

Yussel Zalapa