



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: CITY ATTORNEY

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City Manager Approval: _____

TOPIC: 2021-2022 CITY COUNCIL REDISTRICTING PROCESS

SUBJECT: INFORMATIONAL REPORT ON UPCOMING CITY COUNCIL REDISTRICTING PROCESS FOLLOWING RELEASE OF 2020 UNITED STATES CENSUS DATA, AND APPROVAL OF TENTATIVE TIMELINE FOR ADOPTION OF NEW DISTRICTS BY APRIL 17, 2022

RECOMMENDATION:

By motion, accept the informational report and approve the tentative calendar for the redistricting process.

BACKGROUND:

In late 2017, the City of San Rafael received a demand letter asserting that its at-large method of electing members of the City Council violated the California Voting Rights Act (CVRA) (Elec. Code §§14025 – 14032), which prohibits California public agencies from imposing or applying an at-large election method “that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election.” (Elec. Code §14027) A protected class is defined by the CVRA as “a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965.”

Rather than face a potentially costly lawsuit, the City of San Rafael began the process of changing its at-large voting system to a district-based voting system. After several public hearings to receive public input regarding the composition of the districts, guidelines for the preparation of draft district maps, and to consider 14 different draft district maps prepared either by the City’s demographic consultant or by members of the public, the City Council adopted [Ordinance No. 1956](#) on [April 16, 2018](#) establishing a by-district electoral system and election sequence for four City Council districts according to the map designated as “[Canal 3B](#)”.

The City’s first general municipal election using the new City Council districts was held on November 3, 2020, for the City Council seats in District Districts 1/South and 4/North. The first elections in Districts 2/West and 3/East will be held on November 8, 2022.

FOR CITY CLERK ONLY

Council Meeting: _____

Disposition: _____

Even though the City created its four electoral districts only three years ago, the Elections Code requires that the redistricting process occur again following each federal decennial census. The most recent decennial census was conducted in 2020, and the resulting data are scheduled to be released on August 16, 2021. To assist the City in the redistricting process, the City has retained two consultants the City used in the initial establishment of electoral districts, attorney Christopher Skinnell, of the San Rafael law firm Nielsen Merksamer, and demographic consultant National Demographics Corporation.

ANALYSIS:

Mr. Skinnell and Kristen Parks of National Demographics Corporation will be present at the City Council meeting to give a brief introduction to the redistricting process. The following is a summary of the main California Elections Code requirements for the redistricting process:

- 1) Voting districts must be established according to four criteria:
 - To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not 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 a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
 - Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
 - To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council 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.

- 2) There are specific requirements for public involvement in the redistricting process prior to final adoption of the new electoral districts:
 - Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.
 - At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.
 - At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.
 - At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

- 3) The Elections Code also requires the City Council to take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps must include:
- Providing information to media organizations and through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.
 - Live translation of public hearings, if requested, in an “applicable language” determined for each city by the Secretary of State. For San Rafael, the applicable language is Spanish.
 - The publication of any draft map on the internet for at least seven days before being adopted as a final map, and each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.
 - Establishment of an internet web page dedicated to redistricting, to be maintained for at least 10 years after the adoption of new council district boundaries, which includes, or links to, all of the following information:
 - A general explanation of the redistricting process for the city in English and applicable languages. (See Attachment 2)
 - The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.
 - A calendar of all public hearing and workshop dates.
 - The notice and agenda for each public hearing and workshop.
 - The recording or written summary of each public hearing and workshop.
 - Each draft map considered by the council at a public hearing.
 - The adopted final map of council district boundaries.

A tentative calendar for the redistricting process is attached as Attachment 1. Staff recommends the City Council approve the tentative calendar, subject to later adjustment as necessary.

COMMUNITY OUTREACH:

No community outreach has occurred yet; however, during the redistricting process, staff intends to establish a City website with all pertinent documents in both English and Spanish and may also conduct one or more community meetings in addition to the multiple City Council meetings. Staff also intends to include an online training for use of the online mapping tool. Spanish interpretation will be provided at the City Council meetings.

FISCAL IMPACT:

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There is no fiscal impact associated with this informational report. If accepted, completion of the redistricting process will incur expenses of approximately \$50,000 in consulting attorney's fees and \$60,000 in consulting demographer's fees (including the online mapping tool), in addition to regular staff time. Sufficient funds have been included in the budget to cover these expenses.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Accept the informational report and approve the tentative calendar.
2. Accept the informational report and approve the tentative calendar with modifications.
3. Direct staff to return with more information.
4. Take no action.

RECOMMENDED ACTION:

Accept the informational report and approve the tentative calendar for the City Council redistricting process.

ATTACHMENTS:

1. Tentative Calendar for City Council Redistricting
2. Secretary of State's template for information about city council redistricting process

SAN RAFAEL CITY COUNCIL
TENTATIVE 2021-2022 REDISTRICTING TIMELINE

(Note: most actions are goal dates subject to change.
Only items in bold are legal deadlines.)

DATE	ACTION
July 19, 2021 Council Meeting	Presentations at Council meeting re redistricting process; Council adopts tentative calendar for redistricting.
August 16, 2021	Announced date for federal government to release “legacy format” demographic/redistricting data to States. (In a normal post-Census year, the data would have been released by Mar. 31.)
By late-August	City’s redistricting website to go public with tentative calendar and SOS templates containing a general explanation of the redistricting process and procedures for public to testify during public hearing or submit written testimony and—when available—presentations, criteria, meeting notices, agendas and minutes, demographic data, and draft plans. Provide for online submission of comments from the public.
September 2021 Council Meeting	Presentations at Council meeting re (1) legal and policy criteria governing redistricting, and (2) preliminary demographics of existing council districts based on Census legacy data or appropriate estimates.
September – October	Consultants/staff to conduct additional public outreach regarding process, online mapping tools, other options for participating, etc.
October 1, 2021	Estimated date for release of prisoner-adjusted population data by California Statewide Database. See Elec. Code § 21621(a)(2); Memo from Karin Mac Donald, Director of the Statewide Database, to the California Citizens Redistricting Comm’n (Mar. 26, 2021) .

DATE	ACTION
November 8, 2021 Council Meeting	Demographer provides updated demographic analysis of existing districts with final adjusted Census numbers; Council conducts first public hearing to solicit testimony regarding criteria to be used for redistricting, especially communities of interest. ¹
January 18, 2022 Council Meeting	Council conducts second public hearing to solicit testimony regarding criteria to be used for redistricting, especially communities of interest; Council adopts criteria for redistricting, identifies communities of interest, instructs demographic consultant to prepare draft district plans.
February 7, 2022	Deadline for submission of maps by the public for consideration at the February 21 Council public hearing.
February 21, 2022 Council Meeting ²	Demographic consultant to present initial draft district plan(s). Council holds public hearing on draft plan(s). Council may order modifications to any of the plan(s).
March 7, 2022	Final deadline for submission of public plans for consideration as part of the process.
March 14, 2022	Deadline to post final proposed map(s) on City redistricting website. ³
March 21, 2022 Council Meeting	Demographer presents one or more additional draft plans and modified plans, incorporating public testimony as appropriate; Council holds public hearing on draft plans, votes to choose one plan, adopts resolution setting actual boundaries. If the Council instead orders modifications to any of the plans, another public hearing will be required.
April 4, 2022	Last regularly-scheduled Council meeting prior to deadline for adopting redistricting plan.
April 17, 2022	Legal deadline for Council to adopt redistricting plan.

¹ Notwithstanding the Brown Act, public hearings for redistricting must be noticed at least 5 days ahead of time, except that hearings between March 20 and April 17, 2022, can be noticed three days in advance.

² Must be at least three weeks after release of inmate-adjusted data by the Statewide Database.

³ Maps must be made public at least 3 days before adoption if there are fewer than 28 days until the legal deadline of April 17 or seven days prior if more than 28 days are available.

DATE	ACTION
April 20 or May 4, 2022	Resolution becomes effective (30 days after adoption)
July 18, 2022	First day for circulating nomination papers.
November 8, 2022	First election using new lines.

City of _____ Redistricting Process

Every ten years, local governments use new census data to redraw their district lines to reflect how local populations have changed. [Assembly Bill 849 \(2019\)](#) requires cities and counties to engage communities in the redistricting process by holding public hearings and/or workshops and doing public outreach, including to non-English-speaking communities.

What is redistricting?

Every ten years, districts must be redrawn so that each district is substantially equal in population. This process, called redistricting, is important in ensuring that each city councilmember represents about the same number of constituents. In [City], the City Council is responsible for drawing council districts. Redistricting is done using U.S. Census data, which is released around March 31, 2021. For the City of [city], the redistricting process must be completed by [date].

Why does redistricting matter to me?

Redistricting determines which neighborhoods and communities are grouped together into a district for purposes of electing a councilmember.

The City Council will seek input in selecting the next district map for our City Council. You have an opportunity to share with the City Council how you think district boundaries should be drawn to best represent your community.

You can contact the City Clerk at _____ to find out more about how the process works.

What do the existing council districts look like?

You can find a map of the City's current council districts here: [link]

What criteria will our City Council use when drawing district lines?

To the extent practicable, district lines will be adopted using the following criteria: (1) geographically contiguous districts (each city council district should share a common border with the next), (2) the geographic integrity of local neighborhoods or communities shall be respected in a manner that minimizes its division, (3) geographic integrity of a city shall be respected in a manner that minimizes its division, (4) easily identifiable boundaries that follow natural or artificial barriers (rivers, streets, highways, rail lines, etc.), and (5) lines shall be drawn to encourage geographic compactness. In addition, boundaries shall not be drawn for purposes of favoring or discriminating against a political party.

How will our City Council notify the public about redistricting?

The City Council will reach out to local media to publicize the redistricting process. Also, we will make a good faith effort to notify community groups of various kinds about the redistricting process. Our public [hearings] [or] [workshops] will be provided in applicable languages if residents submit a request in advance. The City Council will notify the public about redistricting [hearings] [or] [workshops], post maps online before adoption, and create a dedicated web page for all relevant information about the redistricting process.

How can I get involved?

The City Council will be holding [hearings] [or] [workshops] to receive public input on where district lines should be drawn. Those [hearings] [or] [workshops] will be held on:

[Date, location, time]

You can also submit public comments, including suggested draft maps, by emailing: [email]

Where can I find out more?

The City maintains a webpage on the city's redistricting process here: [link]

Ciudad de _____ Proceso de Redistribución de Distritos

Cada diez años, los gobiernos locales utilizan nuevos datos del censo para volver a trazar las líneas de sus distritos para reflejar cómo han cambiado las poblaciones locales. [El Proyecto de Ley 849 de la Asamblea \(2019\)](#) exige que las ciudades y los condados hagan participar a las comunidades en el proceso de redistribución de distritos mediante la celebración de audiencias públicas y/o talleres y la realización de actividades de divulgación pública, incluso en las comunidades no anglófonas.

¿Qué es la redistribución de distritos?

Cada diez años, los distritos deben ser rediseñados para que cada uno de ellos sea sustancialmente igual en población. Este proceso, llamado redistribución de distritos, es importante para asegurar que cada concejal de la ciudad represente aproximadamente el mismo número de conciudadanos. En [City], el Ayuntamiento es responsable de diseñar los distritos del consejo. La redistribución de distritos se hace usando los datos del Censo de los EE.UU., que es publicado alrededor del 31 de marzo de 2021. Para la Ciudad de [city], el proceso de redistribución de distritos debe completarse antes de [date].

¿Por qué me importa la redistribución de distritos?

La redistribución de distritos determina qué vecindarios y comunidades son agrupados en un distrito con el fin de elegir a un concejal.

El Ayuntamiento buscará aportes para determinar el próximo mapa del distrito para nuestro Ayuntamiento. Tu tienes la oportunidad de compartir con el Ayuntamiento cómo crees que los límites del distrito deben ser diseñados para representar mejor a tu comunidad.

Puedes contactar con el Secretario de la Ciudad en _____ para saber más sobre cómo funciona el proceso.

¿Cómo se ven los distritos del consejo existentes?

Puedes encontrar un mapa actual de los distritos del Ayuntamiento aquí: [link]

¿Qué criterio usará nuestro Ayuntamiento al diseñar las líneas del distrito?

En la medida de lo posible, las líneas de distrito se adoptarán utilizando los siguientes criterios: (1) los distritos geográficamente contiguos (cada distrito del ayuntamiento debe compartir una frontera común con el siguiente), (2) se respetará la integridad geográfica de los vecindarios o comunidades locales de manera que se reduzca al mínimo su división, (3) se respetará la integridad geográfica de una ciudad de manera que se reduzca al mínimo su división, (4) se establecerán límites fácilmente identificables que sigan las barreras naturales o artificiales (ríos, calles, carreteras, líneas de ferrocarril, etc.), y (5) se trazarán líneas para fomentar la compactación geográfica. Además, no se establecerán límites con el fin de favorecer o discriminar hacia un partido político.

¿Cómo notificará nuestro Ayuntamiento al público sobre la redistribución de distritos?

El Ayuntamiento se pondrá en contacto con los medios de comunicación locales para dar a conocer el proceso de redistribución de distritos. Además, haremos un esfuerzo de buena fe para notificar a los diversos grupos de la comunidad sobre el proceso de redistribución de distritos. Nuestras [hearings] [or] [workshops] públicos se ofrecerán en los idiomas pertinentes si los residentes presentan una solicitud por adelantado. El Ayuntamiento notificará al público sobre la redistribución de distritos [hearings] [or] [workshops], colocará los mapas en línea antes de su adopción y creará una página web dedicada a toda la información relevante sobre el proceso de redistribución.

¿Cómo puedo involucrarme?

El Consejo de la Ciudad celebrará [hearings] [or] [workshops] para recibir aportes públicos sobre dónde deben trazarse las líneas de los distritos. Esas [hearings] [or] [workshops] se llevarán a cabo en:

[Date, location, time]

También puedes enviar comentarios públicos, incluyendo borradores de mapas sugeridos, por correo electrónico: [email]

¿Dónde puedo encontrar más información?

La Ciudad mantiene una página web sobre el proceso de redistribución de la ciudad aquí: [link]