

**RESOLUTION NO. 15047**

**A RESOLUTION OF THE CITY OF SAN RAFAEL ADJUSTING THE BOUNDARIES AND SELECTING A PREFERRED DISTRICT MAP OF THE CITY COUNCIL DISTRICTS IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SECTIONS 21601-21609 AND SAN RAFAEL MUNICIPAL CODE SECTION 2.02.040**

**WHEREAS**, in 2018 the City Council of San Rafael adopted Ordinance No. 1956, approving the change of the City’s electoral system from an at-large to a “by-district” electoral system with a separately elected mayor; and

**WHEREAS**, the districts adopted thereby were used for the first time at the 2020 elections; and

**WHEREAS**, California Elections Code section 21621 requires each charter city that uses by-district elections to readjust those district boundaries in the year following the release of a new Census, to ensure compliance with constitutional equal population requirements; and

**WHEREAS**, the United States Supreme Court has held that a “total deviation” under 10% is presumptively constitutional; and

**WHEREAS**, the existing council districts have a “total deviation” of population between the districts of 8.53% based on the 2020 Census; and

**WHEREAS**, under changes to state law adopted by the Legislature in 2019 there are additional criteria that electoral districts must comply with, including contiguity, minimizing division of neighborhoods and communities of interest to the extent possible, following easily understandable boundaries to the extent possible, and encouraging the compactness of population to the extent practicable; and

**WHEREAS**, the City has retained an experienced redistricting/demographic consulting firm, National Demographics Corporation (“NDC”), and experienced legal counsel, Nielsen Merksamer, to advise it on the process of preparing a revised district plan; and

**WHEREAS**, on July 19, 2021, the City Council received a presentation from the City’s retained special voting rights counsel regarding the redistricting process, after which the Council approved a detailed timeline and work plan for the redistricting process; and

**WHEREAS**, the Census Bureau belatedly released the 2020 “Public Law 94-171” (“PL94-171”) redistricting data files on August 12, 2021; and

**WHEREAS**, on September 13, 2021, the City’s special counsel provided the City Council with an additional presentation summarizing the legal rules governing the

readjustment of district lines and the preliminary demographics of the existing districts based on the PL94-171 data; and

**WHEREAS**, the California Statewide Database (“SWDB”) released an “adjusted” version of the Census redistricting data on September 21, 2021, as required by state law, and a corrected version of those adjusted data on September 27, 2021; and

**WHEREAS**, on November 15, 2021, the City Council received updated information regarding the final “adjusted” demographics of the existing districts based on the SWDB data, after which the Council conducted its first duly-noticed public hearing to receive public testimony regarding the composition of the districts, especially communities of interest; and

**WHEREAS**, on January 18, 2022, the City Council conducted a second duly-noticed public hearing at its regular council meeting to receive public testimony regarding the composition of the districts and instructed its consultants to prepare draft maps for consideration at future public hearings; and

**WHEREAS**, on February 22, 2022, NDC presented two draft council district plans to the City Council—both of which were prepared according to the criteria set forth in state law—one showing the existing lines, which, as noted above, remain population-balanced, and another “Minimal Change” plan that preserves the communities of interest identified during the 2018 district process; and

**WHEREAS**, following the demographic consultant’s presentation on February 22 the City Council conducted a third duly-noticed public hearing to receive public input regarding the draft maps; and

**WHEREAS**, on March 21, 2022, the City Council conducted a fourth duly-noticed public hearing regarding the draft maps; and

**WHEREAS**, throughout this process the City has maintained a detailed redistricting website as required by law, <https://redistrictsanrafael.org/>; and

**WHEREAS**, the City has provided notices and other materials in Spanish, and has provided translation services upon request; and

**WHEREAS**, the City has engaged in good-faith public outreach to community groups and other interested parties as required by law; and

**WHEREAS**, the City made available to the public paper and online mapping tools to permit them to submit draft maps if so desired;

**WHEREAS**, the City Council has considered all public comments on the proposed council district plans; and

**WHEREAS**, the Council believes that the districts contained in the Current Districts map (2018) (the “Preferred Map”), incorporated herein, would best serve the interests of the City and the public at large; and

**WHEREAS**, the populations in the proposed districts of the Preferred Map are substantially equal in compliance with legal requirements; and

**WHEREAS**, Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, prohibits the use of any voting qualification, or prerequisite to voting, or standard, practice, or procedure in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, and the Preferred Map complies with section 2 of the Voting Rights Act; and

**WHEREAS**, the Preferred Map is drawn is geographically contiguous; and

**WHEREAS**, the Preferred Map seeks to minimize the division of communities of interest and neighborhoods to the extent possible; and

**WHEREAS**, the Preferred Map uses easily understandable boundaries, like streets, natural and artificial barriers, and the boundaries of the City, to the extent possible; and

**WHEREAS**, the Preferred Map is drawn to encourage geographical compactness to the extent practicable;

**NOW, THEREFORE**, the City Council of San Rafael does hereby resolve, declare, and determine as follows:

**DIVISION 1:** FINDINGS AND DETERMINATIONS.

All of the recitals set forth above are true and correct, and the City Council so finds and determines.

**DIVISION 2:** ADOPTION OF NEW COUNCIL DISTRICT MAP.

Pursuant to California Elections Code section 21601 and San Rafael Municipal Code section 2.02.040, the City Council prefers the district boundaries in the Current Districts map (2018), attached hereto as Exhibit “A” and incorporated herein by this reference (the “Preferred Map”); believes that its adoption would best serve the public interest of the City’s residents and voters; and by this resolution hereby adopts the district boundaries in that Preferred Map for use at the City’s November 2022 election and subsequent elections until a further re-alignment is required pursuant to Elections Code section 21601 and San Rafael Municipal Code section 2.02.040, following the release of the 2030 Census.

**DIVISION 3: IMPLEMENTATION.**

1. The City Manager and/or designee shall take all actions necessary to notify the Marin County Registrar's Office of the Council's determination forthwith and provide whatever assistance may be required by the Registrar's Office to implement the new district lines.

2. Because the new district plan may contain technical anomalies caused by errors in the 2020 Census line files that do not substantively affect the populations in the districts, the district boundaries, or the intent of this Resolution, which anomalies are not revealed until implementation begins, the City Manager and/or designee is authorized to make technical emendations to the new plan that do not substantively affect the populations in the districts, the district boundaries, or the intent of this Resolution, and shall advise the City Council of any such emendations that are found to be required in plan implementation by the County Registrar's Office.

3. The City Manager shall consult with legal counsel and/or the City's demographic consultant as necessary to resolve any legal or technical issues necessary to give effect to this Resolution.

**DIVISION 4: CEQA COMPLIANCE.**

The City Council finds that the proposed realignment of the existing council district map is exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment

**DIVISION 5: CONFLICTING MEASURES.**

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Resolution shall prevail with respect to the subject matter thereof.

**DIVISION 6: INTERPRETATION.**

In interpreting this Resolution or resolving any ambiguity, this Resolution shall be interpreted in a manner that effectively accomplishes its stated purposes.

**DIVISION 7: SEVERABILITY**

If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The City Council of the City of San Rafael hereby declares that it would have adopted this Resolution, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that anyone or more

sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

I, **LINDSAY LARA**, City Clerk of the City of San Rafael, hereby certify that the foregoing resolution was duly and regularly introduced and adopted at a regular meeting of the Council of said City held on the 21st day of March 2022, by the following vote:

**AYES: COUNCIL MEMBERS: BUSHEY, HILL, KERTZ, LLORENS GULATI & MAYOR KATE**

**NOES: COUNCIL MEMBERS: NONE**

**ABSENT: COUNCIL MEMBERS: NONE**

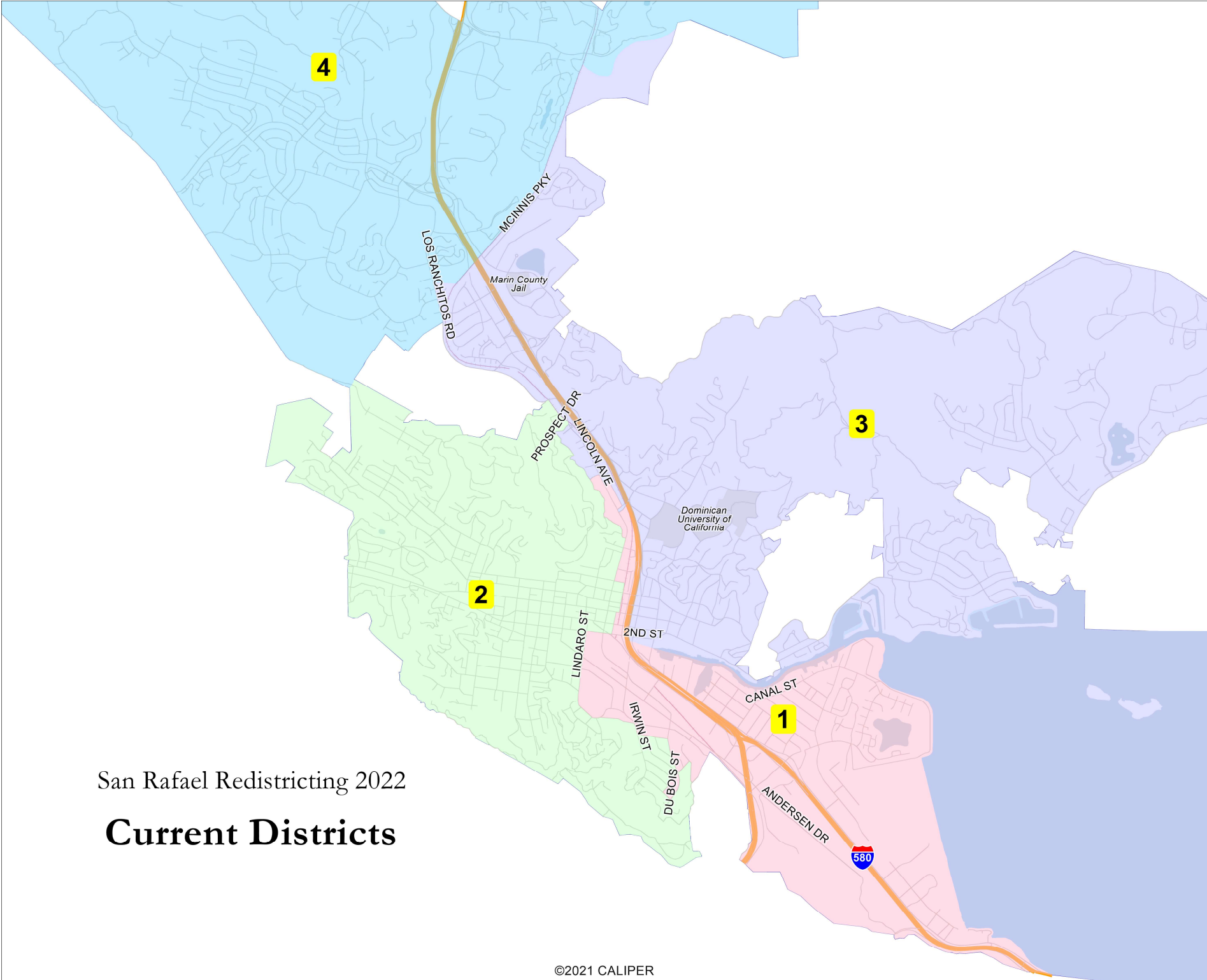


**Lindsay Lara, City Clerk**

Attachment:  
Exhibit A (the Current Districts map (2018))

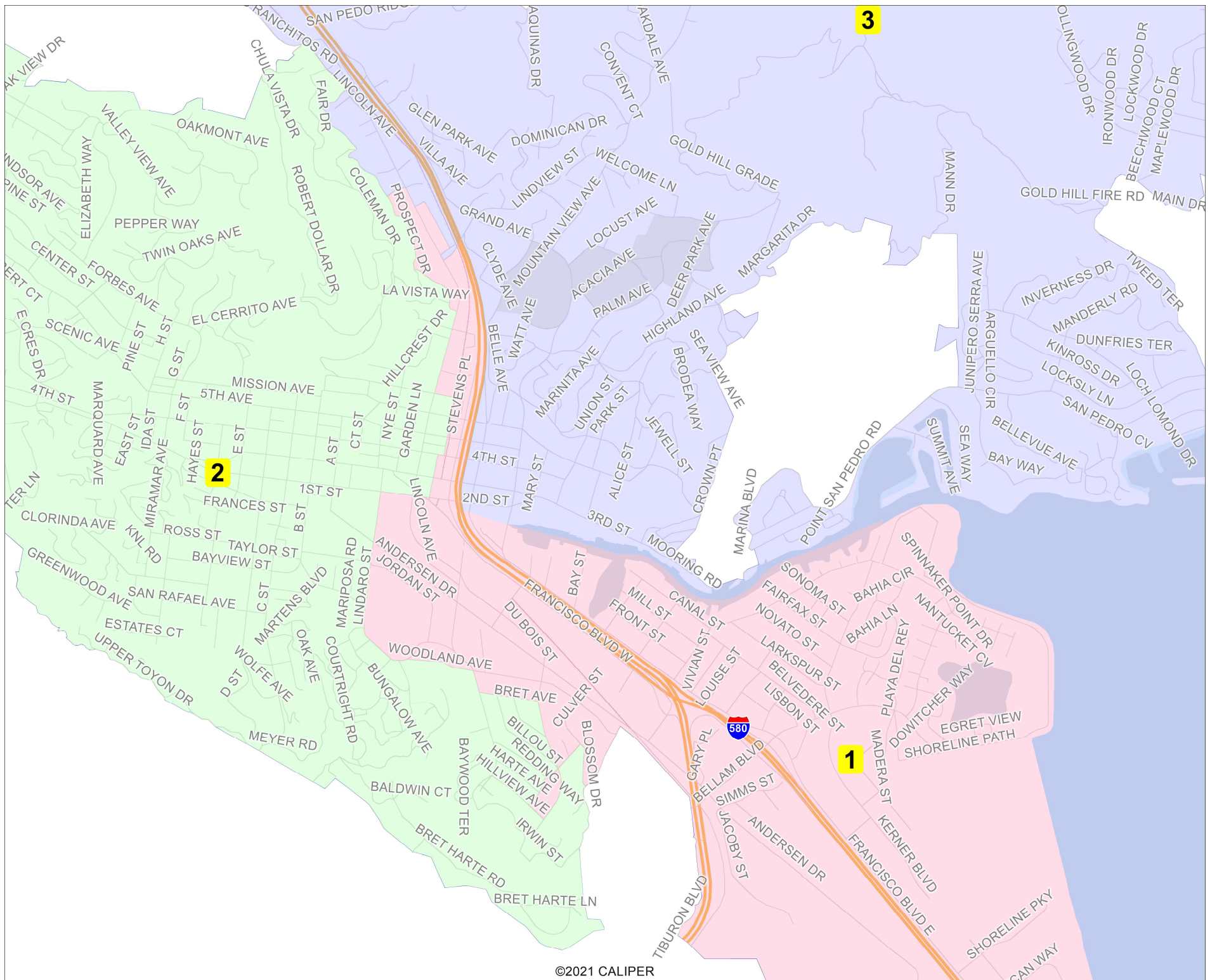
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**Exhibit A to Resolution No. 15047**  
**(Map of City Council Districts – 2020 Census)**



San Rafael Redistricting 2022

# Current Districts





Current Districts						
District		1	2	3	4	Total
	Total Pop	14,853	15,732	14,720	16,028	61,333
	Deviation from ideal	-480	399	-613	695	1,308
	% Deviation	-3.13%	2.60%	-4.00%	4.53%	8.53%
Total Pop	% Hisp	79.8%	21%	21%	18%	34%
	% NH White	12%	65%	64%	64%	52%
	% NH Black	1%	2%	2%	2%	2%
	% Asian-American	5%	7%	9%	12%	8%
Citizen Voting Age Pop	Total	4,296	10,843	10,421	10,843	36,403
	% Hisp	42%	7%	10%	9%	12%
	% NH White	41%	84%	76%	80%	75%
	% NH Black	3%	3%	3%	1%	3%
	% Asian/Pac.Isl.	13%	5%	9%	8%	8%
Voter Registration (Nov 2020)	Total	3,340	10,501	9,653	10,440	33,934
	% Latino est.	33%	7%	7%	7%	10%
	% Spanish-Surnamed	30%	7%	7%	6%	9%
	% Asian-Surnamed	10%	3%	4%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	54%	85%	86%	87%	83%
	% NH Black	3%	3%	2%	1%	2%
Voter Turnout (Nov 2020)	Total	2,637	9,288	8,610	9,231	29,766
	% Latino est.	30%	7%	6%	6%	9%
	% Spanish-Surnamed	28%	6%	6%	6%	8%
	% Asian-Surnamed	10%	3%	4%	4%	4%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	56%	86%	87%	87%	84%
	% NH Black	3%	3%	2%	1%	2%
Voter Turnout (Nov 2018)	Total	1,858	7,801	7,233	7,691	24,583
	% Latino est.	22%	5%	6%	5%	7%
	% Spanish-Surnamed	21%	5%	5%	5%	6%
	% Asian-Surnamed	8%	3%	3%	4%	4%
	% Filipino-Surnamed	1%	0%	1%	1%	1%
	% NH White est.	64%	88%	88%	89%	86%
	% NH Black est.	3%	2%	2%	1%	2%
ACS Pop. Est.	Total	15,353	14,193	13,721	15,632	58,898
Age	age0-19	37%	17%	20%	23%	25%
	age20-60	54%	57%	44%	47%	50%
	age60plus	9%	25%	36%	31%	25%
Immigration	immigrants	48%	18%	19%	22%	27%
	naturalized	17%	38%	63%	48%	34%
Language spoken at home	english	25%	82%	76%	72%	64%
	spanish	67%	12%	11%	11%	25%
	asian-lang	4%	2%	5%	5%	4%
	other lang	3%	4%	8%	12%	7%
Language Fluency	Speaks Eng. "Less than Very Well"	48%	7%	9%	12%	19%
Education (among those age 25+)	hs-grad	32%	29%	28%	25%	28%
	bachelor	12%	37%	34%	34%	31%
	graduatedegree	8%	22%	24%	29%	22%
Child in Household	child-under18	51%	22%	23%	27%	29%
Pct of Pop. Age 16+	employed	73%	71%	57%	62%	66%
Household Income	income 0-25k	20%	12%	14%	11%	13%
	income 25-50k	24%	17%	14%	11%	16%
	income 50-75k	21%	12%	8%	15%	13%
	income 75-200k	25%	38%	36%	40%	36%
	income 200k-plus	10%	22%	28%	23%	22%
Housing Stats	single family	30%	53%	74%	60%	56%
	multi-family	70%	47%	26%	40%	44%
	rented	77%	58%	36%	37%	50%
	owned	23%	42%	64%	63%	50%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						