



CITY COUNCIL STAFF REPORT



December 7, 2021

ITEM TITLE

Redistricting: Consideration of the Redistricting Commission's Recommended Redistricting Plan and Action to Approve as the City's Final Redistricting Plan or Disapprove the Plan and Refer Back to the Redistricting Commission for Final Action

Report Number: 21-0230

Location: No specific geographic location

Department: City Clerk

Environmental Notice: The activity is not a "Project" as defined under Section 15378 of the California Environmental Quality Act State Guidelines; therefore, pursuant to State Guidelines Section 15060(c)(3) no environmental review is required.

Recommended Action

City Council hear the Redistricting Commission's report, conduct the public hearing, and either (A) Approve the Recommended Plan as the City's Final Redistricting Plan, or (B) disapprove the Recommended Plan and refer it back to the Redistricting Commission for Reconsideration and Final Action.

SUMMARY

The Redistricting Commission has prepared a Recommended Redistricting Plan, as required by the Charter and federal and state law following the decennial census. The Commission will present its report and the Recommended Redistricting Plan to the Council for consideration and action to either (A) approve the Recommended Plan as the City's Final Redistricting Plan to be used in elections beginning in 2022, or (B) disapprove the plan and refer it back to the Commission for final action.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that the activity is not a "Project" as defined under Section 15378(b)(5) of the State CEQA Guidelines because it involves only the approval of a redistricting plan and therefore is an organizational or administrative activity of government that will not result in a direct or

indirect physical change in the environment; therefore, pursuant to Sections 15060(c)(2) and (3) of the State CEQA Guidelines the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

The Redistricting Commission voted 6-0 to approve the Recommended Redistricting Plan at its meeting on November 18, 2021. Attached to this Item as Exhibit 2 is the Redistricting Commission's report regarding the Recommended Redistricting Plan.

DISCUSSION

Note: The terms "districting" and "redistricting" mean either districting or redistricting¹ and are used interchangeably in this item.

Background

The City Charter was amended in 2012 to provide that City Councilmembers be elected by district. That amendment included the addition of [Charter section 300.5](#), establishing a Districting/Redistricting Commission ("Commission") and specified implementation process and criteria for the Final Redistricting Plan. The original Districting Plan was adopted in 2015 and used in elections for councilmember seats beginning in 2016.

Following the Federal Decennial Census, the Redistricting Commission is required to recommend, and the City Council is required to approve, a Redistricting Plan map to adjust the boundaries of the four Council districts to take into account population changes identified in the Census report.

The deadline to submit the revised districts to the Registrar of Voters for use in elections beginning in 2022 is December 15, 2021. Staff and the Commission began the process in April 2020 to first form the Redistricting Commission and then complete the outreach and other duties required to develop a Recommended Redistricting Plan. The Commission has fulfilled its duties under the Charter and now brings forward its Recommended Districting Plan for City Council consideration and action.

Process Impacts Due to COVID-19 Pandemic

Release of the 2020 census data was significantly delayed due to the COVID-19 pandemic. Data that would typically be received in April was not received until the end of September. This delay, coupled with the deadline of December 15 to submit the final maps to the Registrar of Voters, resulted in a compressed period for the Commission to complete its work. Other agencies with June 2022 elections, including counties, cities, school boards and districts, and the California Citizens Redistricting Commission, charged with redrawing the boundaries of the state's Congressional, State Senate, State Assembly and State Board of Equalization districts, were under similar time constraints. Despite these challenges, the Commission fulfilled its duties, as further explained in this report and the Commission's report (Exhibit 2).

¹ [CVMC 2.51.010](#)

The Recommended Plan

The Recommended Redistricting Plan was prepared in accordance with [Charter sections 300.5](#) (F) and (G). That section set forth the Redistricting Criteria, as well as the procedures for preparing the Draft and Recommended Redistricting Plans. The criteria which the Commission and the City Council are required to adhere to in considering and approving or disapproving a Redistricting Plan are set forth in [Section 300.5](#) (F), as follows:

1. Districts shall have reasonably equal populations as required by the Federal and State constitutions;
2. District boundaries shall be geographically compact and contiguous;
3. District boundaries shall follow visible natural and man-made features, street lines and/or City boundary lines whenever possible;
4. District boundaries shall respect communities of interest to the extent practicable;
5. District boundaries shall be drawn without regard for advantage or disadvantage to incumbents or challengers; and
6. District boundaries shall be drawn without regard for advantage or disadvantage to any political party.

[Section 300.5](#)(G) sets forth the process to be followed in creating the Recommended Plan. Specifically, it requires that the Commission:

1. Approve a Draft Redistricting Plan based on application of the above criteria, by at least 5 affirmative votes;
2. Hold at least two public meetings prior to approving the Draft Plan;
3. Make the Draft Plan available for thirty days before taking action to approve a Recommended Plan;
4. Hold at least two public meetings between the release of the Draft Plan and the Recommended Plan, no sooner than seven days following release of the Draft Plan;
5. Approve a Recommended Plan for consideration by the City Council, by at least five affirmative votes; and
6. Prepare a report to the City Council that describes the process, criteria, and evidence used by the Commission to prepare the Recommended Plan.

As detailed in the Commission's report (Attachment 2), the Commission complied with the Charter requirements in preparing the Recommended Redistricting Plan which is now presented to the City Council.

City Council Action

[Charter section 300.5](#)(H) details the process for implementation of the Final Redistricting Plan. It requires that the Recommended Plan be made publicly available for at least fourteen days and that the City Council hold a public hearing prior to approving or disapproving the Recommended Plan. These requirements have been met because the Recommended Plan was approved on November 18, 2021 and has been publicly available since that time, and a public hearing was noticed for this evening's consideration of the Recommended Plan.

The Recommended Plan is now before the Council for its consideration and action. The Council may approve it, in which case it shall immediately become the Final Redistricting Plan. Alternatively, the Council may disapprove the Plan. If the Council disapproves the Recommended Plan, [Charter section 300.5](#)(H)(5) requires that the Council immediately state in writing to the Commission the reasons for the disapproval, including

any deviations by the Commission from the redistricting criteria specified in the Charter. The Commission would then reconvene to consider the reasons for disapproval. The Commission could alter the Recommended Plan in response to those reasons, but it would not be required to do so. The Commission would then submit its Final Districting Plan to the City Council for immediate implementation by the City. At that point, the City Council would have no further authority to alter or reject the Plan and City staff would be responsible for submittal of the Final Plan to the County Registrar

Conclusion

The Redistricting Commission's Recommended Redistricting Plan and report have been submitted for City Council consideration. If the City Council approves the Recommended Plan, City staff will take the necessary steps to implement it as the City's Final Redistricting Plan. If the City Council does not approve it, City staff will work with the City Council and the Commission to take the City Council's comments back to the Commission for their consideration and final action.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any City Council member, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There are no fiscal impacts in the current fiscal year associated with approving the Recommended Redistricting Plan.

ONGOING FISCAL IMPACT

There are no ongoing fiscal impacts associated with approving the Recommended Redistricting Plan.

ATTACHMENTS

1. Recommended Redistricting Plan – Approved by the Redistricting Commission on November 18, 2021
2. Redistricting Commission Recommended Redistricting Plan Report

Staff Contacts: Kerry Bigelow, City Clerk; Anne Steinberger, Marketing and Communications Manager; Glen Googins, City Attorney; Megan McClurg, Deputy City Attorney