



Midpeninsula Regional
Open Space District

R-21-107
Meeting 21-23
August 11, 2021

STUDY SESSION AGENDA ITEM 1

AGENDA ITEM

Redistricting Process Overview and Proposed Redistricting Criteria

GENERAL MANAGER'S RECOMMENDATION *den*

Receive a presentation on the redistricting process, including relevant laws and statutes, and provide feedback on the proposed redistricting criteria, which will be refined and brought back for approval at a later date. No Board action required.

SUMMARY

Midpeninsula Regional Open Space District (District) is required by law to redistrict its seven-member Board of Director (Board) ward boundaries following each federal decennial census to ensure voting power and representation is distributed equally, based on population size. The redistricting process for special districts is mandated by California Elections Code section 22000, which incorporates federal statutes and constitutional requirements, including the Voting Rights Act, and outlines criteria that may be considered while adjusting boundaries. Citygate GIS, Inc., a demographic consulting firm, is assisting the District with redistricting and will provide an overview of the redistricting process, clarify relevant laws and statutes, and present a draft set of redistricting criteria.

DISCUSSION

2020 Redistricting Legal Landscape

Redistricting is the process of dividing a jurisdiction into districts for representation. This process ensures voting power and representation is distributed equally, based on population size. In California, redistricting occurs in state, county, and local jurisdictions, as well as many school districts and special districts. The District is required to adjust the boundaries of its seven wards following each federal decennial census using the results of that census as the basis for boundary adjustments while adhering to all federal and state requirements. A glossary of useful terms and definitions are provided in Attachment 1.

California law establishes procedures and criteria to which special districts adjust and adopt ward area boundaries, for the purpose of electing members of the governing body, or board of directors. A table summarizing how these criteria are applied in redistricting process is provided below.

Application of California Elections Code Criteria

| Criteria | Usage | Definition and background information |
|--|----------------------------------|---|
| Equal population | Required “as far as practicable” | Populations between wards should be equalized “as far as practicable.” Under California law, local governments are required to draw lines so the difference between the largest population ward and the smallest population ward is within 10% of the size of the ideal ward (defined as the District’s total population divided by the number of ward seats). While there is no absolute rule regarding the permissible amount of deviation from the ideal population of a ward, many local governments adhere to population variation thresholds of $\pm 1\%$ to 5%. |
| Federal Voting Rights Act | Must comply | Prohibits racial discrimination and vote dilution in redistricting. Detailed information is provided in the next paragraph and in Attachment 1. |
| Topography/ Geography | Discretionary | The principle that wards should follow natural topographic and geographic features, especially if these features define a community and/or restrict access between communities. Examples are major roads, highways, and streams. |
| Cohesiveness, contiguity, and compactness of territory | Discretionary | <p><i>Cohesiveness</i>: the principle that all wards should maintain geographically and culturally cohesive neighborhoods.</p> <p><i>Contiguity</i>: the principle that all wards should be physically adjacent and refers to the appearance or shape. A ward is considered contiguous if all parts of the ward are in physical contact with some other part of that ward. Wards consisting of two or more unconnected areas or wards that meet only at adjoining corners are not contiguous.</p> <p><i>Compactness</i>: the principle that the constituents residing within a ward should live as near to one another as possible. In other words, wards should not bypass nearby populated areas in favor of more distant populated areas. Compactness does not refer to geometric shapes, but rather the ability for citizens to relate to each other and their representatives, and vice versa.</p> |
| Communities of Interest in the Division | Discretionary | <i>Communities of interest</i> is defined as a group of people in a geographical area, such as a specific city, town, region or neighborhood, who have common political, social or economic interests and should be included within a single ward for effective and fair representation. Examples include ethnic and language minorities, as well as downtown/urban communities, rural/agricultural communities, homeowners or renters, senior citizens, and students. |

California law incorporates federal statutory and constitutional requirements regarding redistricting, including the federal Voting Rights Act of 1965 (VRA) that among other things prohibits racial discrimination in redistricting. For example, under section 2 of the VRA, the District is prohibited from drawing ward boundaries that will dilute the ability of racial and language minority groups to elect the candidates of their choosing. More specifically, the District should avoid both “packing” (filling a ward with a disproportionate share of residents of a given group) and “cracking” (dividing a group among wards to dilute their political power) of racial

and language minority groups when drawing ward boundaries. At the same time, the District must generally avoid making racial considerations the “predominant” factor in drawing the lines, to comply with the limitations on racial gerrymandering that the U.S. Supreme Court has articulated in a series of cases going back to the early 1990s.

The legal landscape surrounding redistricting is complex, and in 2019 state law changed the drawing and public outreach requirements for city and county governments. The FAIR MAPS Act (AB 849) prioritizes the geographic preservation of communities of interest, cities, and census designated places to minimize division as far as practicable. While the FAIR MAPS Act only applies to county and city jurisdictions, the District plans to conduct a transparent redistricting process that invites public input and proposes a set of redistricting criteria while continuing to meet the unique needs of the District.

Proposed criteria to guide the redistricting process

Staff recommends that the Board consider adopting criteria to guide the redistricting process. There is no priority or ranking implied by the order in which the criteria are listed. The proposed criteria integrates the state law requirements listed above, are based on principles adopted by the Board during the District’s last restricting process in 2011, adhere to all applicable laws, and align with current redistricting best practices. The proposed criteria are:

- i. Comply with all applicable laws, including the avoidance of gerrymandering.
- ii. Ward boundaries should be substantially equal in population.
- iii. Ensure that minority voting strength is not diluted and avoid the fragmentation or over-compaction of minority groups as provided in the Voting Rights Act.
- iv. Maintain cohesive neighborhoods and communities of interest and, where possible, keep city representation intact within a single ward.
- v. To the extent possible, ward boundaries shall be created to contain compact, cohesive, and contiguous territory.
- vi. To the extent possible, minimize resident reassignment to avoid voter confusion.
- vii. To the extent possible, avoid altering ward configuration in the Coastside Protection Area.
- viii. Unless otherwise required by law, ward boundaries shall be created using 2020 Census geography and population data.

Overview of the redistricting schedule and approach

Project Consultant

After a competitive consultant selection process in the fall of 2020, Citygate GIS, Inc. (Citygate) was selected and awarded a contract as the most qualified firm to complete the District’s redistricting project. Citygate was chosen based on their redistricting expertise and competency, technological approach, familiarity with the region, and overall cost. Citygate also provides mapping software to view redistricting plans and receive and track public comments. Additionally, the District retained outside legal counsel with Nielsen Merksamer, LLP., a firm specializing in political law and redistricting to further guide the process.

COVID-19 Impact

Under current law, data to be used for redistricting is due to the states no later than April 1, 2021 (13 U.S.C. 141). The Census Bureau announced significant operational changes in the wake of the COVID-19 pandemic and ultimately missed this statutory deadline. The Census Bureau announced in May 2021 that redistricting data would be released in mid-late August 2021. While this will significantly compress the overall project timeline, there will still be ample time to meet the May 6, 2022 deadline and conduct a thorough analysis, receive public input, and develop a thoughtful redistricting plan that satisfies all legal requirements.

Meeting Schedule

Before the Board takes action to adjust the boundaries of the ward districts, California Elections Code section 22001 requires the District to hold at least one public hearing at which the public is invited to provide input regarding the current ward boundary configuration or adjustment proposal. The District is scheduled to hold at least three public meetings prior to adopting the final ward boundary map. All meetings will occur after 6:00 PM on Wednesdays to provide broad public participation and input. The Board is required to adopt the final map on or before May 6, 2022, or 180 days preceding the election of any board member. A tentative meeting timeline (subject to change) is provided below.

| Meeting Type | Meeting date and time | Board action to be taken |
|---------------------|------------------------------|--|
| Study Session | August 11, 2021 @ 6:00 PM | None; receive informational presentation and receive public input |
| Regular Meeting | August 25, 2021 @ 7:00 PM | Approve redistricting criteria |
| Regular Meeting | October 27, 2021 @ 7:00 PM | Consider redistricting scenario maps; provide feedback and receive public input |
| Regular Meeting | Winter 2022 | If needed, consider additional scenario maps; provide feedback and receive public input. |
| Regular Meeting | Spring 2022 | Adopt a resolution on the final map |

Public Communication Approach

The District will hold public hearings and mapping sessions, collect community input, and recommend to the Board updated ward boundary alignments. The District will ensure that the redistricting process encourages residents, including those from underrepresented communities and non-English speaking communities, to participate in the redistricting process. Staff are undertaking a robust outreach campaign to ensure communities throughout the District are aware and engaged throughout the redistricting process, utilizing the District's quarterly Newsletter, monthly eNews, social media platforms, and local newspapers to notify the public about meetings and promote feedback opportunities.

Information about the District's redistricting process, the schedule of meetings, and additional avenues for members of the public to provide input is available at <https://www.openspace.org/our-work/projects/ward-redistricting>.

FISCAL IMPACT

There is no fiscal impact associated with the recommendation.

BOARD AND COMMITTEE REVIEW

On October 10, 2020, District staff provided a [memo](#) updating the Board on the consultant selection process, delays on receiving 2020 Census data, and background on the 2010 redistricting process.

PUBLIC NOTICE

Public notice was provided as required by the Brown Act. Additional notification was also provided to the District Agenda interested party subscribers, individuals who expressed interest in the District redistricting process, Good Neighbor Policy and Basic Policy, and community organizations.

CEQA COMPLIANCE

This item is not a project subject to the California Environmental Quality Act.

NEXT STEPS

Following the Board's feedback on the redistricting criteria recommendations in this report, staff will return to the Board on August 25, 2021 for Board consideration of the proposed criteria to guide the redistricting process.

Attachment

1. Redistricting Glossary (Fairvote.org)

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