



# Agenda Report

**MEETING DATE:** Tuesday, February 9, 2021

**TO:** City Council

**FROM:** CITY CLERK VÁZQUEZ FLORES

**SUBJECT:** AWARD CONTRACT TO OLSON REMCHO, LLP. FOR  
REDISTRICTING AND DEMOGRAPHIC SERVICES AND  
AUTHORIZING BUDGET APPROPRIATION OF NOT TO EXCEED  
\$76,800

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## STATEMENT OF ISSUES:

Section 413 of the City Charter requires the Council to redraw its district boundaries following the federal decennial census after receipt of the block-by-block enumeration derived from the census and no later than six months after receipt of the census data<sup>1</sup>.

## RECOMMENDED ACTION:

Resolution awarding contract to Olson Remcho, LLP., a political law firm, for redistricting and demographic services and authorizing a budget appropriation in an amount not to exceed \$116,800, and authorizing budget appropriation of \$76,800 from the General Fund.

## DISCUSSION:

The City has had District elections since the decision of the United States Court of Appeals; Ninth Circuit in *Gomez v. City of Watsonville* became final in 1989. The City's districts have since been redrawn in 1991, 2001, and 2011. Each time, the City hired voting rights attorney Joaquin Avila, who was the plaintiff's attorney in the 1989 *Gomez case*. Unfortunately, Mr. Avila passed away in 2018.

Over 160 of the 480 California cities now have district elections, compared to 29 in 2011. So redistricting experts and demographers will be in high demand this year.

AB 849<sup>2</sup> known as the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act substantially revised the redistricting law controlling the standards and procedures for the City to redraw district boundaries. AB 849 revises and standardizes the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts used to elect members of the jurisdictions' governing bodies. It requires counties and cities to comply with substantial new public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts.

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<sup>1</sup> .As of the date of this Report, redistricting data is not expected to be available to the City before July 30, 2021.

<sup>2</sup> California Government Code § 21500 et seq

This law standardizes redistricting procedures and requirements for counties and cities, including imposing significant new public hearings, outreach, notice, and transparency requirements. Counties and cities are required to hold at least four hearings, including at least one hearing or workshop on a weekend or after 6 p.m. on a weekday. Counties and cities are also required to provide live translations of hearings – if requested 72 hours in advance – into languages other than English in certain situations.

On December 14, 2020, staff released a request for proposals for redistricting and demographic services. The City received two proposals from two of the most respected law firms and demographers in California:

- Olson Remcho, LLP: Amount not to exceed \$116,800
- Nielsen Merksamer: Amount not to exceed \$175,000

City Clerk Vázquez Flores, City Attorney Smith, and Assistant City Manager Vides interviewed members of both firms and recommends the Council award the contract to Remcho Olson, LLP. This firm has assisted the City in different matters before, i.e. *Martinez v. City of Watsonville* and successfully represented the City in the Pájaro Valley Unified School District Aptos secession.

Remcho Olson, LLP. will provide Council a presentation regarding the new laws and their impact on the City's redistricting process. They will review, evaluate and assess demographic data to ensure that district lines comply with all legal redistricting standards. The demographer will ensure that the City's district boundaries comply with federal and state law, the City Charter, the *Gomez* decision and respond to shifting demographic trends, public feedback, and the City's unique governance needs.

With the help of Remcho Olson, LLP., (if contracted) in the next few months, staff will bring to Council a recommendation to approve a redistricting process to be ready to start as soon as the City receives the census data.

**STRATEGIC PLAN:**

This action is consistent with the City's Strategic Plan priority 05-Community Engagement & Well-Being.

**FINANCIAL IMPACT:**

The cost of the contract is in an amount not to exceed \$116,800. The 2020-2021 Budget includes \$40,000 for redistricting; therefore, the Council needs to authorize an additional budget appropriation of \$76,800 from the General Fund.

**ALTERNATIVE ACTION:**

The City Council could consider Nielsen Merksamer instead, or to reject the two proposals and request new ones.

**ATTACHMENTS AND/OR REFERENCES (If any):**

1. AB 849 Assembly Committee on Elections and Redistricting Analysis
2. AB 849 Assembly Floor Analysis