



Agenda Report

MEETING DATE: Tuesday, March 23, 2021

TO: City Council

FROM: CITY CLERK VÁZQUEZ FLORES
TOM WILLIS, REDISTRICTING SPECIAL COUNSEL

SUBJECT: PROPOSED PROCESS FOR REDISTRICTING

STATEMENT OF ISSUES:

Every ten years upon the release of the decennial census data, the City of Watsonville must redraw its seven (7) City Council districts based on the new census data and criteria set forth in state law and the City Charter. In 2011, City Council established a seven-member Community Redistricting Advisory Committee to receive public input and recommend district boundaries to City Council. Under the Charter, City Council must adopt the final redistricting ordinance. This memorandum discusses the proposed steps, timing, criteria, and public outreach for the City's 2021-22 redistricting process.

RECOMMENDED ACTION:

Adopt a Motion approving the following process for redistricting the City of Watsonville:

1. Establish a seven-member Community Redistricting Advisory Committee by resolution on May 25, 2021. The Committee will receive public input and recommend new district boundaries to City Council. Staff proposes that the Committee be established as it was in 2011, with each Council member nominating one member who is a resident of the City of Watsonville. The City Clerk, City Attorney, and GIS Department will staff the Committee, as well as the City's redistricting special counsel and demographer consultant.
2. Approve Community Redistricting Advisory Committee Application.
3. Approve a tentative calendar for the City's redistricting process, as set forth below, that includes (1) hearings of the Advisory Committee to receive public input and draft district maps, (2) hearings of City Council to receive public input, draft maps, and approve a final map no later than six months from the date the City receives census data from the State.
4. Authorize City staff to undertake the public outreach program discussed below.

DISCUSSION:

Following receipt of updated population data from the 2020 Census, cities in California with electoral districts are required to update their district boundaries. Section 413 of the City Charter, which is attached, sets forth requirements for the City's redistricting process. In addition, the State's FAIR MAPS Act establishes additional redistricting requirements for cities, including charter cities like Watsonville. The Charter requires City Council to adopt

final boundary lines no later than six months following receipt by the City Clerk of a written publication enumerating the population of the City by census block.

Overview of Procedural Requirements for Redistricting

Section 413 of the City Charter requires City Council, by ordinance, to redistrict the City in to seven council districts. The redistricting ordinance becomes effective 30 days after it is adopted. The districts are to be used until new districts are established. Under state law, the new districts generally cannot be changed until after the next decennial census, in 2031.

Although it is responsible for adopting the final redistricting ordinance, the City Council in 2011 established a Community Redistricting Advisory Committee to receive public input and recommend new district boundaries to City Council. Staff recommends that City Council establish a similar Advisory Committee for the 2021-22 redistricting process.

The City Council can create and appoint the Advisory Redistricting Committee and determine the manner and qualifications for appointment. State law prohibits any elected official of the City, or a family member, staff member, or paid campaign staff of an elected official of the City to be appointed to the Committee. The Committee takes public input and provides recommendations to City Council on the draft maps. The City Council, however, is not required to accept the Committee's recommendation.

Since Watsonville last redrew its district boundaries in 2011, the State adopted the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions ("FAIR MAPS") Act. The Act establishes additional requirements for cities, including charter cities like Watsonville, when redistricting. These requirements, discussed in more detail below, require the City to (1) hold a series of public hearings, (2) undertake community outreach efforts to encourage participation, and (3) dedicate a specific place on the City's webpage for redistricting information.

Public Participation Requirements

Before adopting a final redistricting ordinance, the State FAIR MAPS Act requires the City to hold at least four hearings for the public to provide input about the composition of districts. Those include:

- At least one hearing before any maps are drawn.
- At least two hearings after maps are drawn.
- At least one hearing or workshop to be held on a Saturday, Sunday, or after 6 p.m. on a weekday.

The Advisory Committee can hold up to two of the required four hearings instead of the City Council but City Council is required to hold at least two public hearings after the maps have been drawn.

The City must also take steps to encourage residents, including those in underrepresented and non-English speaking communities, to participate in the redistricting public review process. These steps include a good faith effort to do all of the following:

- Providing information to media organizations that offer City news coverage, including those serving language-minority communities.
- Providing information 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 about City redistricting.
- Additionally, the City is required, upon request made at least 72 hours before a meeting, to conduct the public hearings with live translation in a requested “applicable language.” (“Applicable language” means any language that is spoken by a group of City residents with limited English proficiency who constitute 3% or more of the City’s population, as determined by the Secretary of State.)
- The City is required to publish the date, time, and location of any public hearing or workshop on the internet at least five days before the hearing, and must publish draft maps online at least seven days prior to adoption.

Further, the City is required to establish and maintain a page on its website dedicated to redistricting that includes: (1) a general explanation of the redistricting process; (2) procedures for a member of public to testify during a public hearing or submit written testimony; (3) a calendar of all public hearings; (4) the notice and agendas for those hearings; (5) recordings or written summaries of all hearings; and (6) all draft and final maps considered and adopted by the City Council. The general description of redistricting and procedures on how to testify must be in English and any applicable language. This information is to be maintained for at least ten years after the redistricting process is completed.

Timing and Criteria for Drawing Boundaries

Generally, under the FAIR MAPS Act, cities are prohibited from releasing any draft updated district boundary maps until at least three weeks after the 2020 Census data is published by the State. Section 413 of the Charter further states that City Council cannot adopt a final district plan sooner than three months after the census data is released by the State.

The United States Census Bureau was to deliver the 2020 data to the states by March 31, 2021. Currently, however, the Census Bureau anticipates delivering the data in late August or September 2021.

Once it receives the data, the State will need four to six weeks to update its redistricting database before the information is published and released to local governments. That means Watsonville probably will not receive census data from the State until early to mid-October. Therefore, it is unlikely any actual redistricting work will be able to occur until Fall 2021, with the final boundary map required to be adopted in March or April. (The City’s deadline to adopt the final redistricting ordinance will likely be driven by the Charter requirement that it be completed within six months from the date it received census data from the State.)

Section 413 of the Charter and State law set forth the redistricting criteria that the City Council must follow when drawing district lines, which are summarized as follows:

- Substantially equal population of residents in each district, based on census data.
- Compliance with the United States and California Constitutions, and with the Federal Voting Rights Act. These laws require that districts have substantially equal populations, are not drawn using race as a predominant consideration, and do not discriminate against any racial or language minority, including by diluting the voting power of any of those groups.
- Once those standards are met, Section 413 of the Charter states that the Council may consider to the extent practicable:
 - natural boundaries, street lines and/or City boundaries;
 - geography;
 - cohesiveness, contiguity, integrity and compactness of territory; and
 - community of interests within each District. “Communities of interest” generally means 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.
- Districts must not be adopted for the purpose of favoring or discriminating against a political party.

Finally, the FAIR MAPS Act requires that the term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was elected. It further requires that elections following redistricting should be conducted in such manner that a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent’s term is due to expire.

Community Outreach

Staff recommends the City proceed with a robust community outreach plan, which would include the following efforts:

Public messaging via social media, the City’s website, press releases, and other public communications, in English and Spanish, including:

- Social media engagement on Facebook and NextDoor
- New dedicated webpage on City’s website for redistricting updates and information
- Press releases sent to various outlets and groups
- Public notices posted at various City facilities
- Identify city nonprofits, good government, civil rights, and community groups that are active in the community, and provide those groups with all public notices and applicable information
- Display of advertisements in the Register Pajaronian and/or Santa Cruz Sentinel.

Online Interactive Tools:

- A designated email address will be established for members of the public to provide input and comments.

- An online form will be developed to encourage electronic submissions for “Community of Interest Worksheets” in both English and Spanish.
- The City’s demographer will also provide tools to allow members of the public to draw and submit plans in writing or electronically.

In addition, public input will be obtained during all of the required public hearings, both before and after district boundary maps are drawn. Such hearings will include one to be held on a weekend, or after 6 p.m. on a weekday.

Draft Timeline

Staff recommends City Council approve the timeline set forth below for redistricting. Although this may change depending on when census data is released to the City, this timeline meets all of public hearing and deadline requirements under state law and the City Charter. The outline provided below is based on an assumption that the City will receive the 2020 Census data from the State by October 2021.

May 2021- August 2021

- City Council adopts resolution establishing Community Advisory Redistricting Committee and appoints seven members.
- Specific community outreach process is developed, and City webpage updated with a section dedicated to the 2021-2022 redistricting process.
- Orientation meeting(s) for Committee members is/are held.

September 2021 - October 2021

- The U.S. Census Bureau sends Census data to the State.
- The State releases the Census data to the City for the redistricting process.
- The Committee holds two public hearings: one to review overall redistricting criteria and receive public input; one to receive public input and begin instructing demographer on draft maps.

November 2021 - December 2021

- The Committee holds 1-2 additional hearings to receive public input, receive draft maps, instruct demographer to make revisions (if necessary), and approve final recommended plan. Committee completes its work.

January 2022 - March 2022

- During this period, staff proposes City Council hold up to three public hearings to receive public input, draw and refine maps, and adopt the final redistricting ordinance:
 - 1st public hearing: receive public input; receive and review map recommended by Advisory Committee; instruct demographer on possible revisions;
 - 2nd public hearing: receive public input; review revised plans; approve plan or propose further revisions; and
 - 3rd public hearing (if necessary): receive public input, review revised plans and adopt final plan,

Deadline

- The City Charter requires the ordinance to be adopted no later than six months from the date the City receive the census data from the State (this will likely be in late March or early April).
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Summary of Options for Council's Consideration

For the 2021-2022 redistricting process, staff recommends the City Council decide the following issues:

- Decide whether to establish a Community Redistricting Advisory Committee or whether to undertake redistricting without such a committee.
- Provide input on community outreach efforts and proposed timeline.

STRATEGIC PLAN:

05-Community Engagement & Well-Being

FINANCIAL IMPACT:

There may be some cost associated with the public outreach, ie. advertisement in television/radio.

ALTERNATIVE ACTION:

The City Council could decide not to establish a Community Redistricting Advisory Committee.

ATTACHMENTS AND/OR REFERENCES (If any):

1. Section 413 of the City Charter
2. Proposed Committee Application

PREVIOUS ACTIONS

See Attachment "A."