



Agenda Report

MEETING DATE: Thursday, January 20, 2022

TO: City Council

FROM: Special Counsel Tom Willis

SUBJECT: 2021 REDISTRICTING PLAN

Introduction

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 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. The State released usable census block data on September 20, 2021. As a result, City Council must adopt a redistricting ordinance by March 20, 2022.

On April 27, 2021, City Council received a report and update on the redistricting process and established a seven-member Community Redistricting Advisory Committee that would receive public input on districts, conduct two of the four public hearings the City is required to hold under the FAIR MAPs Act, and recommend one or more draft maps to the City Council to consider. The City Council, however, is not required to accept the Committee's recommendation.

As discussed in more detail below, the Advisory Committee held six public hearings between September and December, 2021, and voted unanimously (7-0) to recommend the Rivera plan to the City Council. The Rivera plan has been posted on the City's website since the Committee voted to recommend it to the Council.

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.

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, 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. As discussed below, the Advisory Committee held two of the public hearings to receive public input and as a result, the City Council is only required to hold two additional public hearings.

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 provides residents with a variety of resources with respect to the redistricting process. The City has complied with these outreach requirements.

Criteria for Drawing Boundaries

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.

Summary of the Advisory Redistricting Committee’s Work

Public Hearings: The Advisory Redistricting Commission held six public hearings at which it provided the public information about the redistricting process and relevant criteria, received public input on proposed districts and relevant communities of interest, provided direction to the demographer, Michael Wagaman of Wagaman Strategies, to draw draft plans, reviewed those drafts as well as two publicly submitted plans, proposed and reviewed revisions to those draft maps, and ultimately recommended that the City Council adopt the Rivera plan. In total, the Committee reviewed seven draft maps generated by the demographer and two publicly submitted maps. The Committee held the following public hearings:

<u>Date</u>	<u>Purpose</u>
September 9, 2021	Introduction to redistricting; receive public input
October 14, 2021	Receive final census data; receive public input

October 28, 2021	Receive public input; provide demographer direction for draft maps
November 18, 2021	Receive public input; review three draft maps; provide additional direction
November 30, 2021	Receive public input; review three revised draft maps; provide additional direction
December 9, 2021	Receive public input; live line-drawing; review and approve (6-0) (one member was absent) Rivera map for City Council review.

Summary of Plans Considered by Committee

According to 2020 census data the total population for the City of Watsonville was 52,760, which means the ideal size for each district is 7,537. The population increased by 1,561 from the 2010 census, when the City's population was 51,199.

Watsonville's population is 82.3% Latino, 3.2% Asian, .6% Black, and 12.3% White. The City's citizen voting age population, which is an important data set used to ensure compliance with the federal Voting Rights Act, is 78.3% Latino, 4.6% Asian, and .2% Black, and 15.8% White.

Two of the most important legal criteria are the one-person one-vote principle or the equal population principle, and compliance with Section 2 of the federal Voting Rights Act, which is the general anti-discrimination voting rights statute.

Equal population: The population equality principle mandates that election districts contain approximately the same number of persons. There is a permissible range that is permitted for the least-populated and the most-populated district to deviate from the population of the ideal district. Generally the permissible range between the most-populated and the least populated district is a total of 10% or less. *See Harris v. Arizona Independent Redistricting Commission*, 136 S.Ct. 1301 (2016). Because the population growth between 2010 and 2020 was modest and relatively evenly distributed throughout the City, the current districts were right at 10% total deviation using the new 2020 census data and after conforming to changes to census geography. That meant that the current districts could comply with the equal population requirement with little or no change.

That said, the Committee was concerned about the possibility that the 2020 census may have undercounted City residents and spent considerable time discussing the possibility of compensating for that possibility by under populating districts that may have been undercounted, while always adhering to the requirement that total deviation stay below 10%. Working with the demographer and data from the California Census Complete Count Committee's Hard to Count (HTC) Index as created by the California Department of Finance Demographic Research Unit, the Committee identified districts 1 and 2 as districts that contained areas that may have been undercounted.

The Voting Rights Act. The federal Voting Right Act provides that no “standard, practice, or procedure shall be imposed or applied . . . in a manner which results in a denial or abridgement of the right . . . to vote on account of race or color” or membership in a language minority group. 52 U.S.C. § 10301. “A violation [of Section 2] is established if, based on the totality of circumstances, it is shown that the political processes . . . are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” *Id.* The City has a high concentration of Latinos, and every current district is has a majority Latino CVAP (current districts range between 78.3% and 52.9% Latino CVAP). Moreover, all of the draft maps considered by the Committee had majority Latino CVAP districts. As a result, there are no issues regarding fragmentation or over-concentration of Latino voting strength within any of the draft maps, and the draft maps do not raise concerns under the VRA.

Proposed Redistricting Plans

After receiving public input at three meetings, the Committee provided Mr. Wagaman direction to draw three draft maps on October 28. Mr. Wagaman presented those drafts at the public hearing on November 18. Those maps were:

- Green Plan: this plan minimized changes from the current districts, reduced population deviation, and corrected split census blocks between districts;
- Blue Plan: this plan united Clifford Manor Apartments in single district and shifted Landmark Elementary School to district 4;
- Red Plan: this plan made a half-dozen Committee member directed changes at district borders.

In addition, at that hearing the Committee reviewed two publicly-submitted plans, the Hurst partial plan and a plan submitted by Committee member Maria Isabel Rodriguez. All of the draft plans and the Rodriguez plan were under 10% total deviation. After discussion of all three maps and some live line-drawing, the Committee requested Mr. Wagaman to draft three additional maps that modified the Green plan in various ways. The Committee directed Mr. Wagaman to unite the downtown corridor into district 1 in the three variations and then provided him various other boundary changes to highlight in the three different draft maps. The Committee also directed Mr. Wagaman to consider, to the extent practicable, under populating districts 1 and 2 to compensate for the possible census undercount.

At the November 30, public hearing Mr. Wagaman presented the three variation maps, which were labelled the Lime Plan, the Emerald Plan, and the Pine Plan. After discussion of those plans and various other possibilities, the Committee requested an additional plan based on a proposal by Committee member Nick Rivera to take the Green plan and shift the boundary between Districts 2 and 6 from Brewington Ave/Cerritos Terrace to California Street (Rivera Plan).

At the December 9 meeting the Committee, after further discussion and review, voted 6-0 (one absent member) to recommend the Rivera plan. The Rivera plan has been reviewed by counsel and meets the legal redistricting criteria.

CONCLUSION

Please note that the adoption by the City Council of any of the eight complete draft maps considered by the Redistricting Advisory Committee would be permissible; all of those drafts comply with redistricting criteria.

ATTACHMENTS

1. Minutes