



SAN RAFAEL CITY COUNCIL AGENDA REPORT

Department: CITY ATTORNEY

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City Manager Approval: _____

TOPIC: 2021-2022 CITY COUNCIL REDISTRICTING PROCESS

SUBJECT: UPDATE ON FINAL, ADJUSTED DEMOGRAPHICS OF EXISTING DISTRICTS; FIRST PUBLIC HEARING ON EXISTING LINES AND POSSIBLE CHANGES

RECOMMENDATION:

Hold a public hearing to receive public comment concerning how the four City Council electoral districts should be adjusted.

BACKGROUND:

On [April 16, 2018](#), the City Council adopted [Ordinance No. 1956](#), approving the move from at-large voting to “by-district” voting for City Council elections, in which each member of the Council must reside in a district and is elected only by the voters within that district, and approving the district map designated as “[Canal 3B](#).” The City’s first general municipal election using the new City Council districts was held on November 3, 2020, for the City Council seats in District Districts 1/South and 4/North. The first elections in Districts 2/West and 3/East will be held on November 8, 2022.

Even though the City created its four electoral districts only three years ago, Elections Code § 21621 requires that the redistricting process occur again following each federal decennial census to rebalance the districts’ populations in light of the most recent data available. The most recent decennial census was conducted in 2020, and the Bureau released its “PL94-171” redistricting data on August 12, 2021.

At its July 19 meeting, the Council received a presentation regarding the redistricting process from the City’s special counsel, Chris Skinnell of Nielsen Merksamer Parrinello Gross & Leoni, after which the Council approved the timeline for the redistricting process. At its September 13 meeting, the Council received a further presentation from Mr. Skinnell summarizing the legal rules governing the readjustment of district lines and the preliminary demographics of the existing districts based on the PL94-171 data.

However, under changes to California law adopted in 2019, known as the FAIR MAPS Act, the City is required to use data from the California Statewide Database at UC Berkeley (“SWDB”), which “adjust the

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File No.: _____

Council Meeting: _____

Disposition: _____

SAN RAFAEL CITY COUNCIL AGENDA REPORT / Page: 2

Census Bureau's data to account for legislatively-required reallocation of incarcerated felons within the State." (See Elec. Code § 21621(a)(2).)

Those adjusted data were released on September 20, 2021, and a corrected version of the data were released on September 27, 2021.

Pursuant to the FAIR MAPS Act, the City Council is required to conduct four public hearings, the first two of which will focus on receiving feedback from the Council and the public regarding the current lines, and desired changes, and the City's communities of interest. The third and fourth hearings will focus on actual draft maps to readjust the Council districts.

ANALYSIS:

At the meeting, the City's demographic consultant, Ms. Kristen Parks of National Demographics Corporation, will present information regarding the final "adjusted" demographics of the existing districts based on the unadjusted SWDB data, after which the Council is asked to conduct the first of the four required public hearings.

The following is a summary of the main substantive legal requirements for the redistricting process:

- 1) The districts must be "substantially equal in population" as defined by the Supreme Court.
- 2) The districts must comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.)
- 3) The districts must comply with constitutional restrictions on "racial gerrymandering."
- 4) Subject to the constitutional and federal law requirements noted in paragraphs (1) – (3), voting districts must be established according to four statutory criteria, ranked in order of priority:
 - To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
 - To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is 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.
 - Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
 - To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

The adjusted SWDB data indicate that the current districts' "total deviation" is approximately 8.53%—within the 10% maximum allowable deviation prescribed by the Supreme Court. This deviation is driven primarily by Districts 3 and 4. District 3 is approximately 4.00% underpopulated, and District 4 is approximately 4.53% overpopulated. Districts 1 and 2 are closer to balance. District 1 is approximately 3.13% underpopulated, and District 2 is approximately 2.60% overpopulated.

Mr. Skinnell will also be present to provide additional legal information and answer questions.

COMMUNITY OUTREACH:

As staff advised the Council at the September meeting, the City has established a City redistricting website with all pertinent documents in both English and Spanish. It can be found at <https://redistrictsanrafael.org/>.

FISCAL IMPACT:

There is no fiscal impact associated with the recommended City Council action. Completion of the redistricting process will incur expenses of approximately \$50,000 in consulting attorney's fees and \$60,000 in consulting demographer's fees (including the online mapping tool), in addition to regular staff time. Sufficient funds have been included in the budget to cover these expenses.

OPTIONS:

The City Council has the following options to consider on this matter:

1. Accept the information report on the current lines and conduct the first public hearing.
2. Take no action and request staff to provide additional information.

RECOMMENDED ACTION:

Accept the information report on the current lines and conduct the first public hearing.