

Agenda No. _____
Key Words: Redistricting
Meeting Date: April 5, 2022

SUMMARY REPORT

CITY COUNCIL

ITEM INITIATED BY: Douglas L. White, City Attorney

AUTHORIZED BY: Jim Lindley, City Manager

PREPARED BY: Douglas L. White, City Attorney

RECOMMENDATION/REQUESTED ACTION

1. Hold a public hearing to receive public input on redrawing City Council district boundaries in response to data received from the 2020 census.
2. Waive second reading, read by title only, and adopt an Ordinance of the City Council of the City of Dixon adopting City Council district boundaries in accordance with California Elections Code section 21601 et seq. and Dixon Municipal Code section 2.12.020, subdivision (c).

BACKGROUND/DISCUSSION:

On June 14, 2016, the Dixon City Council adopted Ordinance No. 16-007, which established a by-district election process for four (4) City Council districts with a mayor elected at-large. The 2020 federal decennial census has been completed. The City of Dixon (the "City") is obligated under Elections Code section 21601, subdivision (a), and Dixon Municipal Code section 2.12.020, subdivision (c), to complete a redistricting process to reapportion its population between the four (4) City Council districts following each federal decennial census.

Each City Council district must comply with the FAIR MAPS Act (the "Act").¹ Under the Act, the City Council must draw and adopt City Council district boundaries so that each City Council district is substantially equal in population as required by the United States Constitution.²

¹ Elec. Code, § 21600 et seq.

² Elec. Code, § 21601, subd. (a).

City Council districts must be drawn using the following criteria in the listed order of priority³:

1. Geographically contiguous (each City Council district should share a common border with the next City Council district).
2. Minimize divisions of neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together).
3. Easily identifiable and understandable boundaries.
4. Compact (one group of people should not get bypassed in favor of a more distant group of people).

City Council districts must comply with the United States Constitution, California Constitution and the federal Voting Rights Act.⁴ Further, City Council districts cannot favor or discriminate against any political party.⁵

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

- Respect voters' choices/continuity in office.
- Use current City Council districts as a basis for readjusted City Council districts.
- Future population growth.

Timeline

The redistricting deadline is April 17, 2022. During the redistricting process, the City Council must hold at least four (4) public hearings that comply with the following:⁶

- One (1) public hearing must be held before publication of the draft maps.
- Two (2) public hearings must be held after publication of the draft maps.
- At least one (1) public hearing must be held on a Saturday or Sunday or after 6:00 p.m. on a weekday.

³ Elec. Code, § 21601, subd. (c).

⁴ Elec. Code, § 21601, subd. (b).

⁵ Elec. Code, § 21601, subd. (d).

⁶ Elec. Code, § 21607.1.

The City Council conducted three (3) public hearings regarding redistricting on November 16, 2021; January 4, 2022; and March 15, 2022 to receive public input regarding City Council district boundaries.

This public hearing is the fourth public hearing that will provide the City Council and the public time to review and comment on draft maps.

The City's redistricting consultant, National Demographic Corporation ("NDC"), has prepared draft maps, which were posted on the City's website dedicated to redistricting at <https://redrawdixon.org/> and available at City Hall. Proposed maps from the public have also been posted to the website. These draft maps, and possible new or revised maps, will be considered at this public hearing regarding redistricting.

At this public hearing, the City Council will finalize the redistricting process and adopt final maps of City Council district boundaries. At the March 15, 2022 public hearing, the City Council considered potential final maps of City Council district boundaries. During public comment, a member of the public raised concerns regarding the draft maps' compliance with the federal Voting Rights Act, particularly with the requirement of the creation of a majority-minority district under Section 2 of the Voting Rights Act. The member of the public, a representative from the ACLU, noted that a City Council district could be drawn so that the City's Latino population would constitute a majority of a City Council district.

Section 2 of the Voting Rights Act requires that district maps do not dilute the voting power of any protected communities.⁷ The Supreme Court has held that Section 2 of the Voting Rights Act applies where (1) a minority group is "sufficiently large and geographically compact to constitute a majority in a single-member district," (2) the minority group is "politically cohesive," and (3) the majority votes "sufficiently as a bloc to enable it ... usually to defeat the minority's preferred candidate."⁸ Where it is possible for a public agency to draw a district boundary to include 50% of the voting-age population of a minority group within that district, Section 2 of the Voting Rights Act requires this be done.⁹

To address Voting Rights Act concerns, NDC has prepared Map 104 for the City Council's consideration that provides for a City Council district in which the City's Latino population would constitute a majority, while preserving as much as possible the City Council's preferred Map 101. If the City Council chooses to move forward with Map 104 as final map of City Council district boundaries, the ordinance will incorporate by reference the map as the City Council district boundaries (the "Ordinance"). Map 104 will constitute the City Council district boundaries for use at the City's November 2022 election and subsequent elections until further re-alignment occurs pursuant to State law and the Dixon Municipal Code.

NDC has prepared Map 101A based on feedback and direction from the City Council at the March 15, 2022 public hearing as an alternative for the City Council's consideration.

⁷ 52 U.S.C. § 10301 (VRA, Section 2).

⁸ *Bartlett v. Strickland* (2009) 556 U.S. 1, 11 ("*Bartlett*"), citing *Thornburg v. Gingles* (1986) 478 U.S. 30.

⁹ *Bartlett, supra*, 556 U.S. at pp. 19-20.

The City Council must adopt City Council district boundaries at this public hearing. The Act requires that the City Council adopt a final map by April 17, 2022.¹⁰ The Dixon Municipal Code requires adoption of City Council district boundaries by ordinance.¹¹ An ordinance must be adopted at a regular meeting.¹² Accordingly, in order to meet the April 17, 2022 deadline, the City Council must adopt an ordinance establishing the final district boundary map at this public hearing. This is the last regular meeting prior to the April 17, 2022 deadline. Further, The County Registrar of Voters has confirmed they will need the final district boundary map by April 17, 2022, in order to incorporate the boundary map into its map software and have sufficient time to confirm the accuracy of the shapefile and legal description for the district boundaries.

If the City Council fails to adopt City Council district boundaries by April 17, 2022, the City Council will lose its ability to draw its own City Council district boundaries. Instead, the Superior Court will do so. The Act requires the City to immediately petition the Superior Court to adopt City Council district boundaries if the City Council fails to adopt City Council district boundaries by the deadline.¹³ If the City does not do so within five (5) days after the deadline, any City resident may file a petition with the Superior Court to draw City Council district boundaries and recover attorney fees and costs of filing a petition.¹⁴ The Superior Court will then draw City Council district boundaries on its own deadlines at the City's expense.¹⁵

ENVIRONMENTAL REVIEW

A public hearing regarding redistricting and the Ordinance does not constitute a "project" under the California Environmental Quality Act pursuant to Public Resources Code sections 21065 and 21080.

ALTERNATIVES:

The City Council's options regarding this item include:

- 1) Adopt the Ordinance designating Map 104 as the City Council district boundary map;
- 2) Adopt the Ordinance designating Map 101A as the City Council district boundary map; or
- 3) Choose a different draft map as City Council district boundaries or direct staff to modify the draft maps. This option is not recommended since it will require an

¹⁰ Elec. Code, § 21602 (Boundaries must be adopted no later than 205 days before the city's next regular election occurring on or after July 1, 2022.).

¹¹ Dixon Municipal Code § 2.12.120, subd. (c).

¹² Gov. Code, § 36934.

¹³ Elec. Code, § 21609, subd. (a).

¹⁴ *Ibid.*

¹⁵ Elec. Code, § 21609, subd. (b).

additional public hearing. The deadline to adopt City Council district boundaries is April 17, 2022.

FISCAL IMPACT

Funds for the redistricting process have been approved.

APPROVALS:

Finance: _____ City Manager:  _____ City Attorney: _____

Attachments:

Ordinance

NDC Map 101A

NDC Map 104

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DIXON ADOPTING CITY COUNCIL DISTRICT BOUNDARIES IN ACCORDANCE WITH CALIFORNIA ELECTIONS CODE SECTION 21601 ET SEQ. AND DIXON MUNICIPAL CODE SECTION 2.12.020, SUBDIVISION (C)

WHEREAS, on July 14, 2016 the City of Dixon City Council (the "City") adopted Ordinance No. 16-007 to establish that the election of City Councilmembers shall be by-district with the Mayor elected at-large; and

WHEREAS, the FAIR MAPS Act (Elec. Code, § 21600 et seq.) (the "Act") and Dixon Municipal Code section 2.12.020, subdivision (c), requires the City to readjust City Council district boundaries following each federal decennial census so that the City Council districts are substantially equal in population; and

WHEREAS, the Act requires the City to readjust the City Council district boundaries based on following factors: (1) geographic contiguous; (2) minimize divisions of neighborhoods and "communities of interest;" (3) easily identifiable boundaries; and (4) compact; and

WHEREAS, the City has retained an experienced demographer consulting firm, National Demographics Corporation, to advise it on the process of readjusting City Council district boundaries; and

WHEREAS, as required by the Act, the City conducted four (4) public hearings to receive public input on potential City Council district boundaries on: November 16, 2021; January 4, 2022; March 15, 2022, and April 5, 2022; and

WHEREAS, throughout the process, the City engaged in public outreach and engagement as required by Act; and

WHEREAS, the City has maintained a detailed redistricting website as required by the Act, <https://redrawdixon.org/>; and

WHEREAS, the City has provided notices and live translation services upon request, as required by the Act; and

WHEREAS, the City made available to the public tools to permit the public to submit draft maps and testimony in writing or electronically, if desired; and

WHEREAS, the City Council believes that the City Council district boundaries contained in the map attached to this Ordinance as "Exhibit A" are in the best interest of the City and compliant with all applicable provisions of State law.

THE CITY COUNCIL OF THE CITY OF DIXON DOES ORDAIN AS FOLLOWS:

SECTION 1. The map attached hereto as Exhibit A, and incorporated herein, is hereby adopted and shall constitute the City Council district boundaries for the City for use at the City's November 2022 election and subsequent elections until further re-alignment pursuant to State law and Dixon Municipal Code section 2.12.020, subdivision (c).

SECTION 2. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have adopted this Ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 3. This ordinance shall take effect thirty (30) days after its passage by the City Council, and following the affirmative vote of a majority of the members of the City Council. Within 15 days of its adoption, a summary of the ordinance shall be published in The Dixon Tribune, a newspaper of general circulation, circulated and published in the City of Dixon, State of California, which summary shall include the names of those Councilmembers voting for and against the ordinance. A certified copy of the full text of this Ordinance shall be on file in the office of the City Clerk.

SECTION 4. The City Clerk, or his or designee, shall take all actions necessary to notify the Solano County Registrar's Office of the Council's determination forthwith and provide whatever assistance may be required by the Registrar's Office to implement the new lines.

SECTION 5. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district. The City Clerk shall advise the City Council of any such technical adjustments.

SECTION 6. CERTIFICATION OF COUNCIL ADOPTION AND APPROVAL. This Ordinance was introduced at a regular meeting of the City Council of the City of Dixon, held on the ___ day of _____, 2022 and given its first reading at said meeting Said Ordinance was given a second reading and adopted at a regular meeting of the City

Council held on the ___ day of ___, 2022, and after such reading Councilmember _____ moved its adoption, second by Councilmember _____, and said Ordinance was thereupon adopted by the following vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:

APPROVED:

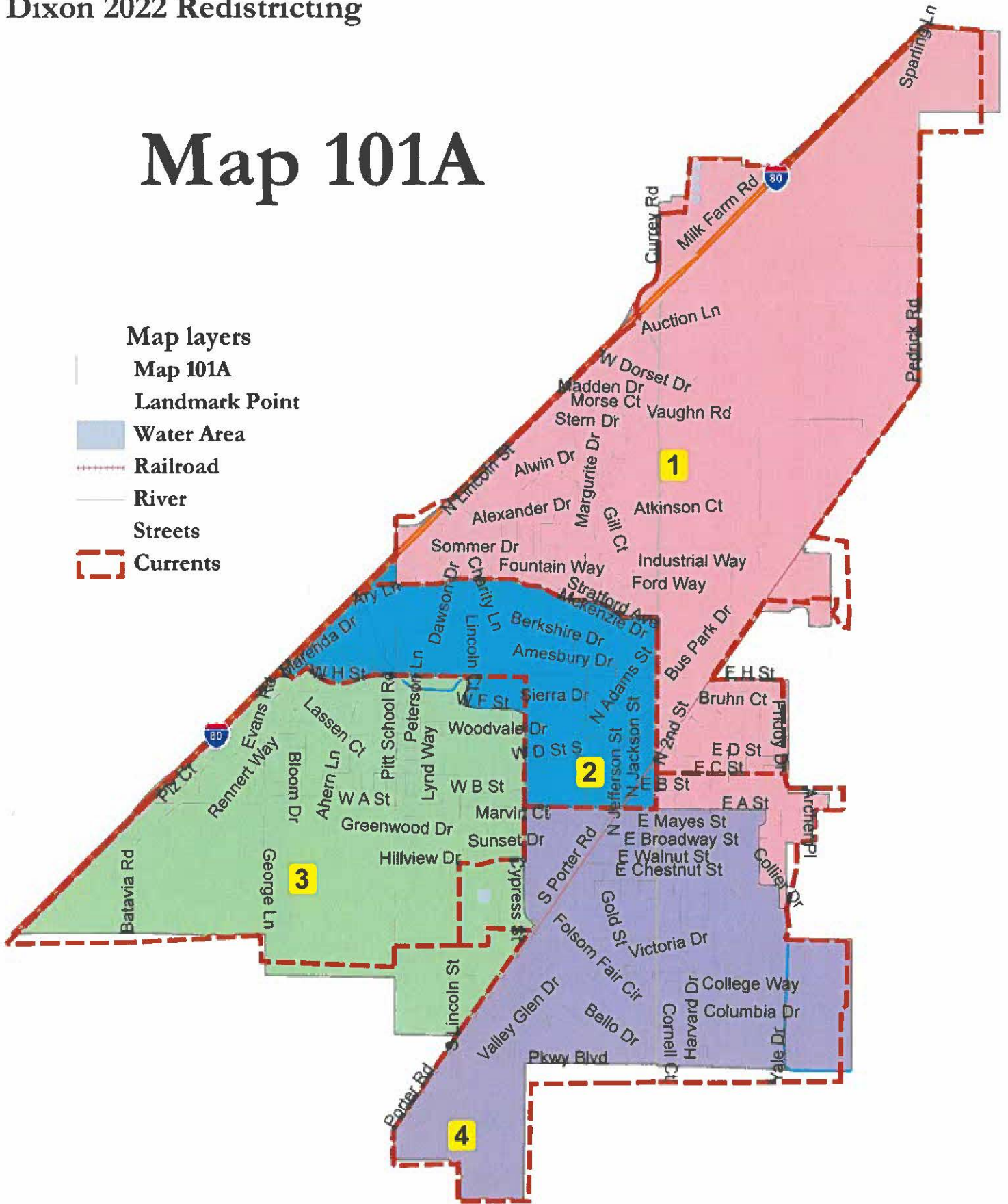
Steve Bird
Mayor of the City of Dixon

ATTEST:

Kristin Janisch
Elected City Clerk of the City of Dixon

Map 101A

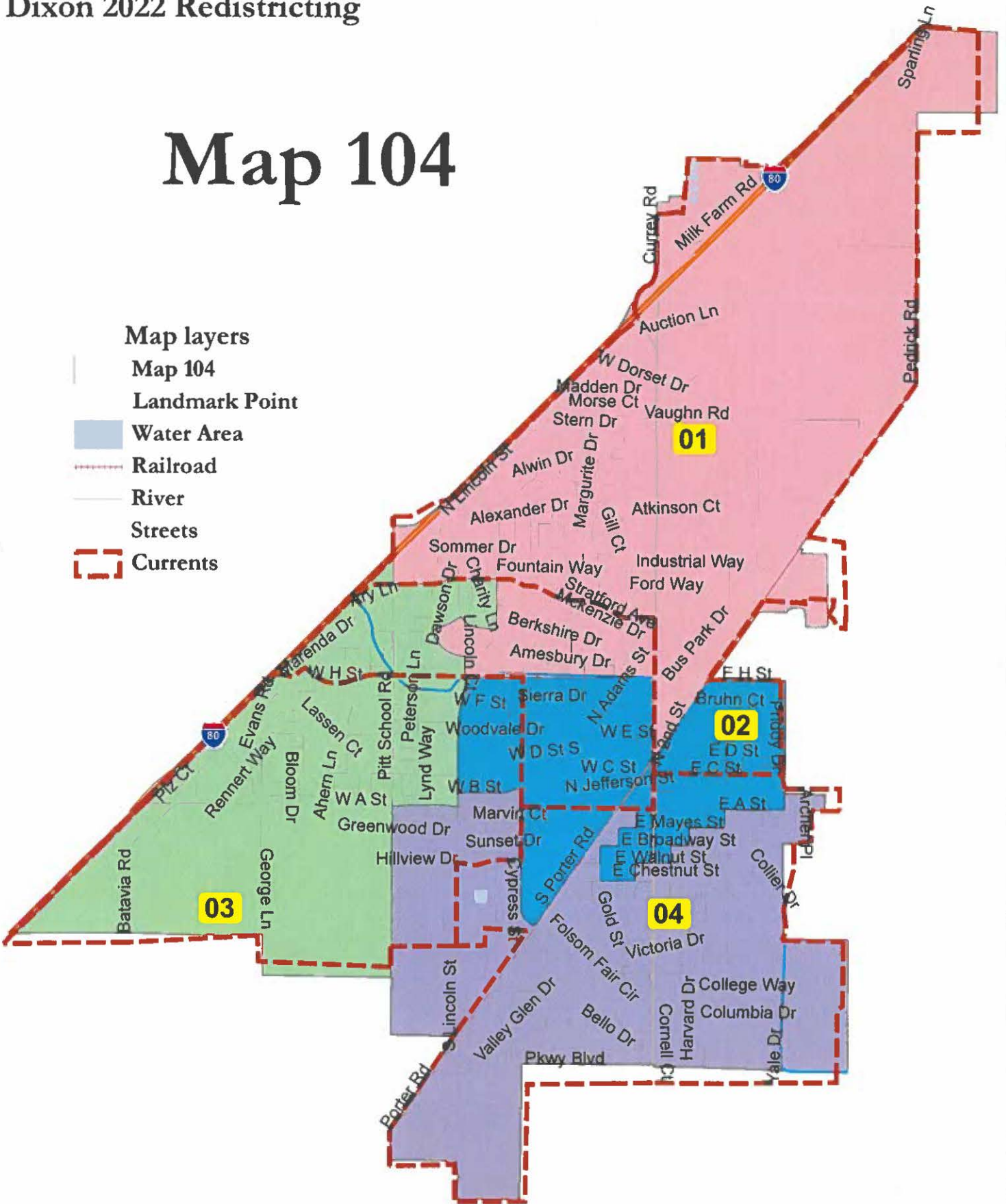
- Map layers**
- Map 101A
 - Landmark Point
 - Water Area
 - Railroad
 - River
 - Streets
 - Currents



Map 104

Map layers

- Map 104
- Landmark Point
- Water Area
- Railroad
- River
- Streets
- Currents



Map 104

District		01	02	03	04	Total
	Total Pop	4,867	4,585	4,674	4,886	19,012
	Deviation from ideal	164	-118	-29	183	301
	% Deviation	3.49%	-2.51%	-0.62%	3.89%	6.40%
Total Pop	% Hisp	40.0%	56%	40%	39%	44%
	% NH White	45%	35%	47%	46%	43%
	% NH Black	5%	2%	3%	4%	4%
	% Asian-American	5%	3%	5%	6%	5%
Citizen Voting Age Pop	Total	3,153	3,085	3,110	3,075	12,432
	% Hisp	22%	50%	28%	22%	31%
	% NH White	65%	44%	61%	62%	58%
	% NH Black	5%	2%	3%	4%	3%
	% Asian/Pac.Isl.	5%	3%	7%	10%	6%
Voter Registration (Nov 2020)	Total	2,945	2,512	2,924	3,080	11,471
	% Latino est.	31%	43%	31%	28%	33%
	% Spanish-Surnamed	28%	39%	28%	26%	30%
	% Asian-Surnamed	2%	1%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	1%	2%	1%
	% NH White est.	64%	55%	64%	64%	62%
	% NH Black	4%	2%	3%	6%	4%
Voter Turnout (Nov 2020)	Total	2,398	1,913	2,317	2,504	9,132
	% Latino est.	28%	38%	28%	25%	30%
	% Spanish-Surnamed	26%	36%	26%	23%	27%
	% Asian-Surnamed	2%	1%	2%	2%	2%
	% Filipino-Surnamed	1%	1%	2%	2%	1%
	% NH White est.	65%	58%	66%	66%	64%
	% NH Black	4%	2%	3%	6%	4%
Voter Turnout (Nov 2018)	Total	1,715	1,275	1,684	1,601	6,275
	% Latino est.	25%	32%	25%	22%	26%
	% Spanish-Surnamed	23%	30%	24%	21%	24%
	% Asian-Surnamed	2%	1%	2%	1%	2%
	% Filipino-Surnamed	1%	1%	1%	1%	1%
	% NH White est.	69%	63%	69%	70%	68%
	% NH Black est.	3%	2%	3%	5%	4%
ACS Pop. Est.	Total	5,246	4,998	4,559	4,921	19,725
Age	age0-19	29%	28%	30%	29%	29%
	age20-60	57%	53%	55%	45%	52%
	age60plus	14%	20%	15%	26%	19%
Immigration	immigrants	19%	26%	14%	26%	21%
	naturalized	32%	49%	52%	50%	46%
Language spoken at home	english	70%	51%	74%	58%	63%
	spanish	25%	46%	24%	32%	32%
	asian-lang	3%	2%	0%	9%	4%
	other lang	2%	1%	2%	1%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	14%	23%	10%	19%	17%
Education (among those age 25+)	hs-grad	53%	48%	56%	49%	51%
	bachelor	13%	11%	14%	14%	13%
	graduatedegree	10%	4%	5%	7%	6%
Child in Household	child-under18	37%	38%	49%	38%	40%
Pct of Pop. Age 16+	employed	75%	68%	74%	64%	70%
Household Income	income 0-25k	10%	10%	6%	9%	9%
	income 25-50k	9%	21%	11%	20%	15%
	income 50-75k	22%	19%	18%	11%	17%
	income 75-200k	54%	47%	60%	48%	52%
	income 200k-plus	5%	3%	5%	12%	6%
Housing Stats	single family	77%	88%	89%	82%	84%
	multi-family	23%	12%	11%	18%	16%
	rented	29%	32%	31%	27%	30%
	owned	71%	68%	69%	73%	70%

Total population data from the 2020 Decennial Census.

Surname-based Voter Registration and Turnout data from the California Statewide Database.

Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.