



**SAN RAFAEL CITY COUNCIL AGENDA REPORT**

**Department: CITY ATTORNEY**

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Assistant City Attorney**

**City Manager Approval:** \_\_\_\_\_

**TOPIC: 2021-2022 CITY COUNCIL REDISTRICTING PROCESS**

**SUBJECT: THIRD PUBLIC HEARING ON EXISTING COUNCIL DISTRICT LINES AND POSSIBLE CHANGES**

**RECOMMENDATION:**

Receive a presentation by the City’s demographic consultant regarding proposed draft maps adjusting the four City Council electoral districts in light of the 2020 Census, hold a public hearing to receive public comment concerning the draft maps, and then provide any direction to the demographic consultant regarding revisions to the maps for consideration at the final public hearing scheduled for March 21.

**BACKGROUND:**

On [April 16, 2018](#), the City Council adopted [Ordinance No. 1956](#), approving the move from at-large voting to “by-district” voting for 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. 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 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 21, 2021, and a corrected version of the data was released on September 27, 2021.

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**FOR CITY CLERK ONLY**

**File No.:** \_\_\_\_\_

**Council Meeting:** \_\_\_\_\_

**Disposition:** \_\_\_\_\_

At its meeting on July 19, 2021, 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. At its meeting on November 15, 2021, the Council received updated information regarding the final "adjusted" demographics of the existing districts based on the SWDB data, after which the Council conducted a duly-noticed public hearing to receive public testimony regarding the composition of the districts, especially communities of interest. At its meeting on January 18, 2022, the Council conducted another duly-noticed public hearing to receive public testimony regarding the composition of the districts, especially communities of interest.

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

This is the third of the four required public hearings and the first of the post-mapping public hearings. The final public hearing is scheduled for March 21, 2022. The statutory deadline for completion of the redistricting process is April 17, 2022.

**ANALYSIS:**

At the meeting, the City's demographic consultant, Ms. Kristen Parks of National Demographics Corporation ("NDC"), will present proposed draft maps to readjust the Council district boundaries, and the Council will again be asked to conduct a public hearing to receive feedback from the public regarding the draft maps.

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.

As discussed at the last meeting, the current district lines comply with the first three criteria above, and they are contiguous, so if the Council believes they adequately respect communities of interest retention of the current lines would be an option.

NDC has also prepared a second option for the Council to consider in light of the discussion at the January 2022 meeting. That option, labeled the “NDC Minimal Change Map” begins with the current lines but makes discrete changes to reduce the population imbalance (to 5.55% compared to 8.53% under the current map).

Online versions of the maps that would allow a viewer to zoom in down to the street level are available on the City’s redistricting website, under the “[Draft Maps](#)” tab. To date, no proposed maps have been submitted to the City by the public.

**COMMUNITY OUTREACH:**

As staff advised the Council at the September, November and January meetings, 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/>. By visiting that website, members of the public can also submit proposed district maps for the Council’s consideration, using either a paper mapping kit or online mapping tools. Staff is also conducting additional outreach to interested community groups, media organizations, and other interested parties.

**FISCAL IMPACT:**

There is no fiscal impact from 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 proposed draft maps, conduct the third public hearing, and provide any guidance to the demographers re possible revisions to the draft maps if any are desired.
2. Take no action.

**RECOMMENDED ACTION:**

Move to accept the informational report regarding the City Council redistricting process, conduct the public hearing, and provide guidance to the demographer.

**ATTACHMENTS:**

1. PowerPoint Presentation

# City of San Rafael



## Redistricting Public Hearing #3

National Demographics Corporation

# San Rafael's Transition to Districts

Date	Event	
November 10, 2017	City received letter alleging violation of the <a href="#">California Voting Rights Act</a> (CVRA)	} <b>Districting</b>
January 16, 2018	Council passed resolution to change to district elections	
April 16, 2018	Council adopted district map	
November 3, 2020	Elections for Districts 1 & 4	
2021 - 2022	Districts must be redrawn to reflect 2020 Census data	← <b>Redistricting</b>

# Redistricting Timeline

Date	Event
<input checked="" type="checkbox"/> August 12, 2021	Release of 2020 Census data
<input checked="" type="checkbox"/> September 27, 2021	Release of California's official redistricting data
<input checked="" type="checkbox"/> November 15, 2021	<b>Public Hearing #1</b>
<input checked="" type="checkbox"/> January 18, 2022	<b>Public Hearing #2</b>
February 22, 2022	<b>Public Hearing #3</b>
March 21, 2022	<b>Public Hearing #4</b>
April 17, 2022	Legal deadline for Council to adopt redistricting plan
November 8, 2022	First election with new map

# Legal Criteria for Redistricting

## Federal Law

- ✓ Ensure equal population\*
- ✓ Comply with federal Voting Rights Act
- ✓ Avoid racial gerrymandering

\* Total population deviation < 10%

## California Law

1. Ensure geographic **contiguity**
  2. Minimize division of neighborhoods & **“communities of interest”**
  3. Create easily identifiable boundaries
  4. Maintain **compactness**
- ✓ Do not “favor or discriminate against a political party”

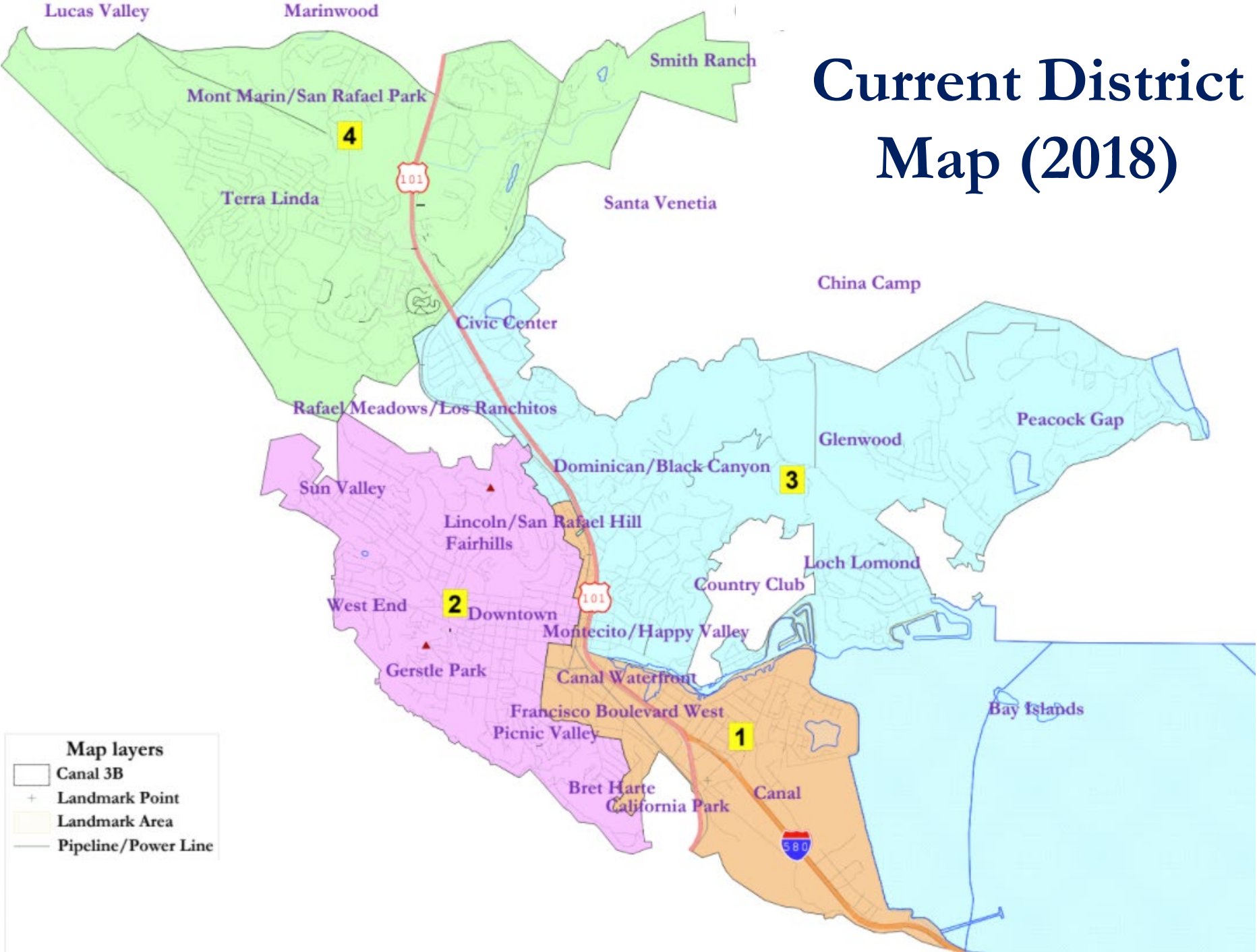
## Traditional Criteria

### *May include:*

- Preserve core of existing districts
- Minimize changes to election cycles

Do not bypass a nearby population to take in a more distant population

# Current District Map (2018)





# ✓ Current Districts Are Pop. Balanced

District		1	2	3	4	Total
<b>2020</b>	2020 Census (Adjusted)	14,853	15,732	14,720	16,028	61,333
	Deviation from ideal	-480	399	-613	695	1,308
	% Deviation	-3.13%	2.60%	-4.00%	4.53%	8.53%
<b>2020 Total Pop</b>	% Hisp	80%	21%	21%	18%	34%
	% NH White	12%	65%	64%	64%	52%
	% NH Black	1%	2%	2%	2%	2%
	% Asian-American	5%	7%	9%	12%	8%
<b>Citizen Voting Age Pop</b>	Total	4,296	10,843	10,421	10,843	36,403
	% Hisp	42%	7%	10%	9%	12%
	% NH White	41%	84%	76%	80%	75%
	% NH Black	3%	3%	3%	1%	3%
	% Asian/Pac.Isl.	13%	5%	9%	8%	8%

# Calculating Population Deviation

**Ideal district size = 15,333**

- Calculated by dividing the total population by the number of districts
- $61,333/4 = 15,333.25$

**Total deviation = 1,308**

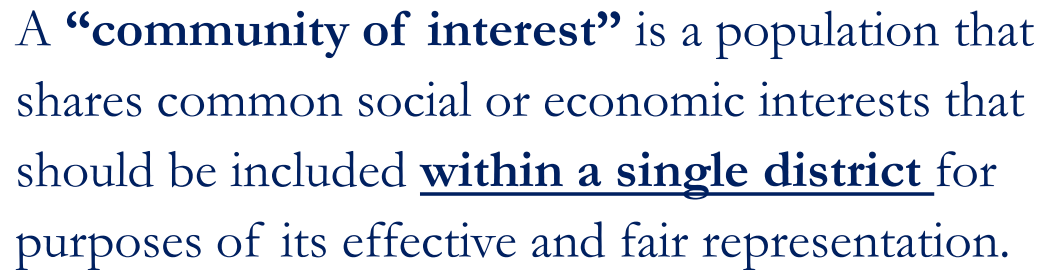
- Calculated by subtracting the smallest district's population from the largest district's population
- $D4 (16,028) - D3 (14,720) = 1,308$

**Total deviation % = 8.53%**

- Calculated by subtracting the smallest district's deviation from the largest district's deviation
- $D4(4.53) - D3(-4.00) = 8.53\%$

# Defining “Communities of Interest”

Under California Elections Code, “community of interest” has a specific definition in the context of redistricting:

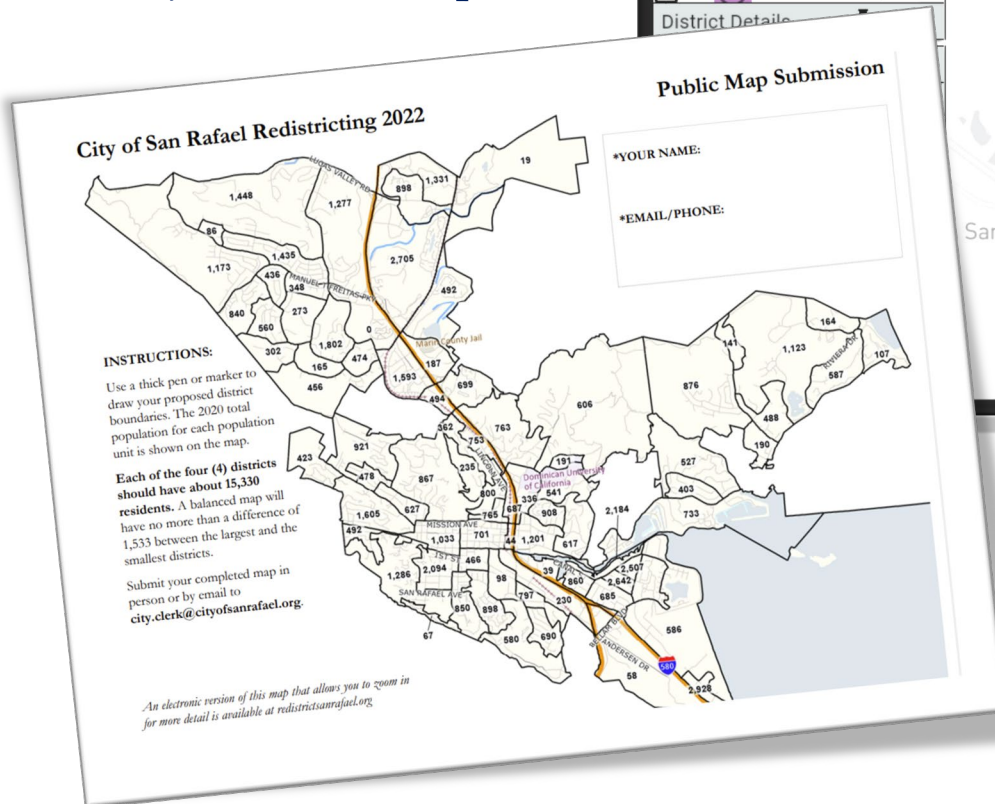
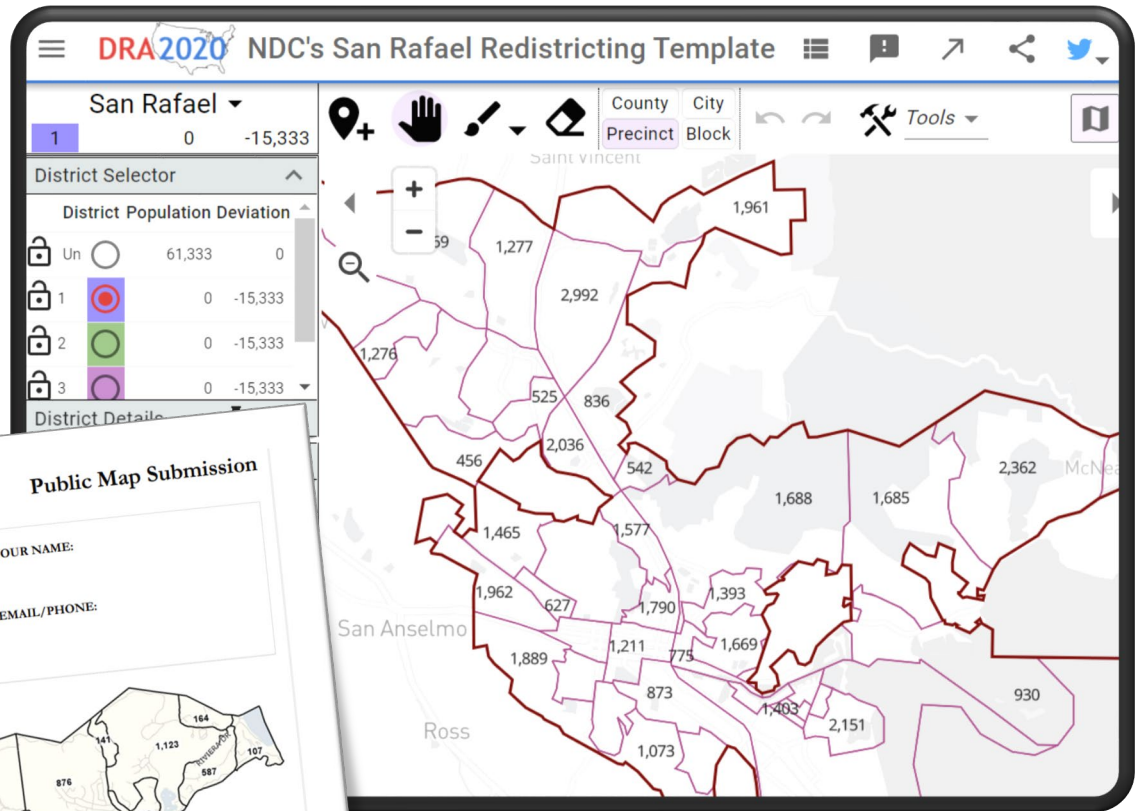


A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.

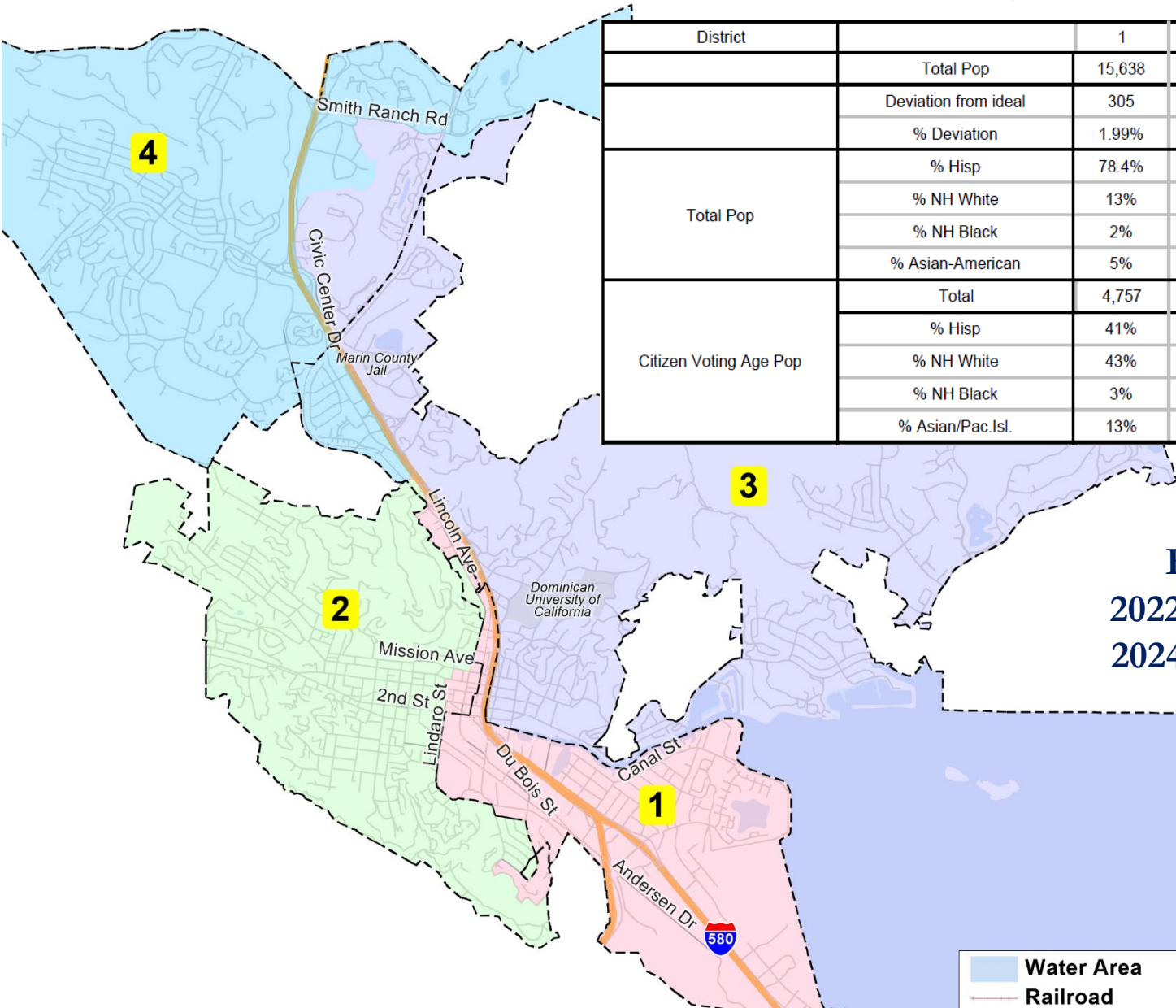
Definitions of “communities of interest” do **not** include relationships with political parties, incumbents, or political candidates.

# Public Mapping Tools

San Rafael's mapping tools empower residents to draw their communities of interest, home district, or an entire citywide district plan



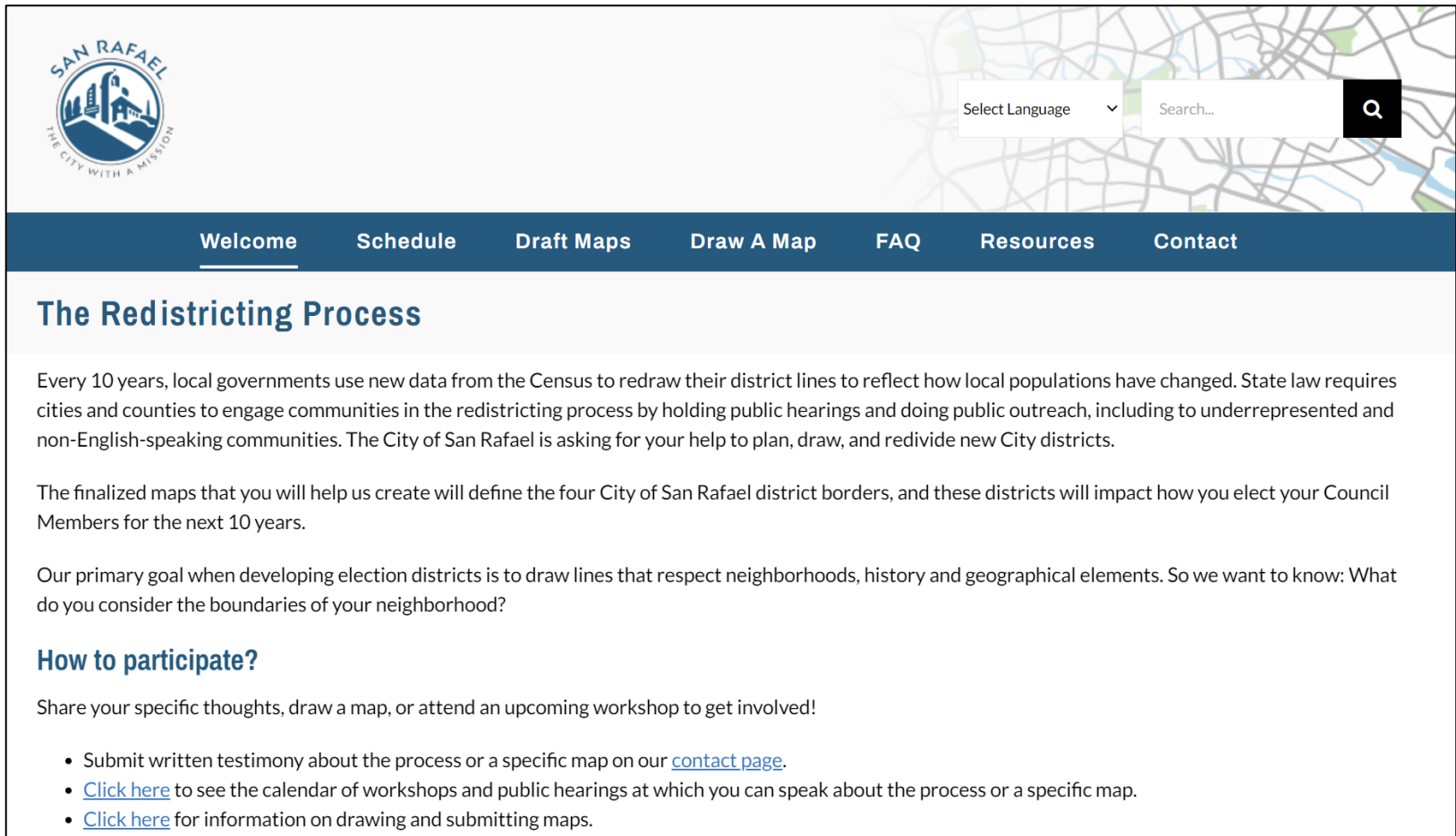
# NDC Minimal Change Map



District	1	2	3	4	Total
Total Pop	15,638	15,700	14,849	15,146	61,333
Deviation from ideal	305	367	-484	-187	851
% Deviation	1.99%	2.39%	-3.16%	-1.22%	5.55%
Total Pop	78.4%	21%	19%	18%	34%
% Hisp	13%	65%	66%	64%	52%
% NH White	2%	2%	3%	2%	2%
% NH Black	5%	7%	9%	12%	8%
% Asian-American	4,757	10,771	10,539	10,336	36,403
Citizen Voting Age Pop	41%	8%	7%	10%	12%
Total	43%	83%	80%	77%	75%
% Hisp	3%	3%	3%	1%	3%
% NH White	13%	5%	8%	9%	8%
% Asian/Pac.Isl.					

**Election Cycle:**  
**2022: Districts 2 and 3**  
**2024: Districts 1 and 4**

# Share Your Thoughts



**SAN RAFAEL**  
THE CITY WITH A MISSION

Select Language

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## The Redistricting Process

Every 10 years, local governments use new data from the Census to redraw their district lines to reflect how local populations have changed. State law requires cities and counties to engage communities in the redistricting process by holding public hearings and doing public outreach, including to underrepresented and non-English-speaking communities. The City of San Rafael is asking for your help to plan, draw, and redivide new City districts.

The finalized maps that you will help us create will define the four City of San Rafael district borders, and these districts will impact how you elect your Council Members for the next 10 years.

Our primary goal when developing election districts is to draw lines that respect neighborhoods, history and geographical elements. So we want to know: What do you consider the boundaries of your neighborhood?

### How to participate?

Share your specific thoughts, draw a map, or attend an upcoming workshop to get involved!

- Submit written testimony about the process or a specific map on our [contact page](#).
- [Click here](#) to see the calendar of workshops and public hearings at which you can speak about the process or a specific map.
- [Click here](#) for information on drawing and submitting maps.

Website: [redistrictsanrafael.org](https://redistrictsanrafael.org)