



Legislation Text

File #: 2021-0067, **Version:** 2

To: Board of Supervisors

Department or Agency Name(s): County Administrator's Office and Office of County Counsel

Staff Name and Phone Number: Christel Querijero, 565-7071, Robert Pittman, 565-2421, Debbie Latham, 565-2421

Vote Requirement: 4/5th

Supervisorial District(s): All

Title:

Redistricting 2021

Recommended Action:

- A) Receive update on redistricting process for 2021;
- B) Adopt resolution establishing the Sonoma County Advisory Redistricting Commission (ARC) and adopting rules and procedures;
- C) Direct staff to solicit interest in serving on the ARC and return to the Board on April 6, 2021, with applications and recommendations for appointment of members to the ARC;
- D) Authorize the use of \$130,000 from contingency funds for contracts to procure specialized redistricting facilitation and training services, interactive mapping technology, and unanticipated translation and interpretation services to support the redistricting process. (4/5th Vote Required)

Executive Summary:

Every 10 years the United States Census Bureau conducts a nationwide census to enumerate the country's population. The Federal Voting Rights Act of 1965 and the California Elections Code mandate that the Board of Supervisors (Board) adjust supervisorial district boundaries within the County to reflect the new census data and keep supervisorial districts substantially equal in population. The 2020 Census data was initially due to be released on March 31, 2021, but is expected to be delayed to at least July 2021. The California Elections Code prescribes a very robust process that requires extensive public outreach and adoption of the new district boundaries to reflect the 2020 Census data no later than December 15, 2021.

In recognition of these deadlines, staff recommend that the Board receive an overview of the revised process and requirements for redistricting and formally establish a local advisory redistricting commission to assist the Board with redrawing supervisorial district boundaries. Formation of the ARC and subsequent appointment of members to the commission will allow staff to prepare and train the ARC and ensure that the County is ready to proceed once the 2020 Census data is released.

Discussion:

Background

Article I of the United States Constitution directs the population to be enumerated at least once every ten years. The resulting population counts are used to set the number of members from each state in the House of

Representatives and also used to adjust districts for local agencies to ensure roughly equal representation. Population data is gathered in years ending in zero, and the ensuing redistricting occurs in years ending in one. Following the release of the decennial census, the Board must adjust supervisorial district boundaries in the County to reflect population changes and keep supervisorial districts substantially equal in population.

Analysis

Current census data was officially due by the end of March, although staff have received indications that the release of the 2020 Census will be delayed until sometime this summer. Based on the census data, the Federal Voting Rights Act of 1965 (“Voting Rights Act”) and the California Elections Code (“Elections Code”) charge the Board with adjusting supervisorial district boundaries, as necessary, to keep the five districts roughly equivalent in population.

The Elections Code prescribes a very rigorous process to which the County must adhere. In adopting the supervisorial district boundaries, the Board must use the criteria set forth in California Elections Code section 21500 and following. These criteria include several recent amendments that revised and standardized redistricting across the state, eliminated discretionary criteria, and imposed significant public outreach and language access requirements to ensure equitable access to the process to all citizens. District boundaries must comply with the United States Constitution, the California Constitution, and the Federal Voting Rights Act, and may not be adopted or drawn for the purpose of favoring or discriminating against a political party.

The County must encourage public participation through a variety of means. Public outreach must include media campaigns, outreach to community groups, live translation at meetings (if requested 72 hours in advance). The public outreach must specifically include minority communities, and materials provided to those communities must be translated into their first languages to ensure full access to the process. The County must establish and maintain a website dedicated to redistricting. The website must contain the following information:

- an explanation of the redistricting process
- procedures for testifying or submitting written testimony
- a calendar of all hearings and workshops
- notices and agenda for each hearing and workshop
- a recording or written summary of each hearing and workshop
- all draft maps and the final adopted map

Additionally, the information contained on the website must be available in any language into which the County is required to translate its ballots.

The Board must hold a minimum of four public hearings where the public may provide input regarding composition of the districts. At least one of those public hearings must be held before the draft redistricting map is drawn. To ensure the public has time to digest and meaningfully participate, the draft redistricting map must be published on the website at least seven days before final adoption.

The anticipated delay in receiving the census data will significantly compact the deadlines for conducting public outreach, holding public hearings, and adopting a final redistricting plan. Elections Code section 23001 allows the County to establish by resolution either an advisory redistricting commission or an independent

redistricting commission composed of residents of the County to draw the revised district maps. The independent commission is significantly more complicated and time consuming to create, so staff recommend that the Board establish an advisory redistricting commission to recommend to the Board appropriate changes to the supervisorial district boundaries.

ARC Eligibility and Selection

Elections Code section 23002 authorizes the County to prescribe the manner in which members are appointed to the advisory redistricting commission, but prohibits “a person who is an elected official of the [County], or a family member, staff member, or paid campaign staff of an elected official of the [County]” from being appointed to serve on the commission.

The Board has discretion to determine the composition and criteria to select commissioners to the ARC. A combination of district-specific appointees and at-large positions selected by the full Board could ensure broad and diverse representation. Staff recommends one of the following composition options:

- 9 commissioners total - 1 appointee per district and 4 at-large
- 15 commissioners total - 2 appointees per district and 5 at-large

To select the at-large commissioners, the Board could consider criteria for representation by: geographical area; race and ethnicity; age group; access and functional needs (AFN); or industry/sector (e.g. environment, agriculture, business, labor/workforce, social justice, non-profit). Selection of the at-large commissioners would be balanced with representation among the pool of district appointees.

Application Process

If directed by the Board, staff will solicit interest in serving on the ARC and return to the Board on April 6, 2021, with applications and recommendations for appointment. Public outreach through social and other media outlets and community partners will be conducted to notify the public of the opportunity to serve on the ARC. The application period will be open from February 23, 2021, through March 16, 2021. Interested parties will need to complete the [Application Form <https://sonoma-county.granicus.com/boards/forms/589/apply/2203856?code=0c2a43f5-ae89-45a4-b85e-4795bbdad0f7>](https://sonoma-county.granicus.com/boards/forms/589/apply/2203856?code=0c2a43f5-ae89-45a4-b85e-4795bbdad0f7) on the County Boards and Commissions website. Questions about the application process and the County’s Redistricting 2021 effort may be directed to Redistricting2021@sonoma-county.org <<mailto:Redistricting2021@sonoma-county.org>>.

Redistricting Timeline

The redistricting timeline for drawing the new district boundaries is based on the assumption that census data will be released by the end of July 2021. The timeline will need to be adjusted once the data is actually released. Key dates are as follows:

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| Public Hearing 1 - Board Appoints Advisory Redistricting Commission | April 6, 2021 |
| Public Hearing 2 - Advisory Redistricting Commission | May 12, 2021 |
| Public Hearing 3 - Advisory Redistricting Commission (Evening) | September 1, 2021 |
| Public Hearing 4 - Board of Supervisors | September 28, 2021 |
| Public Hearing 5 - Advisory Redistricting Commission | October 12, 2021 |

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| Public Hearing 6 - Board of Supervisors | November 16, 2021 |
| Board Approves Revised District Maps | December 7, 2021 |
| Deadline to Approve District Maps | December 15, 2021 |

Fiscal Impacts

As noted above, the revised Elections Code provisions require significantly more public outreach and engagement than previous redistricting processes. The fiscal impact of these changes include the cost of specialized redistricting consulting services for facilitation and training; translation and interpretation services for public meetings and all written or posted materials; public and media outreach; a web-based redistricting mapping tool and geographic information systems (GIS) support; and web development and website support. Staff request that the Board authorize the use of \$130,000 from contingency funds to cover the estimated cost of these services. If approved, funds would be appropriated through the second quarter consolidated budget adjustment process.

Prior Board Actions:

FISCAL SUMMARY

| Expenditures | FY 20-21 Adopted | FY21-22 Projected | FY 22-23 Projected |
|------------------------------------|-----------------------------|------------------------------|-------------------------------|
| Budgeted Expenses | | | |
| Additional Appropriation Requested | | | |
| Total Expenditures | | | |
| Funding Sources | | | |
| General Fund/WA GF | | | |
| State/Federal | | | |
| Fees/Other | | | |
| Use of Fund Balance | | | |
| Contingencies | | | |
| Total Sources | | | |

Narrative Explanation of Fiscal Impacts:

Staff request that the Board authorize the use of \$130,000 from contingency funds to cover the estimated cost of these services. If approved, funds would be appropriated through the second quarter consolidated budget adjustment process.

| Staffing Impacts: | | | |
|--|--|-------------------------------|-------------------------------|
| Position Title (Payroll Classification) | Monthly Salary Range (A-I Step) | Additions (Number) | Deletions (Number) |
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Narrative Explanation of Staffing Impacts (If Required):

Attachments:

Attachment 1: Resolution Establishing Advisory Redistricting Commission

Attachment 2: PowerPoint Presentation

Related Items "On File" with the Clerk of the Board: