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To: Honorable Mayor and Members of City Council

From: Tiffany Carranza, City Clerk

Prepared By: Caitlin Saldanha, Deputy City Clerk

TITLE:
Redistricting Process for Councilmember District Boundaries

RECOMMENDED ACTION:

Provide direction to staff regarding the process for redistricting boundary lines for district-based elections of four Councilmembers, including consideration of the following options: (1) use a staff-led process without a redistricting commission, with a community outreach plan to encourage substantial public participation; (2) establish an Advisory Redistricting Commission; or (3) establish a Hybrid or Independent Redistricting Commission.

DISCUSSION:

Background

Each city with district-based elections is required to update (“redistrict”) the district boundaries every ten years, following the receipt of updated population data from each federal decennial census. It is anticipated that the 2020 federal census will be published and available to the City sometime around July to August 2021. Since the City of Napa has district-based elections for four Councilmembers, the City is required to redistrict the district boundaries prior to the next election of Councilmembers in 2022. Councilmember Districts 2 and 4 were on the ballot on November 3, 2020, and Councilmember Districts 1 and 3 will be on the ballot on November 8, 2022. Although the City recently established the district boundaries on May 5, 2020 for the November 2020 election, the boundaries are based on the 2010 federal census, which means the City must now update the boundaries through the redistricting process based on the 2020 federal census.

As summarized in this report, State law establishes minimum procedural requirements for redistricting that the City must follow. The minimum procedural requirements are similar to the staff-led processes the City followed in 2020, when the City conducted a series of public hearings and community workshops with substantial public input to convert from the previous at-large elections to the current district-based elections for the four Councilmembers. However, the City Council has discretion to include supplemental procedures for redistricting that do not conflict with the minimum requirements. One such supplemental process is to establish a redistricting commission, which may be one of three different types of commissions identified in State law: Advisory Redistricting Commission, Hybrid Redistricting Commission, or Independent Redistricting Commission.

Overview of Minimum Procedural Requirements for Redistricting

Before adopting a final map of district boundaries for the redistricting process, the City Council must hold at least four public hearings for the public to provide input regarding the composition of the Council districts (see California Elections Code Sections 21620-21629). These hearings shall include:

- At least one public hearing before maps are drawn. This hearing may be conducted by City staff, a consultant, or an advisory redistricting commission.
- At least two public hearings after maps are drawn.
- At least one public hearing or public workshop shall be held on a Saturday, on a Sunday or after 6 p.m. on a weekday Monday through Friday.

The City Council must take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. A good faith effort satisfies the requirement and includes:

- Providing information to media organizations that provide City news coverage, including media organizations that serve language minority communities.
- Providing information through local community groups and organizations (including those active in language minority communities, those that are based on good government, civil rights, or civic engagement, and those that have requested to be notified concerning City redistricting).
- Additionally, the City is required, upon request, to conduct the public hearings with live translation in “an applicable language” (i.e., 3% of total population; which, for Napa, is Spanish language).

The City is required to publish information regarding draft maps and the redistricting process on the City’s website in English and Spanish. These publications are required to notify the public of upcoming hearings and explain the process, and to be maintained for at least ten years after the redistricting process is completed.

Generally, the City is prohibited from releasing any draft updated district boundary map until at least three weeks after the 2020 federal census data is published by the State. Again, it is currently anticipated that the census data will be published between July and August of 2021. The redistricting process must be completed, and a new district boundary map must be adopted, no later than April 17, 2022.

Overview of Substantive Requirements for Redistricting Boundary Lines

The substantive requirements of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (“FAIR MAPS”) Act for drawing district boundaries are set forth in California Elections Code Section 21621, as summarized below. These legal requirements are identical to the requirements the City used when drawing the existing district boundaries of Councilmember Districts 1 through 4:

- Substantially equal population of residents (+/- 10%) in each district based on census data.
- Compliance with the Constitutions of the United States and California, and with the Federal Voting Rights Act (“FVRA”). These criteria are satisfied by developing districts that have substantially equal populations, are not designed with discriminatory intent, and are not designed with race as the predominant consideration.
- Geographically contiguous, to the extent practicable. A district is not contiguous if it includes areas that: (a) meet only at the point of adjoining corners, or (b) are separated by water and not connected by a bridge.
- Geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division, to the extent practicable. 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.
- Boundaries should be easily identifiable and understandable by residents. To the extent practicable, districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
- Districts shall be geographically compact in a manner that nearby areas of population are not bypassed in favor of more distant populations, to the extent practicable.
- Districts must not be adopted for the purpose of favoring or discriminating against a political party.

It is important to emphasize that the City of Napa’s conversion from an at-large system to district-based elections in 2020 followed the criteria outlined in the “FAIR MAPS” Act. Thus, the City of Napa was one of the first (and few) cities to use the “FAIR MAPS” Act criteria to establish its current district boundaries. The majority of cities and counties have not yet drawn district lines under the “FAIR MAPS” Act because these requirements have only been effective since January 1, 2020.

Alternative Processes for Establishing District Boundaries

For the 2021-2022 redistricting process, there are several optional methods available for updating district boundaries, including:

- (#1) the City Council may direct staff to lead a public outreach process without a redistricting commission, similar to the 2020 conversion from at-large to district-based elections, with the final district boundaries approved by City Council.
- (#2) the City Council may appoint an Advisory Redistricting Commission to recommend district boundaries for City Council adoption.
- (#3) the City Council may establish a Hybrid Redistricting Commission to approve two or more maps, one of which must be selected by the City Council.
- (#4) the City Council may establish an Independent Redistricting Commission with authority to approve the final district boundary map.

These four options are described below. A chart comparing some of the key differences among the

various types of redistricting commissions has been provided as Attachment 1 for reference.

Option #1: City Staff-Led Community Outreach Plan

The City Council has complete discretion to direct staff to lead the redistricting process without a redistricting commission, similar to how the City converted to district-based elections in 2020. During that 2020 process, City staff (with assistance from expert consultants) led a successful community outreach process over a four-month period that included a series of five very well attended public hearings and two community workshops, many public comments and approximately 44 proposed district boundary maps from members of the public, resulting in City Council's approval of the current district maps on May 5, 2020. (See Napa Municipal Code Chapter 1.10.)

It is staff's recommendation to pursue redistricting without a commission and implement a community outreach plan utilizing an increased number of community workshops along with various other mechanisms to encourage a substantial amount of public participation. One benefit of conducting community workshops without a commission is that the meetings may be much less formal, and conducive to direct interactions between the public and technical experts (such as the City's consulting demographer), since there is no requirement to comply with formal meeting rules such as the Brown Act. Staff would build on the successes of the 2020 process, which received high praise from the public regarding the extent to which all members of the public were encouraged to (and did) participate, particularly including the outreach and translation services provided to Spanish-speaking residents. The City Clerk's Office is proposing the following community outreach plan:

Public Messaging via Social Media, City's Website, Press Releases, newsletters, and other public communications, in English and Spanish, including:

- Social media engagement on Facebook, Instagram, Twitter, and NextDoor in both English and Spanish
- New dedicated webpage on City's website for redistricting updates and information
- Information provided via the City's electronic newsletter "Napa News Weekly," articles published in the Napa Valley Marketplace magazine, and updates sent via the Napa Valley Unified School District parent newsletter
- Press releases sent to various outlets and groups
- Public notices posted at various City facilities
- Display advertisements on local public access network by using Napa Valley TV's Channel 28
- Mailers, infographics, and videos created by the City's outreach consultant

Online Interactive Tools:

- A new online interactive mapping tool will be established to allow residents to draw their own lines. The City's consulting demographer will provide training for the public on how to use the new online mapping tool
- A designated email address will be established for members of the public to provide input and comments: redistricting@cityofnapa.org <<mailto:redistricting@cityofnapa.org>>
- An online form will be developed to encourage electronic submissions for "Community of Interest Worksheets" in both English and Spanish

City staff will lead (with assistance from expert consultants, including a demographer) at least one public hearing before district boundary maps are drawn, between one to five community workshops on Saturdays or Sundays, and at least four public hearings with boundary maps. Spanish

interpretation services will be offered at all public hearings and community meetings. The timeline for scheduling public hearings to consider re-drawing district boundaries is dependent on the dates the 2020 census is completed and the population data is delivered to the states and individual counties. The outline provided below is based on the assumption that the City will receive the 2020 census data by August 2021.

- **July 2021 - August 2021:** The U.S. Census Bureau sends federal census data to the State. Then the State releases the census data to the public for use by the City in the redistricting process.
- **August 2021 - September 2021:** The City will hold its first public hearing before maps are drawn.
- **September 2021 - February 2022:** Between this time period, the City will hold at least one community workshop to solicit input and prepare draft maps; and at least four public hearings with maps leading to adoption of a final map. Depending on the status of COVID-19 health orders restricting public gatherings, City staff will propose holding up to four additional community workshops throughout the City (or virtually) to encourage maximum public participation.
- **April 17, 2022:** The City must complete its redistricting process by adopting a final map of district boundaries.

Option #2: Advisory Redistricting Commission

The process for establishing an Advisory Redistricting Commission is similar to other local boards and commissions which means that the City Council will establish the commission and appoint its members. Thus, if the City Council directs staff to pursue the creation of an Advisory Redistricting Commission, in addition to the steps outlined in Option #1, additional public meetings would need to be scheduled in order for the City Council to first establish the Advisory Redistricting Commission (including scope of responsibilities and membership requirements), and then to select the members of the Commission. For example, interviews may need to be scheduled during regular or special City Council meetings to select commissioners.

If an Advisory Redistricting Commission is formed, it could conduct the hearing without a map, but all other meetings of the commission are in addition to the minimum of three public hearings that must be held by Council. The Advisory Redistricting Commission recommends one or more district boundary maps to the City Council; however, the Council retains discretion to approve the final map.

If Council decides to proceed with an Advisory Redistricting Commission, then the proposed community outreach plan would need to be amended in order to accommodate the additional number of public meetings to establish the commission and select its members. For example, the City may need to hold fewer community workshops in order to dedicate resources and staff time towards the Advisory Redistricting Commission.

Option #3 and Option #4: Independent or Hybrid Redistricting Commissions

State law establishes parameters for the City Council to transfer redistricting authority to an Independent Redistricting Commission or a Hybrid Redistricting Commission. Both of these types of commissions conduct all of the public hearings following the procedural and substantive requirements summarized in this report, above. The main difference between these two types of commissions is: (1) if an Independent Redistricting Commission is established, the Council has no authority to review or approve any maps, and the Independent Redistricting Commission draws and approves the final district boundary map; and (2) if a Hybrid Redistricting Commission is formed, the Hybrid Redistricting Commission is required to submit two or more district boundary maps to the City Council, and the City Council must select one of the submitted maps. Independent Redistricting Commissions have typically been used in very large counties such as Los Angeles, Santa Barbara, and San Diego, along with the cities of Berkeley, Long Beach, Oakland, Sacramento, San Diego, San Francisco and Santa Barbara.

For both Independent and Hybrid Redistricting Commissions, State law establishes an extensive list of qualifications for membership, and there are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment, or otherwise contract with the City. While the City may establish stricter requirements for membership on any redistricting commission, the State law limitations on membership are summarized on Attachment 1, and generally include the following requirements:

- must be a resident of City;
- all members cannot be registered to only one political party;
- cannot be candidate/elected to Council for past 8 years (for commissioner or family member), or 5 years after serving (for commissioner);
- cannot have previously held a “disqualifying position” for past 8 years (for commissioner or spouse) or past 4 years (for a commissioner’s non-spouse family member), and a “disqualifying position” includes: (a) officer, employee, or consultant for a candidate, campaign committee, or political party; or (b) contributed \$500 or more to a Councilmember candidate;
- cannot participate in campaigns for Council while on the commission;
- cannot be candidate to serve in a district that was drawn by the commissioner;
- cannot be hired by City as employee or “no bid” consultant/contractor for 4 years;
- cannot be appointed to any other City commission for 2 years

Process for Appointing Commission Members

There are three main approaches to appointing persons to serve on a Redistricting Commission, as summarized below:

1) Appointment by Council

The City Council may directly appoint the commissioners. This selection method is typically used for an Advisory Redistricting Commission. This approach must not be used if the City Council decides to appoint an independent or hybrid commission.

2) Independent Appointment

The City Council may appoint an independent selection body, such as a panel of retired judges; and that selection body directly appoints the commissioners after an open selection process. One of the greatest challenges with using an independent appointment selection method is the level of difficulty in identifying a truly impartial independent selection body. This

selection method is typically used for an Independent or Hybrid Redistricting Commission.

3) Random Draw and Commission Appointment

After an open application process, an independent selection body reviews the applicants/applications and creates a pool of qualified applicants. A subset of applicants is selected at random from that pool. That subset of applicants then selects the final commissioners from the remaining applicants in the pool. This method follows the model of the State Redistricting Commission and is intended to prevent the governing board from influencing who serves on the commission. However, the random draw selection method is one of the most time-consuming methods and has the potential to lead to the most qualified candidates being selected as a part of the subset, which means those most qualified candidates would not be available to be chosen as a commissioner.

Summary of Options for Council's Consideration

For the 2021-2022 redistricting process, staff recommends the City Council provide direction to staff regarding the following issues:

- 1) Direct staff to conduct a staff-led community outreach plan without a commission; or direct staff to start the process of establishing a redistricting commission;
- 2) If a commission will be used, provide direction regarding the type of commission (advisory, hybrid, or independent), as well as any other parameters for staff to consider when returning to Council to establish the commission (e.g., membership, scope of authority, or budgetary).
- 3) Provide input on the community outreach plan.

If Council directs staff to establish an Advisory Redistricting Commission or some other redistricting commission, then staff will bring back this matter for further discussion at a future City Council meeting for final direction regarding the parameters for the commission.

FINANCIAL IMPACTS:

For the 2020 transition to district-based elections, the City spent just under \$41,000 for consultant demographic services and translation services, \$91,000 for the City's legal services, and \$32,056 for the petitioner's attorney's fees. The City's legal services for the transition were complicated by the need to address COVID-19 health order restrictions in the middle of the transition. Although the City was required by the California Elections Code to pay the petitioner's attorney's fees for the conversion to district-based elections, there is no similar statutory basis for attorney's fees related to the redistricting process.

For the 2021-2022 redistricting process, the City Clerk's Office has \$88,000.00 available in the budget, and the City Attorney's Office has \$45,000 available in the budget. Staff estimates that these currently budgeted funds will be sufficient to pay the costs of staff's recommended approach summarized in this report. However, additional funding will likely be required if Council directs staff to conduct additional public outreach or public meetings.

If the Council decides to establish a redistricting commission, then the costs will be significantly higher than moving forward without a commission. In order to demonstrate the cost differences between a staff led process, or if a commission is established, staff has provided tables below outlining the two scenarios. This information is intended to identify an estimated range of estimated costs to assist Council in providing direction to staff. However, if Council directs staff to take steps to

establish a redistricting commission, the first step will be to return to Council with additional information regarding anticipated costs. As an example, for consultant costs, City staff is not able to obtain realistic proposals for estimated costs since the scope of services is not known. Similarly, staff time and overtime costs have not been included since the amount of time will vary depending on the desired option. It is expected that additional staff will be needed on a temporary basis if Council decides to implement a Redistricting Commission.

Estimated Costs - WITHOUT a Redistricting Commission

Consultant - Outreach	\$23,000
Consultant - Demographer Services Additional Charges: Online Mapping Tool and Training Additional Virtual Presentations/Workshops Additional In-person Presentations/Workshops	\$37,000 (covers five public hearings and one community workshop) \$7,500 \$750 per meeting \$1,500 per meeting \$50,500*
Consultant - Legal	\$45,000
Miscellaneous costs (translations, advertising, site fees, etc.)	\$14,000
	TOTAL: \$132,500

*The above cost estimates are based on holding five community workshops and maximum of five public hearings during City Council meetings.

Estimated Costs - WITH a Redistricting Commission

Consultant - Outreach	\$23,000-\$50,000
Consultant - Demographer Services Additional Charges: Online Mapping Tool and Training Additional Virtual Presentations/Workshops Additional In-person Presentations/Workshops Additional Hearings and Training for Commissioners Recruitment and Selection Process	\$37,000 (covers five public hearings and one community workshop) \$7,500 \$750 per meeting \$1,500 meeting \$15,000 \$25,000 \$84,500*
Consultant - Legal	\$60,000 - \$120,000
Miscellaneous costs (translations, advertising, site fees, etc.)	\$34,000
Temporary Staffing in the City Clerk’s Office	\$10,000 - \$20,000
	TOTAL: \$211,500-\$308,500

*The above cost estimates are based on holding a maximum of twelve Advisory Redistricting Commission meetings, one community workshop, and six City Council meetings (two meetings to select an Advisory Redistricting Commission and four public hearings to adopt a map). For consulting legal services, the lower amount in the range (\$60,000) is based on services in support of an Advisory Redistricting Commission; and the higher amount (\$120,000) is based on services in support of an Independent or Hybrid District.

Under both the Hybrid/Independent Redistricting Commission models, the Council establishes a

budget to cover the City's costs of providing services to the Commission (including consultants and lawyers). City staff will be required to provide some support to the Commission (e.g., administrative staff, and posting information on the City's website), but the City has no authority to direct the Commission's actions. It is important to note the practical challenges of this approach since, although the commission takes actions independently, the commission relies on funding and staff support from the City. Most jurisdictions adopt ordinances and require the appropriation of funds to be "sufficient", "reasonable", or "adequate," but an exact amount is not included.

If Council proceeds with either of the redistricting commission options, it will require staff to return to Council to discuss the additional funding required. With the current financial situation, it is likely this will require reduction in other city expense areas to cover these costs, or the use of General Fund reserves which would have adverse impacts to other City departments and the continued need to maintain City General Fund reserves. Because the City has recently demonstrated the ability to successfully conduct a staff-led process to inclusively invite, receive, and consider valuable public input during the 2020 process to create district-based elections, and in an effort to be fiscally conservative and accommodate staff's increased workload, staff is recommending that Council proceed with the redistricting process without establishing a redistricting commission. Staff estimates that the cost differences between moving forward with a redistricting commission would be approximately \$79,000-\$176,000 more than without a redistricting commission. Costs will be even higher once staff time and overtime is factored into the calculations

CEQA:

The City Clerk has determined that the recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15060(c).

DOCUMENTS ATTACHED:

ATCH 1 - Comparison Chart for Different Types of Commission

NOTIFICATION:

None.