

**M E M O R A N D U M
CITY OF CHINO
ADMINISTRATION DEPARTMENT**

COUNCIL MEETING DATE: JULY 6, 2021

TO: MATTHEW C. BALLANTYNE, CITY MANAGER
FROM: JACK MORGAN, MANAGEMENT ANALYST
SUBJECT: 2021-2022 REDISTRICTING PROCESS PUBLIC HEARING.

RECOMMENDATION

Receive a report outlining the 2021-2022 Redistricting process and begin to consider potential "communities of interest" and neighborhoods per Assembly Bill 849 requirements.

FISCAL IMPACT

No fiscal impact associated with this action.

Revenue:

Expenditure:

Transfer In:

Transfer Out:

BACKGROUND

On June 7, 2016, the City of Chino adopted Ordinance No. 2016-007, transitioning the City to a by-district voting system. This moved the City away from its former at-large system where all registered Chino voters could participate in any City Council election.

Today, each City Council seat is separated into four geographical voting districts. Only voters residing in a respective voting district may participate in that specific City Council election. However, the Mayor's seat is elected at-large. All registered voters living in Chino may participate in a Mayoral election.

Every ten years, cities with by-district election systems must use new census redistricting data to review, and if needed, redraw district lines to reflect how local populations have changed. This process, called "redistricting," ensures all districts have nearly equal population.

The current voting district map was based on the 2010 census data as was required by law. The current districts must now be redrawn using the 2020 census data and be in compliance with the FAIR MAPS Act ("the Act"), which was adopted by the California legislature as Assembly Bill (AB) 849 and took effect January 1, 2020.

However, due to the COVID-19 pandemic, the Census Bureau has been delayed in releasing redistricting data to the states. This in turn has delayed the City from obtaining the necessary redistricting data to guide and ultimately adopt a legally sound voting district map. As of late, it is anticipated the City will obtain this data in October 2021.

In light of these delays, the California State Legislature amended the Act to adjust the deadlines when maps must be adopted. For general law cities that consolidate their elections with the Statewide General Election (the City of Chino is one of those agencies), the deadline is April 17, 2022. Hence, the map adopted by the City Council on or before April 17, 2022 will be utilized in the November 2022 General Municipal Election.

ISSUES/ANALYSIS

As the City undertakes the necessary steps to redraw its voting district boundaries, it is necessary to review the Act. This will serve as the City's guide to ensure an inclusive and legally compliant redistricting process.

Assembly Bill 849 - The FAIR MAPS Act: The steps guiding Chino's Redistricting Process:

To begin, under the Act, the City Council will need to draw and adopt boundaries that comply with the federal requirements of substantially equal population as required by the United States Constitution. Population equality must be based upon total population of residents of the City as determined by the most recent census, adjusted by California to count state prisoners at their "last known home address" rather than at the prison. The Council must also adopt maps that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965. Maps must also not favor or discriminate against a political party.

Additionally, per the Act, the following criteria (listed by order of priority) must be used:

1. To the extent practicable, districts must be geographically contiguous. As an example, areas that meet only at the points of adjoining corners are not contiguous.
2. To the extent practicable, geographic integrity of any local neighborhoods or local “communities of interest” must be respected to minimize division. A “community of interest” is a population sharing social or economic interests that should be kept together in a single district for the purposes of effective/fair representation, but does not include relationships with political parties, incumbents, or political candidates. This is further discussed later in the report.
3. Easily identifiable and understandable boundaries. That is, to the extent practicable, districts must be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
4. To the extent practicable and where it does not conflict with the above criteria, districts must be drawn to encourage geographic compactness (e.g., do not bypass one group of people to get to a more distant group of people).

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

1. Minimize the number of voters delayed from voting from 2022 to 2024 (e.g., delaying a voter’s opportunity to participate in an election as a result of redistricting).
2. Respect voters’ choices / continuity in office.
3. Future population growth.

Additionally, pursuant to the Act, the City must meet specific procedural requirements. For example, the City will need to hold *at least* four public hearings (the July 6th public hearing counts as one public hearing) that enables community members to provide input to better draw district maps. However, it should be noted that the timing of the public hearings matter as well. In particular:

- At least one public hearing must occur before the Council draws draft maps.
- At least two public hearings must happen after draft maps are drawn by Council.
- The fourth public hearing can happen either before or after the draft maps are drawn.
- The City may hold one or more public workshops instead of holding one of the required public hearings before maps are drawn.

Likewise, the Act also outlines requirements to increase accessibility and participation at the public hearings. To do so, the City must:

- Hold at least one public hearing on Saturday, Sunday, or after 6 p.m. on a weekday.

- Hold the public hearing at its noticed time if it is consolidated with another regular or special meeting. For example, if the City notices that the redistricting public hearing will begin at 7:00 p.m. at a regular City Council meeting, then the City must begin the public hearing precisely at 7:00 p.m. This is why this particular public hearing is scheduled first on the July 6th agenda.
- The public hearings must be held in an accessible facility.
- Provide translation services for “applicable languages” if it is requested at least 72 hours before a public hearing. It should be noted that per the Act, “applicable languages” means languages used by residents with limited English proficiency that also comprise 3% of Chino’s population. The California Secretary of State, per the Act, is required to list the applicable languages for all cities. For Chino, it has been determined that Spanish is Chino’s only applicable language.

July 6, 2021, Public Hearing Purpose and Discussion:

The purpose of this public hearing is to 1) inform the City Council and public about the redistricting process pursuant to the Act and 2) to hear from the community on what factors should be taken into consideration while creating district boundaries.

Where the first part of this purpose is detailed above, the second part is an important variable that must be considered. While some of the criteria are easier to meet, item number two under the Act’s prioritized criteria requires that “the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.” This is a nuanced criterion that will generally be the focus of the July 6th and September 7th public hearings.

As a brief overview, a *neighborhood* within the context of this discussion describes a geographic location. That is, are there neighborhoods defined by clear boundaries? These can be natural (e.g., rivers, mountains, etc.) or man-made (e.g., major thoroughfares, freeways, locations around parks or schools, etc.). After detailing Chino neighborhoods, the next step is to take the conversation further and identify “communities of interest.” A *community of interest* under the relevant Elections Code for general law cities (Section 21601(c)(2)) 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.” It should be noted that a community of interest does not include relationships with political parties, incumbents, or political candidates.

Possible features defining communities of interest might include, but are not limited to:

- A. School attendance areas;
- B. Common issues, neighborhood activities, or legislative/election concerns; and
- C. Shared demographic characteristics, such as:
 - (1) Similar levels of income, education, or linguistic isolation;
 - (2) Languages spoken at home; and
 - (3) Single-family and multi-family housing unit areas.

Tentative Next Steps and Schedule:

On July 6, 2021, after hearing the introduction and overview of the redistricting process, the City Council and public will begin a discussion to define Chino's neighborhoods and communities of interest (First Public Hearing).

Then, on September 7, 2021, the City is scheduled to continue this discussion (Second Public Hearing). After hearing all public input and considerations, it is planned that the City Council will formerly vote to define and provide direction to staff and National Demographics Corporation (NDC) on Chino's communities of interest and neighborhoods. It is anticipated this will all occur on September 7th. However, if additional time is needed, staff can certainly schedule additional workshops or public hearings. Likewise, the City's map drawing tool(s) will be introduced at the September 7, 2021 meeting.

In October 2021, it is anticipated that the redistricting data will be released to cities. Once distributed, NDC and staff will work on making the map drawing tool(s) available with the applicable data uploaded to the program. Since it is uncertain when the redistricting data will be made available, it is difficult to determine when the map drawing tool(s) will be ready for the public to utilize. Regardless, City staff will be certain reach out to the public and advertise when the map drawing tool(s) are prepared.

Depending on when the redistricting data is made available, it is anticipated that through November and December 2021, the public will be able to submit draft maps to the City by emailing them to Districts@cityofchino.org <<mailto:Districts@cityofchino.org>> or by issuing them in-person at the Administration Department in City Hall. Given the time it takes prepare the maps, maps will need to be submitted to the City by 5:30 p.m. on Monday, January 3, 2022 to be included in the next public hearing agenda packet.

On January 18, 2022, the City Council will conduct a public hearing (Third Public Hearing) to consider Council drawn maps and the draft maps received. At this meeting, after receiving public input, it is anticipated the City Council will narrow the pool of maps to a select few for final consideration.

Then, on February 15, 2022, the City Council is scheduled to hold its last public hearing (Fourth Public Hearing) to consider the final maps and recommend a selected map for adoption. On March 1, 2022, NDC and staff will introduce an ordinance adopting the selected map. Should the City Council approve the ordinance introduction on March 1, 2022, then the ordinance will be brought back for second reading on March 15, 2022. The ordinance and map will formerly go into effect 30 days thereafter on April 15, 2022. Please note that this schedule may change depending on when the redistricting data is released to cities.