



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: JANUARY 24, 2023**
FROM: CITY CLERK **WARDS: ALL**
SUBJECT: PUBLIC HEARING - RESHAPE RIVERSIDE REDISTRICTING PROCESS

ISSUE:

Conduct a Public Hearing to review and discuss a presentation from staff and the City's consulting demographer, Redistricting Partners, regarding the process and criteria for establishing new ward boundaries.

RECOMMENDATIONS:

That the City Council:

1. Conduct the public hearing on the Reshape Riverside Redistricting process and criteria for establishing new ward boundaries; and
2. Consider the Draft Ward Maps referred by the Inclusiveness, Community Engagement and Governmental Processes Committee;
3. Suggest possible changes and adjustments to Redistricting Partners for revision; or
4. Provide further direction as the City Council deems appropriate for implementing the City's Reshape Riverside Redistricting Plan.

BACKGROUND:

Riverside City Charter §402 requires City Council to divide the City into seven wards, review the boundaries of those wards every ten years, and adjust the boundaries by ordinance to provide for a substantially equal number of residents in each ward. The resulting redistricting ordinance becomes effective thirty days after it is adopted, and the existing ward boundaries are to be used until the new redistricting ordinance is effectuated. Under California Election Code Division 21, Chapter 7, Article 2, new wards established generally may not be changed until after the next decennial census in 2031. Moreover, Riverside City Charter states that ward boundary adjustments may occur more frequently as determined necessary upon receipt of official census data.

The substantive requirements of the Fair Maps Act for drawing ward boundaries are outlined in the California Elections Code §21621. To the greatest extent practicable, the City is required to adopt district boundaries using the criteria in the following order of priority:

1. Equal population of residents (+/- 10%) in each ward based on census data.
2. Comply with the United States and California Constitutions, including the Federal and California Voting Rights Acts (FVRA and CVRA).
3. Council wards shall be geographically contiguous.
4. The geographic integrity of any local neighborhood or local community of interest should be respected and included within a single ward for its effective and fair representation in a manner that minimizes its division.
5. Council wards should be easily identifiable and understandable by residents.
6. Council wards shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
7. Council ward boundaries shall not be established for the purpose of favoring or discriminating against a political party.

Riverside City Charter §402 sets forth an additional criterion that Council ward boundary adjustments during a Councilmember's term shall not result in disqualification for membership on the Council during such term. However, the state law criteria for adoption of such boundaries does not include consideration of the location of a Councilmember's residence.

The City Council met and conferred on the procedural requirements for the Redistricting process during City Council meetings on October 12, 2021, November 16, 2021, and January 11, 2022. At which time, City Council discussed the City's proposed plan for community engagement, a tentative timeline for establishing the new ward boundaries, a brief report on the California Voting Rights Act, and options for redistricting oversight methods.

On January 11, 2022, having considered the various redistricting approaches, the City Council appointed the Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC) to oversee and advise staff on the Redistricting process and approved the timeline for the City's Reshape Riverside Redistricting plan.

On August 3, 2022, the ICGC hosted the first Redistricting public hearing. During the hearing, the Committee received public testimony and directed staff to include two (2) in-person workshops held on a Saturday to the City's outreach plan.

On October 5, 2022, the ICGC conducted the second public hearing. At which time, the Committee received a report on the outreach efforts, heard public testimony, and reviewed four (4) draft maps for their consideration. Two of the four maps (Draft A and B) were drafted by Redistricting Partners; a community member submitted Draft C via the DistrictR tool (found on Reshape Riverside website), and Draft D was submitted by the Brown and Black Redistricting Alliance.

On November 2, 2022, the ICGC held a public meeting to receive a report on the outreach efforts, heard public testimony, and reviewed six (6) draft maps for their consideration. After discussion, the Committee voted to withdraw Draft Map C for consideration and instructed Redistricting Partners to modify Draft Map D, keeping the Arlanza Community together.

On December 7, 2022, the ICGC met again and received a report on five (5) additional Communities of Interest (COI) testimonies. During the discussion, the Committee directed Redistricting Partners to adjust draft map *"DistrictR ID 148396 "8231 Modified"* to create some majority minority wards for their consideration.

COMMITTEE RECOMMENDATION:

On January 4, 2023, the Committee held their final public hearing on redistricting, received a report on two (2) additional draft maps and three (3) COI testimonies. During the discussion, the Committee referred Maps A3, B, C2, and D to City Council for consideration. In addition, the ICGC instructed Redistricting Partners to provide two (2) additional draft maps that slightly modifies Draft Map C2, creating four majority minority wards and Draft Map D, putting the Eastside neighborhood into Ward 7, extending Ward 1 boundaries to go further into Ward 4 towards Alanza, and the riverbed sections to create four majority minority wards.

Public Outreach and Community Engagement

Before adopting a final redistricting ordinance, the Fair Maps Act requires the City conducts at least four public hearings and workshops to provide input about the composition of wards. Those include:

- At least one hearing before any maps are drawn;
- At least two hearings after maps are drawn; and
- At least one hearing or workshop to be held on a Saturday, Sunday, or after 6 p.m. on a weekday.

The ICGC hosted one of the four required public hearings, that was held on a weekday (Wednesday), at 6:00 p.m. In addition, a host of in-person community workshops (18) were held throughout the city between August and October 2022. It is important to note the workshops were held on weekday evenings at 6:00 pm, and two virtual and one in-person workshops were hosted on Saturdays.

The City Clerk also attended and provided the Redistricting presentation to several community organizations including Riverside Chamber of Commerce (Midtown, Arlington, Downtown and La Sierra), The Group, Neighbors Better Together, Residents for Responsible Representation and the Northside Improvement Association.

The City has taken steps to encourage residents, including those in underrepresented and non-English speaking communities, to participate in the redistricting public review process. The City's outreach components include, but not limited to:

- Utilizing all of the City's media outlets, including those serving language-minority communities
- Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the City, including those active in non-English speaking communities and those that have requested to be notified about City redistricting
- Producing all redistricting materials in Spanish
- Inviting the public to submit their own maps
- Conducting the public hearings with live translation in Spanish and American Sign language
- Publishing all draft maps on the City's dedicated redistricting website (Reshape Riverside) at least seven days prior to consideration or adoption.

- Recording or preparing written summaries of each public comment and council or redistricting authority deliberation made at every public hearing or workshop and making them available to the public

Public messaging via social media, the City's website, press releases, and other public communications, in English and Spanish, including:

1. Billboards – Press Enterprise/La Prensa
2. Newspaper Ads – Spanish/English
3. Mailers & Handouts
4. Utility Bill Inserts: August, September, December
5. Flyers & Walking Man
6. Council Newsletter
7. Website – City & City Clerk
8. Riverside Unified School District – Social Media, Peach Jar, Employee Newsletter, Parent Newsletter
9. City's Social Media
10. Monitors at City Hall
11. Flyers at Community Centers
12. Email Blasts
13. Text Message Blasts
14. Signs at Workshop Locations
15. Public Hearings
16. City Clerk Office promotional literature and verbal invitations
17. Video presentations in English, Spanish and American Sign Language

The Reshape Riverside webpage is a comprehensive repository for all things related to redistricting. In addition, it provides a general explanation of the redistricting process and procedures for submitting testimony in both English and Spanish:

DISCUSSION:

City Council must consider draft maps referred by the ICGC, hear public testimony and provide direction to staff on next steps. The draft maps presented for consideration are as follows:

Draft Map A3 (minimal neighborhood splits): Wood Streets kept whole (drafted by Redistricting Partners)

Map A3 was created to keep together the Wood Streets neighborhood with Ward 1, balancing the population, and all the Grand neighborhood was kept together in Ward 3. A portion of the Downtown neighborhood was moved into Ward 3 due to an unusually shaped census block. A portion of Ward 5 in the Arlington South neighborhood was moved into Ward 4 to keep the total population deviation under 10%.

Draft Map A3 Total Deviation: 8.1%

- 22 neighborhoods kept together (slight Downtown split due to a usual census block)
- 5 neighborhoods split (some neighborhoods were split due to neighborhood lines and census blocks not lining up)

Draft Map B: minimum change (Redistricting Partners)

Map B was created to establish a lower total deviation while maintaining the current lines as much as possible. Boundaries between Wards 1 and 2 were adjusted to smooth out the boundaries and maintain more of the University neighborhood in Ward 2. Changes in Wards 3 and 4 naturally occurred due to the changes in the census geography data between 2010 and 2020. Changes in Ward 6 occurred to smooth out the lines and follow the highway when possible. Ward 2 has the least number of residents with a deviation of -2.6%, and Ward 5 has the largest deviation at 1.3%.

Draft Map B Total Deviation: 3.9%

- Neighborhoods that were previously split continue to be split.
- 14 neighborhoods kept whole
- 13 neighborhoods split (some neighborhoods were split due to neighborhood lines and census blocks not lining up)

Draft Map C2: Edited DistrictR 141291 (Community Plan; edited at request of ICGC)

Based on Draft Map C, which was created by a member of the community and submitted on DistrictR (ID: 141291). Draft C2 maintains the structure and integrity of Draft C, however, was adjusted to keep Casa Blanca community whole and in Ward 3 at the request of the Committee and community members.

Draft Map C2 Total deviation: 7%

- 16 neighborhoods kept together
- 11 neighborhoods split (minorly split the Industrial Hunter Park neighborhood)

Draft Map C3: Edited DistrictR 141291 (Community Plan; edited at request of ICGC)

Builds on Draft Map C2, with minor changes between Wards 1 and 2 at the request of the ICGC and now maintains Industrial Hunter Park in one ward.

Draft Map C3 Total deviation: 7%

- 17 neighborhoods kept together
- 10 neighborhoods split (some neighborhoods were split due to neighborhood lines and census blocks not lining up)

Draft Map D: Brown and Black Redistricting Alliance (Community Plan)

Draft Map D was submitted by the community organization Brown and Black Redistricting Alliance, a group that has been active in this redistricting cycle. The map minimizes neighborhood and communities of interest splits and has appropriate population deviations. Ward 2 has the lowest deviation at -3.1%, and Ward 1 has the highest deviation at 2%.

Draft Map D Total Deviation: 5.1%

- 17 neighborhoods kept whole (Downtown, Eastside, and Arlington Heights were slightly split due to the neighborhood lines and census geography data not lining up)
- 10 neighborhoods split (some neighborhoods were split due to neighborhood lines and census blocks not lining up)
- Swaps Casa Blanca from Ward 4 to Ward 2, which reflects COI testimony received in public outreach meetings

Draft Map D3: Separates Downtown and Eastside (Community Plan; edited at request of ICGC)

Draft Map D3 builds on Draft Map D but separates the Downtown and Eastside neighborhoods into different wards while maintaining four majority minority wards. Ward 5 has the lowest deviation at -1%, and Ward 3 has the highest deviation at 1.7%.

Draft Map D3 Total Deviation: 2.7%

- 20 neighborhoods kept whole
- 7 neighborhoods split (some neighborhoods were split due to neighborhood lines and census blocks not lining up)

Redistricting Legal Analysis:

The Voting Rights Act of 1965 was signed into law by President Lyndon B. Johnson on August 6, 1965 and prohibits racial discrimination in voting. In general, Federal law provides that maps that have the effect of discrimination should be avoided.

In order to decide whether a proposed redistricting plan (map) violates the Voting Rights Act because it has the effect of discrimination, courts follow a two-part test. The first part of the test is commonly referred to as the “Gingles” factors— because the factors were first announced in the Supreme Court case entitled *Thornburg v. Gingles*. To satisfy the Gingles factors, a plaintiff must prove that: the minority group in question is sufficiently large and geographically compact to constitute the majority of a district; voters in the minority group in question tend to vote together for the same candidates (i.e., are politically cohesive); and voters in the majority group tend to vote cohesively against the candidate preferences of the minority group in question (also known as bloc voting).

If the three Gingles factors are satisfied, then the court would move to the second part of the test: whether under the “totality of circumstances,” the challenged redistricting plan (or other voting law) denies members of the minority group an equal opportunity to participate in the political process and elect candidates of choice. In this analysis, courts consider, among other factors, the history of voting discrimination in the jurisdiction at issue, the record of discrimination in education, housing, employment, health and other areas of life in the challenged jurisdiction, whether minority candidates have been elected in the challenged jurisdiction, the existence of racially polarized voting and racial appeals in elections in the challenged jurisdiction, and the responsiveness of elected officials to the needs and interests of the minority community. If the court concludes that the three Gingles factors are present, and that under the “totality of circumstances” the redistricting plan prevents minority voters from having an equal opportunity to elect their candidates of choice, the court could conclude that the redistricting plan has a discriminatory effect in violation of Section 2 of the Voting Rights Act.

In California, citizen voting-age population, not just population, plays a role in redistricting. The 9th Circuit (which includes California) requires citizen voting-age population to be used to determine whether a population constitutes at least 50% of a district, as required under the *Gingles* test’s first prong. This means that California, which is in the 9th circuit, requires that the City look at citizen voting-age population.

STRATEGIC PLAN ALIGNMENT:

The City's Redistricting Plan contributes to the City Council's Envision 2025 Strategic Plan Priority and Goals:

Community Well-Being – Ensuring safe and inclusive neighborhoods where everyone can thrive with the following goal:

Goal 2.4 Support programs and innovations that enhance community safety, encourage neighborhood engagement, and build public trust: and,

High Performing Government – Providing world-class public service that is efficient, accessible, and responsible to all, with the following goals:

Goal 5.2 - Utilize technology, data, and process improvement strategies to increase efficiencies, guide decision making, and ensure services are accessible and distributed equitably throughout all geographic areas of the City.

Goal 5.3 - Enhance communication and collaboration with community members to improve transparency, build public trust, and encourage shared decision-making.

The Redistricting process aligns with the Envision 2025 Cross-Cutting Threads as follows:

1. **Community Trust** – The establishment of a redistricting format and the outreach strategy that includes workshops in every ward to draft new ward boundaries are resident-led participation and public input, creating sound policy, inclusive of community engagement in the decision-making process.
2. **Equity** – Community members will utilize interactive tools. Some may participate in a redistricting commission to ensure that newly established ward boundaries comply with federal and state laws that encourage equity for all stakeholders.
3. **Fiscal Responsibility** – Riverside is a prudent steward of public funds and ensures responsible management of the City's financial resources while providing quality public services to all. The City Clerk's Office is committed to exploring services provided internally instead of consultants and looking for creative ways to reduce the redistricting program's fiscal impact and outreach efforts.
4. **Innovation** – Riverside's Redistricting Framework includes a marketing strategy that will consist of non-English languages, including American Sign Language. The redistricting website will host interactive tools promoting collaborative public partnerships with redrawing ward boundaries.
5. **Sustainability & Resiliency** – Riverside is committed to meeting the present needs without compromising the needs of the future and ensuring the City's capacity to persevere, adapt and grow during fluctuating times alike. Reviewing the ward boundaries every ten years is essential to maintain sustainable and resilient representation for a more sustainable future.

FISCAL IMPACT:

There is no fiscal impact associated with this report.

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Concurred by:



CLARISSA CERVANTES
Chair

Attachment:

1. Riverside Redistricting Presentation
2. Draft Map A3 including Street Overlay
3. Draft Map B including Street Overlay
4. Draft Map C2 including Street Overlay
5. Draft Map C3 including Street Overlay
6. Draft Map D including Street Overlay
7. Draft Map D3 including Street Overlay