



City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: MAY 23, 2023**
FROM: CITY CLERK **WARDS: ALL**
SUBJECT: PUBLIC HEARING - RESHAPE RIVERSIDE REDISTRICTING PROCESS

ISSUE:

Conduct a Public Hearing to consider an Ordinance amending Chapter 1.12 of the Riverside Municipal Code establishing new boundaries for the City Council Wards or review and discuss draft maps for final selection for new ward boundaries.

RECOMMENDATIONS:

That the City Council:

1. Conduct a Public Hearing on the Reshape Riverside Redistricting process and criteria for establishing new ward boundaries;
2. Consider Community of Interest Testimony submitted by community members; and
3. Introduce and subsequently adopt an Ordinance establishing new ward boundaries as directed by City Council on March 28, 2023;

OR

4. Consider Draft Map A2.2 and B1.2 for final selection of establishing the new ward boundaries; and
5. Direct the City Attorney to prepare an ordinance establishing a new Ward Boundary Plan;

OR

6. Provide further direction as the City Council deems appropriate for implementing the City's Reshape Riverside Redistricting Plan.

BACKGROUND:

The Reshape Riverside Redistricting Campaign was launched by the City of Riverside in August 2022, as mandated by City Charter §402, which requires a review of ward boundaries every ten years to ensure an equal population in each ward. The resulting redistricting ordinance becomes

effective after thirty days of its adoption, and the existing ward boundaries are to be used until the new redistricting ordinance is officially implemented.

The Fair Maps Act, defined in the California Elections §21621, outlines detailed requirements related to the Reshape Riverside Redistricting process, which are covered in previous staff reports and presentations.

Thirteen (13) public hearings and discussion items on the Redistricting process were conducted by the City Council and the Inclusiveness, Community Engagement, and Governmental Processes Committee (ICGC) since October 2021. Several draft maps and Community of Interest (COI) testimony were considered by ICGC and City Council during these hearings, and all related staff reports, minutes, and videos can be accessed on www.reshaperiverside.com

On March 28, 2023, the City Council majority, except for one Council member (Conder) voted affirmatively to direct the City Attorney to prepare an Ordinance for an edited version of Draft Map A4.A, including Mount Rubidoux COI testimony, for establishing the new ward boundary plan.

During the City Council meeting on May 2, 2023, Councilmember Cervantes requested a previous draft map that placed the Eastside neighborhood back in Ward 2. Councilmember Conder made a similar request for the Presidential Tract remaining whole and back in Ward 4.

DISCUSSION:

The City Attorney and City Surveyor prepared an Ordinance for Draft Map A4.A with edits to the Mt. Rubidoux community included in Ward 1 as directed by the City Council.

Draft Map A4.A edited – Northside Specific Plan/Hunter Industrial Park is kept whole, Magnolia Center/Casa Blanca change and Mount Rubidoux change (drafted by Redistricting Partners) has a slight modification to the Canyon Crest community that balanced the population while also considering COI testimony in the Draft Map D series.

The Magnolia Center/Casa Blanca change, additional Magnolia Center area was added to the Casa Blanca community, which caused a partial split of the Magnolia Center neighborhood. However, the revised boundaries brought together more of the Ramona Neighborhood.

Draft Map A4.A edited has a total deviation of 6.5%, with 16 neighborhoods kept together and 11 neighborhoods split (with a slight Grand split due to a usual census block). The draft map creates four (4) Majority Minority Wards:

- Ward 1: 54.8%
- Ward 5: 52.4%
- Ward 6: 58.3%
- Ward 7: 54.5%

Adopting the Ordinance establishing the A4.A edited boundary plan will impact voters and residents, with 22,873 residents deferred and 27,671 accelerated. Appropriate processes for handling such residents are expected to be in place. Attached to this report is a map that visibly breaks down the deferrals.

Deferral refers to a population who should be eligible to vote during the election in 2024 but was moved into a ward that isn't scheduled to vote until 2026 (they will have to wait 6 years between

city council races). Deferrals occur in Riverside when a portion of an odd ward gets moved into an even ward.

Acceleration means populations of people who just voted in the last city council election and are now moved into a ward that is scheduled to vote in the 2024 election (they will be eligible to vote in two years between the city council races). Accelerations occur when a portion of an even ward is moved into an odd ward. Nothing occurs when an odd ward is moved into another odd ward (same for even).

Two new draft maps for consideration:

Draft Map A2.2 – Eastside Neighborhood with Ward 2 and Presidential Park with Ward 4 (drafted by Redistricting Partners) is based on the original Draft Map A2, the minimal neighborhood split map, and considers public testimony received since the original maps were published. This draft retains the Northside community testimony from the Brown and Black Redistricting Alliance and is kept together with Downtown. Keeps the Wood Streets neighborhood whole and with Ward 1 (as requested by Wood Streets residents) and keeps Casa Blanca whole and separate from neighborhoods like Orangecrest and Mission Grove and with neighborhoods like Ramona.

Draft Map A2.2 has a Total Deviation: of 7.7%, with Ward 2 being the least populated (-3.6%) and Ward 3 being the most populated (4.1%). It has 21 neighborhoods kept together, and 6 are split. (Grand, Arlington South, and Presidential Park were slightly split due to census blocks not overlapping with neighborhood lines. Most of these neighborhoods are kept together and included in the count of remaining neighborhoods.) The draft map creates three Majority Minority Wards:

- Ward 5: 52.1%
- Ward 6: 58.3%
- Ward 7: 54.5%

While it has three minority majority Wards, Wards 1 and 2 have a Latino CVAP plurality of 8% and 6%, respectively. Pluralities, however, do not fulfill any requirements under the VRA.

Draft Map B1.2 – Eastside Neighborhood with Ward 2 and Presidential Park with Ward 4 (drafted by Redistricting Partners) is based on Draft Map B, the minimal change map, and has not considered COI testimony received since the original draft maps were published. It also has only two majority-minority wards, and the administrative record contains prior presentations and testimony indicating that Draft Map B does not meet the requirements established by the Fair Maps Act or comply with Section 2 of the Voting Rights Act.

Draft Map B1.2 has a total deviation of 2.4%, with Ward 4 being the least populated (-1.1%) and Ward 5 being the most populated (1.3%), with two majority-minority Wards:

- Ward 6: 60.9%
- Ward 7: 54.5%

Redistricting Legal Analysis:

On January 24, 2023, Redistricting Partners recommended the City Council consider adopting maps with at least three majority-minority districts (wards), of at least 54-55% percent majority-minority districts (wards), to avoid a challenge of a violation of the Voting Rights Act.

Courts follow a two-part test to decide whether a proposed redistricting plan (map) violates the Voting Rights Act because it has the effect of discrimination. 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, *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 tend to vote together for the same candidates (i.e., are politically cohesive).
- 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. Suppose 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. In that case, the court could conclude that the redistricting plan has a discriminatory effect in violation of Section 2 of the Voting Rights Act.

In California, the citizen voting-age population, not just the 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 the City to look at the 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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Attachments:

1. Draft Map A4.A Mt Rubidoux Edit including Overlay
2. Ordinance
3. Deferral and Acceleration Map
4. Draft Map A2.2 including Overlay
5. Draft Map B1.2 including Overlay
6. Community of Interest (COI)
7. Presentation