



City of Arts & Innovation

REVISED

Date: 11-16-2021

Item No.: 20

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL DATE: NOVEMBER 16, 2021

FROM: CITY CLERK WARDS: ALL

SUBJECT: REVIEW THE REDISTRICTING PLAN AND APPROVE REDISTRICTING CRITERIA, OVERSIGHT AND TIMELINE

ISSUE:

Riverside City Charter, Section 402 requires a review of Ward boundaries at least every ten years upon completing the federal decennial census data. City Council shall determine the proposed steps, timing, criteria, oversight and public outreach for the City's 2022 redistricting process.

RECOMMENDATIONS:

That the City Council:

1. Determine if the City Council will oversee the redistricting process; defer the process to a Standing Committee; or establish a redistricting commission, selecting from one of the three types of redistricting commissions set forth in Elections Code sections 23002 and 23003.
2. Direct staff to prepare a resolution for the selection process and criteria for the **resident-led** redistricting **independent** commission appointments.
3. Approve the proposed redistricting timeline for the City's Redistricting plan.
4. Provide further direction as the City Council deems appropriate for the establishment of the City's Redistricting Plan.

BACKGROUND:

On October 12, 2021, City Council received an overview of the procedural requirements for redistricting the ward boundaries, the proposed plan for community engagement, and a tentative timeline for establishing the ward boundaries. During the discussion, City Council directed staff to bring back the criterion and options for determining alternative oversight methods to develop the ward boundaries. City Council requested a comprehensive report on the three redistricting commission methods outlined in Elections Code sections 23002 and 23003.

During the same meeting, City Council was made aware of AB 849, known as the "Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act" or "Fair Maps Act," which specifies the criteria and deadlines for cities and counties to adopt or adjust new district (ward) boundaries. The Fair Maps Act defines hearing procedures that allow the public to provide input on the placement of boundaries and proposed boundary maps. The Fair Maps Act requires the governing body to take specified steps to encourage the residents of local jurisdictions to participate in the redistricting process.

DISCUSSION:

Overview of Procedural Requirements for Redistricting

Riverside City Charter Section 402 requires City Council, by an ordinance, to divide the city boundaries into seven wards, review the boundaries of those wards every ten years, and adjust, by ordinance, those boundaries 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 that redistricting ordinance establishes new ward boundaries. 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. However, 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 of the ward boundaries are outlined in the California Elections Code section 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 Section 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.

Redistricting Format Options:

For the 2022 redistricting process, there are several methods available for updating district boundaries for the City Council to consider (1) the legislative body oversees the redistricting process; (2) defer the process to a City Council Standing Committee or (3) establish one of three types of Redistricting Commissions.

Method 1: City Council-Led

The City Council has complete discretion in leading the redistricting process without any format of a redistricting commission. Proceeding with the method, City Council can direct staff (with the assistance of an expert demographer) to lead community outreach efforts and workshops. City Council conducts all the required public hearings, receives public input, receives draft maps, instructs the demographer to make revisions (if necessary), and approves the final map.

Method 2: Standing Committee – City Council Partially Led

Alternatively, like the City's 2012 redistricting efforts, the City Council may refer the redistricting process to one of its standing committees (such as the Inclusiveness, Community Engagement, and Governmental Processes Committee) which are comprised of three City Council members.

The standing committee functions as the advisory committee, but City Council led. The standing/advisory committee may have oversight on community outreach efforts and workshops, can host at least one public hearing before draft maps are drawn, receives public input, receives draft maps, instructs the demographer to make revisions (if necessary), and refers alternative maps to the City Council for consideration.

After such referral, City Council conducts four public hearings, receives public input, receives the referred maps by standing/advisory committee, instructs the demographer to make revisions (if necessary), and approves the final map.

Method 3: Redistricting Commission – Resident Led

City Council has the option of establishing a resident-led Redistricting Commission. The California Election Code sections 23002 and 23003 set forth statutory authority on Redistricting Commission members' scope, qualifications, the selection process, prohibitions on conduct, commission requirements, and how the public hearings are conducted. The three Redistricting Commission types and scope are as follows:

Alternative 1: Advisory Redistricting Commission (ARC) The process for establishing an Advisory Redistricting Commission is like other local boards and commissions, which means City Council has the authority to develop and appoint its members.

The ARC oversees the community outreach efforts and workshops. Hosts at least one public hearing before draft maps are drawn, receives public input, receives draft maps, instructs the demographer to make revisions (if necessary), and refers alternative maps to the City Council for consideration.

The ARC conducts the hearing without a map. All other meetings hosted by the ARC will be in addition to the minimum of four public hearings that must be held by the City Council reminiscent of the City Council Advisory Redistricting committee process.

The ARC recommends one or more district boundary maps to the City Council; however, the Council retains the discretion to approve the final map.

Additional public meetings would be scheduled for the City Council to establish the ARC's responsibilities and membership requirements and select the commission members.

Alternative 2: Independent Redistricting Commission (IRC) State law establishes parameters for City Council to defer the redistricting authority to an IRC. The IRC has complete discretion overseeing all redistricting efforts. They may direct staff on community outreach efforts and workshops, conduct all required public hearings, receive public input, receive draft maps, instruct the demographer to make revisions (if necessary), and approve the final map.

The City Council has no authority to review or approve any maps.

IRCs are generally established in large municipalities such as Los Angeles, San Diego, Berkeley, Long Beach, Oakland, Sacramento, San Francisco, and Santa Barbara, which are all charter cities.

Alternative 3: Hybrid Redistricting Commission (HRC) state law establishes parameters for City Council to defer the redistricting authority to an HRC. The HRC has complete discretion overseeing all redistricting efforts. They may direct staff on community outreach efforts and workshops, conduct all required public hearings, receive public input, receive draft maps, instruct the demographer to make revisions (if necessary), and recommend two or more maps to the City Council.

The City Council must select one of the submitted maps (without revisions) to adopt as the final map.

Additional public meetings would be scheduled for the City Council to establish the IRC and HRC membership requirements and options for selecting the commission members.

For both the IRC and HRC, the 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 employment, or otherwise contract with the City. While the City may establish stricter requirements for membership on any redistricting commission, the state law (E.C. 20003) limitations include the following requirements:

- Must be a resident of Riverside
- 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)
- Cannot participate in campaigns for Council while on the commission
- Cannot be a candidate to serve in a ward that was drawn by the commissioner
- Cannot be hired by the city as employee or “no bid” consultant/contractor for 4 years
- Cannot be appointed to any other City commission for 2 years

Disqualifiers includes:

- 1) A person who is an elected official of the City
- 2) A family member, staff member, or paid campaign staff of an elected official of the City
- 3) Officer, Employee, or Consultant for a candidate, campaign committee, or political party; or contributed \$500 or more to a Councilmember candidate

Process for Appointing Commission Members

There are three main approaches to appointing members to serve on a Redistricting Commission:

- 1) **Appointment by Council** - The City Council may directly appoint commissioners to the ARC or CCARC. Commissioners are not limited to City Council or residents; they may also include partners in the business and education community.
- 2) **Independent Appointment** – The City Council may prescribe the way members are appointed to the IRC and HRC, provided it uses an application process open to all eligible residents. However, the City Council cannot be the appointing body.

City Council may appoint an independent selection body, such as a panel of retired judges, former commissioners, the Mayor, etc. That selection body directly appoints the commissioners after an open application process.

- 3) **Random Draw and Commission Appointment** – After an open application process, an independent selection body may review the applicants/applications and create a pool of qualified applicants. Random Draw can be utilized to select all or a subset of the members from the collection of applicants.

City Council could establish that a subset of applicants is selected by random draw, then the subset applicants appoint the final commissioners from the remaining applicants in the pool.

Timeline to (Redraw) Ward Boundaries

California Election code section 21622(a)(3) states, “*redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the Council wards shall be adopted by the Council not later than 205 days before the city’s next regular election occurring on or after July 1, 2022.*”

The City's next regular election to elect wards 1,3,5, and 7 does not occur until March 2024. Therefore, the City must adopt its ward boundaries no later than August 2023.

Staff recommends City Council approve the tentative timeline set forth below for the City’s Redistricting Plan:

December 2021 - April 2022

- City Council adopts the redistricting format (i.e., the establishment of Redistricting Commissions)
- Staff prepares and issues the RFP to identify and acquire Demography Services
- Staff prepare a community outreach strategy
- A Redistricting website page be posted containing City’s initial timelines and plans

May 2022 – September 2022

- (Tentative) Orientation meetings for Redistricting Commission members is/are held
- City conducts at least one public hearing to review overall redistricting criteria, receive public input, and instruct demographers on draft maps.

- Host Workshops throughout the City (at least seven, one in every ward) providing overall redistricting criteria, receive public input, begin instructing the demographer on draft maps, and training for the City's online interactive tools.

October 2022 – December 2022

- City Council/IRC/HRC conducts at least ~~one~~ **two** (additional if necessary) public hearing to receive public input, receive draft maps, instruct the demographer to make revisions (if necessary),
 - **1st Public Hearing: Receive public input; receive and review map recommended by the advisory committee and/or members of public; instruct demographer on possible revisions.**
 - **2nd Public Hearing: Receive public input; review revised plans; approve a plan or propose further modifications**
- The CCARC/RARC host several workshops to approve the final recommended plan. The CCARC/RARC completes work (if applicable)

January 2023 – March 2023

- During this period, CC/IRC/HRC conducts at least ~~three~~ **two** public hearings to receive public input, draw and refine maps, and adopt the final redistricting ordinance (plan):
 - ~~1st Public Hearing: Receive public input; receive and review map recommended by the advisory committee and/or members of public; instruct demographer on possible revisions.~~
 - **2nd 3rd Public Hearing: Receive public input; review revised plans; approve a plan or propose further modifications; and**
 - **3rd 4th Public Hearing (if necessary): receive public input, review revised plans, and adopt the final plan/ordinance**

Redistricting Deadline: The City must adopt its Redistricting Ordinance 205 days before its next regular municipal election, March 2024. The City's deadline to adopt the ordinance is August 2023.

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 proposed Redistricting format, public outreach, and marketing strategy 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:

The fiscal impact is not yet determined.

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Approved as to form: Phaedra A. Norton, City Attorney

Attachments:

1. City of Riverside Redistricting Framework Presentation