

Agenda Report

TO: CITY COUNCIL **DATE:** April 30, 2001
FROM: CITY ATTORNEY
SUBJECT: CITY COUNCIL REDISTRICTING

RECOMMENDATION:

It is recommended that Council consider the information contained in this Agenda Report and discuss the steps it wishes to take for the upcoming redistricting process. Specifically, Council should decide whether to appoint a redistricting task force (and, if so, the size and composition), and/or a consultant to assist in this process. Based on the Council's direction, staff will return to Council with a proposed work plan and schedule.

BACKGROUND:

Every ten years, after the results of the federal decennial census are available, the Council must examine Council districts to ensure that district boundaries conform to applicable legal requirements. Initial population census data from the year 2000 federal decennial census for the City is as follows:

	<u>1990</u>	<u>Pct.</u>		<u>2000</u>	<u>Pct.</u>
White	61,325	46	White	52,381	39
Hispanic	35,912	27	Hispanic	44,734	33
Black	23,391	18	Black	18,711	14
Asian	10,171	8	Asian	13,357	10
American Indian	436	.3	American Indian	324	.2
Other	356	.2	Other	302	.2
			Multi-racial	4,127	3
TOTAL 1990:	131,591		TOTAL 2000:	133,936	

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By mid-May (at the latest), the City Manager's office will have census tract information with details by number of households, race and gender. This information can be aggregated into reports by current council district. Census financial and labor data will not be available until June.

1. The 1990 Decennial Census Redistricting Process

On May 21, 1991, Council approved a fifteen member Redistricting Task Force composed of two members appointed by each councilmember and a chairperson appointed by the Mayor. The Task Force was created to develop redistricting alternatives with assistance from a technical consultant. Council also approved a schedule for the redistricting process.

On October 29, 1991, Council selected Pactech Data and Research, Inc. as the consultant to the Redistricting Task Force.

Council charged the Task Force to apply the following criteria:

First Primary Criteria - The redistricting shall not have the effect of diluting minority voting strength. Minority voting strength shall be based on voter registration by minority group which is an accepted approximation of voter age population of citizens because exact data is unavailable from the Census Bureau at this time. . . .

Second Primary Criteria - Only seven district alternatives shall be considered for the initial redistricting alternatives. . . .

First Secondary Criteria - Districts should be nearly as equal in population as practical and should be based on the federal 1990 Census. A standard of +/- 2% should be used unless it is feasible to use a standard of +/- 1%. Nevertheless, larger deviations of up to +/- 10% may be considered if necessary to achieve the first Primary Criteria; provided, however that the Task Force must seek and obtain the approval of the City Council prior to exceeding the +/- 2% standard. . . .

Second Secondary Criteria - The Task Force should strive to include all elements of Pasadena to assure the alternatives suggested are based on a broad range of views. . . .

First Tertiary Criteria - To the extent possible, without violating the First Primary Criteria, the districts should be cohesive and compact and should consider communities of interest such as neighborhood groups.

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Second Tertiary Criteria - Make division along Census block lines, not splitting any blocks." (Agenda Report dated June 9, 1992, Attachment C).

The Task Force conducted two public fora (February and March 1992) and developed four redistricting concept plans which were debated at two other public fora (April 1992).

On April 21, 1992, Mr. William Bogaard, the Task Force chairman, presented a status report and reviewed the four plan concepts with Council. The Task Force adopted a recommended redistricting plan on May 28, which Council received on June 9.

On June 16, 1992, Council held a public forum on the Task Force's recommended plan. On June 23, Council voted unanimously to approve plan concept "B" of the Task Force's recommendation and gave first reading to the ordinance establishing the new districts. The ordinance took effect July 2, 1992 (Chapter 1.20 of the Pasadena Municipal Code).

A map of the current Council districts is attached.

2. The Legal Framework for Redistricting

The following basic legal requirements will apply to the Council's development of a redistricting plan based on the year 2000 federal decennial census:

A. Population Equality by District

Section 1201 of the City Charter provides that Council shall, by ordinance, establish seven council districts "as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws." Population equality is also required by the United States Constitution and Section 21620 of the California Elections Code. Its underlying purpose is to secure 'one person, one vote' voting equality.

B. 'Traditional' Districting Principles

Section 21620 of the California Elections Code provides that, in addition to population equality and compliance with the federal Voting Rights Act, the Council may give consideration to the following factors "(1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the

districts". Courts refer to these types of factors as 'traditional' since they generally promote the ability of citizens to relate to each other and their representatives and the ability of representatives to relate effectively to their constituencies.

C. Equality of opportunity for protected class persons to participate in the electoral process and to elect representatives of their choice.

The federal Voting Rights Act prohibition concerning minority vote dilution was the "First Primary Criteria" which Council gave to the Redistricting Task Force in 1992 (see above). Minority vote "dilution" refers to impermissible discriminatory effects of a multimember district plan which operates to minimize or cancel the voting strength of a politically cohesive minority group (Thornberg v. Gingles (1986) 478 U.S. 30).

The United States Supreme Court recently gave further redistricting guidance in Hunt v. Cromartie (No. 99-1864, decided April 18, 2001). The Court held that the 14th Amendment equal protection clause imposes an obligation not to create majority-minority districts where the reason for doing so is predominantly racial, as opposed to political or traditional (slip. Opin. at pp. 14). The Court upheld (on a 5-4 vote) a majority-minority African American district plan on the basis that North Carolina had a legitimate non-racial explanation (the need for a 'safe' Democratic district to achieve partisan balancing of all congressional districts) for its districting decision.

D. Procedure

Redistricting is done by ordinance enacted in the same manner as other ordinances (first and second reading followed by publication).

Section 21620.1 of the California Election Code requires that the Council hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the Council votes to approve or defeat the proposal.

It should be noted that there is no explicit legal requirement that a task force be employed. It is a policy judgment for Council to make as to the optimal method of receiving advice and public input on alternative redistricting plans the Council will need to evaluate. Given time demands, complexity of data interpretation and presentation, and the extended opportunity for public input which are needed in order to develop a redistricting plan, the task force/consultant approach is clearly a practical expedient, if not a necessity.


FISCAL IMPACT

In the Fiscal Year 2002 proposed budget, the City Clerk's Department is requesting a budget enhancement of \$115,800 for costs associated with the redistricting process. This budget enhancement request will be reviewed by the Finance Committee and City Council next month as part of the City Clerk's Department budget. This cost estimate was derived based on consultant costs for the last redistricting process, plus inflation, and estimated costs based on similar meeting set-up/agenda packet distribution costs with the recent Charter Reform Task Force.

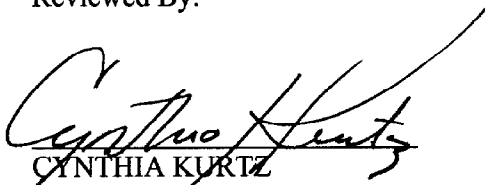
Respectfully submitted,


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