



**OFFICE OF THE CITY ATTORNEY
OFFICE OF THE CITY CLERK
MARCH 15, 2021**

ITEM NO. 10

**WORKSHOP ON CITY COUNCIL REDISTRICTING:
ADMINISTRATIVE PROCESS AND LEGAL FRAMEWORK**



Office of the City Clerk

REDISTRICTING ADMINISTRATIVE PROCESS

City Charter Section 1201:

“The City Council shall, by ordinance, establish seven districts which shall be used for all elections of Councilmembers. Said districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.”





Background

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- **Redistricting - occurs every ten years following the release of Federal Census data**
- **City Council has previously appointed Redistricting Task Force (in 2001 and 2011 Nine Members Appointed)**
 - > Each Councilmember nominates one representative
 - > Mayor nominates two at-large representatives
- **A professional redistricting consultant/demographer is contracted to guide the Task Force through the process**
- **All Task Force meetings are open to the public and Brown Act compliant**



Background

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- **Task Force singularly focused on redistricting:**
 - > Considers various redistricting alternatives drafted by consultant
 - > Receives public input on the various plans
 - > Public may also submit plans for consideration by Task Force
- **A final report and recommended redistricting plan is approved by Task Force and submitted to the City Council**
- **City Council considers the recommended plan and adopts an ordinance establishing new district boundaries**
- **Statutory deadline is December 15, 2021**



2020 Census – COVID-19 Impacts

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- **COVID-19 Pandemic has had significant impacts on the 2020 Census**
- **Significantly shifted the timeline for Census Data Analysis and Release of Redistricting Data**

| DESCRIPTION | NON-COVID SCHEDULE | COVID-19 SCHEDULE |
|-------------------------------------------------------------------------------------|---------------------------|--------------------------|
| Completion of Census | July 31, 2020 | October 15, 2020 |
| US Census Delivers Apportionment Counts | December 31, 2020 | April 30, 2021 |
| Redistricting Data to States | March 31, 2021 | September 30, 2021 |
| Statutory Deadline to Submit Redistricting Plan Prior to June 2022 Primary Election | December 15, 2021 | December 15, 2021 |



General Schedule and Timeline

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- **March, April, & May 2021 – Initiation of Redistricting Process**
 - > Solicit Applications from Community Members to Serve on Task Force (due April 1, 2021)
 - > Circulate RFP for Professional Redistricting Consultant Services:
 - Release Date is March 18, 2021
 - Responses Due on April 16, 2021 at 2:00 p.m.
 - > Appoint Task Force Members (April 12, 2021)
 - > Conduct Initial Task Force Meetings
 - Review Brown Act Meeting Requirements and Training
 - Review RFP Proposals and Interview Prospective Redistricting Consultants
 - > Recommend to City Council Selection of Redistricting Consultant
 - > Receive Consultant Work Plan

- **June & July 2021 – Task Force to Begin Work – Education**
 - > Educational Workshop Meetings Led by Consultant
 - Review Changes to Redistricting Laws Since 2011
 - Review Possible Approaches to Redistricting
 - Review Use of Other Alternative Data Sources for Conceptual Drafting of Plans – Preparation Ahead of 2020 Census Redistricting Data Release on September 30, 2021



General Schedule and Timeline

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- **August 2021 & September 2021 – Community Meetings – Conceptual Plans**
 - > Consideration of Possible Redistricting Plans and Concepts
 - > Public Comment on Plans and Concepts, Submittal of Alternative Plans and Concepts
 - > Chair and Vice Chair to Report Back to City Council on Redistricting Process
- **September 30, 2021 – Redistricting Census Data Released**
- **October 2021 – Community Meetings – Drafting and Finalizing Plan**
 - > Consideration of Redistricting Plans Based on Census Data Results
 - > Public Comment on Proposed Plans, Submittal of Alternative Plans
- **November 2, 2021 – Plan Selection and Final Report**
 - > Task Force to select a redistricting plan to recommend to City Council
 - > Receive public comment on selected plan
 - > Prepare and forward selected plan as part of a Final Report to the City Council



General Schedule and Timeline

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- **November 8, 2021– City Council Receives Recommended Plan**
 - > Receive Final Report from Task Force
 - > Chair and Vice Chair to Present Final Report
- **November & December 2021 – Public Hearings on Plan**
 - > Conduct Public Hearings and Receive Public Comment on Recommended Redistricting Plan
 - > Conduct first and second readings of ordinance formally adopting redistricting plan
- **Redistricting Plan Deadline – December 15, 2021**
- **December 2021 & January 2022 – Implementation of Redistricting Plan**
 - > Redistricting plan submitted to Los Angeles County Registrar of Voters
 - > Staff to work with County to ensure Council District boundaries in County Voting System match the adopted City of Pasadena district boundaries
- **January & February 2022 – Preparation for City of Pasadena Primary Municipal Election for City Council Districts 3, 5, & 7**



Redistricting Consultant – Request for Proposals

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- **Staff to circulate a Request for Proposals (RFP) for Professional Redistricting Consultant Services**
 - > RFP Release date is March 18, 2021; deadline to submit is April 16, 2021 at 2:00 p.m.
- **Initial review by a sub-committee comprised of City staff, Redistricting Chair, and Vice Chair**
- **Interviews of top candidates at a Task Force meeting,**
- **Recommended consultant forwarded to the City Council for approval (anticipated award at May 17, 2021 meeting)**



Public Outreach Consultant - RFP

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- **Public outreach and participation is an essential aspect of the redistricting process**
- **Professional Outreach consultant needed to lead public engagement**
 - > Promote Task Force Meetings and Draft Plans
 - > Work with Public Information Office and City Resources
 - > Utilize Interactive Tools, Social Media, and Traditional Outreach Methods
- **Professional Outreach Consult RFP to be circulated on March 25, 2021**
- **Scope of work includes preparation and presentation of a Public Outreach Plan to the Task Force in June 2021 – To be approved/modified by Task Force**



Meeting and General Information

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- Task Force to meet at least twice monthly
- Meetings will take place via Zoom, unless and until in-person meetings are allowed
- Task Force website contains the following information:
 - > Meeting and Contact Information
 - > Historical Information from previous Redistricting Efforts
 - > Agenda, minutes, and meeting audio/video (when available)
 - > Draft redistricting plans and alternatives under consideration
 - > Public Announcements and Information
 - > <https://www.cityofpasadena.net/city-clerk/redistricting/>

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LEGAL FRAMEWORK

City Charter Section 1201:

“The City Council shall, by ordinance, establish seven districts which shall be used for all elections of Councilmembers. Said districts shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws.”





Recent Changes to State Law

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- AB 849 (2019) codified the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (“FAIR MAPS”) Act (as amended by AB 1276 in 2020)
- Substantial change in state law regarding process, as well as criteria to be considered when drawing new districts.
- No change to federal law requirements.



New Process Requirements

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- FAIR MAPS Act requires at least four hearings before the Council adopts a final map.
 - > At least one public hearing (or workshop) must be held before the redistricting commission draws a draft map
 - > City Council must hold at least two hearings after the redistricting commission draws a draft map for Council consideration
 - > At least one hearing/workshop on a weekend or after 6 pm on weekday



Redistricting Criteria

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- **Criteria to be considered, in order of priority:**
 - > **Equal Population:** The districts must be substantially equal in population as required by the United States Constitution.
 - California Constitution (Article XXI) requires “reasonably equal” districts.
 - > **Nondiscrimination:** Federal Voting Rights Act (Section 2) prohibits discrimination on the basis of race, color, or membership in one of the language minority groups identified in the Act.
 - > **FAIR MAPS Act criteria.**



Population Equality

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- **The Pasadena City Charter, Section 1201:**
 - > Council districts “shall be as nearly equal in population as practicable and such redistricting shall be compliance with applicable laws.”
- **California Elections Code Section 21621(a):**
 - > “Following each federal decennial census, and using that census as a basis, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be *substantially equal in population as required by the United States Constitution*.



Equal Opportunity

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- **Federal Voting Rights Act prohibits:**
 - > Districts that have a racially discriminatory effect
 - > Districts that came about because of discriminatory intent
- **Specific factors to consider:**
 - > Geographical compactness of a minority group
 - > Minority political cohesion
 - > Racially polarized block voting (consistent relationship between race of voter and way in which the voter votes)



Equal Opportunity cont'd.

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- City must determine in its redistricting process whether there are minority communities that exhibit the three factors.
 - *Although minority electoral success is relevant to this inquiry, federal case law specifically rejects proportional representation*
 - In other words, city has an obligation not to create majority-minority districts where the reason for doing so is predominantly racial, as opposed to political or traditional



FAIR MAPS Act changes

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| FAIR MAPS Act requirements | Former requirements |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Mandatory and Prioritized</p> <p>(1) geographically contiguous</p> <p>(2) geographic integrity of local neighborhood or “local community of interest”</p> <p>(3) boundaries must be easily identifiable and understandable by residents, using natural and artificial barriers when possible</p> <p>(4) if practicable, and when not in conflict with prior criteria, encourage geographical compactness so nearby areas of population are not bypassed in favor of more distant populations</p> | <p>Discretionary</p> <p>(1) topography</p> <p>(2) geography</p> <p>(3) cohesiveness, contiguity, integrity, and compactness of territory</p> <p>(4) community of interest of the districts</p> |



A Little More Detail

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- “Contiguity”: territory within a given district is not separated by another district’s territory
- “Compactness”: district boundaries are of roughly equal distance from their center or that they reflect a regular geometric shape
- No express prohibition on consideration of a councilmember’s or candidate’s residence, but FAIR MAPS Act factors must take priority



QUESTIONS/COMMENTS

City Attorney and City Clerk

