




OFFICE OF THE CITY CLERK

**MEMORANDUM**

**TO:** Honorable Mayor and City Council

**FROM:** Mark Jomsky, City Clerk 

**DATE:** September 23, 2021

**RE: INFORMATIONAL REPORT ON THE FINAL REDISTRICTING CENSUS DATA RELEASED BY THE STATE OF CALIFORNIA AND IMPACTS ON THE CITY'S REDISTRICTING PROCESS**

This memorandum serves as supplemental information to the attached informational agenda report that was provided to the Redistricting Task Force on September 18, 2021, which focused on the preliminary 2020 US Census population results and the impacts on redistricting. This item is for information only, and no action is required.

As described in the report, the official release of 2020 US Census data, as well as the final adjusted redistricting data from the State of California, was delayed due to impacts caused by the COVID-19 pandemic. On August 12, 2021, the US Census Bureau released 2020 Census population data to the states. Since that time, and pursuant to state law, the State of California reviewed, made adjustments and finalized the census data by reallocating certain state population counts, such as incarcerated individuals, back to the cities of last known residence.

At the September 18<sup>th</sup> meeting, the Redistricting Task Force received information on the legal requirements to utilize 2020 Census data when making adjustments to Council District boundaries, with the Task Force also needing to follow federal and state laws and criteria when equalizing population counts among the seven City Council districts. The Task Force's discussion included clarifications regarding the "ideal population" targets for each district, acceptable deviations in district population counts, and how American Community Survey data can help augment and inform decisions on boundary adjustments based on community characteristics and socio-economic information.

On September 21, 2021, the State publicly released the final adjusted redistricting data needed for local government redistricting. In compliance with the California FAIR Maps Act, the Task Force will utilize the State's adjusted data to recommend a redistricting plan to the City Council for consideration. The City Council will then consider the recommended plan, accept or make adjustments to the plan, and adopt a final redistricting plan by ordinance ahead of the December 15, 2021 deadline (which is based on the June 7, 2022 City Primary Nominating Election).

**09/27/2021**

**Item No. 16**

The following chart provides the August 12, 2021 US Census Population Data and the September 21, 2021 Adjusted California Redistricting Data:

DISTRICT	August 12, 2021 US Census Data			September 21, 2021 State Redistricting Data			Adjustment
	Population	Deviation	% Deviation	Population	Deviation	% Deviation	
1	18735	-1079	-5.4%	18845	-1049	-5.3%	110
2	19279	-535	-2.7%	19338	-556	-2.8%	59
3	19388	-426	-2.2%	19511	-383	-1.9%	123
4	20585	771	3.9%	20653	759	3.8%	68
5	18677	-1137	-5.7%	18760	-1134	-5.7%	83
6	22134	2320	11.7%	22196	2302	11.6%	62
7	19901	87	0.4%	19952	58	0.3%	51
Total	138699		17.4%	139255		17.3%	556
Ideal	19814			19894			

Attached is a table detailing the state adjusted population by ethnicity and by voting age population.

With the final data in hand, the Redistricting Task Force will begin the next phase of the redistricting process, which is to consider changes to City Council District boundaries. This will include direction to the technical redistricting consultants on the preparation of various redistricting plans, reviewing plans submitted by members of the public, and narrowing redistricting plans based on public testimony and consensus of the Task Force. Following is the anticipated meeting schedule for the Task Force:

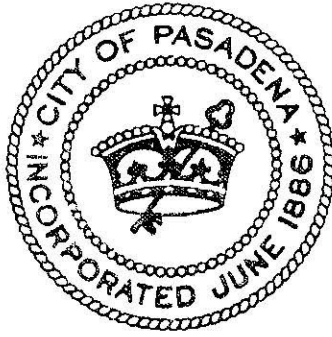
- October 2, 2021 at 9:00 a.m. – Public meeting to review the adjusted State Redistricting Data, receive public testimony, and provide direction to the technical consultants on the preparation of various redistricting plans for Task Force consideration
- October 9, 2021 at 9:00 a.m. – Open the Public Hearing to review the prepared redistricting plans by the consultant, as well as those submitted by members of the public, receive public testimony, and provide direction to the consultant on adjustments to the presented plans and/or to request additional plans
- October 16, 2021 at 9:00 a.m. – Continued Public Hearing to review the prepared redistricting plans by the consultant, as well as those submitted by members of the public, receive public testimony, and provide direction to the consultant and/or begin to narrow down plans under consideration
- October 23, 2021 at 9:00 a.m. – Continued Public Hearing to review the prepared redistricting plans by the consultant, as well as those submitted by members of the public, receive public testimony, and narrow plans under consideration
- October 30, 2021 at 9:00 a.m. – Continued Public Hearing to receive public testimony, close the public hearing, and select a plan or plans to recommend to the City Council for consideration

Following the Task Force's work, the recommended plan (or plans) and final report will be submitted for City Council consideration in November as part of a public hearing, which allows for further public testimony. The City's technical consultants will be available to review the final recommended plan, respond to questions, assist with any requested adjustments, and work with the City Attorney's Office to prepare the necessary ordinance for first and second reading. The City Clerk's Office will coordinate the implementation of the adopted plan with the Los Angeles County Registrar-Recorder/County Clerk's Office to ensure the accuracy of the City Council's voting district boundaries in time for the June 7, 2022 City Primary Nominating Election involving Council Districts 3, 5, and 7.

State Adjusted Redistricting Data - 2020 Census

District	1	2	3	4	5	6	7	Total
<b>Total Population (Pop) Adjusted 2020</b>	<b>18845</b>	<b>19338</b>	<b>19511</b>	<b>20653</b>	<b>18760</b>	<b>22196</b>	<b>19952</b>	<b>139255</b>
Latino	49.6%	30.9%	48.1%	22.2%	51.5%	15.4%	18.2%	33.0%
White	21.2%	43.1%	20.3%	45.3%	24.0%	52.9%	45.2%	36.6%
Black	17.8%	6.2%	12.9%	5.5%	8.5%	5.2%	5.2%	8.6%
American Indian	0.4%	0.7%	0.3%	0.4%	0.5%	0.7%	0.5%	0.5%
Asian	8.9%	16.7%	16.0%	24.7%	13.4%	23.9%	28.9%	19.2%
Hawaiian, Pacific Islander	0.1%	0.1%	0.2%	0.1%	0.2%	0.1%	0.1%	0.1%
Other Race	0.9%	1.3%	1.2%	1.1%	0.9%	1.0%	1.3%	1.1%
Multi Minority Race	1.1%	1.0%	1.0%	0.7%	0.9%	0.8%	0.7%	0.9%
<b>Voting Age Population (VAP) Adjusted 2020</b>	<b>15216</b>	<b>15959</b>	<b>16050</b>	<b>17047</b>	<b>15455</b>	<b>19346</b>	<b>17502</b>	<b>116575</b>
Latino	46.4%	28.8%	44.4%	20.5%	48.1%	14.2%	17.0%	30.4%
White	23.3%	45.3%	22.6%	47.7%	26.3%	54.6%	46.7%	38.9%
Black	19.1%	6.3%	12.9%	5.5%	8.6%	5.0%	5.2%	8.7%
American Indian	0.5%	0.7%	0.4%	0.4%	0.5%	0.7%	0.6%	0.5%
Asian	8.9%	16.6%	17.5%	24.2%	14.5%	23.7%	28.7%	19.6%
Hawaiian, Pacific Islander	0.1%	0.1%	0.2%	0.1%	0.2%	0.1%	0.1%	0.1%
Other Race	0.8%	1.2%	1.1%	1.0%	0.9%	0.9%	1.2%	1.0%
Multi Minority Race	0.9%	0.9%	1.0%	0.6%	0.8%	0.7%	0.7%	0.8%





# Agenda Report

September 27, 2021

**TO:** Honorable Mayor and City Council

**THROUGH:** Redistricting Task Force (September 18, 2021)

**FROM:** City Clerk  
City Attorney

**SUBJECT: REPORT ON THE PRELIMINARY RESULTS OF THE 2020 CENSUS  
AND IMPACTS ON THE CITY'S REDISTRICTING PROCESS**

## **RECOMMENDATION:**

The following report is for information only and is intended to provide an update on the US Census Bureau's recently released census population data for the City of Pasadena to support the City's redistricting effort.

## **BACKGROUND:**

On March 15, 2021, the City Council initiated the City's redistricting process when it conducted a workshop on redistricting, and received information on the administrative support and legal parameters needed for completing the process. On May 3, 2021, the City Council completed appointments to a 12-member Redistricting Task Force composed of Pasadena residents whose charge is to examine population changes and recommend a redistricting plan to the City Council for consideration.

Over the past several months, the Task Force, City staff, and the City's redistricting consultant team have conducted formal Task Force meetings, public hearings, and community workshops to increase public awareness about the City's redistricting effort and receive community of interest testimony. As a result of delays caused by COVID-19, these meetings have been held without the benefit of the legally required redistricting data needed to consider Council District boundary changes. California Elections Code Section 21621(a) (1) states: "Population equality shall be based on the total population of residents of the city as determined by the most recent federal decennial census..."

Just recently on August 12, 2021, the US Census Bureau released 2020 Census population data. However, pursuant to the California FAIR Maps Act, this is still not the official redistricting data that can be used by local governments and cities to draw maps. The final data that will come from the State of California is expected in the coming weeks as state officials work to examine the federal data and reallocate certain state

population counts, such as incarcerated individuals, back to the cities of last known residence, as required by state law.

### **Preliminary 2020 US Census Population Data**

The August 12, 2021 US Census Bureau data does provide some initial indication of population changes in Pasadena, with the US Census Bureau reporting the City population of 138,699, which is an increase of 1,577 residents from the last official census count in 2010 (137,122).

Following is a table that details the August 12th population counts by Council District and total population for Pasadena. For comparative purposes, the last column shows the Council District counts and total City population based on the 2010 census count:

DISTRICT	2020 Population	Deviation from Ideal	Deviation % from Ideal	2010 Population
1	18,735	-1,079	-5.4%	19,569
2	19,279	-535	-2.7%	19,546
3	19,388	-426	-2.2%	19,599
4	20,585	771	3.9%	19,707
5	18,677	-1,137	-5.7%	19,587
6	22,134	2,320	11.7%	19,554
7	19,901	87	0.4%	19,560
Total	138,699		17.4%	137,122
Ideal	19,814			

As the table indicates, over the past ten years, the populations of Council Districts 4, 6, and 7 have increased, with District 6 showing the greatest increase over that time. Conversely, populations in Districts 1, 2, 3, and 5 show a decline.

### **2020 Census Data and American Communities Survey Data**

As the Redistricting Task Force considers the 2020 Census population data provided by the US Census Bureau, and awaits the adjusted redistricting data from the State of California, other information will be utilized when contemplating district boundary adjustments and the resulting impacts of such changes. This not only includes the vital input received from public testimony on communities of interest and neighborhood characteristics but also American Community Survey (ACS) data that provides in-depth socio-economic information about the City of Pasadena.

ACS is a survey that is also conducted by the US Census Bureau, but unlike the decennial census (which occurs once every ten years to count every person to describe the size of a population), ACS is a sample survey that is conducted every month of

every year to describe the characteristics of a population. ACS is sent to a random sampling of addresses (approximately 3.5 million) in the 50 states, District of Columbia, and Puerto Rico, and asks questions about topics not on the decennial census, such as education, employment, and housing. This sample survey to gather in-depth socio-economic information is weighted according to population estimates.

Attachment A provides 2020 Census population figures and 2019 American Community Survey data. For comparative purposes, Attachment B provides the same information but from the 2010 Census and the 2010 American Community Survey.

The first two tables in Attachments A and B report census population data provided by racial/ethnic categories and by voting age population (including total City population and Council District population).

The survey results from ACS begin on the third table of Attachment A and Attachment B and continue on, reporting out results for the following socio-economic categories:

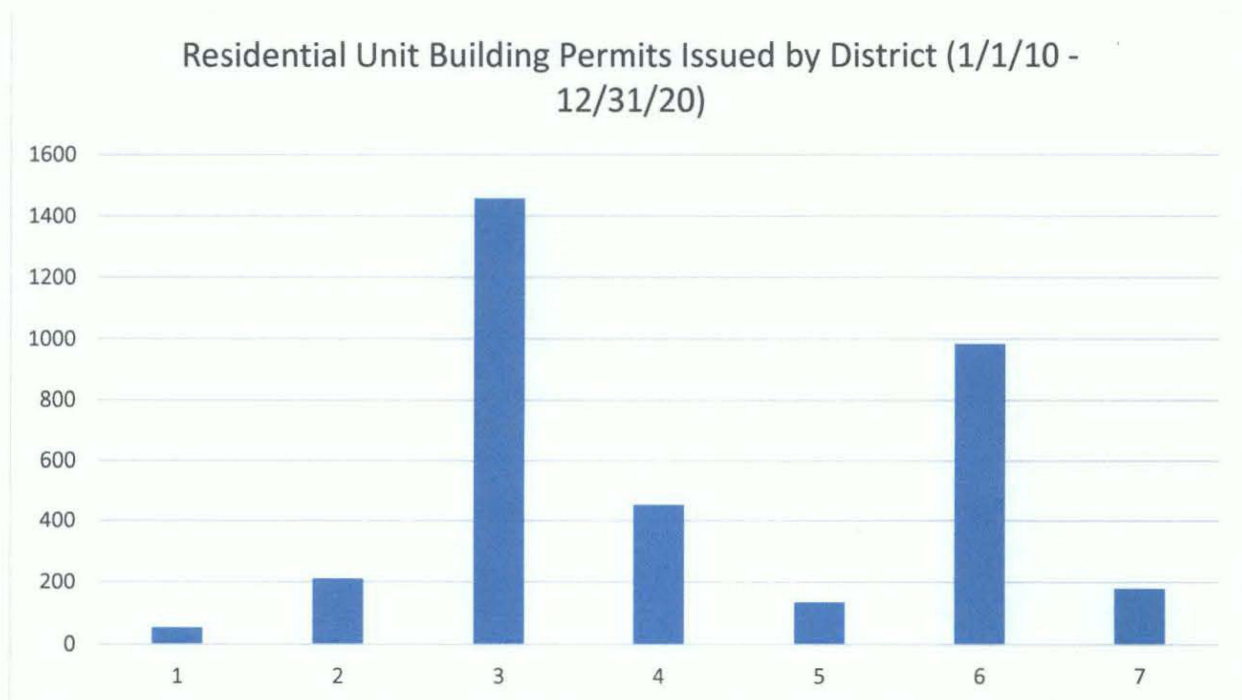
- Citizen voting age population (CVAP)
- Total population by age
- Total households by household income
- Total households by cumulative household income
- Population 25 years and over by education level
- Population 25 years and over by cumulative education level
- Total housing units by occupancy status
- Occupied housing units overcrowding by tenure
- Occupied housing units structure type by tenure
- Population 5 years and over by language spoken at home and English ability
- Population 1 years and over by residence previous year
- Population with poverty status determined by poverty status and age
- Occupied housing units by housing cost percent of income by tenure

### **Building Permits and Housing Units**

Below is the number of housing units permitted between the years 2010 and 2020, with the chart provided by the City's Planning Department summarizing the housing units permitted by year and housing units permitted by district. Attachment C includes additional detail of the following information:

YEAR	PERMITS ISSUED
2010	53
2011	24
2012	402
2013	98
2014	539
2015	580
2016	406
2017	200
2018	482
2019	279
2020	414
<b>TOTAL</b>	<b>3,477</b>

COUNCIL DISTRICT	UNITS
1	53
2	211
3	1,457
4	457
5	134
6	986
7	179
<b>TOTAL</b>	<b>3,477</b>

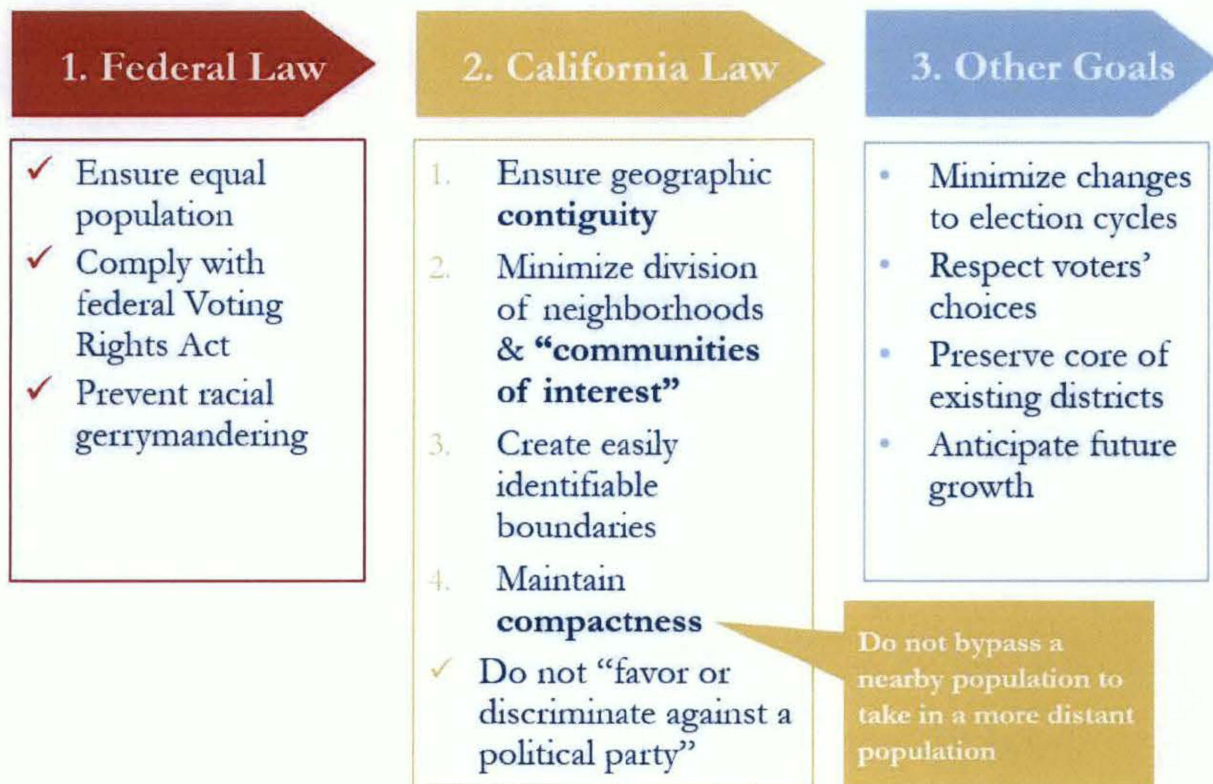




## Equal Population Requirement

Based on the August 12<sup>th</sup> Census data, the ideal size of each Council District is 19,814, which is calculated by taking the total population (138,699) and dividing it by the number of Council Districts (seven). In addition to achieving balanced population in each district, the City's redistricting plan must also meet established legal criteria based on federal and state law. The Redistricting Task Force will work with the City's technical consultants to ensure that the legal criteria and considerations are met.

The following discussion is a reminder of the legal framework behind the balanced population requirement, with the following chart illustrating federal and state legal requirements that must met by the Task Force when submitting a recommended redistricting plan to the City Council for consideration:



With regard to balanced population specifically, the Pasadena City Charter, Section 1201, states that council districts "shall be as nearly equal in population as practicable and such redistricting shall be in compliance with applicable laws." Likewise, California Elections Code Section 21621(a) requires, that "council districts shall be substantially equal in population as required by the United States Constitution." This principle of "one person, one vote" is a constitutionally protected right under the Equal Protection Clause of the Fourteenth Amendment to the federal Constitution. (*Reynolds v. Sims* (1964) 377 U.S. 533, 577.) However, none of these laws require mathematical precision at the expense of other considerations.

How far a district may deviate from the “one person, one vote” requirement depends on the facts justifying the departure. Among legitimate considerations that permit deviation from equal population of legislative districts are traditional districting principles such as compactness and contiguity, an interest in maintaining the integrity of political subdivisions, or the competitive balance among political parties. (Harris v. Arizona Independent Redistricting Commission (2016) 136 S.Ct. 1301.) These principles include the need to comply with the Voting Rights Act (which was the issue present in the Harris case), as well as the FAIR MAPS Act requirements as outlined in the chart above.

With regard to state legislative districts, the Supreme Court has made it clear that “minor deviations from mathematical equality” (defined as a plan with 10% or less in deviation) do not, by themselves, “make out a prima facie case of invidious discrimination under the Fourteenth Amendment so as to require justification by the State.” (Id. at p. 1307.) The burden of proving that a deviation is illegal rests on those attacking the plan, where there must be a showing that it is more probable than not that a deviation of less than 10% “reflects the predominance of illegitimate reapportionment factors rather than legitimate considerations . . . . Given the inherent difficulty of measuring and comparing factors that may legitimately account for small deviations from strict mathematical equality, we believe that attacks on deviations under 10% will succeed only rarely, in unusual cases.” (Ibid.)

At a more local level, the Supreme Court has suggested that “slightly greater percentage deviations may be tolerable.” (Abate v. Mundt (1971) 403 U.S. 182, 185.) In that case, the Supreme Court permitted an 11.5 percent maximum deviation for a county board of supervisors where the plan did not contain any built-in bias favoring particular political interests or geographic areas, and there was a long tradition of overlapping functions and dual personnel in the local county government. Other cases, however, have overturned plans on smaller deviations because the local justification for the deviations was improper. For example, the facial presence of an irrationally prejudiced partisan agenda and the aggressively opportunistic splitting and reorganizing of incumbent districts undermined a 9.98% deviation. (Cox v. Larios (2004) 542 U.S. 947.) In sum, while a 10% deviation is presumably acceptable, the deviations must be supported by legitimate redistricting considerations such as those set forth in the legal chart above.

### **COVID-19 – Impacts to Redistricting**

An important point that has been repeated throughout this process is related to the impacts that the COVID-19 pandemic has had on the timeline for redistricting. Under normal circumstances, the City would have already received population counts ahead the work of the Task Force.

The following chart highlights the COVID-19 impacts and illustrates the compressed timeline that the current redistricting process is having to operate under:



Description	Planned Schedule	COVID-19 Schedule
Completion of Census 2020	July 31, 2020	October 15, 2020
Census to release official population data	March 31, 2021	Mid/Late August 2021
California to release official redistricting data	April/May 2021	Late September 2021
<b>Legal deadline for map adoption</b>	<b>December 15, 2021</b>	<b>December 15, 2021</b>
First election with new map	June 7, 2022	June 7, 2022

As discussed above, final redistricting data for Pasadena is scheduled for release in the very near future, which will allow the Task Force to begin to consider changes to Council District boundaries. The December 15, 2021 deadline to complete redistricting and adopt any adjustments in time for the June 7, 2022 City Primary Election is set by California Elections Code Section 21622(a)(2), which states: "For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election." December 15<sup>th</sup> is the 174<sup>th</sup> day prior to the June 7, 2022 City Primary Municipal Election, with the scheduled election for City Council Districts 3, 5, and 7.

**FISCAL IMPACT:**

This report is provided for information only. There is no fiscal impact anticipated as part of this agenda item.

Respectfully submitted,



Mark Jomsky  
City Clerk



Theresa Fuentes  
Assistant City Attorney

Attachment A – 2020 Census Data and 2019 American Community Survey Data  
Attachment B – 2010 Census Data and 2010 American Community Survey Data  
Attachment C – Breakdown of Housing Units By Year and By Council District