

Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: Toni J. Taber, CMC
City Clerk

**SUBJECT: ACTIONS RELATED TO THE
TIMELINE TO COMPLETE
REDISTRICTING DUE TO
DELAYS IN THE 2020 CENSUS**

DATE: August 6, 2021

RECOMMENDATION

(a) Approve an ordinance adjusting the deadline to enact a redistricting ordinance as permitted under Charter Section 403;

(b) Adopt a resolution amending Resolution No. 79867 to set a new deadline for the Redistricting Commission to submit its reports and recommendations to the City Council in accordance with Charter Section 403 as directed by the City Council on October 27, 2020.

OUTCOME

These actions will establish the timeline for the City Council and the Redistricting Commission to complete redistricting in light of delays in the with the 2020 Census.

BACKGROUND

Per Charter Section 403, the Council is required, by ordinance, to redistrict the City's ten Council districts by October 31 in the year following the decennial census (e.g. 2021). In 2001 and 2011, this deadline was met without issue, as federal law requires Census data to be delivered to the States by April 1 the year after the Census takes place. However, due to operational adjustments caused by the COVID-19 pandemic, the delivery of the 2020 Census was delayed and the federal government missed the April 1 deadline.

A delay in Census results was known to be a possibility in 2020, but when the federal government would deliver the actual results in 2021 was not certain. To account for this delay, the voters passed Measure G to, among other things, amend Charter Section 403 to provide for additional flexibility in redistricting if the Census was late. With the passage of Measure G, the Council may now set the time for the Redistricting Commission to submit its report and recommendations, instead of the prior requirement of 120 days from appointment, and the Council may adopt an ordinance revising the October 31 deadline to complete redistricting if Census results are delivered late.

ANALYSIS

The Census Bureau currently reports that the States will receive Census data to begin redistricting by August 16 and will deliver the final redistricting data toolkit to the States by September 30.¹ Once California receives the complete results, the State must reallocate persons incarcerated in State facilities back to their last known residence before incarceration; meaning a fully complete dataset may not be available for redistricting until sometime in September. Finally, per Elections Code section 21628(c)(3)(A), draft maps may not be released earlier than three weeks after this reallocation by the State occurs.

While the City awaits the final results of the 2020 Census, the Redistricting Commission is meeting regularly and will begin holding public hearings in August throughout the City. When it was established, the Council provided the 2020 Redistricting Commission with 120 days from the date the redistricting counts were delivered to the States to complete its report and recommendations. This timeline was established on the understanding at the time that Census results would be delivered in July. Now that the final data will be delivered in September, it is recommended that the Council revise this deadline to accommodate a shorter timeframe.

In establishing a timeline to complete redistricting, certain requirements must also be considered. Under Charter Section 403, the redistricting ordinance must be adopted like other ordinances in accordance with Charter Section 604 of the Charter and is effective at the expiration of thirty (30) days after adoption. If the redistricting ordinance becomes effective on or after the first day on which nomination papers may be filed for Council office, then the ordinance will not apply at the upcoming election. Candidates running for Council office in the June 2022 primary may begin to file nomination papers on February 14, 2022, so the redistricting ordinance must be effective before then for it to apply for the June primary.

In addition, the Legislature passed the “Fair Maps Act” in 2019 regulating the adjustment or adoption of districts in cities and counties. While charter cities with their own redistricting process are exempt from much of the Fair Maps Act, a few requirements still apply, most notably the requirement under Elections Code 21627.1 to hold at least four public hearings where the public is invited to provide input regarding the composition of one or more council districts. The criteria for these hearings are as follows:

1. At least one public hearing must be held before a draft map or maps of the proposed council boundaries is drawn. This hearing can be held the Redistricting Advisory Commission instead of the Council.
2. At least two public hearings after the council has drawn a draft map or maps of the proposed council boundaries.

¹ See <https://www.census.gov/programs-surveys/decennial-census/decade/2020/2020-census-results.html>

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3. At least one public hearing or public workshop must be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.

With these requirements in mind, it is recommended that the Council adopt an ordinance establishing the deadline to complete redistricting by January 11, 2022, at latest. It also recommended that the Council establish the deadline for the Redistricting Commission to submit its report and recommendations as November 18, 2021. The following tentative schedule for the public hearings is also proposed, which may be changed as needed:

November 18, 2021	Redistricting Commission completes report and recommendations to the Council.
December 7, 2021	Council public hearing on draft map as proposed by Redistricting Commission.
December 14, 2021	Council public hearing, after 6:00 p.m. on draft map.
January 4, 2022	Final public hearing on draft map. Council passes redistricting ordinance for publication.
January 11, 2022	Council adopts redistricting ordinance.

EVALUATION AND FOLLOW-UP

The Ordinance will return for a second reading on August 24, 2021. In addition, the Redistricting commission will be notified of the deadline for their recommendations.

PUBLIC OUTREACH

The memorandum has been posted on the City Clerk's website as part of the August 10, 2021 City Council Meeting Agenda.

COORDINATION

This memorandum has been coordinated with the Office of the City Attorney.

CEQA

Not a Project, File No. PP17-010, City Administrative Activities, resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Toni Taber, City Clerk, at (408) 535-1260.