

Agenda Date: 1/28/2021
Council Meeting

RECEIVED

2021 JAN 26 A 9:06

CITY OF FRESNO
CITY CLERK'S OFFICE

FRESNO CITY COUNCIL



Information Packet

ITEM(S)

File ID 21-160 (3-A)

WORKSHOP - 2021 Council Redistricting Process, Timeline, and Legal Issues

Contents of Supplement: Powerpoint.

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

NIELSEN MERKSAMER

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP

**POLITICAL &
GOVERNMENT**

LAW
ADVOCACY
LITIGATION

Introduction to 2021 Redistricting Process & Criteria

A Presentation to the
Fresno City Council

January 28, 2021

Key Dates – Availability of the Data

- April 1, 2021, is the deadline in federal law for the Census Bureau to release redistricting data (total population, voting age population by race/ethnicity)
 - The Bureau has already announced that in 2021 it will not meet the statutory deadline due to the need to correct data anomalies
- Once the Census data are released, the California Statewide Database is required to adjust those data to reassign inmates incarcerated in state correctional facilities back to their last known place of residence
 - Could be 3-4 weeks, though hopefully sooner
- Under state law, the City and its consultants cannot publish draft district maps until three weeks after the SWDB releases the adjusted data

Key Dates – Additional Deadlines

- City Manager’s Council District Report: 30 Days after Census data released (FMC 2-206(d))
 - Will likely be delayed as a result of the need to wait for the SWDB data and state law restriction on producing maps for three weeks thereafter
- Charter deadline to adopt final, readjusted map: 120 days following release of Census data
- State law deadline to adopt final, readjusted map: Dec. 15, 2021
 - Failure to meet this deadline permits an interested party to petition the Fresno County Superior Court to adopt a new map
 - Practical deadline may be earlier, for implementation by Registrar

Public Hearings

- **Elections Code § 21627.1:**
 - At least **four** public hearings required:
 - at least one before draft maps are drawn (and can be conducted by staff or consultant);
 - at least two after draft maps are drawn;
 - at least one on a Saturday, Sunday or after 6:00 P.M. Monday through Friday
 - Date, time, and location must be posted online **at least five days** before the hearing or workshop
 - Hearings must be conducted at a time certain
 - The Council may complete discussion on an item already under consideration, but then is required to advance the hearing on the agenda if necessary

Public Outreach

- **Elections Code § 21628:**
 - The City must encourage public participation by:
 - Media outreach
 - Outreach to good government, civil rights, civic engagement & community groups
 - Live translation in “applicable languages,” if requested 72 hours in advance of meeting
 - SOS to identify applicable languages; has not yet done so, but at least Spanish is likely
 - Publication of notices on the internet
 - Publication of a draft map at least seven days before adoption
 - Publication of relevant demographic data
 - Must permit receipt of maps or testimony from the public in writing or electronically

Record-Keeping

- **Elections Code § 21628(f):** A record of every public comment and governing body meeting—either written or recorded—must made available to the public online within two weeks
- **Elections Code § 21628(g):** The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting, containing the following:
 - An explanation of the redistricting process
 - Procedures for testifying or submitting written testimony
 - Calendar of all hearings and workshops
 - Notice and agenda for each hearing and workshop
 - Recording or written summary of each hearing and workshop
 - All draft maps & adopted map
 - SOS Website Template: <https://www.sos.ca.gov/elections/helpful-resources/redistricting>

Sample Step-by-Step Timeline

1	Initial City Council discussion; retention of consultants	January - February
2	Create a website & public outreach plan Options: online mapping tool	March – April (SOS released templates 1/1/21)
3	Census Bureau population counts, prison-adjusted counts, demographic data, public participation tools	4/1/2021 - 6/1/2021 (length of delay unknown)
4	Pre-Draft Map public forum(s) and hearing(s)	At least 60 – 90 days recommended for four hearings plus mapping time
5	Draft maps	
6	Publish draft maps	7 Days prior to adoption
7	Public hearing(s) on draft maps	
8	Publish revised map(s)	No more than 15 Days after close of hearings (includes 2d reading)
9	Final hearing and adoption	
10	State law deadline to adopt and submit map to Registrar (Charter says within 120 days of Census release)	12/15/2021 (E-174)
11	Candidate in-lieu petition forms Candidate filing begins	E-173 E-113
12	Election	June 2022

Federal Criteria:

- **Equal Population**
- **Voting Right Act**
- **No Racial
Gerrymandering**

Statutory Criteria:

1. Geographically contiguous
2. Minimize division of neighborhoods and “communities of interest” to the extent practicable
3. Easily identifiable boundaries (major streets, etc).
4. Compactness of population

Traditional Criteria:

- **Keep incumbents in their current districts/respect voters’ choices/avoid head-to-head elections**
- **Minimize election year changes**
- **Future population growth**

NIELSEN MERKSAMER

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP

**POLITICAL &
GOVERNMENT**

LAW
ADVOCACY
LITIGATION

Introduction to 2021 Redistricting Process & Criteria

A Presentation to the
Fresno City Council
January 28, 2021