

BILL NO. B-____

ORDINANCE NO. 2021-____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA,
TO ADOPT NEW COUNCIL DISTRICT BOUNDARIES
PURSUANT TO THE COUNCIL REDETERMINATION
PROCESS SET FORTH IN SECTION 304.1 OF THE
CHARTER OF THE CITY OF FRESNO, SECTIONS 21621-
21629 OF THE CALIFORNIA ELECTIONS CODE, AND
ARTICLE 2, CHAPTER 2, OF THE FRESNO MUNICIPAL
CODE

WHEREAS, Section 304.1 of the Charter of the City of Fresno states that Council District boundaries shall be redetermined by the Council, by ordinance, adopted not later than one hundred and twenty days following the publication of each federal census; and

WHEREAS, the 2020 federal census, due to delays caused by the COVID-19 pandemic, was not published until August 12, 2021; and

WHEREAS, recently amended state law, California Elections Code section 21621(a), requires that redistricting be conducted using census data that are adjusted by the California Statewide Database to reassign incarcerated persons back to their last known place of residence prior to incarceration; and

WHEREAS, the California Statewide Database published the final version of those adjusted census data on September 27, 2021; and

WHEREAS, Elections Code sections 21621-21629 of the California Elections Code and Article 2, Chapter 2 of the Fresno Municipal Code (FMC), set forth the procedures the City of Fresno is to follow to determine and redetermine Council District boundaries; and

WHEREAS, pursuant to FMC section 2-204, redetermination proceedings are automatically initiated upon the publication of each decennial federal census; and

WHEREAS, pursuant to FMC, section 2-206(a)(2), the City Manager provided the City Clerk with written notice of the August 12, 2021, publication of the 2020 decennial federal census and the September 27, 2021, publication of the Statewide Database-adjusted decennial federal census data; and

WHEREAS, on October 5, 2021, pursuant to FMC section 2-206(a) and (c), and in response to the notice provided by the City Manager, the City Clerk caused to have published in the *Fresno Bee*, a newspaper of general circulation, a Notice of Initiation of District Redetermination Proceedings, complying with all of the requirements set forth in FMC, section 2-206; and

WHEREAS, pursuant to FMC section 2-206(b)(3), the publication of the Notice of Initiation of District Redetermination Proceedings commenced a fifteen day period during which the public was invited to submit comments to the City Manager on the redetermination process; and

WHEREAS, the City has also provided a number of additional opportunities for public input on the redistricting process, including public hearings as part of City Council meetings on July 15, 2021; July 29, 2021; August 19, 2021; and November 4, 2021; and three public townhall meetings at various locations throughout the City on October 16, 2021 (10:00 a.m. at Hoover High School, 2:00 p.m. at Fresno City College, and 6:00 p.m. at City Hall); and

WHEREAS, the City has also maintained a comprehensive website for its redistricting process at www.redistrictfresno.com, on which the City provided (1) a general explanation of the redistricting process for the City in English and other applicable languages, (2) the procedures for a member of the public to testify during a public hearing

or to submit written testimony directly to the council in English and any applicable language, (3) a calendar of all public hearing and workshop dates, (4) the notice and agenda for each public hearing and workshop, (5) a recording of each public hearing and workshop, (6) each draft map considered by the council at a public hearing, (7) online tools for members of the public to submit proposed maps for consideration, and (8) other useful information; and

WHEREAS, on November 1, 2021, in substantial compliance with FMC section 2-206(d), the City Manager filed with the City Clerk a Council District Report; and

WHEREAS, the Council District Report concludes that current population totals for the districts deviate from the mean population of the seven districts by up to 11.32%; and

WHEREAS, Council finds that Charter section 304.1 provides that the population disparity between districts shall not exceed ten percent at the time of any such boundary determination or redetermination, and no boundary shall be altered so as to exclude any incumbent from office prior to the expiration of that incumbent's term; and

WHEREAS, consistent with that provision, the courts have held that population totals for the districts may deviate from the mean population of the seven districts by no more than 10%; and

WHEREAS, the Council District Report incorporated a number of proposed options for rebalancing the districts' population in accordance with applicable laws and criteria, which included maps drawn by the City's demographics consultants and maps drawn and submitted by members of the public; and

WHEREAS, on November 17, 2021, pursuant to FMC section 2-206(e), the City Clerk caused to have published in the *Fresno Bee* a notice of two additional public

hearings on the Council District Report, to be conducted on December 2, 2021, at 6:00 p.m., and December 9, 2021, at 6:00 p.m., in the City Council Chambers; and

WHEREAS, on December 2 and December 9, 2021, the Council conducted duly noticed public hearings pursuant to FMC subsection 2-206(f), during which it received and considered presentations from the City's demographic consultants and special counsel and public testimony regarding the proposed redetermined Council District boundaries and then closed the public hearings; and

WHEREAS, after closing the public hearings the Council deliberated on the proposed new Council district boundaries; and

WHEREAS, Council finds that the City is in substantial compliance with the procedural requirements of the Charter and the FMC and the proposed new Council district boundaries in the Proposed Map ___, attached to this Ordinance and incorporated herein as if set forth in full (Proposed Map), are in accord with the criteria and guidelines set forth herein.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN
AS FOLLOWS:

SECTION 1. The Council hereby accepts the Council District Report.

SECTION 2. Council finds the City is in substantial compliance with the procedural requirements of the Charter and the Fresno Municipal Code governing the Council District redetermination process and Elections Code sections 21621-21629 and that proposed new Council District boundaries in the Proposed Map are in accord with the criteria and guidelines set forth in Charter section 304.1, FMC section 2-207, and Elections Code sections 21621-21629.

SECTION 3. The Council, in accordance with the Charter, FMC sections 2-206 and 2-207, and Elections Code sections 21621-21629, hereby adopts as the Official Council District Map the redetermined Council District boundaries set forth in Proposed Map. The Proposed Map shall be published on the City's redistricting website at www.redistrictfresno.com.

SECTION 4. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage, and the Council Districts adopted herein shall be used for the June 2022 regular municipal election and each election thereafter until such time as the districts are modified again in accordance with the Charter, municipal code, and Elections Code.

SECTION 5. Notwithstanding any other provision of this ordinance, each of the councilmembers in office at the time this ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified, and a vacancy in a term currently underway shall be filled based on the districts in effect the time the current councilmembers were elected.

SECTION 6. The City Manager is directed to take all necessary steps to give effect to this ordinance. If necessary to facilitate the implementation of this ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

* * * * *

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____ 2021.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2021
Mayor Approval/No Return: _____, 2021
Mayor Veto: _____, 2021
Council Override Vote: _____, 2021

TODD STERMER
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Douglas Sloan Date