

CHRISTIAN M. CURTIS  
County Counsel

CHARLOTTE E. SCOTT  
Assistant County Counsel



**Deputies**  
BRINA A. BLANTON  
MATTHEW T. KIEDROWSKI  
MICHAEL J. MAKDISI  
SHANNON R. COX  
JEREMY MELTZER  
DANIKA L. MCCLELLAND

## OFFICE OF THE COUNTY COUNSEL

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### MEMORANDUM

**DATE:** June 9, 2021 Meeting  
**TO:** Board of Supervisors  
**FROM:** County Counsel, Assistant County Counsel Charlotte Scott  
Executive Office, Deputy Chief Executive Officer Steve Dunicliff  
**SUBJECT:** 2021 Redistricting Process

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#### Background

Every ten years, local governments use new official census data to redraw their district lines to reflect how local populations have changed. Elections Code section 21500, *et seq.*, (recently amended by AB 849 “The Fair Maps Act”, in 2019), requires counties to engage communities in the redistricting process by holding public hearings and/or workshops and doing public outreach, including to non-English speaking communities. The U.S. Census Bureau began the decennial census in 2020. However, the deadlines were impacted and extended in response to the COVID-19 pandemic. The County is informed that final census data will not be received until approximately September 30, 2021. While the federal data is anticipated to become available by September 30, 2021, the State of California needs an additional month to adjust the data and account for prisoners who are located in State prison but must be accounted for by the County of their last known home address. In spite of the unforeseen delay in final census data, Elections Code section 21501 still requires that the boundaries of the supervisorial districts shall be adopted (the date the governing body passes a resolution or ordinance establishing boundaries) by the Board of Supervisors no later than December 15, 2021.

#### Summary of Redistricting Requirements

In adopting updated supervisorial districts, the Board must comply with the requirements of the U.S. and California Constitutions, the Voting Rights Act, and criteria reflected in newly amended Elections Code sections 21500, *et seq.*, The Fair Maps Act. In summary, these authorities require that districts be based on total population and must have substantially equal populations per district (deviation of not more than 10%) and comply with the Federal Voting Rights Act (Section 2). The revised State law criteria requires that districts be redrawn using the following mandatory criteria, in order of priority:

1. To the extent practicable, districts must be geographically contiguous, i.e., the County may not draw two districts that only join at a single point.
2. To the extent practicable, districts must maintain geographic integrity of neighborhoods/communities of interest (a population that shares common social or

economic interests that should be included within a single district for purposes of its effective and fair representation, i.e., the shared interests must be map-able).

3. To the extent practicable, districts must minimize division of cities or census-designated places (i.e., towns);
4. Boundaries must be easily identifiable and understandable by residents, and if possible, bound by natural and artificial barriers, by streets, or by the boundaries of the county.
5. To the extent practicable, encouraged to be geographically compact.
6. Boundaries may not be adopted for the purpose of favoring or discriminating against a political party.

Before adopting a final map, the County shall hold at least four (4) public hearings/workshops, one before draft maps are drawn, at least two after the maps are drawn, and at least one after 6:00 p.m. Monday through Friday or on the weekend, (to facilitate public participation). Live translation shall be made available if requested at least 72 hours before the public/hearing/workshop. Depending on the status of the COVID-19 pandemic and related executive and public health orders, these hearings may be held in population centers, such as in Ukiah, (and/or Willits and Fort Bragg). The public hearings have notice requirements which are different and longer than the Brown Act. Specifically the County must publish all draft maps, along with specified information regarding the maps, 5 days for each public hearing/workshop, 7 days prior to the final hearing for map-adoption. Throughout the redrawing process, the County must allow the public to submit testimony or draft maps in writing and electronically. Finally, the County must record all public comment and Board deliberations regarding proposed maps, and make available to the public through an internet webpage (hosted on the County's existing internet website), which must be maintained for 10 years. The webpage must include or link to additional information including, in part, a general explanation of the redistricting process for the county and the procedures for public testimony, both of which must be in English and any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act, (i.e., Spanish).

#### Methodologies for Redistricting

The development of new district boundaries may be accomplished by three different methodologies or a combination thereof. Pursuant to Elections Code section 23000-23003, the Board may:

1. Use a County staff-based advisory commission for redistricting
2. Appoint a citizen "independent redistricting commission" for redistricting
3. Appoint a "hybrid redistricting commission"

A County staff-based advisory commission means that County staff recommends the placement of the district boundaries to the Board of Supervisors, while the Board retains authority to determine those boundaries. An independent redistricting commission means that the Board empowers another body comprised of citizens that is empowered to adopt the district boundaries. A hybrid redistricting commission means the body recommends 2 or more proposed maps for placement of the district boundaries, and the Board of Supervisors must adopt one of the maps without any modification, except as may be required to comply with state or federal law. Supervisors may not be appointed to serve on a commission.

It is recommended that the Board utilize a County staff-based advisory commission. This approach will have the fastest timeframe and be less costly as County staff are prepared to begin work immediately. The following is the recommended makeup and responsibilities for the committee:

1. Executive Office – project management and website development, public outreach, Board liaison
2. IS – GIS and map development and public engagement for mapping and communities of interest
3. County Counsel – legal advice and guidance to staff for the process and criteria

The County is fortunate to have experienced staff who have familiarity with the mapping and redistricting process, and who can be trained and advised on the newer legal requirements (as described above). Additionally, staff can create the website (which content can be reviewed for legal accuracy by County Counsel) and engage in required outreach to media organizations, including those that serve minority communities. Should the Board elect to use this approach, staff will return to the Board with a proposed schedule for the minimum four (4) public hearings/workshops and an update on the process. For example, it is recommended that the first public hearing be a public workshop led by the Advisory Committee during the summer on a weekday after 6:00 p.m., followed by four hearings before the full Board of Supervisors following the receipt of the final census data, timing the last public hearing for Board adoption in December to meet the deadlines required by statute.

Recommendation:

Direct Staff to establish County Staff-based Advisory Committee for 2021 redistricting process and begin work immediately, including the creation of a website for public outreach meeting the requirements of Elections Code Section 21500, *et seq.*, and return to the Board of Supervisors with an update on progress, including a proposed schedule for the minimum four (4) public hearings/workshops. Should the Board adopt a Staff-based Advisory Committee, it is recommended that the first public hearing be a public workshop led by the Advisory Committee during the summer on a weekday after 6:00 p.m., followed by four public hearings before the full Board of Supervisors following the receipt of the final census data, timing the last public hearing for Board adoption in December, to meet the deadlines required by statute.

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