



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 21-457, Version: 1

It is recommended that the Board of Supervisors:

- a. Receive a report on the 2021 Redistricting process; and
- b. Receive staff recommendation on the project timeline and the formation of the 2021 Redistricting Community Advisory Commission; and
- c. Provide staff direction as appropriate.

RECOMMENDATION:

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SUMMARY/DISCUSSION:

The Office of Community Engagement and Advocacy (OCESA) of the CAO has been assigned leadership of the 2021 Redistricting process for Monterey County, the redrawing of Supervisorial boundaries in accordance with federal, state and local law mandate subsequent to the 2020 Census.

The U.S. Census Bureau (Bureau) is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years. Census data is used to determine how many seats each state will have in the U.S. House of Representatives and in redistricting of state legislatures, county boards of supervisors and city councils. In 2020, the Bureau conducted the decennial census, extending the deadline for responses through October 15, 2020 in response to the COVID-19 pandemic. Upon completion of the Census, the County's self response rate (households who responded via the three options to respond; internet, mail or phone) was estimated to be 65.6% (2010 rate was 64.4%) and the Bureau estimated that the total national self-response rate was 67% of all U.S. residents. The Census Bureau followed up with non-responders through census takers and estimates that 99.9% of the U.S. population was counted between self-response and non-response follow up operations by the Census Bureau. On April 26, 2021, the Census Bureau delivered 2020 Census state population counts that will be used for apportionment. By September 30, 2021, the Census Bureau will send redistricting counts to all 50 states. These counts will be used to redraw legislative districts based on population changes. Pursuant to Elections Code Section 21500 et seq., "Following each federal decennial census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution." The Board must adopt an ordinance amending supervisorial districts no later than December 15, 2021. Staff recommends that the Board adopt the ordinance prior to this date, to ensure the ordinance will be effective by the December 15, 2021 deadline, having dealt with potential challenges and allowing for filing for the County Clerk of the Board and confidence for the Registrar of Elections in

implementing the newly drawn districts for the next regular election.

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 Elections Code Sections 21500 et seq. These authorities require that districts be based on total population and must have substantially equal population per district. Additionally, these authorities generally prohibit using race as a predominate criteria for redrawing districts or diluting the voting rights of racial or language minority communities to elect representatives of their choice.

Further, under the California Elections Code, the updated districts must be redrawn using the following criteria, in order of priority:

- 1) To the extent practicable, districts must be geographically contiguous;
- 2) To the extent practicable, districts must maintain the geographic integrity of neighborhoods and communities of interest;
- 3) To the extent practicable, districts must minimize division of cities or census designated places;
- 4) Boundaries must be easily identifiable and, if possible, bound by natural/artificial barriers; and finally
- 5) To the extent practicable, districts must not favor or discriminate against any political party.

State law also requires extensive outreach and opportunity be given for public input, especially for minority and language minority communities. The County is required to hold at least three public hearings or workshops, with the following requirements:

- 1) One public hearing/workshop must be held before draft maps are drawn;
- 2) Two public hearings/workshops must be held after draft maps are drawn;
- 3) One public hearing/workshop must be held on a weekend or after 6pm on a weekday;
- 4) All public hearings/workshops must be noticed to the public, accessible to the disabled and must provide live translation if requested 72 hours prior to the hearing/workshop; and
- 5) The County must publish the date, time and place of each hearing/workshop online at least 5 days prior.

In addition, the County must make good faith, demonstrable efforts to engage the public, including underrepresented and non-English speaking communities. This may be demonstrated by providing information via local media organizations, including those serving non-English speaking communities and to local community organizations and agencies, including those active in language minority communities. The County is also required to publish all draft maps, along with specified information regarding the maps at least 7 days prior to their adoption. Throughout the redrawing process, the County must allow the public to submit testimony or draft maps in writing and electronically. The County must record all public comment and Board deliberation regarding proposed maps. A webpage dedicated to the 2021 Redistricting process will host all required documentations and will remain for the next ten years.

Process:

The development of new district boundaries may be accomplished by three different methodologies or a combination thereof. Pursuant to Section 23002 of the Elections Code, the Board may establish one of the

following:

- 1) Advisory redistricting commission; would recommend to the Board of Supervisors placement of the Supervisorial boundaries, Board of Supervisors makes final decision
- 2) Hybrid redistricting commission; recommends to the Board of Supervisors two or more maps for the placement of the Supervisorial district boundaries, where the Board must adopt one of those maps without modification, except as may be required to comply with state or federal law.
- 3) Independent redistricting commission; is independently empowered to adopt the Supervisorial district boundaries.

Staff recommends that the Board establish an advisory redistricting commission as it will allow the Board to adopt a framework for a redistricting process and begin community outreach and input, while also maintaining a streamlined process that can be responsive to any potential timeline fluctuations, and adopt an updated map by December 15, 2021.

Advisory Redistricting Commission:

Staff recommends that the formation for the 2021 Advisory Redistricting Commission include a commissioner application solicitation period, a selection process determined by the Board to finalize a fifteen-member slate of commissioners to be approved by the Board. The Board may determine the composition of the commission and the criteria for potential commissioners. The Elections Code prohibits members of the Board, their family members, staff members, or paid campaign staff of the Board from serving on the 2021 Redistricting Advisory Commission (“Commission”). The Board has the discretion to adopt additional qualifications for Commissioners.

The Board also has the discretion to determine the size of the commission, and staff recommends implementing a fifteen-member advisory commission, with three commissioners representing each Supervisorial district. To comply with the Elections Code, the Commission’s purpose would be to recommend to the Board the placement of district boundaries for the County. The Commission would convene public workshops to maximize opportunities for community input, receive and review mapping options, and narrow options for Board consideration. The Board will still need to hold at least two public hearings after draft maps are drawn and before adopting the final map by December 15, 2021.

The following eligibility criteria for Commission members are recommended:

- Registered voter in Monterey County;
- Ability to serve from June through December 2021 and attend all meetings;
- Possess experience that demonstrates the ability to comprehend and apply the applicable State and Federal legal requirements;
- Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights;
- Ability to complete training regarding local government ethics, statement of economic interests, analytical skills, voting rights, county profile with demographic information, and mapping software;
- While serving, commissioners may not be a candidate for an elective office of the County; and
- While serving, commissioners may not endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the County.

While serving, commissioners may not serve as an officer of, employee of or paid consultant to:

- A campaign committee or a candidate for elective office of the County;
- A political party or as an elected or appointed member of a political party central committee; or
- An elected officer of the County.

Staff would post Commission openings and accept applications through a webpage on the County website, launched specifically for the 2021 Advisory Redistricting Commission. Administration will also provide a method for paper submission of applications to ensure accessibility for those who may not have internet access. Submitted applications will be reviewed by Administration and the Office of County Counsel to qualify applicants based on the Board's eligibility criteria.

The preliminary timeline is described in the Attachment A.

Lastly, staff anticipates the need to utilize the expertise of a demographic consulting firm specializing in redistricting processes to assist staff, the redistricting commission and Board in the drawing of the proposed district boundaries. A contract for these services will be brought to the Board of Supervisors for consideration in late May or June 2021.

OTHER AGENCY INVOLVEMENT:

This report is prepared by the CAO-Office of Community Engagement & Strategic Advocacy and has been reviewed by County Counsel. The following departments are engaged in support of the 2021 Redistricting process in their respective capacities: Information Technology Department, Contracts and Purchasing, Elections.

FINANCING:

The CAO-Budget & Finance Office has received a budget augmentation request in advance of the FY2021-22 Budget Hearings, in the amount of \$400,000 allocated to fund the 2021 Redistricting process.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Receipt of this report and authorization of the proposed letter supports the selected Board of Supervisors Strategic Initiatives:

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

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May 10, 2021

Nicholas E. Chiulos, Assistant County Administrative Officer

Date

Attachment A: 2021 Redistricting Timeline