

**CITY OF SIMI VALLEY
MEMORANDUM**

August 23, 2021

TO: City Council

FROM: Office of the City Clerk / Office of the City Attorney

SUBJECT: INFORMATIONAL PRESENTATION ON THE REDISTRICTING PROCESS AND DIRECTION ON THE USE OF A COMMISSION TO ESTABLISH THE DISTRICT BOUNDARIES

STAFF RECOMMENDATION

It is recommended the City Council decide whether to form a commission to be involved in the City's redistricting process or not use a commission in establishing district boundaries.

BACKGROUND AND OVERVIEW

Every ten years, cities with by-district elections must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. The redistricting process for Simi Valley must be completed by April 17, 2022. With the 2020 Census data starting to be released, the City has been preparing to address the process to review Simi Valley's current district lines. As required by law, there are extensive opportunities for the public to provide input into the redistricting process. At this time, the City Council is requested to decide whether to form a commission to be involved in the redistricting process or not use a commission and adopt the district boundaries, following a period of public outreach and engagement.

FINDINGS AND ALTERNATIVES

The City transitioned from an at-large to by-district election format in 2018 with the City's current boundaries being adopted on December 10, 2018. The transition was prompted by a letter dated August 6, 2018 alleging violation of the California Voting Rights Act (CVRA) because Council members were elected at-large rather than by districts.

The City contracted the services of a demographer, National Demographics Corporation (NDC), to assist in the districting process and drawing of maps. On November 3, 2020, elections in Districts 1 and 3 took place. Elections for Districts 2 and 4 and the at-large mayor will take place on November 8, 2022. The City has again contracted NDC to assist with the 2020 redistricting process.

Since the City Council's transition to by-district elections in 2018, the State has enacted new laws governing the redistricting process, including the FAIR MAPS Act, which was adopted by the California legislature and took effect January 1, 2020. The FAIR MAPS Act contains new outreach and public hearing requirements as described below.

In accordance with the FAIR MAPS Act, the City must hold at least four public hearings that enable community members to provide input on the drawing of district maps:

- At least one hearing must occur before the City draws draft maps
- At least two hearings must happen after the drawing of draft maps
- The fourth hearing can happen either before or after the drawing of draft maps
- City staff or consultants may hold a public workshop instead of one of the required public redistricting hearings

To increase the accessibility of these hearings, cities must take the following steps:

- At least one hearing must occur on a Saturday, Sunday, or after 6 p.m. on a weekday
- If a redistricting hearing is consolidated with another local government meeting, the redistricting hearing portion must begin at a pre-designated time
- Local public redistricting hearings should be made accessible to people with disabilities

Certain Federal criteria must be observed when re-drawing districts:

- Each city council district shall contain a nearly equal population;
- A districting plan shall be drawn in a manner that complies with the Federal Voting Rights Act and the Equal Protection Clause of the U.S. Constitution; and
- City council districts shall not be drawn with race as the predominant factor

Additionally, the FAIR MAPS Act requires the City Council to adopt district boundaries using specific criteria as set forth in the following order of priority and to the extent practicable:

1. Districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. The geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is 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. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. District boundaries should be easily identifiable and understandable by residents. To the extent practicable, City Council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.
4. Districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

As a general law city, Simi Valley will select one of following options for the redistricting process:

1. **No Commission** - City Council may adopt district boundaries by a Council vote, following a period of public outreach and engagement
2. **Advisory Commission** - City Council may appoint an advisory redistricting commission to recommend district boundaries for the City Council to review and adopt
3. **Independent Commission** - City Council may establish an independent redistricting commission with the authority to adopt district boundaries
4. **Hybrid Commission** - The City Council may establish a hybrid redistricting commission to draw two maps with the City Council required to adopt one of the two maps
5. **Contract with County** - The City may contract with the County to draw boundaries (if the County creates its own independent commission)

If the City Council wishes to establish a commission (options 2, 3, or 4 above), additional legal guidelines apply, as follows:

Advisory Commission

The process for establishing an advisory commission is similar to other local boards and commissions. The commission shall consist of residents living in the City of Simi Valley and the City may specify the qualifications and selection process for commissioners. Current City Council Members or family, staff members, or paid campaign staff of a City Council Member may not serve on the commission.

Independent Commission

State law authorizes the City Council to transfer redistricting authority to an independent redistricting commission. The manner of appointment is set by the City Council, but commissioners cannot be appointed directly by the City Council. Commissioners must pass an extensive list of possible disqualifications and there are post-service limitations on their ability to run for local office, serve on a local board or commission, seek city employment, or otherwise contract with the City. Independent Commissions (and hybrid commissions) are barred from considering the location of a current City Council Member or a potential candidate for City Council when drawing the lines. In small jurisdictions where any potential commissioner likely already knows where one or more City Council Members reside, this rule can make maps very difficult to defend from a legal challenge.

Hybrid Commission

A hybrid commission is formed in a manner similar to an independent commission and has similar pre-service and post-service limitations, but a hybrid commission is required to submit two or more maps to the City Council and the City Council must select one of the submitted maps. The City Council is not permitted to alter the selected map in any way except as needed to comply with Federal or State law.

The City's redistricting process will have numerous opportunities for the public to participate in drawing the lines. The City will dedicate a separate webpage on the City's website and the City/Consultant will have a webpage with mapping software and Census information available to allow the public to submit proposed maps for the City Council and/or Commission to consider.

Should the City Council decide to utilize a redistricting commission, the Council would need to identify which commission format it would like to follow (Advisory, Independent, Hybrid). Subsequently, staff will return to the City Council with the criteria for establishing a commission and the timeline for recruitment and to make the appointments.

Should the City Council elect to move forward without the use of a commission, the current timeline for the City's redistricting process is as follows:

- **August 12, 2021:** Census Bureau released official 2020 data
- **August 23, 2021:** Informational presentation to City Council on the redistricting process
- **September 2021:** Launch redistricting webpage and begin community outreach; California Statewide Database expected to release official redistricting data
- **September 27, 2021:** 1st public hearing – NDC presents public mapping tools and solicits public input on “communities of interest”
- **October - November 2021:** Time for the public to draw draft maps
- **December 2021 & January 2022:** 2nd & 3rd public hearings to discuss and revise maps (more meetings are allowed if needed, but are not required)
- **February 2022:** 1st Reading of ordinance to adopt final map
- **March 2022:** 4th public hearing – 2nd reading and adoption of map ordinance
- **April 17, 2022:** Deadline to adopt and submit map to Ventura County Registrar

It is recommended that the City Council decide whether to form a commission to be involved in the City's redistricting process or not use a commission in establishing district boundaries.

The following alternatives are available to the City Council:

1. Elect not to use a redistricting commission to establish the City Council district boundaries;
2. Elect to use a redistricting commission, identifying which commission format to use, and direct staff to return to the City Council with criteria to recruit and appoint commissioners;
3. Provide further direction to staff.

SUGGESTED CITY COUNCIL MOTION

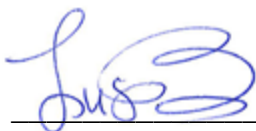
I move to have the City Council establish the City’s district boundaries without the use of a commission.

OR

I move to use a redistricting commission, using the _____ commission format, and direct staff to return to the City Council with criteria to recruit and appoint commissioners.

SUMMARY

The City’s current boundaries were adopted on December 10, 2018. The City transitioned from at-large to by-district elections. Since the City Council’s transition to district elections in 2018, the State has enacted new laws governing the redistricting process, including the FAIR MAPS Act, which was adopted by the California legislature and took effect January 1, 2020. The City contracted the services of a demographer, National Demographics Corporation (NDC), to assist in the districting process and drawing of maps. On November 3, 2020, elections in Districts 1 and 3 took place. Elections for Districts 2 and 4 and the at-large mayor will take place on November 8, 2022. The City has again contracted NDC to assist with the redistricting process. The redistricting process and adoption of the new map for Simi Valley must be completed by April 17, 2022. At this time, the City Council is requested to decide whether to form a commission to be involved in the process or not use a commission and adopt the district boundaries following a period of public outreach and engagement.



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