



**CITY OF PACIFICA
COUNCIL AGENDA SUMMARY REPORT**

3/14/2022

SUBJECT:

Redistricting - Public Hearing #4 to Receive Input Regarding Proposed Draft District Maps, Composition of Council District Boundaries; Affirm Selection of Map 505b and Introduce an Ordinance of the City Council of the City of Pacifica Amending Title 2, Chapter 9, "District Elections" to Repeal and Replace Section 2-9.02 "City Council Districts Established" of the City of Pacifica Municipal Code to Adopt City Council District Boundaries Based on 2020 Census Data

RECOMMENDED ACTION:

1. Conduct the Public Hearing to Receive Input Regarding Composition of Council District Boundaries and Affirm Selection of Map 505b; and
2. Introduce by Title Only and Waive the First Reading of an "Ordinance of the City Council of the City of Pacifica Amending Title 2, Chapter 9, "District Elections" by Repealing and Replacing Section 2-9.02, "City Council Districts Established" of the City Of Pacifica Municipal Code to Adopt City Council District Boundaries Based on 2020 Census Data; and finding ordinance exempt under the California Environmental Quality Act ("CEQA").

STAFF CONTACT:

Sarah Coffey, City Clerk
650-738-7307
scoffey@pacifica.gov

BACKGROUND:

On December 17, 2018, the City Council of the City of Pacifica adopted Ordinance No. 839-C.S., establishing a district-based system for the election of members of the City Council by five districts, establishing the boundaries and identification number of each district and establishing the election order of each district. This ordinance added Chapter 9 "District Elections" to Title 2 of the Pacifica Municipal Code. By this action, the City of Pacifica changed from an at-large election system to a by district election system for the election of City Council members, established five voting districts to elect Councilmembers, adopted Map 505b defining City Council district boundaries and establishing the sequence of elections for each district with Districts 1 and 4 to be elected in November 2020 and Districts 2, 3 and 5 to be elected in November 2022.

Every ten years, after the federal census is complete, district lines must be reviewed and, if necessary, adjusted to keep the boundaries as nearly equal in population as possible, allowing for certain variances due to geography, topography, communities of interest, etc., as required by federal and California law. This process of reviewing the census data and adjusting the district boundary lines is called redistricting. The City of Pacifica has engaged National Demographics Corporation (NDC) to provide demographer services to assist in the process of redistricting. The redistricting process for the City of Pacifica must be completed by April 17, 2022.

In California, the process for redistricting is established by the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (“Act”). Under the Act, cities and counties must conduct certain outreach, maintain websites with publicly available information about draft maps and hold at least four public hearings on the issue.

Under the Act, the council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21601(c) for general law cities):

1. Comply with the federal requirements of equal population and the federal Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and “communities of interest” (socio-economic geographic areas that should be kept together)
4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the above prioritized criteria are met, other traditional districting principles may be considered, such as:

1. Minimizing the number of voters delayed from voting due to a change of their district;
2. Respecting voters’ choices / continuity in office
3. Future population growth

By law, the City must hold at least four public hearings that enable community members to provide input on the redistricting process. The process involves the following requirements:

- 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

Previously, the first public hearing in the redistricting process was held on January 10, 2022. At the January 10, 2022 Public Hearing, the Council received a presentation from NDC providing a general overview of the redistricting process, information regarding the federal and state requirements regarding the criteria in order of priority to be used to establish district boundaries, review of the existing district boundary map 505b with 2020 census data and received public input on what factors should be taken into consideration while creating district boundaries. The January 10, 2022 public hearing was held prior to the consideration of any draft maps.

The second public hearing to consider redistricting was held on February 14, 2022. The purpose of the second public hearing was to receive input from the community on what factors should be taken into consideration while evaluating district boundaries such as input on neighborhoods and communities of interest, and to consider any draft maps that have been submitted or prepared. At that public hearing, the existing map 505b and a draft map submitted by a member of the public, identified as map 506, was considered. The Council directed staff to bring further analysis of map 506 with additional information about demographics and street level detail and to consider an additional draft map based on map 506 with adjustments made to boundaries to move an identified population block from District 3 to District 4.

The third public hearing to consider redistricting and the second at which draft maps were

considered was held on February 28, 2022. At the public hearing on February 28, 2022, Council received input from the community regarding the draft maps, district boundaries, and election sequencing.

The City has a webpage dedicated to the redistricting process which can be found here:

www.cityofpacific.org/Redistricting <<http://www.cityofpacific.org/Redistricting>>

City staff has also made efforts to conduct outreach to the public to provide information on the City's redistricting process including the following:

- Public Hearing Notice for the January 10, 2022 public hearing was posted at City Hall on January 4, 2022 and published in the Pacifica Tribune on January 5, 2022.
- Following the January 10, 2022 public hearing, public mapping kits in English and Spanish were posted to the City website and available at City Hall.
- Public Hearing Notice for the February 14, 2022 Public Hearing #2 was posted at City Hall on January 21, 2022 and published in the Pacifica Tribune on January 26, 2022 and February 2, 2022.
- Public Hearing Notice for the February 28, 2022 Public Hearing #3 was posted at City Hall on February 11, 2022 and published in the Pacifica Tribune on February 16, 2022 and February 23, 2022, published in Spanish in El Reportero on February 25, 2022 and published in Chinese in the World Journal on February 24, 2022.
- Information on redistricting and soliciting public input and submission of draft maps for the redistricting process were published in the City of Pacifica's "Connect With Pacifica" weekly e-newsletter and distributed by email on January 21, 2022, January 28, 2022 and February 4, 2022.
- Information on redistricting and soliciting public input and submission of draft maps in reference to the February 14, 2022 Public Hearing was also published to the City's NextDoor and Facebook social media feeds on February 2, 2022.
- Draft maps for consideration at the February 28, 2022 Public Hearing were published on the City's Redistricting webpage (www.cityofpacific.org/Redistricting <<http://www.cityofpacific.org/Redistricting>>) on February 20, 2022.
- Public Hearing Notice for the March 14, 2022 Public Hearing #4 was posted at City Hall on March 4, 2022 and published in the Pacifica Tribune on March 9, 2022.

Public comments and input regarding redistricting can be sent to the City via email to publiccomment@pacific.org; please indicate "Redistricting" in the subject line.

DISCUSSION:

Tonight's March 14, 2022 meeting is the fourth public hearing to consider redistricting. At the previous public hearing on February 28, 2022, Council received information regarding three draft maps under consideration - Map 505b, Draft Map 506 and Draft Map 506b - including demographer consultant NDC's analysis of each of the maps with respect to the 2020 census data; Council received input from the community regarding the draft maps, district boundaries, and election sequencing; and Council approved an introduction of a proposed ordinance with the final selected district map and election sequencing with the intent of re-adopting the current Council District Map 505b and retaining the existing election sequencing for the existing districts.

Following introduction of the ordinance, it was discovered that there was a discrepancy in the depiction of the map included in the proposed ordinance. Map 505b referenced in the proposed ordinance introduced at the February 28, 2022 meeting depicted NDC's version of Map 505b, which was based on the 2020 Census blocks. These Census blocks did deviate slightly from the original district boundaries adopted by the Council in 2018.

To honor the City Council's and community's intent to preserve the existing precise official District lines of Map 505b as adopted in 2018, Staff is recommending that the Council conduct another first reading of the ordinance using the current District Map 505b as adopted in 2018. NDC's analysis of the current District Map 505b as adopted in 2018, concludes that the overall population balance of the map is still well below the 10% "presumed constitutional" limit to meet the federal requirements of equal population under the federal Voting Rights Act, even considering where approximations must be made to consider where official district lines may split census blocks.

Ordinance

Staff has prepared the proposed ordinance which amends Pacifica Municipal Code section 2-9.02 to repeal and replace the existing code provisions. The sequencing of the elections is found in Pacifica Municipal Code Section 2-9.04 and will remain unchanged. This provision provides for Districts 2, 3 and 5 to be elected in November 2022 and Districts 1 and 4 to be elected in November 2024.

It is recommended that Council introduce and waive the first reading and read by title only, the ordinance proposed as attached.

Next Steps

If the proposed Ordinance is introduced at tonight's meeting, the Ordinance will be in order for adoption at the March 28, 2022 regular City Council meeting.

The revised timeline to complete the redistricting and map adoption process is summarized as follows:

- Public Hearing #1 January 10, 2022 - review process and laws, review 2020 census data, receive input on composition of districts
- Public Hearing #2 February 14, 2022 - review draft maps
- Public Hearing #3 February 28, 2022 - selection of final map
- Public Hearing #4 March 14, 2022 - Introduction of ordinance with selection of final map
- March 28, 2022 - Adoption of ordinance
- April 17, 2022 - Deadline for City to transmit Ordinance and GIS shape files corresponding to adopted final district map to the County of San Mateo Registrar of Voters / Elections Division.

CEQA:

Introduction of this ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a "project" pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of the Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the

environment.

RELATION TO CITY COUNCIL GOALS AND WORK PLAN:

The process of evaluating City Council districts with respect to updated 2020 census data and consideration of redistricting is consistent with the following Council adopted Goals:

“A Connected Community” includes taking actions to restore trust in City government, expanding communication and building community.

FISCAL IMPACT:

The fiscal impact of engaging NDC as the consulting demographer ranges from \$3,500 to a not-to-exceed amount of \$45,000 per the attached agreement, with the low-range cost being associated with concluding the redistricting process with a finding that the current districts are “still balanced.”

Additional costs for the redistricting process that are not reflected in the agreement not-to-exceed cost include city attorney legal expenses, publication expenses related to notices of public hearings associated with the redistricting process, printing and publication expenses for additional informational community outreach and advertising, and translation costs for meetings or printed materials, if necessary. The primary expense related to redistricting would be the engagement of the demographer per the attached agreement. Expenses for redistricting would be budgeted under the general fund City Manager - Election Expenses fund 01.200210.52331.0000.000.

ORIGINATED BY:

City Clerk

ATTACHMENT LIST:

ORDINANCE NO. (ID # 4918)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PACIFICA AMENDING TITLE 2, CHAPTER 9, "DISTRICT ELECTIONS" BY REPEALING AND REPLACING SECTION 2-9.02, "CITY COUNCIL DISTRICTS ESTABLISHED" OF THE CITY OF PACIFICA MUNICIPAL CODE TO ADOPT CITY COUNCIL DISTRICT BOUNDARIES BASED ON 2020 CENSUS DATA

WHEREAS, the City Council adopted Ordinance No. 839-C.S. on December 17, 2018, to provide for the election of members of the City Council of the City of Pacifica by-district in five single-member districts and establish district boundaries for five City Council districts as defined in the voting district map 505b and set forth the election sequence of the five districts; and

WHEREAS, pursuant to California Elections Code 21601, following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution; and

WHEREAS, California Elections Code section 21600 *et seq.*, requires, among other things, that following each decennial federal census, and using that census as a basis, the city council by ordinance or resolution, adopt boundaries for any or all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution ("redistricting"); and

WHEREAS, pursuant to California Elections Code 21607.1(a), at a regular meeting held on January 10, 2022, the City Council held a public hearing where the public was invited to provide input regarding the composition of the City's voting districts before any draft maps were drawn; and

WHEREAS, thereafter, at regular meetings held on February 14, 2022 and February 28, 2022, the City Council held public hearings pursuant to California Elections Code 21607, where the public was invited to provide input regarding the content of the draft maps that had been released at least seven (7) days before each meeting, and the City Council considered and discussed the same; and

WHEREAS, at a regular meeting held on February 28, 2022, the City Council discussed the draft maps and selected the final voting district map; and

WHEREAS, at a regular meeting held on March 14, 2022, the City Council affirmed the final voting district map and set forth the introduction of this Ordinance for a first reading; and

WHEREAS, in compliance with Elections Code section 21607.1(b)(c) and (d), all of the public hearings were commenced at a fixed time after 5:30 p.m., on a weekday, and were accessible to persons with disabilities; and

WHEREAS, in compliance with Elections Code section 21608(a), the Council took steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps include, but are not limited to the following:

- Public Hearing Notice for the January 10, 2022 public hearing was posted at City Hall on January 4, 2022 and published in the Pacifica Tribune on January 5, 2022.
- Following the January 10, 2022 public hearing, public mapping kits in English and Spanish were posted to the City website and available at City Hall.
- Public Hearing Notice for the February 14, 2022 Public Hearing #2 was posted at City Hall on January 21, 2022 and published in the Pacifica Tribune on January 26, 2022 and February 2, 2022.
- Public Hearing Notice for the February 28, 2022 Public Hearing #3 was posted at City Hall on February 11, 2022 and published in the Pacifica Tribune on February 16, 2022 and February 23, 2022, published in Spanish in El Reportero on February 25, 2022 and published in Chinese in the World Journal on February 24, 2022.
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- Information on redistricting and soliciting public input and submission of draft maps in reference to the February 14, 2022 Public Hearing was also published to the City's NextDoor and Facebook social media feeds on February 2, 2022.
- Draft maps for consideration at the February 28, 2022 Public Hearing were published on the City's Redistricting webpage (www.cityofpacifica.org/Redistricting) on February 20, 2022.

WHEREAS, pursuant to Elections Code section 21608(c), the City established a redistricting website which provided a schedule with the date, time, and location for any public hearing relating to redistricting on the internet at least five days before the hearing and also provided access to redistricting data and for the purposes of drawing draft maps and paper mapping tools; and

WHEREAS, a fourth public hearing is scheduled to be held at a regular meeting of the City Council on March 14, 2022, to review and consider additional public input related to the selection of final district map and the introduction of this proposed ordinance with adoption of the ordinance anticipated to take place at a regular meeting on March 28, 2022; and

WHEREAS, pursuant to Elections Code section 21608(d)(1), all draft maps considered by the Council were published on the City's redistricting website at least seven days before being considered for adoption as a final map by the Council.

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

Section 1. Recitals. The City Council hereby finds that the foregoing recitals are a true and accurate and are incorporated herein by reference.

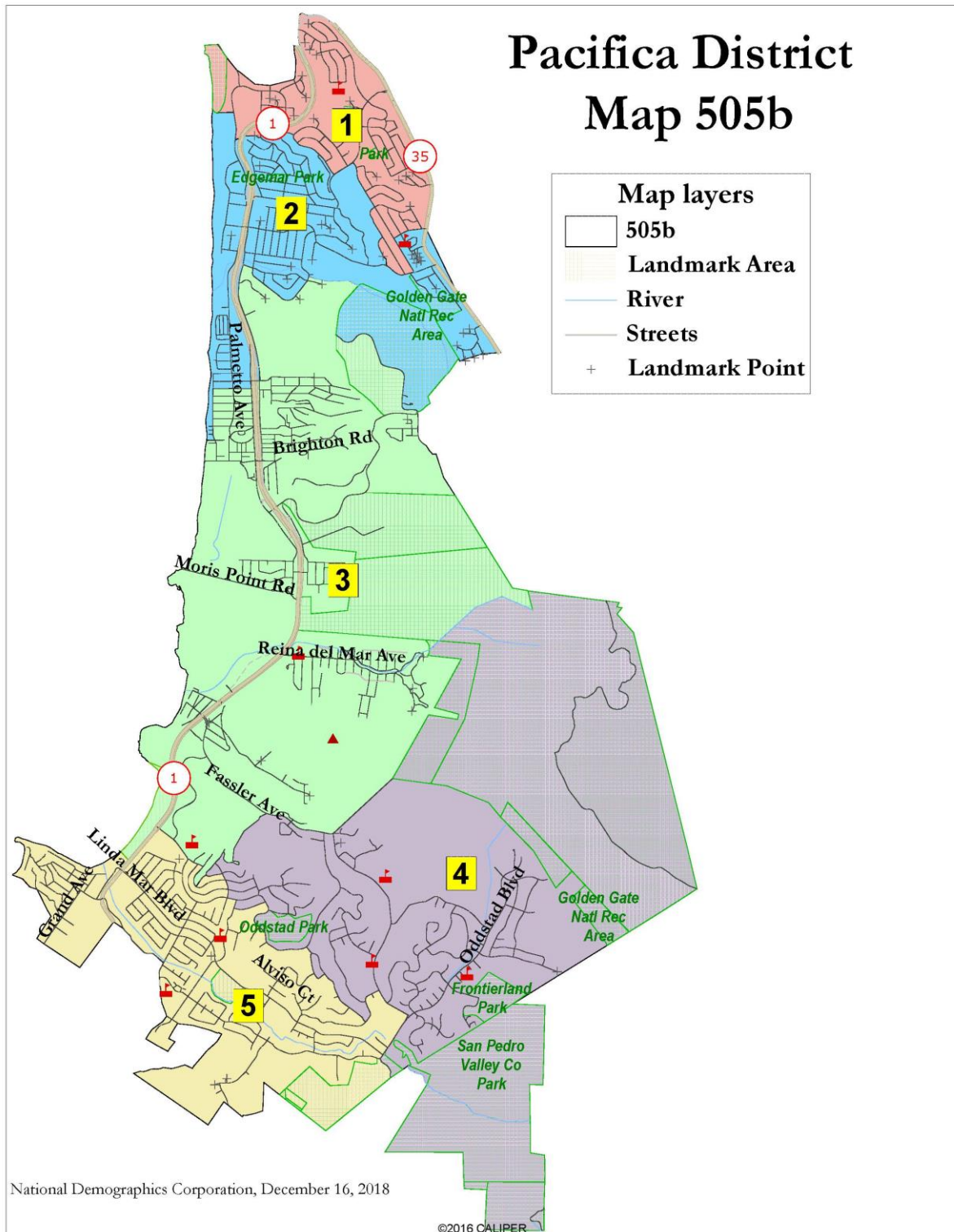
Section 2. California Environmental Quality Act (CEQA) Determination.

Adoption of this Ordinance is exempt from environmental review as the adoption of this Ordinance does not qualify as a “project” pursuant to Public Resource Code section 21065 and CEQA Guidelines Sections 15320, 15378 and 15061(b)(3) since it can be seen with certainty that there is no possibility that adoption of the Ordinance would cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

Section 3. Code Amendment. Title 2, “Administration”, Chapter 9, “District Elections” is amended by repealing Section 2-9.02, “City Council Districts” in its entirety and replacing it to read as follows:

“2-9.02. - City Council Districts.

Five City Council districts are hereby adopted in the City of Pacifica. The boundaries and identifying number of each district for the City Council elections shall be as described on the Council District Map 505b included and incorporated below:



Section 4. Authorization for Technical Adjustments. The City's demographer, National Demographics Corporation (NDC), is hereby authorized to make non-substantive technical adjustments to Map 505b to finalize the Map as necessary and to prepare a GIS shapefile which identifies the Council district boundaries consistent with Map 505b as well as census

blocks and tracts, as may be necessary, in a form approved by the City Clerk and City Attorney.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall nonetheless remain in full force and effect. The Council of the City of Pacifica hereby declares that it would have adopted each section, subsection, sentence, clause, phrase, or portion of this Ordinance, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions of this Ordinance be declared invalid or unenforceable.

Section 6. Effective Date.

This Ordinance shall take effect thirty (30) days after adoption as provided by Government Code section 36937.

Section 7. Publication; Certification.

The City Clerk shall attest to the adoption of this Ordinance and cause the same to be published in accordance with State law. The City Clerk is also authorized and directed to file this Ordinance, Map 505b, the census blocks and tracts, the GIS shapefile, and any other documents, as may be necessary, to effectuate the adoption of Map 505b with the San Mateo County Clerk-Recorder-Assessor-Registrar of Voters. In the case of any parcels that are split across Council district boundaries, the County Clerk-Recorder-Assessor-Registrar of Voters shall apply a uniform methodology to adjust the boundary line to a border of the parcel without materially affecting the population within each affected district.

PASSED AND ADOPTED this ____ day of March 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT

Mary Bier, Mayor

ATTEST:

APPROVED AS TO FORM:

Sarah Coffey, City Clerk

Michelle Kenyon, City Attorney

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(ID # 4918) at 3/14/2022 6:00 PM City Council Regular Meeting