

AGENDA REPORT

City Council

MEETING DATE: January 19, 2022

PREPARED BY: Shelley Wecker
Christopher Skinnell

DEPT. DIRECTOR: Jace Schwarm

DEPARTMENT: Risk Management

CITY MANAGER: Pamela Antil

SUBJECT:

Third Public Hearing in the redistricting process to begin at 6:30 pm.

RECOMMENDED ACTION:

1. Open the public hearing 6:30 p.m.
2. Receive and discuss presentation from the demographer regarding draft district maps including those prepared by the demographers and those submitted by members of the public.
3. Conduct a public hearing to solicit public testimony regarding the proposed district maps.
4. Provide feedback and (1) narrow down the field of proposed maps to a handful of “focus” maps, and (2) if desired, direct the demographer to prepare revised or additional draft district maps for presentation to the Council at the fourth public hearing to be held on March 9, 2022.

FISCAL CONSIDERATIONS:

The cost of redistricting is estimated to be \$180,000 and has been included in the fiscal year 2021-22 budget.

BACKGROUND:

Following every federal decennial census, local governments that conduct elections using district-based voting are required to commence a formal redistricting process as prescribed by the California Elections Code, based upon that new Census. As a consequence of the Legislature’s significant revisions to the FAIR MAPS Act in 2020, Encinitas must follow a somewhat different process and different substantive criteria than those used to establish its current voting districts in 2017. It is therefore necessary for Encinitas to undertake a redistricting effort following the federal 2020 census that uses the specific procedures California law now requires. The Council adopted a timeline and process for the redistricting at its September 22, 2021, meeting.

The City has engaged assistance from Christopher Skinnell, a partner at the law firm of Nielsen Merksamer, and demographers Douglas Johnson and Shannon Kelly from National Demographics Corporation (NDC), to assist with the process.

Prior Proceedings

The second of four required public hearings were held on November 17, 2021, at which the Council received public comment regarding proposed changes to the lines and gave direction to the demographic consultants for the preparation of draft maps.

Prior to that hearing, the Council had received an introductory presentation from its consultants on June 9, 2021, regarding timeline, process, legal rules and criteria, etc., and conducted the first of the four public hearings on September 22, 2021, to receive input regarding proposed changes. City staff and the consultants also conducted informational redistricting workshops for the public on Monday, August 16, 2021 (virtual), and on Saturday, October 16, 2021 (in-person at the Encinitas Community and Senior Center), to answer questions, provide information and demonstrate the *DistrictR* mapping tool and Paper Mapping Kits.

This is the third of the four required public hearings.

Submission of Public Maps

The City has made several tools available on its website for members of the public to submit proposed maps for consideration by the Council, and participation on the City's redistricting website and use of the *DistrictR* mapping tool has produced a lot of activity with 60 draft maps submitted for review. The demographer will evaluate all draft maps based on the substantive criteria and population allocations as outlined in the analysis below and will present the viable draft maps and concepts to City Council at the January 19, 2022, public hearing.

Consultant-Produced Maps

The consultant will also present additional maps created based on the feedback previously received and themes that appear in the public maps.

ANALYSIS:

The current districts are population-balanced

As a result of the COVID-19 pandemic, the Census Bureau released its initial census data in August 2021 rather than its statutory deadline of March 31, 2021. Changes to state law now require cities to base their redistricting on data that has been adjusted by the California Statewide Database which reassigned incarcerated residents back to their last known place of residence. The adjusted data was finally released by the Census Bureau on September 27, 2021. Based on this new state census data, NDC has provided the following demographic analysis of the existing council districts:

City of Encinitas Current District Official Demographics						
District:	1	2	3	4	Total	
Total Population:	15,306	15,076	16,580	15,145	62,107	
Deviation from Ideal:	-221	-451	1,053	-382	1,504	
Pct. Deviation:	-1.42%	-2.90%	6.78%	-2.46%	9.69%	
Citizen Voting Age Population	Total:	11,221	11,710	13,117	11,454	47,502
	% Latino	5%	17%	8%	12%	11%
	% NH White	85%	77%	86%	81%	82%
	% NH Black	2%	1%	1%	1%	1%
	% NH Asian/Pac. Islander	7%	4%	4%	6%	5%

Under Supreme Court case law, “total deviation” under 10% is regarded as presumptively compliant with constitutional equal population requirements. The total deviation of the council district map adopted in 2017 is 9.69%. However, due to recent state law changes, it remains necessary for the City to review the existing districts under the following criteria as part of the redistricting process:

Revised district boundaries substantive criteria

As previously presented, California Elections Code Section 21621(c) requires the City Council to adopt district boundaries using the following criteria, in the following order of priority:

- To the extent practicable, council districts shall be geographically contiguous.
- To the extent practicable, 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 purposed of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents or political candidates.
- Districts must be easily identifiable and understandable by residents.
- To the extent practicable, districts shall be defined by natural and artificial barriers, by streets or by the boundaries of the city.
- To the extent practicable, boundaries must be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
- May not adopt district boundaries for the purpose of favoring or discrimination against a political party.

At the November 17, 2021, public hearing, as at the previous hearings, the Council identified the City’s five historical neighborhoods, (Old Encinitas, New Encinitas, Olivenhain, Leucadia, and Cardiff-by-the-Sea) as communities of interest to be taken into consideration in this process.

ENVIRONMENTAL CONSIDERATIONS:

The action being considered by the Council is exempt from the California Environmental Quality Act (CEQA) because it is not a “project” under Section 15378(b) of CEQA Guidelines. The action involves organizational or administrative activity of government that will not result in the direct or indirect physical change in the environment.

ATTACHMENTS:

- Attachment 1: Demographer PowerPoint
- Attachment 2: Proposed maps with demographic spreadsheets
- Attachment 3: Public Comment



City of Encinitas Public Hearing #3

Redistricting Rules and Goals

1. Federal Laws

Equal Population
Federal Voting Rights Act
No Racial Gerrymandering



2. California Criteria for Cities

1. Geographically contiguous
2. Undivided neighborhoods and “communities of interest”
(Socio-economic geographic areas that should be kept together)
3. Easily identifiable boundaries
4. Compact
(Do not bypass one group of people to get to a more distant group of people)

Prohibited:

“Shall not favor or discriminate against a political party.”

3. Other Traditional Redistricting Principles

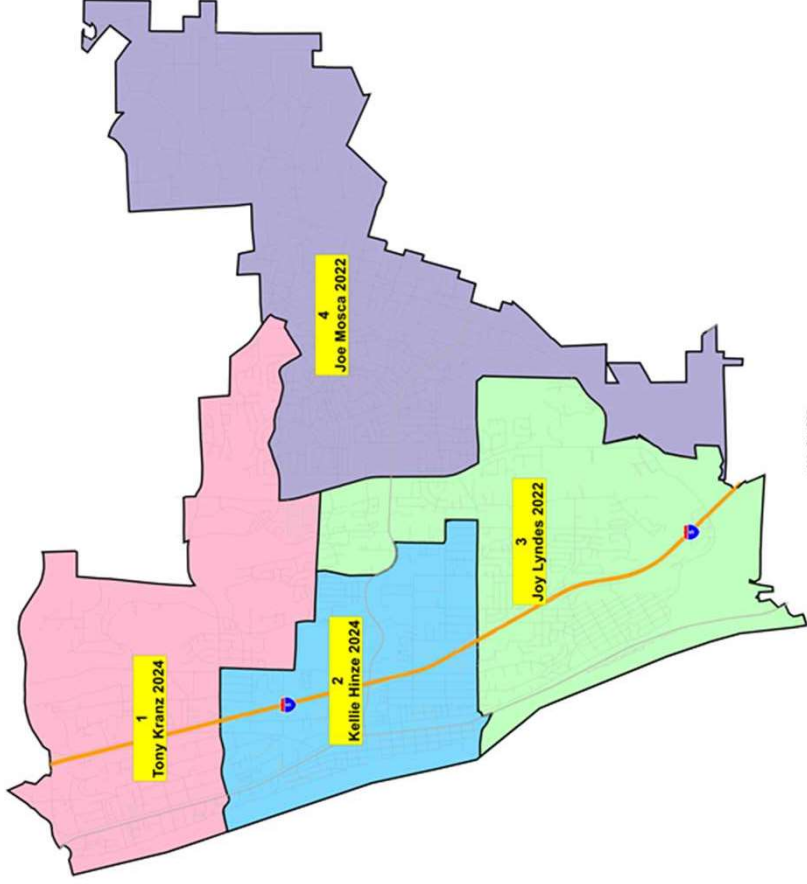
- Minimize voters shifted to different election years
- Respect voters’ choices / continuity in office
- Future population growth
- Preserving the core of existing districts

City of Encinitas Redistricting Timeline

Month(s)	Event
Initial Public Workshop August 16	Provide introduction of redistricting process to the public Do initial online mapping tool demo
Census Data Release August 12	Census Bureau releases official 2020 Census population data
Public Hearing #1 September 22	Education about the process and communities of interest Initial public testimony about communities of interest
California Data Release Late September	California releases official “prisoner adjusted” redistricting data
Public Mapping Workshop October 16	Workshop to allow members of the public to view and use mapping tools Demos of mapping tools
Public Hearing #2 November 17	Continue education about process and solicit feedback on communities of interest; hear public testimony about existing map and communities
Public Hearing #3 January 19	Discuss and review draft maps Solicit feedback from the public about draft maps
Public Hearing #4 March 9	Revised maps posted online and available at Encinitas City Hall Discuss, revise and adopt recommended final map and discuss election sequence
April 17, 2022	(Election Minus 205) Statutory deadline to adopt map ordinance

Final California-Adjusted Data Shows Districts are Balanced

Ideal population is per district is 15,527



District 1:	-221
District 2:	-451
District 3:	+1053
District 4:	-382

Total Deviation +9.69%

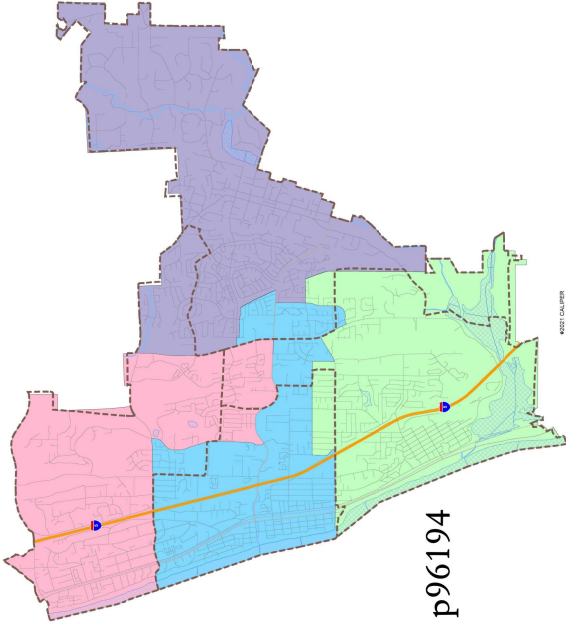
Draft Maps

- **Total drafts maps: 63**
 - Public submitted: 60*
 - NDC produced: 3
- **Incomplete, Communities of Interest, Significantly Not Balanced: 24**
- **Included Here: 39**

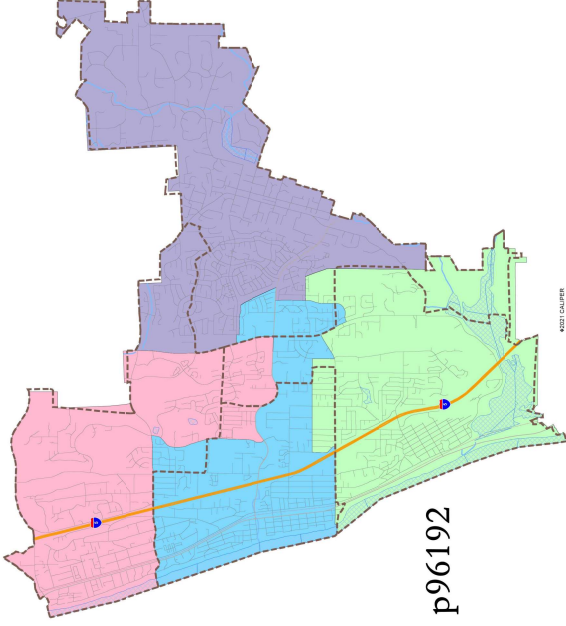
Deadline for consideration for January 19 Public Hearing: January 5, 2022, at 5 p.m.

Maps Keeping General Structure

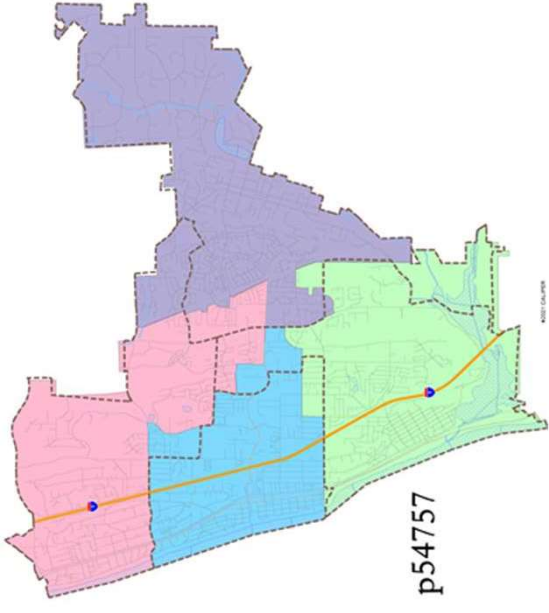
Maps moving north section of New Encinitas to eastern district



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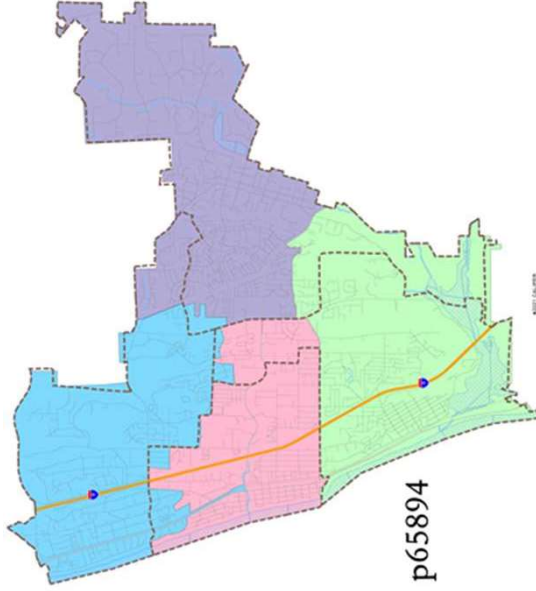
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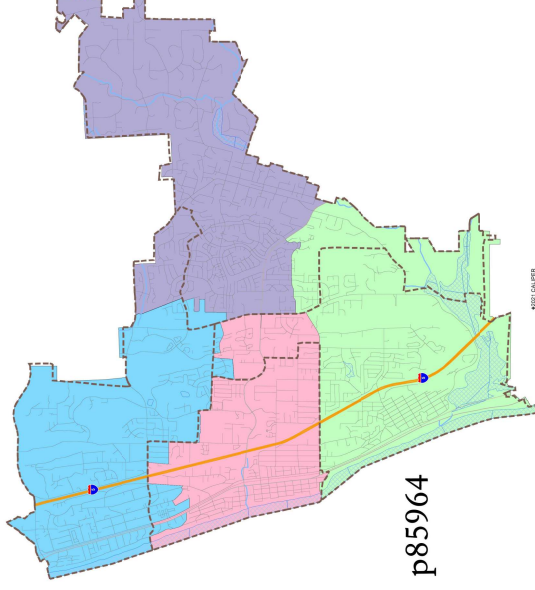
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Maps Keeping General Structure (Continued)

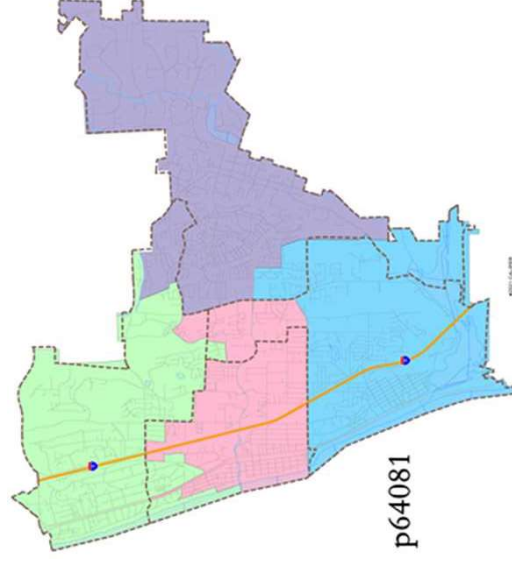
Maps moving north section of New Encinitas
to eastern district



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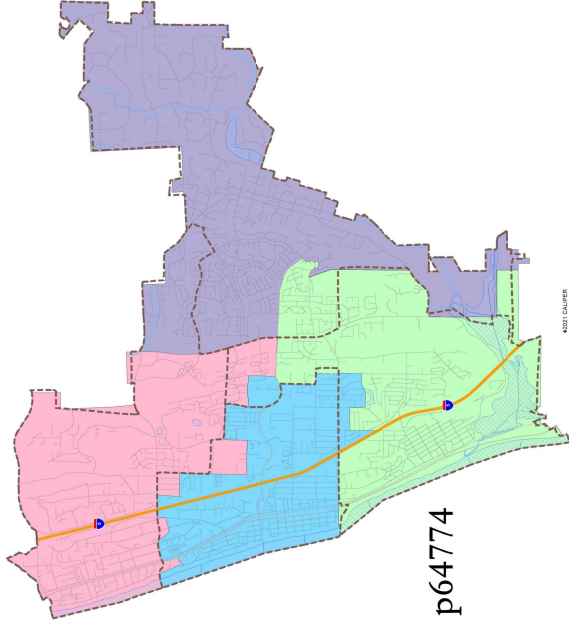
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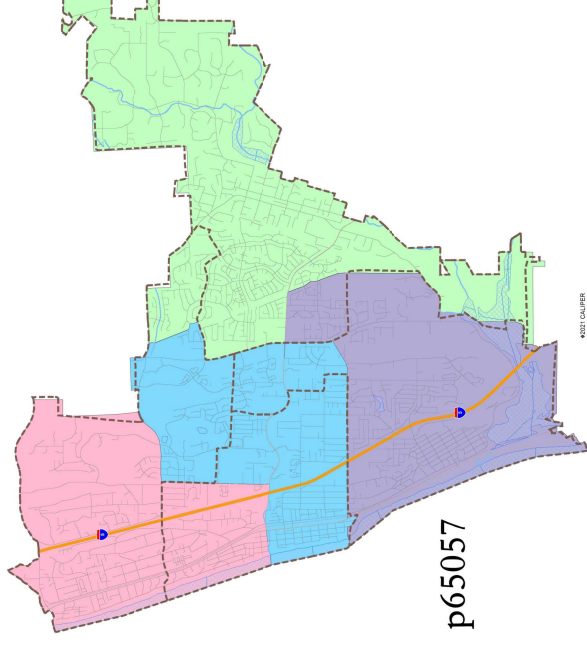
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Maps Keeping General Structure (Continued)

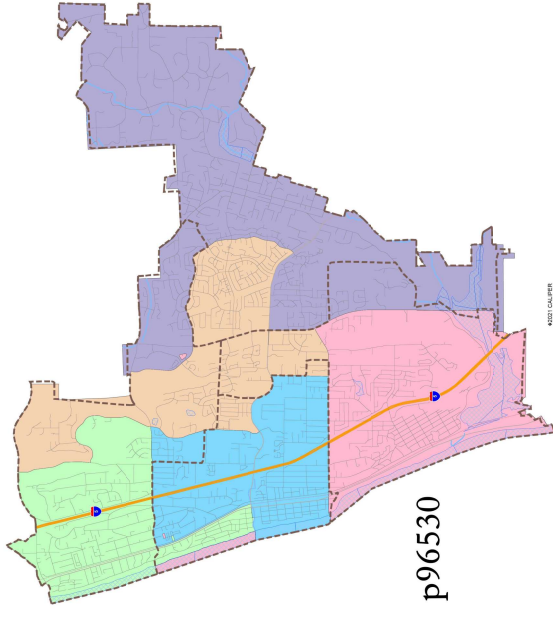
Maps moving north section of New Encinitas
to eastern district



2.56%



2.95%

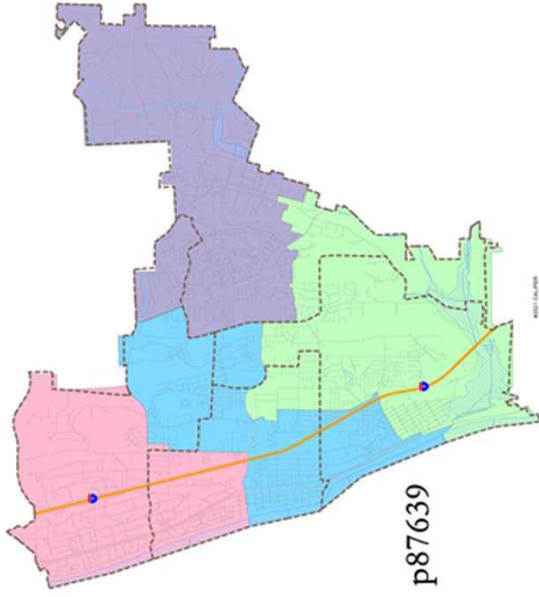


20.92%*

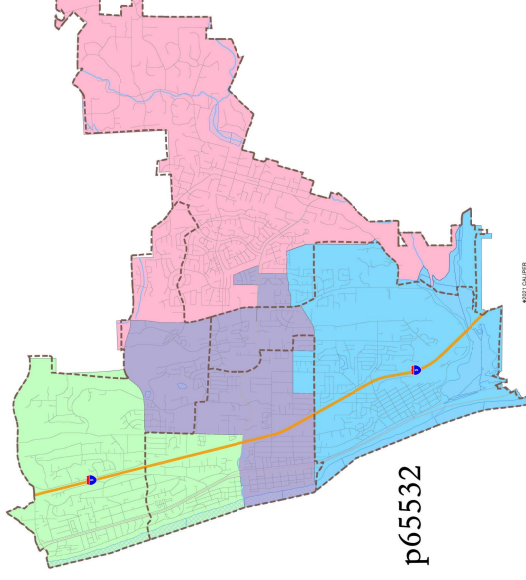
*Indicates Map is Not Population Balanced

Maps Keeping General Structure (Continued)

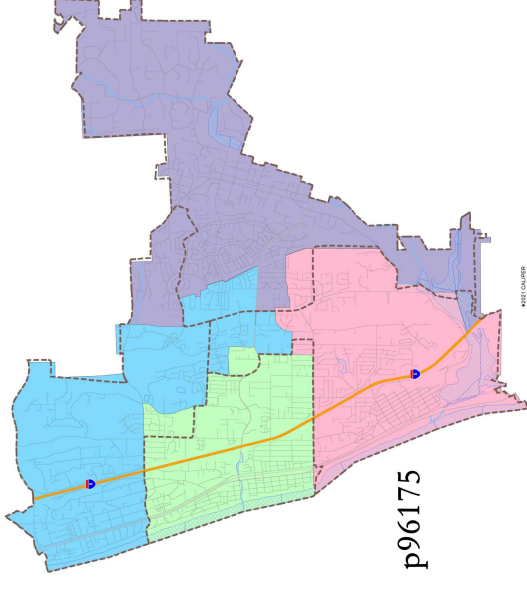
Maps moving north section of New Encinitas
to eastern district



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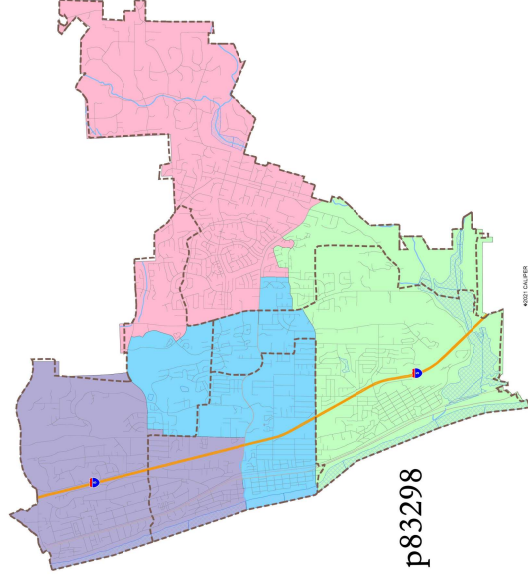
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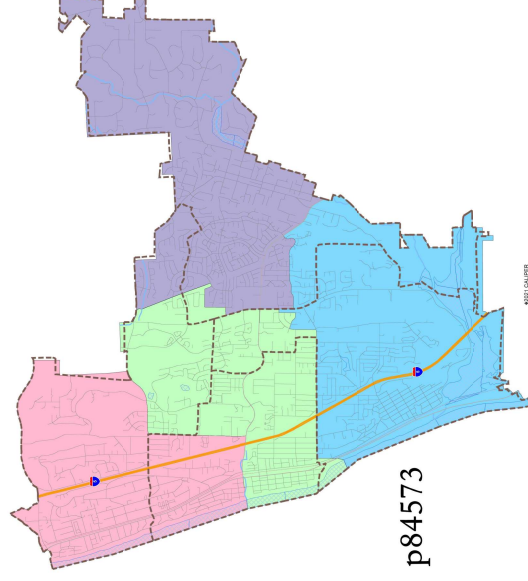
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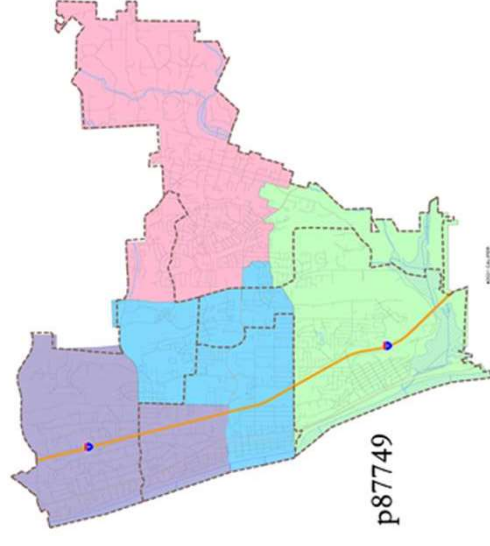
Maps moving north section of New Encinitas to eastern district and south Olivenhain to coastal district



3.46%



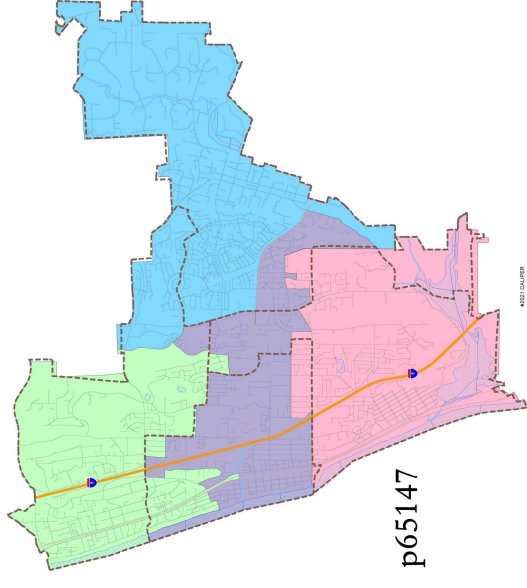
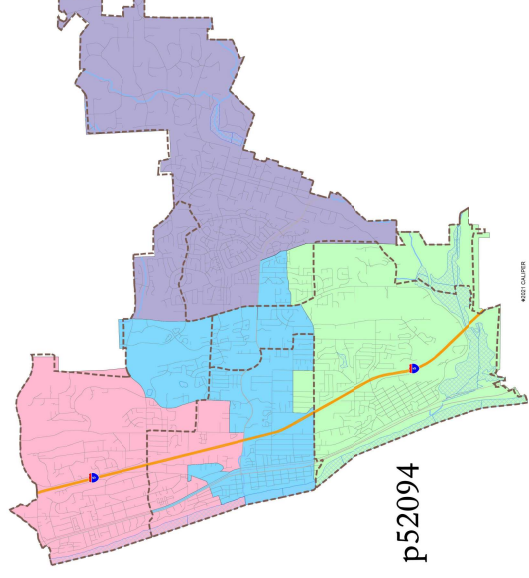
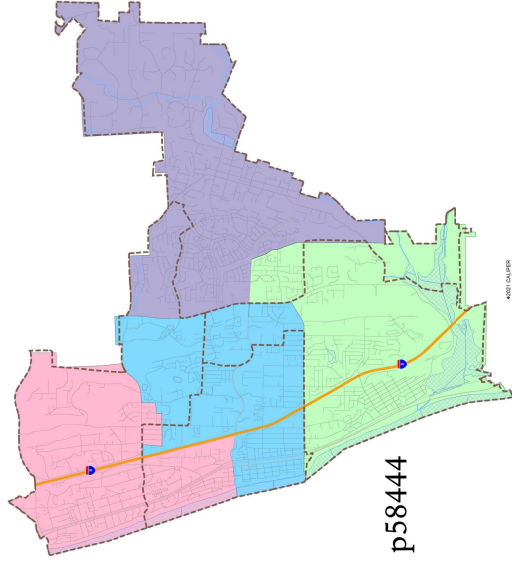
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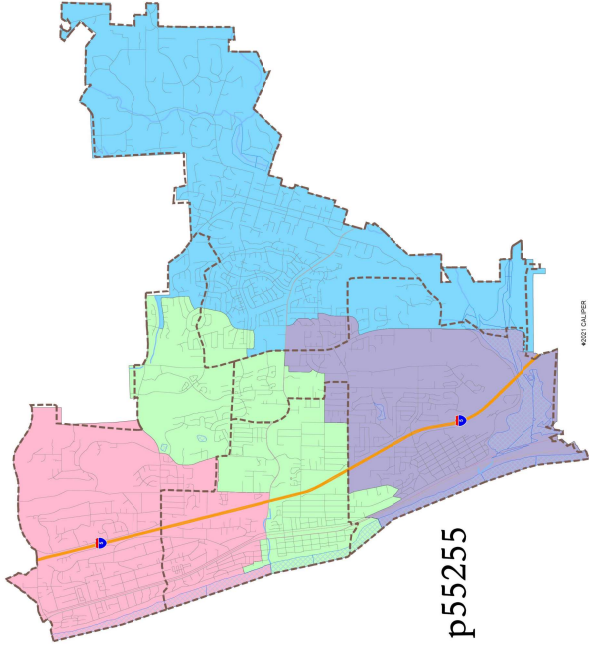
Maps Keeping General Structure (Continued)

Maps moving north section of New Encinitas to eastern district and south Olivenhain to coastal district

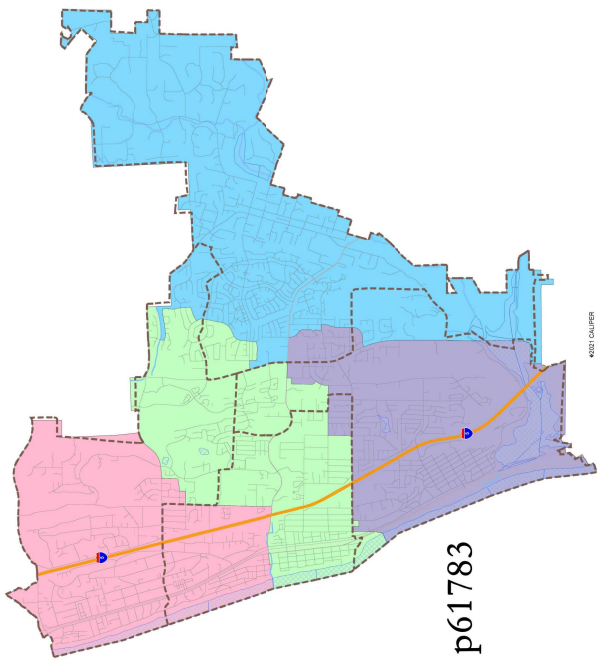


Maps Keeping General Structure (Continued)

Maps moving part of the north section of New Encinitas to eastern district and keeping Olivenhain together



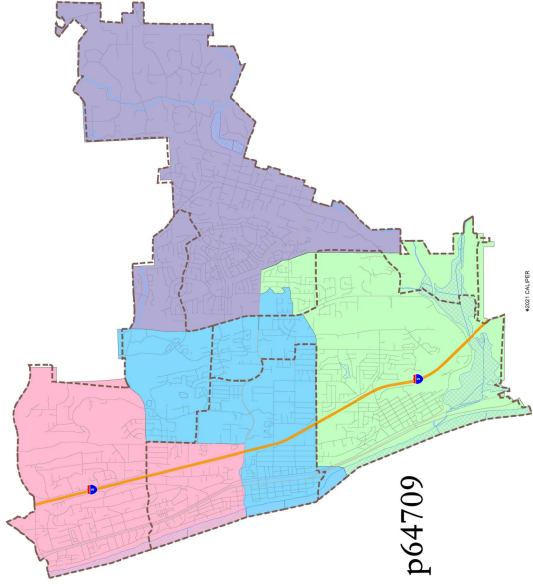
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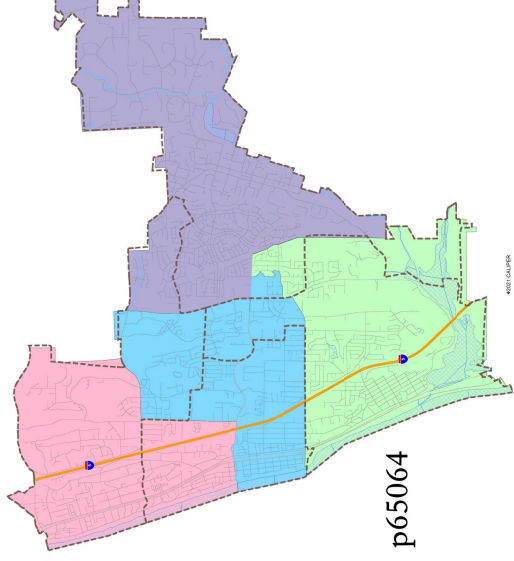
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Maps Keeping General Structure (Continued)

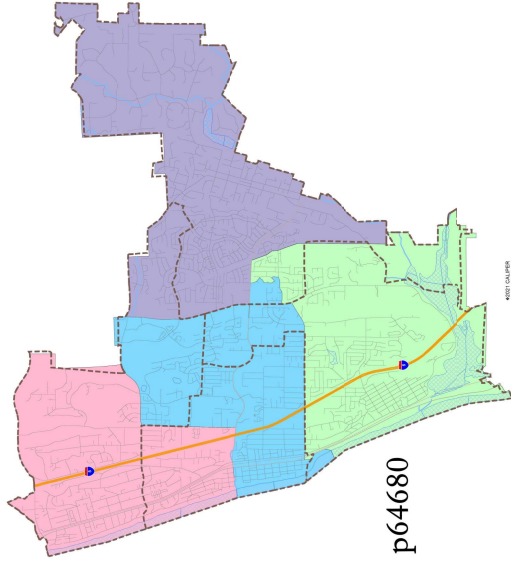
Maps moving north section of New Encinitas to eastern district and south Olivenhain to coastal district



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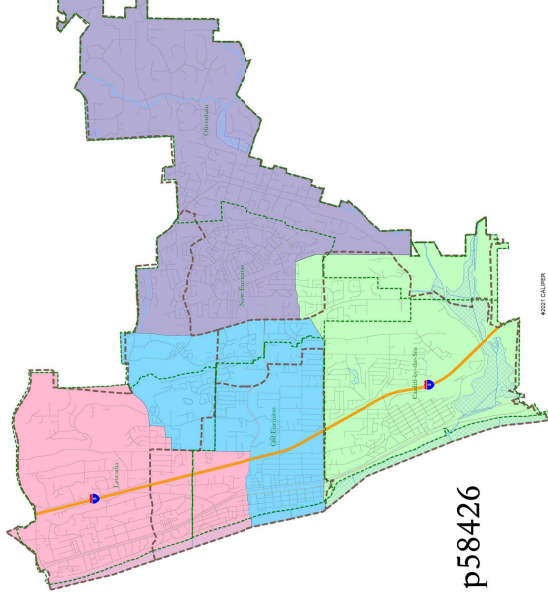
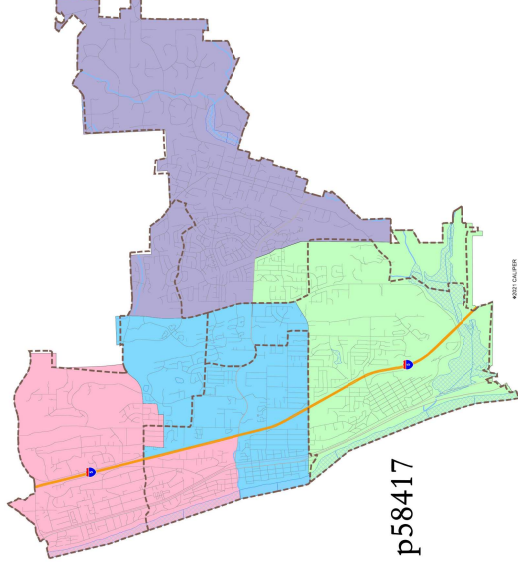
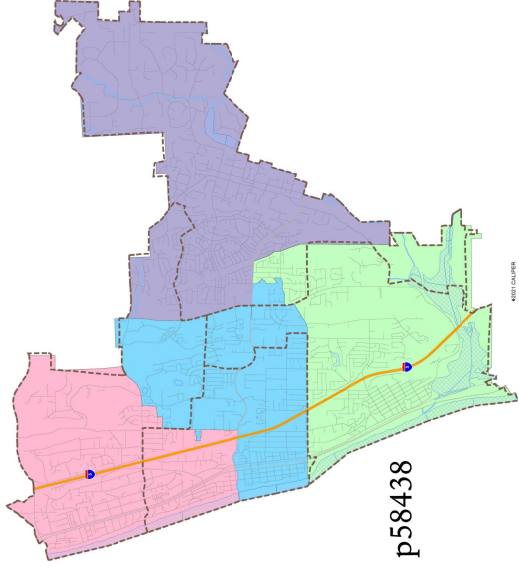
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Maps Keeping General Structure (Continued)

Maps moving north section of New Encinitas to eastern district and south Olivenhain to coastal district



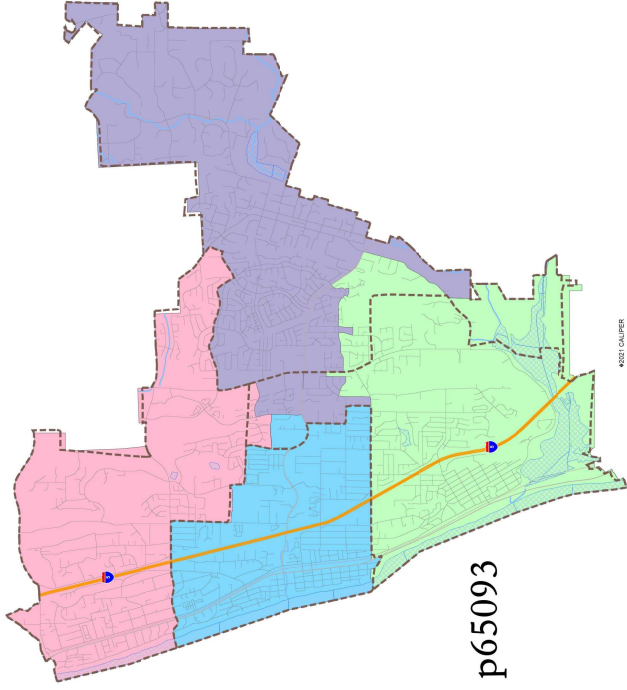
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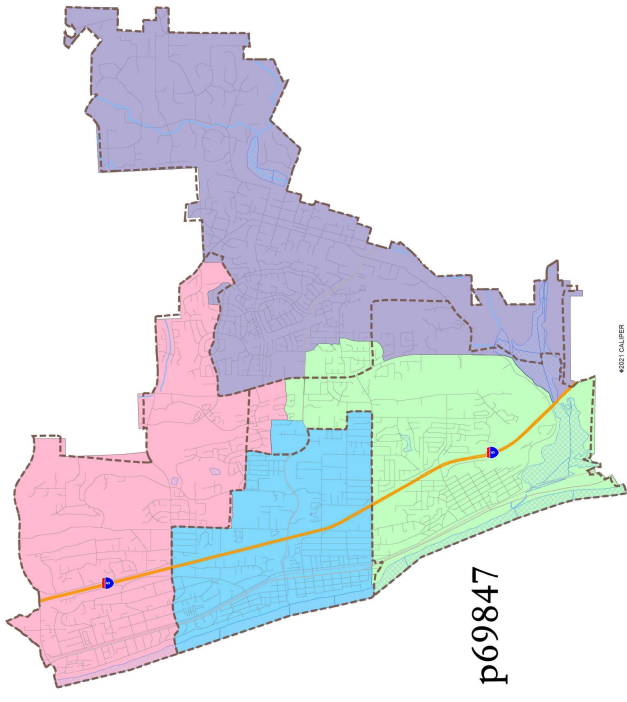
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Maps Keeping General Structure (Continued)

**Maps keeping north section of New
Encinitas in coastal district**



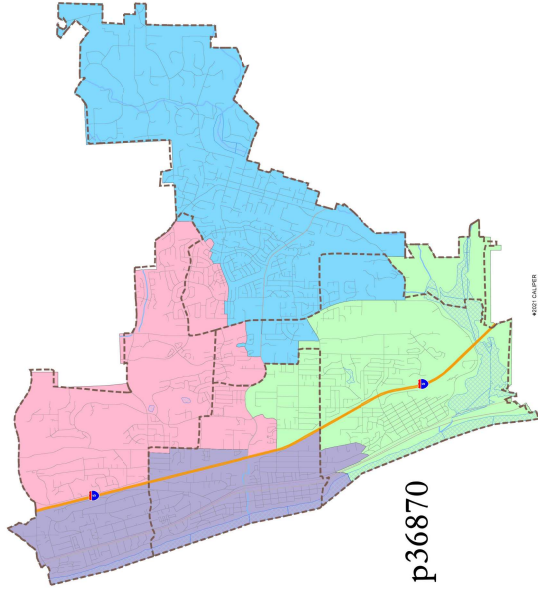
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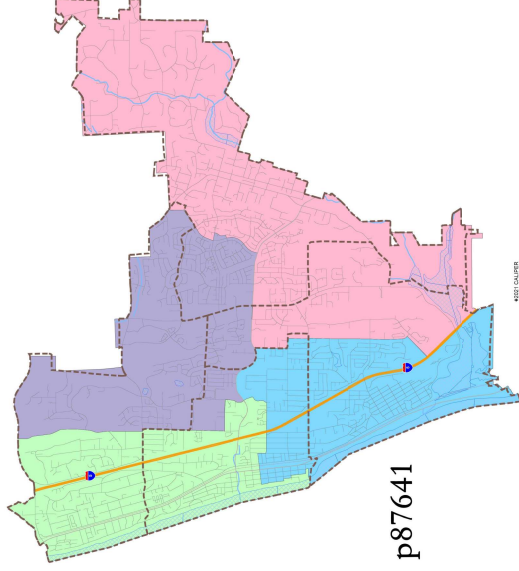
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Maps Changing Number of Coast Districts

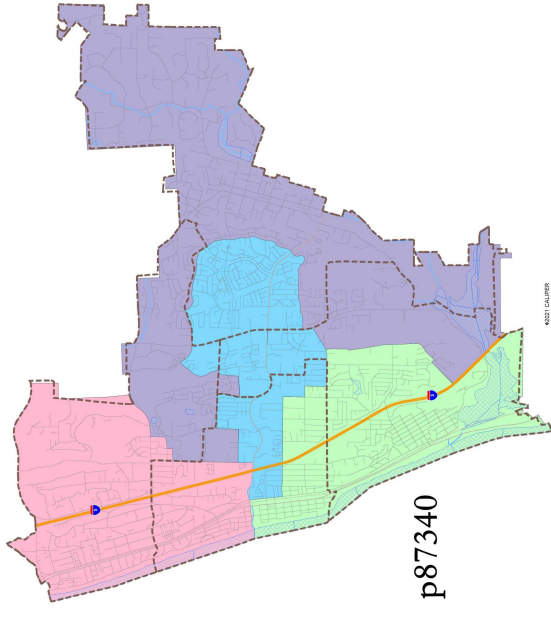
Maps with two coastal districts



4.26%



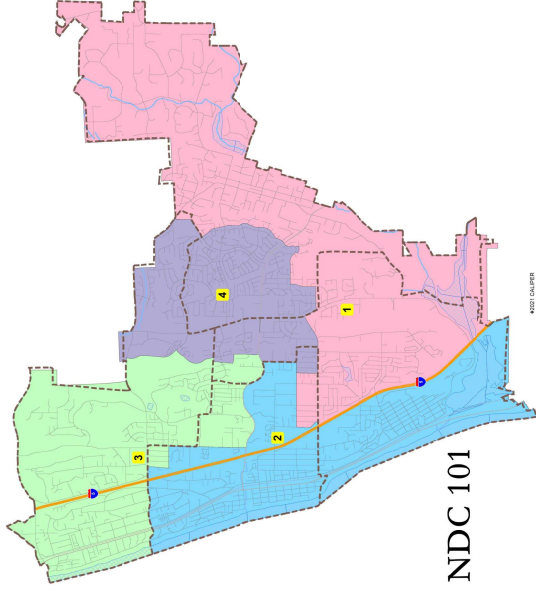
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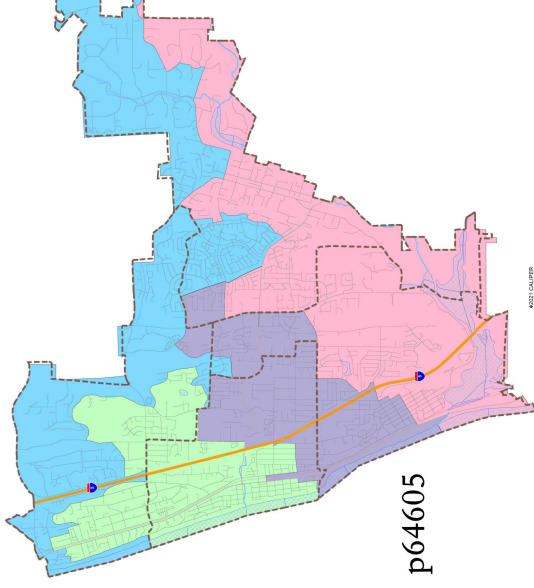
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Maps Changing Number of Coast Districts (Continued)

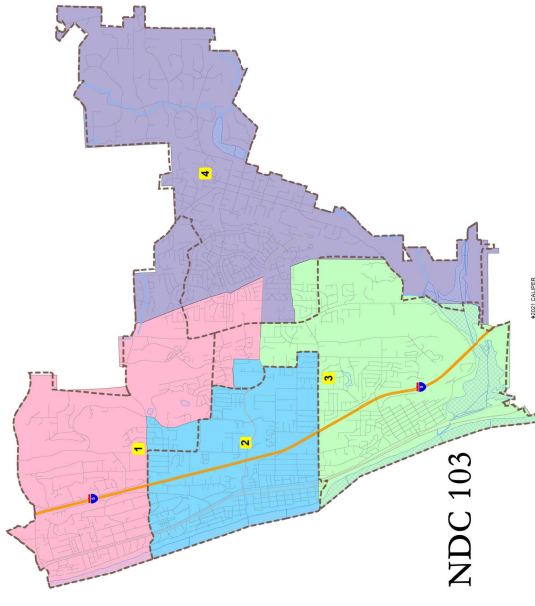
Other maps with different coast configurations



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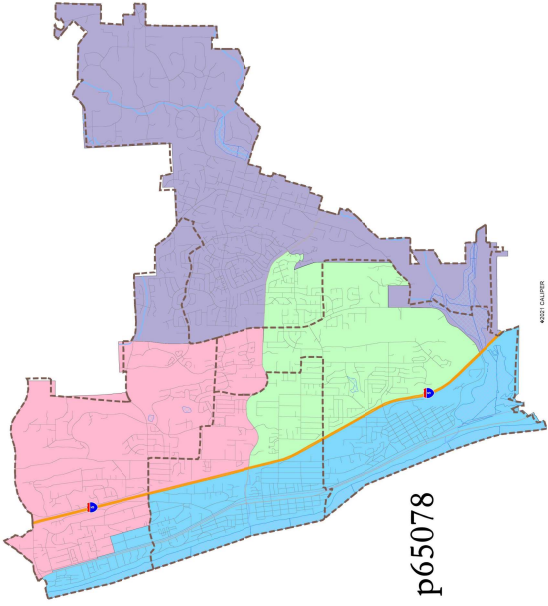
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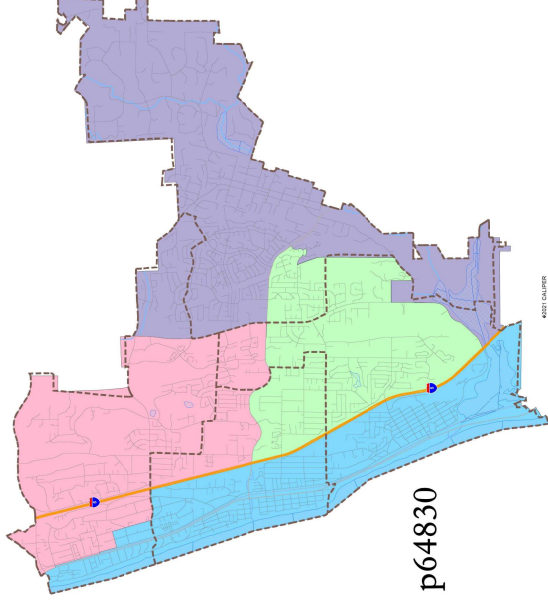
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Single Coast District Maps

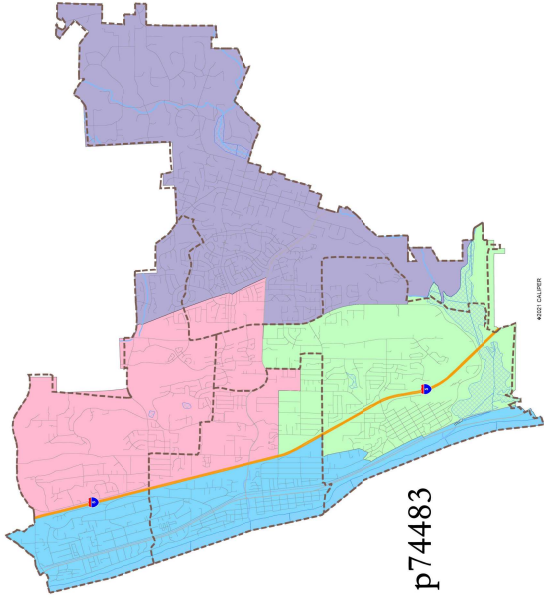
Maps focused on a single unified coastal district



6.25%



6.25%



19.24%*

*Indicates Map is Not Population Balanced