

**COUNTY OF SACRAMENTO
CALIFORNIA**

For the Agenda of:
April 6, 2021
Timed: 9:30 a.m.

To: Board of Supervisors

Through: Ann Edwards, Interim County Executive

From: Natasha Drane, Governmental Relations and Legislative Officer

Subject: Update On The 2021 Redistricting Process

District(s): All

RECOMMENDED ACTION

Receive an informational presentation from County staff on the 2021 Redistricting process.

BACKGROUND

Redistricting

Every 10 years following the Census, through a process called redistricting, the Sacramento County Board of Supervisors (Board) must redraw the supervisorial electoral district boundaries, ensuring that these boundaries have substantially equal populations and comply with the federal Voting Rights Act of 1965.

Current Assumptions for Redistricting Timeline

The County's redistricting project team, in consultation with the contracted redistricting consultants, is project planning with the assumption that the California Statewide Database (Statewide Database) population adjusted data, which the County must use in drafting the County's new district maps, will likely not be available until the end of October [Elections Code Section 21500 (a)(2)]. The County must adopt final maps by no later than December 15, 2021 [AB 1276 (Bonta), Chapter 90, Statutes of 2020)]. This means that the County will have approximately six (6) weeks to complete its redistricting work.

However, there is quite a bit of work that the County can do in advance of receiving population adjusted census data. If the County does not meet the December 15, 2021, deadline, the County must petition the Sacramento Superior Court to adopt district boundaries for the County.

Possible Changes to Redistricting Timeline - United States Census Bureau (Census Bureau) Data and California Statewide Database Population Adjustments

The Census Bureau originally planned to deliver 2020 Census data to states beginning in February 2021 and would finish by March 31, 2021. However, due to COVID-19, all Census operations were significantly impacted, causing major delays in states receiving the necessary data that would allow redistricting activities to begin. The Census Bureau estimates that it will deliver 2020 Census data to all states and the public by September 30, 2021, – a nearly six-month delay.

Once California receives that 2020 Census data, the Statewide Database will move into the 30-day process of building the state’s redistricting database, which will population adjust the dataset as required by Elections Code Section 21003 as well as incorporate historical election results to assist the state and local jurisdictions with Voting Rights Act compliance. Elections Code Section 21003 requires that the state adjust census data to reallocate the prisoner population by last known residential address at which the prisoner was last domiciled. This population-adjusted data is the dataset the County is required to use to draw its maps.

On March 29, 2021, the Statewide Database reported to the California Citizens Redistricting Commission that it might receive census data in mid-late August in a “legacy format,” which is earlier than anticipated. However, the Statewide Database anticipates spending approximately two weeks putting the legacy format data into a different usable format. From there, the 30-day process of building the state’s redistricting database can begin.

This means that the County could receive a population adjusted dataset as early as the end of September, giving the County anywhere from two-to-four weeks more time. Given that none of this is certain, County staff will continue to operate under the assumption that the County will have six weeks to complete its work.

Current State Legislative Efforts to Provide Counties More Flexibility

Senate Bill (SB) 594 authored by Senator Steven Glazer would clarify that counties will meet the December 15, 2021, deadline if they pass an ordinance by this date. Two readings of an ordinance are required, and passage is upon

the second reading. SB 594 also clarifies that, like cities, counties may adopt district maps by resolution rather than by ordinance. Resolutions do not require a second reading. The County supports this legislative bill and is actively engaged in educating the County's delegation on the need for this bill.

At this time, County staff and counsel advise that the Board should adopt its final maps by no later than December 15, 2021. Staff recommends that if the Board adopts final district maps by ordinance, the first reading should occur by no later than December 7, 2021, and the second reading by no later than December 14, 2021. If, for any reason, we believe we should take a more conservative approach by adopting the maps earlier than this deadline, we will inform the Board as soon as possible.

New Redistricting Requirements: AB 849 (Chapter 557, Statutes of 2019) Fair Maps Act

Redistricting will look very different than it did 10 years ago. Commencing with redistricting activities in 2021, the County must comply with the Fair Maps Act, which revised and standardized the criteria and process to be used by counties and cities when they adjust boundaries of the electoral districts that are used to elect members of the jurisdictions' governing body. [AB 849 (Bonta), Chapter 557, Statutes of 2019 and AB 1276 (Bonta) Chapter 90, Statutes of 2020)]. The Fair Maps Act intends to maximize public participation and increase transparency in the redistricting process by requiring substantial public hearing and outreach requirements as part of the process for adjusting electoral district boundaries. The bill also requires specific timelines for redistricting efforts, including when final maps must be adopted.

To comply with the Fair Maps Act, the County must do the following. The information in this summary is provided by California Common Cause, which sponsored the Fair Maps Act.

Webpage Requirements

- Create a redistricting webpage and maintain the webpage for 10 years
- Post an explanation of the redistricting process and the process for giving public comments in English and all legally required languages
- Include on the webpage or link to the hearing calendar, notices and agendas, recordings or summaries of hearings, draft maps considered, and the final adopted map

Public Engagement

- Identify local organizations that may be interested in redistricting and reach out to them with information and educational materials.
- Create an interested-person sign-up on the jurisdictions webpage.
- Identify the applicable language for the County.

- Create a process for receiving written public comment on redistricting, including a dedicated web form or email address and a physical address.

Public Hearings

- Hold at least four public hearings for the public to give input on maps.

Hearing Timing

- Hold one hearing outside of regular business hours.
- If a redistricting hearing is scheduled within a regular meeting of a jurisdiction's governing body, provide notice for the hearing at a fixed time and begin the hearing at that time.

Hearing Accessibility

- Ensure all hearing locations are accessible to person with disabilities.

Hearing Notice

- Provide at least five-day online notice of hearings. This requirement is reduced to three days in the last 27 days before a jurisdiction's redistricting deadline.
- Maintain and update a calendar of hearing dates on the redistricting webpage.

Live Translation

- Provide live translation at hearings upon request by a member of the public.

Recordkeeping

- Record hearings, or prepare a written summary of each public comment and council or board deliberation.

Map Drafts and Adoption

- Enable the public to submit written testimony and maps.
- Do not post draft maps until at least 21 days after the release of the state-adjusted census data.
- Post draft maps for at least seven days before adopting a final map.

Other

- Add demographic data to local government draft maps.
- Redistrict based on total population data provided by the California Statewide Database.

Request for Proposals (RFP) for Professional Redistricting Services

In previous redistricting cycles, the Board, working with County staff, developed draft and final maps for the Board's approval. Given the significant changes in state law, as a first step in the redistricting processes this year, staff released a RFP for Professional Redistricting services. The redistricting consultant will help guide the Board and the County's project team through this process from beginning to the adoption of final maps.

On February 16, 2021, the Office of the County Executive released RFP No. 02112021 to solicit proposals from firms that provide professional redistricting services. 408 firms received notification of the RFP through the e-procurement website. Additionally, three firms received notification of the RFP by email as these firms were easily identifiable as providing these unique services. Of the 411 firms solicited, 31 accessed the proposal documents. Three (3) firms submitted proposals by the due date of March 9, 2021. The RFP provided that the panel may interview up to three firms with the highest written proposal score. Because the County only received three proposals in response to the RFP, staff determined that the interview panel should interview every firm.

The County received proposals from Bear Demographics & Research, National Demographics Corporation, and Redistricting Partners.

The interview panel included the Board chair, Supervisor Sue Frost, vice chair, Supervisor Don Nottoli, and the County's redistricting project team (David Villanueva, Courtney Bailey-Kanelos, Florence Evans, Kim Nava, Krista Whitman, Rami Zakaria, and Natasha Drane).

Each firm was evaluated in four areas: 1) explanation of why the firm is best situated to assist the County with redistricting; 2) explanation of why past redistricting experience is relevant and helpful to the County; 3) demonstration of in-depth knowledge of the redistricting process and applicable laws; and 4) providing a framework outline for completing the redistricting process.

Redistricting Consulting Services Agreement and Scope of Work

National Demographics Corporation (NDC) received the highest oral interview score. The County Executive will execute an agreement with NDC on behalf of Sacramento County pursuant to County Code Section 2.61.015.

NDC will provide comprehensive redistricting services including the following:

1. Educate the Board of Supervisors in a public setting on the redistricting process, federal Voting Rights Act, California Voting Rights Act, the FAIR MAPS Act and other applicable election laws.
2. Create or assist the County in creating or procuring a user-friendly digital interface that allows the Board of Supervisors and members of the public to draw their own district boundaries. The program should also guide the user in complying with all federal, state and local laws and requirements.
3. Provide the trainings and digital interface in an objective, non-partisan informational manner, and not attempt to persuade the participants in any way.
4. Actively participate in all meetings and public hearings scheduled by the Board of Supervisors that address the redistricting process. Meetings may be scheduled both virtually and in person, as permitted by public health officials.
5. Upon receipt of the 2020 United States Census data, provide data summary files to the Board of Supervisors and public, updating any digital interface previously used for demonstration and informational purposes.
6. Analyze whether the 2020 Census data requires modifications to the County Board of Supervisors electoral districts.
7. If so, propose new district boundaries to the Board of Supervisors based on feedback provided by the Board of Supervisors and public that are population balanced and satisfy the requirements of the Voting Rights Acts and other applicable laws.
8. Make modifications to the draft district boundary maps based on input from the Board of Supervisors and community, assuring consistency with applicable federal and state laws.
9. Be receptive to feedback and work effectively with the Board of Supervisors, County Counsel, and County staff.
10. Assist the Board of Supervisors, County Counsel, and County staff as may be required in all facets of developing and implementing the final district boundary map.
11. Other tasks requested by the Board of Supervisors or County staff that relate to the redistricting process, such as facilitating requests for additional demographic data or advising on applicable federal and state laws.

12. The County requires that mapping files be delivered in ArcGIS Shapefile format.

Timeline and Next Steps

- Jan 2021: Form County Redistricting Project Team and discuss initial planning steps.
- Feb 2021: Solicit for professional redistricting services.
- Mar 2021: Finalize RFP process and select consultant.
- April 6, 2021: Provide update to the Board of Supervisors on 2021 Redistricting.
- April 14, 2021: County's redistricting project team will meet with NDC for the project planning kick-off meeting.
- April 2021: In consultation with NDC, staff will finalize a proposed project charter/plan that addresses the requirements of the Fair Maps Act and the timelines for project completion given statutory deadlines to adopt final district maps.
- May 4, 2021: Staff will prepare a Board Workshop with a presentation from NDC on the Fair Maps Act requirements and the redistricting process. Staff will also present a plan for Redistricting for the Board's review and feedback.

Additional Tentative Timeline for Redistricting Work

- May 2021: Project outreach to the community begins with initial alerts and "invitations to participate" sent out to the public, to overlapping jurisdictions, and to community organizations.
- June – Sep: Initial data analysis and hearings/community forums.
- Oct - Nov: Draft map preparation and review.
- Nov – Dec: Map adoption.
- Dec 7, 2021: First reading of County ordinance.
- Dec 14, 2021: Second reading of County ordinance.

FINANCIAL ANALYSIS

There is no fiscal impact on the County's General Fund for this informational item.

However, Staff estimates that the Agreement for Professional Redistricting Services that the County Executive will execute will cost up to \$120,000. This cost includes the professional services for attendance at Board meetings, public outreach workshops, working with the County's redistricting project team, drafting draft district maps, drafting final district maps following Board approval, and providing an online mapping tool for use by the public. FY2020-21 costs will be paid out of the General Fund's existing Non-departmental Costs budget and FY2021-22 costs will be included in the Recommended Non-departmental Cost budget.