



FILED
OFFICE OF THE CITY CLERK
OAKLAND

2013 APR -4 AM 8:31

AGENDA REPORT

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: 2013 City Council Redistricting

DATE: March 25, 2013

City Administrator

Date

Approval

4/3/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council receive:

A Report On The Legal Requirements And Standard Practices For Re-Districting Of City Council Districts Every Ten Years, Including The Extent And Nature Of Community Outreach, And Recommendations For Council Action To Begin The 2013 Re-Districting Process In Oakland.

OUTCOME

Review and approve the process and schedule that staff has presented regarding the redistricting process for the new 2013-2023 City Council district boundaries, including public participation. Direct staff to return to Council with a resolution for adopting City of Oakland-specific criteria to be used in the redistricting process.

BACKGROUND/LEGISLATIVE HISTORY

The Charter of the City of Oakland directs the Council to revise new districts every ten years, starting in 1993, "...composed of contiguous territory, as equal as possible in population, and as geographically compact as possible." In 2003, the Council adopted Ordinance No. 12495 C.M.S., which revised City Council District boundaries in their current configuration.

The City Administrator examined the demographic results from the 2010 U.S. Census, and determined that there were three Council districts with enough population change to warrant a redistricting process in 2013. The population changes in districts 2, 3 and 5 were beyond five percent (5%) of the mean (average) of all seven districts (see Table 1).

Item: _____
Rules and Legislation Committee
April 18, 2013

Table 1. Council District Population and Difference from Mean		Population	Number difference from Mean	Percentage difference from Mean
<i>Council District</i>				
1		58,108	2,290	4.1%
2		51,983	-3,835	-6.9%
3		62,510	6,692	12.0%
4		55,618	-200	-0.4%
5		52,813	-3,005	-5.4%
6		54,544	-1,274	-2.3%
7		55,148	-670	-1.2%
TOTAL		390,724		
Source: U.S. Census Bureau, 2010 decennial census				
District Mean Population (2010)			55,818	
*10% Total Deviation from Mean (5% above or below Mean)			53,027 to 58,609	

The City Administrator directed the Strategic Planning Division of the Department of Planning and Building to manage the redistricting effort. This included a competitive bidding process to select a consultant which could guide the City in the technical and legal details and public outreach necessary to produce a legally valid redistricting ordinance. Staff prepared a request for proposals (RFP) for a redistricting consultant, with the contract amount of \$40,000. Staff published a public notice in the Oakland *Tribune*, announced the RFP on the City's Contracting website, and sent notification to 100 consultants (registered in the City's iSupplier database). An interview panel of City Attorney and Strategic Planning representatives interviewed the four consultant teams who bid on the RFP contract. From the applicants, staff selected National Demographics Corporation (NDC), an established and experienced redistricting consultant for numerous local and regional redistricting efforts in California, including Los Angeles County, the City of Modesto and the City of Santa Rosa.

Schedule for 2013 Council Redistricting

The schedule for the 2013 Council redistricting begins the first week of April, with the fully executed contract with National Demographics Corporation. The final deadline for adoption of new council district boundaries is December 31, 2013; however, staff intends to complete the public participation process and bring Council a selection of alternative district boundaries by October. The scope of work for the consultant includes briefings and discussions with interested Councilmembers, which will be scheduled for April. In addition to the state and federal and other legal requirements of the redistricting, there is an option for the Council to consider and

Item: _____
 Rules and Legislation Committee
 April 18, 2013

adopt City of Oakland redistricting criteria, at a public hearing, to give more detailed direction to the process and provide a clear expression of the Council's goals.

Public outreach meetings will begin in the month of June, with Council approval. The current proposal is to hold at least five community meetings and workshops in the affected council districts, to be followed by public hearings before the City Council. Staff will adjust the number of meetings, based on Council feedback and direction; note that holding more than five community meetings will require additional budget. An interactive mapping and informational website, social media, and printed materials will allow the public to participate in the redistricting effort.

Legal Requirements of Council Redistricting

The requirement to change Council districts starts with the Charter of the City of Oakland:

In the year 1993, and every ten years thereafter, and whenever any substantial territory is annexed to or consolidated with the City, the Council shall form new districts not exceeding seven. Districts shall be composed of contiguous territory, as equal as possible in population, and as geographically compact as practicable. No change in the boundary of a district shall operate to exclude an incumbent from office before the expiration of the term for which he [or she] was elected or appointed. (Article II, Section 203)

In addition, the 14th Amendment to the United States Constitution mandates "one person, one vote." For the purpose of the redistricting, this means equal population for each of the seven Oakland Council districts. Population deviations are only constitutional where the divergences are based on legitimate considerations put into effect by a rational policy. Subsequent Court decisions have held that deviations may be allowed in certain situations:

- To make districts compact and contiguous
- To protect incumbents in a non-partisan and non-discriminatory manner
- To preserve discrete local political boundaries
- To maintain the cores of prior districts
- To recognize communities of interest

The considerations and policy supporting deviation must be applied consistently throughout all seven Council districts, free from any arbitrariness or discrimination, and free from bias towards any particular political interest or geographic area. In the 2010 census, the population mean for each Council district was 55,818 people (see Table 1, above). The redistricting effort should strive to make the population in each district as equal as possible, while taking into consideration the above factors.

Other Considerations in the 2013 Redistricting – OUSD and LAFCO

In addition to the re-drawing of the City Council districts, the Oakland Unified School District Governing Board (“Board of Education”) boundaries are the same as the City of Oakland’s City Council districts, so the 2013 Oakland City Council redistricting will also change the boundaries of the OUSD directors. The City will seek the participation of OUSD directors and parents during the public outreach of the redistricting process.

In addition, in 2011 Alameda County Local Agency Formation Commission (LAFCO) revised and distributed the new City Limit boundary, which differs slightly from the previous version of the City Limit utilized in the 2003 redistricting process. The Department of Planning and Building has reviewed and confirmed that the new boundary is correct. The District boundaries meeting other neighboring Cities will be revised to correspond with the new City Limit. The City gained about 200 houses and about a hundred parcels of vacant land or open space in this LAFCO boundary change.

Also, the 2013 redistricting ordinance will require a revision to the list of census tracts and blocks in each Oakland City Council and OUSD Board District. This is due to changes in boundaries of the census blocks made by the US census, where Oakland was mapped with 6,319 blocks in 2010, up from 4,312 in the year 2000.

ANALYSIS

The goal is to complete the redistricting outreach process, prepare mapping alternatives and bring a proposal for new district boundaries for Council’s consideration and adoption before the City Charter’s December 31st deadline.

While not a legal requirement, Council has the option to consider a resolution which announces the criteria which will be used during the redistricting process. Staff recommends such a resolution.

PUBLIC OUTREACH/INTEREST

Staff expects broad public interest and participation from a wide variety of Oakland stakeholders in the 2013 redistricting. Staff will work closely with Council, to encourage the participation of as many individuals, groups, organizations and officials as possible, to produce the proposed Council district boundaries. The contract provides for an interactive mapping and informational website, to allow the public to contribute their suggested Council boundaries.

COORDINATION

Staff works closely with the City Attorney's office on the 2013 Council redistricting.

COST SUMMARY/IMPLICATIONS

The City Administrator identified \$40,000 to pay the contract for a redistricting consultant. The contract with National Demographics Corporation has been signed in this amount.

PAST PERFORMANCE, EVALUATION AND FOLLOW-UP

The City has not hired National Demographics Corporation before, so there is no past performance to review.

SUSTAINABLE OPPORTUNITIES

The City Charter requires a 2013 Council redistricting, which will affect future elections of Oakland City Councilmembers and OUSD School Boardmembers. The economic, environmental and social equity opportunities which result from the new City Council and School Board boundaries are unknown at this time.

CEQA

The California Environmental Quality Act does not apply to the 2013 Council redistricting, because the redistricting ordinance is not a "project" under CEQA. Section 15378 (b)(5) of the CEQA *Guidelines* states that a "project" under CEQA: "does not include...organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment."

For questions regarding this report, please contact Rachel Flynn, Director of Planning and Building, at 510-238-2229.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Rachel Flynn', is written over a horizontal line.

RACHEL FLYNN

Director, Department of Planning and Building

Prepared by:
Devan Reiff, Planner III
Strategic Planning Division

Item: _____
Rules and Legislation Committee
April 18, 2013