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OFFICE OF THE CITY CLERK
OAKLAND

2013 MAY 23 PM 1:29 **AGENDA REPORT**

TO: DEANNA J. SANTANA
CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: 2013 City Council Redistricting

DATE: May 17, 2013

City Administrator
Approval

Date

[Signature]
5/20/13

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the City Council receive a report and recommend possible action on the proposed redistricting process and schedule; and:

Adopt A Resolution Establishing Criteria And Guidelines for the 2013 City of Oakland Redistricting

OUTCOME

Adoption of the proposed resolution and acceptance of this report will authorize staff to proceed with the process of redistricting of the new 2013-2023 City Council district boundaries, including mechanisms to ensure public participation.

BACKGROUND/LEGISLATIVE HISTORY

On May 7, 2013, staff brought a report to the Council summarizing the 2013 City Council redistricting process and regulations. The redistricting is required by the City Charter, which 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 2010 U.S. Census indicated that population changes between 2000 and 2010 have made some Council districts higher or lower in population than the citywide average population per council district, which is **55,818** people per district (see Table 1).

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| Table 1. Council District Population and Difference from the Mean (Average) Council District | <i>Population</i> | <i>Number difference from the Mean</i> | <i>Percentage difference from the Mean</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 Source: U.S. Census Bureau, 2010 decennial census | 390,724 | | |
| District Mean Population (2010) | | 55,818 | |
| *10% Total Deviation from Mean (5% above or below Mean) | | 53,027 to 58,609 | |

Schedule for 2013 Council Redistricting

The schedule for the 2013 Council Redistricting began 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. Staff intends to complete the public participation process and bring Council a selection of alternative district boundaries by November.

Staff and the City's redistricting consultant propose the following schedule in Table 2, based on clear direction from the Council to hold at least one public forum/workshop in each of the seven Council Districts.

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| Venue | Meeting/Hearing type | Date | Day |
|-----------|--|------------|-------|
| Council | Council Meeting on schedule and redistricting criteria | 6/4 | Tues |
| Public | Public Workshop/Forum – District 3 (City Hall) | 7/11 | Thurs |
| Public | Public Workshop/Forum – District 7 | 7/12 | Fri |
| Public | Public Workshop/Forum – District 4 | 7/13 | Sat |
| Notice | Public Plan submissions-initial deadline | 8/12 | Mon |
| Public | Public Workshop/Forum – District 5 | 9/5 | Thurs |
| Public | Public Workshop/Forum – District 1 | 9/6 | Fri |
| Public | Public Workshop/Forum – District 6 | 9/7 (a.m.) | Sat |
| Public | Public Workshop/Forum – District 2 | 9/7 (p.m.) | Sat |
| Committee | Rules and Legislation Committee | 10/3 | Thurs |
| Council | Council Hearing on plan selection -- Council give direction to staff from alternatives presented | 10/15 | Tues |
| Council | First Council hearing on Redistricting Ordinance | 11/5 | Tues |
| Council | Final Council hearing on redistricting ordinance--adoption | 19-Nov | Tues |

Details about the Schedule

All residents, regardless of where they live in the City of Oakland, and all interested parties will be welcome at each of the public redistricting workshops/forums; however, extra outreach to the residents of the hosting district and the immediate neighboring district will be made. The schedule holds workshops/forums on both weekday evenings and on Saturdays, to allow residents and interested parties the greatest flexibility in the meetings they attend.

Handouts will be translated, and simultaneous translation should be available at meetings.

The goal of the first round of workshops/forums in July will be to:

- o Let people know why redistricting is occurring and what it involves
- o Allow attendees to share their views and suggestions
- o Inform attendees on how to participate in the process as it moves forward
- o Introduce the resources available to residents interested in participating (e.g. Maptitude software)

At each workshop/forum, a map of current districts is posted, with streets, neighborhood labels, existing district lines, and existing district population deviations. Participants will be given a handout with the Redistricting schedule and URL of City website, and a general comment card with small map of existing districts.

The goal for the second round of workshops/forums in September will be to:

- Remind people why redistricting is occurring and what it involves
 - Share any draft and submitted redistricting plans that have been drawn so far
 - Encourage attendees to share their views about the process and the plans
 - Inform attendees on how to participate in the process as it moves forward
 - Introduce the resources available to residents interested in participating

At each workshop/forum, maps of existing Council districts and consultant's draft plans (along with Councilmembers' draft plans, if any) are posted. Plans submitted by the public will be included in the consultant's presentation.

Participants will be given maps of all draft and submitted redistricting plans, with space for comments about what is good about the plan, what is bad about the plan, and boxes to vote whether it is "recommended," "acceptable," or "unacceptable," with (optional) space for the individual's name, organization & address.

Legal Requirements and Criteria of Council Redistricting

The 14th Amendment to the United States Constitution mandates "one person, one vote." For the purpose of the Council 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. Courts 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 population deviations 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 average (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.

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There are four categories of criteria typically considered at the start of redistricting: federal legal requirements, charter provisions (for charter cities such as Oakland), traditional redistricting principles recognized by the U.S. Supreme Court, and jurisdiction-specific criteria.

I. Federal Legal Requirements:

There are two general Federal requirements for the City Council to consider during the 2013 Redistricting:

- Principles of equal protection under the Fourteenth Amendment to the United States Constitution, that districts shall have a population as equal as practicable; and
- District borders shall be drawn in a manner that complies with Section 2 of the Federal Voting Rights Act, which prevents a redistricting process under which some people, based on their race, have less opportunity than other members of the electorate to participate in the process and to elect representatives of their choice.

II. Oakland City Charter Requirements:

Article II, Section 203 of the Oakland City Charter states:

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)

III. Traditional Redistricting Principles

The following “traditional redistricting principles” have been sanctioned by the U.S. Supreme Court as appropriate justifications for small population deviations. When drawing lines, it is impossible to perfectly comply with each and every traditional principle. Instead, the drawing and choosing of redistricting plans requires decisions regarding which plan provides the best balance of these criteria for the jurisdiction in question.

- ***Communities of interest***
 - Neighborhoods, defined both by official and informal boundaries:
 - Officially-defined communities of interest can include areas such as homeowner associations, master-planned communities, historical neighborhoods, police patrol areas, school attendance zones, business

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- development/improvement districts, redevelopment/planning areas, or other similar officially-designated areas;
 - Informal communities of interest can include areas such as neighborhoods around a given park; areas of multi-family units or single-family units; areas around a school; areas where a large number of people speak a language other than English; areas of similar income, home values, poverty levels, or other socio-economic factors;
 - Any other definition of “neighborhood” provided by the people who live in a given area, who feel a common legislative interest.
- ***Visible (Natural & man-made) boundaries***
 - Following major roads, freeways, rivers, and other similar visible features make it easy for residents of a district to understand its borders (and, as a result, make it easier for residents to engage their neighbors in precinct walking or other election activities).
 - ***Compactness & contiguity***
 - Making districts contiguous and compact also makes it easier for voters to understand their district’s borders (and, as a result, make it easier for residents to engage their neighbors in precinct walking or other election activities).
 - ***Continuity in office***
 - Redistricting is an administrative process, and should not tell the voters they can no longer elect an officeholder they have previously elected (which is what happens when two or more incumbents are “paired”). Which Councilmembers should be re-elected should be decided by the voters, not by an administrative process.
 - For Councilmembers, this “traditional redistricting principle” is given ‘legal requirement’ status by the City Charter (see above), but it would also apply to school board members as a “traditional redistricting principle”.
 - ***Preserve Core of existing districts***
 - Voters and community members have spent the last 10 years getting to know, and politically organizing, in the existing districts;
 - The connections and relationships built in a district over 10 years take significant work and time to rebuild if disrupted by a change in district borders; so
 - Don’t move voters around unless needed to achieve one of the other goals.

IV. Potential Oakland-Specific Criteria:

Including community considerations specific to Oakland are not required, as they can fall under the general "communities of interest" criterion. In general, it is desirable to maintain flexibility for eventual plan selection by not getting too specific in the criteria.

The Council, may, however, wish to include specific community considerations in its adopted criteria.

The following are examples of possible Oakland-specific criteria the Council may wish to include:

1. To the degree possible within the other criteria, districts should include a combination of Hill and Flatlands residents (generally defined as the two sides of the I-580 freeway).
2. Districts should avoid displacing any incumbent School Board member from the district he/she was elected to represent.
3. If there are any buildings, parks, or other specific locations with major historical or traditional connections to a given district, a criterion relating to that location could be adopted.

Any such Oakland-specific criteria added by the Council would be guidelines, not legal requirements.

Conclusion:

Criteria adopted by the Council serve as a formal statement of "traditional redistricting principles" and they serve as guidelines for the public regarding what the Council hopes to see in 2013 redistricting plans submitted for Council consideration. The accompanying Resolution presents this list of criteria for the Council to consider.

PUBLIC OUTREACH/INTEREST

Staff expects broad public interest and participation from a wide variety of Oakland stakeholders in the 2013 Council 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 consultant contract provides for an interactive mapping and informational website, to allow the public to contribute their suggested Council boundaries.

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COORDINATION

Staff is working closely with the City Attorney's office on the 2013 Council redistricting. This report was also reviewed by the Budget Office.

COST SUMMARY/IMPLICATIONS

The City Administrator identified \$40,000 to pay the base contract for a redistricting consultant. The contract with National Demographics Corporation has been signed in this amount. The scope of work includes five public workshops/forums, one Council Committee meeting, and two Council hearings. Additional funds will be necessary to add the two public workshops/forums requested by Council (for a total of seven), and the preliminary council hearings attended by the consultant; further, any additional public workshops suggested by Council, beyond the proposed schedule in this report, will be charged to the City at a rate of \$1,750 per day. Funding has been proposed in the FY 2013-2014 budget in the General Purpose Fund (Fund 1010), Nondepartmental Citywide Activities (90591), currently under consideration by the City Council.

SUSTAINABLE OPPORTUNITIES

The City Charter requires a 2013 Council redistricting, which will affect future elections of Oakland City Councilmembers and Oakland Unified School District (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.

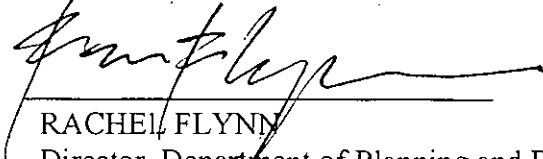
CEQA

The California Environmental Quality Act (CEQA) 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."

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

Respectfully submitted,



RACHEL FLYNN
Director, Department of Planning and Building

Prepared by:
Devan Reiff, Planner III
Strategic Planning Division

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FILED
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OAKLAND CITY COUNCIL

[Signature]
City Attorney

2013 MAY 23 PM 2:06 RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

A RESOLUTION ESTABLISHING CRITERIA AND GUIDELINES FOR THE 2013 CITY OF OAKLAND REDISTRICTING

WHEREAS, the City of Oakland is divided into seven legally apportioned districts (City of Oakland Charter, Article II, Section 203); and

WHEREAS, the City is required by the Charter to perform a redistricting process every 10 years, starting in 1993, which will create districts composed of contiguous territory, as equal as possible in population, and as geographically compact as practicable; and

WHEREAS, in the 2013 Redistricting, the City will use 2010 Census data, information gathered from other data sources and the public workshops/forums to inform the drawing of new Council districts; and

WHEREAS, the City's 2013 Redistricting will follow principles of equal protection under the Fourteenth Amendment to the United States Constitution, that districts shall have a population as equal as practicable; and

WHEREAS, the new Council District borders will be drawn in a manner that complies with the Federal Voting Rights Act; and

WHEREAS, the City will follow "traditional redistricting principles," giving consideration to: a) communities of interest; b) visible (natural & man-made) boundaries; c) compactness and contiguity; d) continuity in office of the incumbent; e) preserving core of existing districts; and

WHEREAS, the City desires to adopt additional redistricting criteria, which reflect the unique history, community and topography of Oakland; and

WHEREAS, the City intends to gather data from the public as to any buildings, parks, or other specific locations with major historical or traditional connections to a given Council district; and

WHEREAS, the City will hold seven public workshops/forums, one in each of the Council districts, and will hold at least three City Council hearings on the 2013 Redistricting; therefore be it

RESOLVED, The City Council of the City of Oakland hereby adopts the following criteria for the 2013 Redistricting:

1. Each Council district shall contain a nearly equal number of inhabitants.
2. Council district borders shall be drawn in a manner that complies with the United States Constitution and the Federal Voting Rights Act.
3. Council districts shall consist of contiguous territory in as compact form as possible.
4. Council districts shall respect communities of interest as much as possible.
5. Council district borders shall follow visible natural and man-made geographical and topographical features as much as possible.
6. Each new Council district shall preserve the corresponding existing Council district's population and territory as much as possible.
7. To the degree possible within the other criteria, Council districts should include a combination of Hills and Flatlands residents (generally defined as the two sides of the I-580 freeway).
8. Districts should avoid displacing any incumbent City Council member or Oakland Unified School District Board member from the district he/she was elected to represent; and be it

FURTHER RESOLVED, the City Administrator, or her designee, shall be authorized to modify these general line-drawing criteria so long as such changes are consistent with all requirements of law.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California