



**County Administrative
Office
COUNTY OF TULARE
AGENDA ITEM**

BOARD OF SUPERVISORS

KUYLER CROCKER
District One
PETE VANDER POEL
District Two
AMY SHUKLIAN
District Three
EDDIE VALERO
District Four
DENNIS TOWNSEND
District Five

AGENDA DATE: May 12, 2020

Public Hearing Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Published Notice Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Advertised Published Notice	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Meet & Confer Required	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Personnel Resolution attached	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes	<input type="checkbox"/>	N/A	<input checked="" type="checkbox"/>

CONTACT PERSON: Marta Rodriguez PHONE: (559) 636-5005

SUBJECT: Supervisorial Redistricting 2021

REQUEST(S):

That the Board of Supervisors:

1. Provide direction to staff as to which, if any, of the three proposed options staff should pursue with regard to establishing a Supervisorial Redistricting Commission.

Option 1 Approve the creation of a 2021 Advisory Redistricting Commission to recommend boundary changes for supervisorial districts to the Board for possible modification and adoption.

Option 2 Approve the creation of a 2021 Hybrid Redistricting Commission to recommend supervisorial district boundary changes to the Board for adoption without modification.

Option 3 Approve the creation of a 2021 Independent Redistricting Commission to adopt supervisorial district boundary changes on behalf of the Board.

2. Provide direction to staff regarding the use of outside consultants in the redistricting process.

SUMMARY:

Introduction & Background

In accordance with Elections Code §21500, following each decennial federal census, the County is required to adjust its supervisorial district boundaries to

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ensure districts are complying with specified demographic and population requirements. For example, state law requires that supervisorial districts are substantially equal in population and are geographically contiguous.

In 2011, this decennial redistricting process was managed by the County Administrative Office in collaboration with County Counsel, GIS, outside legal counsel, and public outreach consultants. At that time, the Board established a 2011 Advisory Redistricting Commission composed of 11 County residents. The Commission developed and reviewed eighteen mapping scenarios, three of which were recommended to the Board for approval, and one of which was ultimately adopted into ordinance.

Since 2011, the State has made significant statutory reforms to the redistricting process through the Fair Maps Act (AB 849), signed into law in October 2019. Statutory reforms to district boundary and County population criteria now include the following in order of priority:

1. Population equality shall be based on the total population of residents of the County as determined by the census. State prisoners whose last known place of residence was in Tulare County as determined by the California Department of Corrections and Rehabilitation, shall be added to the Tulare County population.
2. Supervisorial district boundaries shall comply with the U.S. Constitution, California Constitution, and the federal Voting Rights Act.
3. Districts shall be geographically contiguous.
4. Districts shall respect the geographic integrity of any local neighborhood or local community of interest in a manner that minimizes its division.
5. Districts shall respect the geographic integrity of a city or census designated place in a manner that minimizes its division
6. District boundaries should be easily identifiable and understandable by residents, such as along natural and artificial barriers, along streets, or along boundaries of the county.
7. Districts shall be drawn to encourage geographic compactness in such a manner that nearby areas of population are not bypassed in favor of more distant populations.
8. The board shall not adopt boundaries for the purpose of favoring or discriminating against a political party.

The Fair Maps Act included other changes and requirements affecting the County's 2021 redistricting efforts, including:

1. The County is required to engage the public in redistricting by holding a minimum of four public hearings. At least one hearing to be held before and at least two after draft boundary maps have been drawn, and one hearing to adopt the final boundary map – eight such meetings were held by Tulare County in 2011. At least one hearing or public workshop must be held on a

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- Saturday, Sunday, or on a weekday after 6 p.m.
2. The County is required to conduct specific outreach regarding the redistricting process through media organizations and community groups that serve and are active in language minority communities. Additionally, draft maps with detailed demographic information must be published on the internet for seven days prior to adoption, during which time the public will be allowed to provide testimony.
 3. To facilitate the dissemination of information and retain a record of the redistricting process, the County is required to establish and maintain a redistricting website for at least 10 years after the adoption of new district boundaries.

Some of the other changes included in the 2021 reforms were similar to those approved by the Board in 2011, which were based on those used in 2001. The permissive and local criteria that went above statutory requirements used by the Board in 2011 were:

- Consideration of topography and geography;
- Cohesion, contiguousness, integrity, and compactness of territory;
- Cohesion of communities of interest;
- Avoid dividing incorporated cities where possible;
- Protect integrity of rural towns and communities;
- Avoid dividing urban growth areas where possible;
- Facilitate access of constituents to their Supervisor; and
- Avoid splitting election precincts where possible.

It is not necessary for the Board to establish the list of permissive or local criteria to be used in drawing new district boundaries at this time. These are provided as examples of past priorities. The Board will have future opportunities after the Commission is appointed to give direction on supplementary boundary criteria to be considered in the preparation of revised boundaries.

Redistricting Commission

To design new supervisorial districts and ensure compliance with the geographical requirements listed above, Counties will utilize population data collected from the 2020 Census, which by current law is required to be released by March 31, 2021. (Note that the Trump Administration recently announced its intention to ask Congress to postpone the release date for at least 120 days due to COVID-19 and the inability of census fieldworkers to complete door-to-door tallies in time to have data ready for release by the March 31 deadline.) Once the County receives the 2020 Census information, the County may begin redrawing its supervisorial district maps.

However, prior to the release of the Census information, it is recommended that the Board establish a redistricting commission to oversee the redistricting process. Commissions may be granted varying degrees of decision-making authority by the

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Board, and Commission members must meet specific criteria defined in statute. The list below outlines the three Commission options and the corresponding level of responsibility of each. There are also extensive membership eligibility requirements included in the new statute for either a hybrid or independent commission.

1. **Advisory Redistricting Commission (ARC).** This Commission would recommend boundaries to the Board. The Board would then have the ability to make modifications to the recommended boundaries prior to adoption. The Board may prescribe the manner in which members are appointed to an ARC, with the caveat that County elected officials, or family members, staff members, or paid campaign staff of a County elected official can't be appointed to the ARC. This is the type of Commission utilized by the Board in 2011. In 2011, each Supervisor selected one ARC member from applicants within their district, held a lottery to select the second member from applicants their district, and selected an eleventh member at large by lottery from the remaining applicants. This same format would be acceptable for the 2021 ARC.
2. **Hybrid Redistricting Commission (HRC).** This Commission would be directed by the Board to recommend two or more maps, one of which the Board agrees to adopt without modification. An HRC may not be appointed directly by the Board. Should the County pursue this option, a pre-defined appointment process would need to be established in order to select Commission members.
3. **Independent Redistricting Commission (IRC).** This Commission would be authorized by the Board to adopt new boundaries without returning to the Board for approval. An IRC may not be appointed directly by the Board. Should the County pursue this option, a pre-defined appointment process would need to be established in order to select Commission members.

Outside Consultants

The Board may also choose to utilize outside consultants for legal, demography, recordkeeping, and/or outreach services.

1. **Outside Counsel.** Outside legal counsel was utilized in 2011 to supplement internal legal services, and County Counsel recommends the use of the same firm, Nielsen Merksamer, in 2021. This firm is familiar with redistricting throughout California, including current case law affecting new district maps.
2. **Outreach & Language Consultant.** In 2011, the County utilized an outreach consultant Moheno & Associates that specialized in language minority communities. It is recommended that the County utilize similar services in 2021. If possible, staff would recommend utilizing the same consultant as in 2011, as they are familiar with the process of redistricting and were judged to have done an effective outreach job in 2011.

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3. **GIS & Cartography.** In 2011, the County utilized in-house GIS services, which were verified by an outside consultant. It is recommended that the County utilize in-house GIS services in 2021, and that outside counsel verify the data through a neutral third-party demographer.
4. **Website.** New to the 2021 redistricting process, the County will be required to establish and maintain a redistricting website for at least 10 years after the adoption of new district boundaries. The TCiCT Department has the capacity to build and maintain this website in-house, and it is recommended that this process begin as soon as possible.

It is requested that the Board provide staff direction as to the type of redistricting commission it would like to establish and the use of outside consultants.

Proposed Redistricting Timeline

Staff recommends the Board plan to adopt the final supervisorial district boundaries at a public hearing on August 3, 2021. Under current state law, the Board must adopt boundaries no earlier than August 1, 2021 and no later than October 8, 2021 (150 days prior to the March 8, 2022 primary election) or face penalties and other statutory consequences. However, it is important that the Registrar of Voters and County GIS have sufficient time to integrate the new boundaries with precinct information, voter information, and confirm candidate eligibility in the new districts.

The current deadlines could be changed by the Legislature if the release of census data is delayed and more time is needed to complete the public hearing and meeting processes, adopt revised district boundaries, and implement those boundaries in time for the March 2022 primary election.

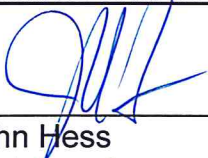
FISCAL IMPACT/FINANCING:

The costs of the consultants listed above would be included in the County Administrative Office's Miscellaneous Administration budget. Costs for this effort will be primarily incurred in Fiscal Year 2020/21.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County of Tulare Strategic Business Plan includes the Organizational Performance Initiative. The County's Redistricting efforts will ensure that Supervisorial districts comply with State requirements and achieve appropriate representation for County constituents.

ADMINISTRATIVE SIGN-OFF:



John Hess
Assistant County Administrative Officer

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cc: County Administrative Office

Attachment(s)

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF SUPERVISORIAL)
 REDISTRICTING 2021) Resolution No. _____
)
)

UPON MOTION OF SUPERVISOR _____, SECONDED BY
 SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
 BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
 _____, BY THE FOLLOWING VOTE:

AYES:
 NOES:
 ABSTAIN:
 ABSENT:

ATTEST: JASON T. BRITT
 COUNTY ADMINISTRATIVE OFFICER/
 CLERK, BOARD OF SUPERVISORS

BY: _____
 Deputy Clerk

* * * * *

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