



March 16, 2022

ITEM TITLE: SECOND READING AND ADOPTION OF ORDINANCE NO. 2022-1208 ADOPTING BOUNDARIES FOR CITY COUNCIL DISTRICTS FOLLOWING THE 2020 DECENNIAL FEDERAL CENSUS AND PURSUANT TO THE FAIR MAPS ACT.

ORIGINATING DEPARTMENT:

City Clerk

EXECUTIVE SUMMARY:

Every ten years, cities with geographic election districts (including Imperial Beach) must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, referred to as redistricting, ensures each district has a nearly equal population as the other districts. Using new 2020 Census data and the requirements of California's new "Fair Maps Act" law, it has been determined that the existing district election areas in Imperial Beach are still balanced. On October 20, 2021, City Council held the first of four public hearings and received a report from National Demographics Corporation (NDC), the City's demographic consultant, regarding the redistricting process and permissible criteria to be considered to retain or redraw district boundaries.

RECOMMENDATION:

It is recommended that the City Council conduct the second reading and adopt Ordinance No. 2022-1208 by title only and waive further reading.

OPTIONS:

- Conduct the second reading and adopt Ordinance No. 2022-1208 by title only and waive further reading.
- Request additional information from staff or the City's demographic consultant
- Provide direction to the City Manager to take an alternative action

BACKGROUND/ANALYSIS:

The City adopted its current district boundaries on December 5, 2018, based on 2010 census data as required by law. On September 27, 2021, the State of California posted the prisoner-adjusted 2020 Census data per Elections Code 21003. For California cities, these figures are deemed to be the final numbers to balance in the redistricting process (Elections Code 21601). NDC processed these numbers for the current Imperial Beach Council election districts (Attachment 1). NDC finds that the City's current population deviation - the difference between the most populous and least populous districts - is 9.1%. This value is within the 10% threshold where a map is considered "presumptively constitutional" (Harris v Arizona Independent Redistricting Commission), and thus the districts do not need to be redrawn to comply with the federal equal population requirement.

In October 2019, Assembly Bill No. 849, known as the Fair Maps Act, was approved which now requires cities to ensure maps comply with set redistricting criteria. AB 849 further outlines the specified steps a jurisdiction must take to encourage public participation of its residents and the deadlines for the adoption of new boundaries by a governing body. If the City Council finds the current districts meet the requirements of California's new "Fair Maps Act," the election district lines may be retained at the conclusion of the Fair Maps Act hearing and outreach process. The redistricting process for the City of Imperial Beach must be completed by April 17, 2022.

Fair Maps Act:

Under the Act, the City Council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code 21601(c) for general law cities / 21621(c) for charter cities):

1. Comply with the federal requirements of equal population and the Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and "communities of interest" (socio-economic geographic areas that should be kept together)
4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered, such as:

1. Minimize the number of voters delayed from voting in 2022 to 2024
2. Respect voters' choices / continuity in office
3. Future population growth

To comply with the Fair Maps Act, cities should hold at least four public hearings that enable community members to provide input on the drawing of district maps.

- At least one hearing must occur before the city prepares draft maps.
- At least two hearings must happen after the draft maps have been prepared.
- City staff or consultants may hold a public workshop instead of one of the required public redistricting hearings.

To increase the accessibility of these hearings, cities must take the following steps:

- At least one hearing must occur on a Saturday, Sunday, or after 6 p.m. on a weekday. (This requirement was satisfied at the 10-20-21 City Council meeting)
- If a redistricting hearing is consolidated with another local government meeting, the redistricting hearing portion must begin at a pre-designated time.
- Local public redistricting hearings should be made accessible to people with disabilities.

The first of four public hearings was held on October 20, 2021 for the purpose of informing the public about the districting process and to hear from the community on what factors should be taken into consideration when evaluating current districts and considering potential changes to them. Because the census results showed that the recently adopted districts are still population-balanced, the City Council expressed an interest in retaining the existing map and to conduct the four-public hearing process to encourage and provide several opportunities for the public to offer input regarding the composition of the current Council election district boundaries. The City met the four public hearing requirement by holding public hearings on October 20, 2021, November

17, 2021, February 16, 2022, and March 2, 2022. The public was encouraged to provide input regarding communities of interest and other local factors as well as feedback about the current district map. A community of interest under the relevant Elections Code for cities (Section 21601(c) / 21621(c)) is “a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.”

City Council conducted the first reading and introduction of Ordinance No. 2022-1208 on March 2, 2022.

ENVIRONMENTAL DETERMINATION:

Not a project as defined by CEQA.

FISCAL IMPACT:

No fiscal impact associated with this report.

ATTACHMENTS:

Att 1 Ordinance No. 2022-1208 with Exhibit A (Final Map)

Att 2 Population by District

Att 3 10-20-21 Presentation by NDC

ORDINANCE 2022-1208

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH, CALIFORNIA ADOPTING BOUNDARIES FOR CITY COUNCIL DISTRICTS FOLLOWING THE 2020 DECENNIAL FEDERAL CENSUS AND PURSUANT TO THE FAIR MAPS ACT

WHEREAS, on December 5, 2018, following the required public hearings regarding adopting a by-district method of election and choosing a voting district map, the City adopted Ordinance No. 2018-1178 (i) amending Imperial Beach Municipal Code (IBMC) to transition from an at large method of election to a by-district method of election and (ii) adopting a City Council voting district map, attached to Ordinance No. 2018-1178 as Exhibit A;

WHEREAS, the City is required by state law to undertake a redistricting process following the results of the decennial census, pursuant to the Fair Maps Act generally, and Government Code section 21601 *et seq.* specifically;

WHEREAS, following the 2020 census results, which showed minimal changes in the City's population, the voting district map adopted in 2018 remains in full compliance with all applicable law, including substantially equal population and all the other factors set forth in Government Code section 21601;

WHEREAS, the City Council has held all the hearings required by Government Code section 21607.1 and has complied with all outreach requirements set forth in Government Code section 21608; and

WHEREAS, the City Council has determined, based on analysis from City staff, a third party demographer, and public comment, that it is in the best interest of the City to re-adopt the existing voting district map (Ex. A to Ordinance No. 2018-1178), which is attached hereto as Exhibit A.

NOW, THEREFORE, the City Council of the City of Imperial Beach, California, does ordain as follows:

Section 1: The above-listed recitals are true and correct, have served as a basis for the findings, and are a substantive part of this Ordinance.

Section 2: The map attached hereto as Exhibit A is hereby adopted as the City Council voting district map for the City of Imperial Beach.

Section 3: SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Imperial Beach hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof,

irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 4: INCONSISTENCIES

To the extent the terms and provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance, motion, resolution, rule or regulation governing the same subject, the terms of this Ordinance shall prevail with respect to the subject matter thereof.

Section 5: INTERPRETATION

In interpreting this Ordinance or resolving any ambiguity, this Ordinance shall be interpreted in a manner that effectively accomplishes its stated purposes.

Section 6: FURTHER ACTIONS

The City Clerk is authorized to make technical adjustments to the district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, of the residence of elected officials within any district. The City Clerk must consult with the City Manager and City Attorney concerning any technical adjustments deemed necessary and advise the City Council of any such adjustments required in the implementation of the districts.

EFFECTIVE DATE: This Ordinance shall be effective thirty (30) days after its adoption. Within fifteen (15) days after its adoption, the City Clerk of the City of Imperial Beach shall cause this Ordinance to be published pursuant to state law.

INTRODUCED AND FIRST READ at a regular meeting of the City Council of the City of Imperial Beach, California on the 2nd day of March 2022; and

THEREAFTER ADOPTED at a regular meeting of the City Council of the City of Imperial Beach, California on the 16th day of March, 2022, by the following vote:

AYES: Councilmembers –
NOES: Councilmembers –
ABSTAIN: Councilmembers –
ABSENT: Councilmembers –

Serge Dedina, Mayor

ATTEST:

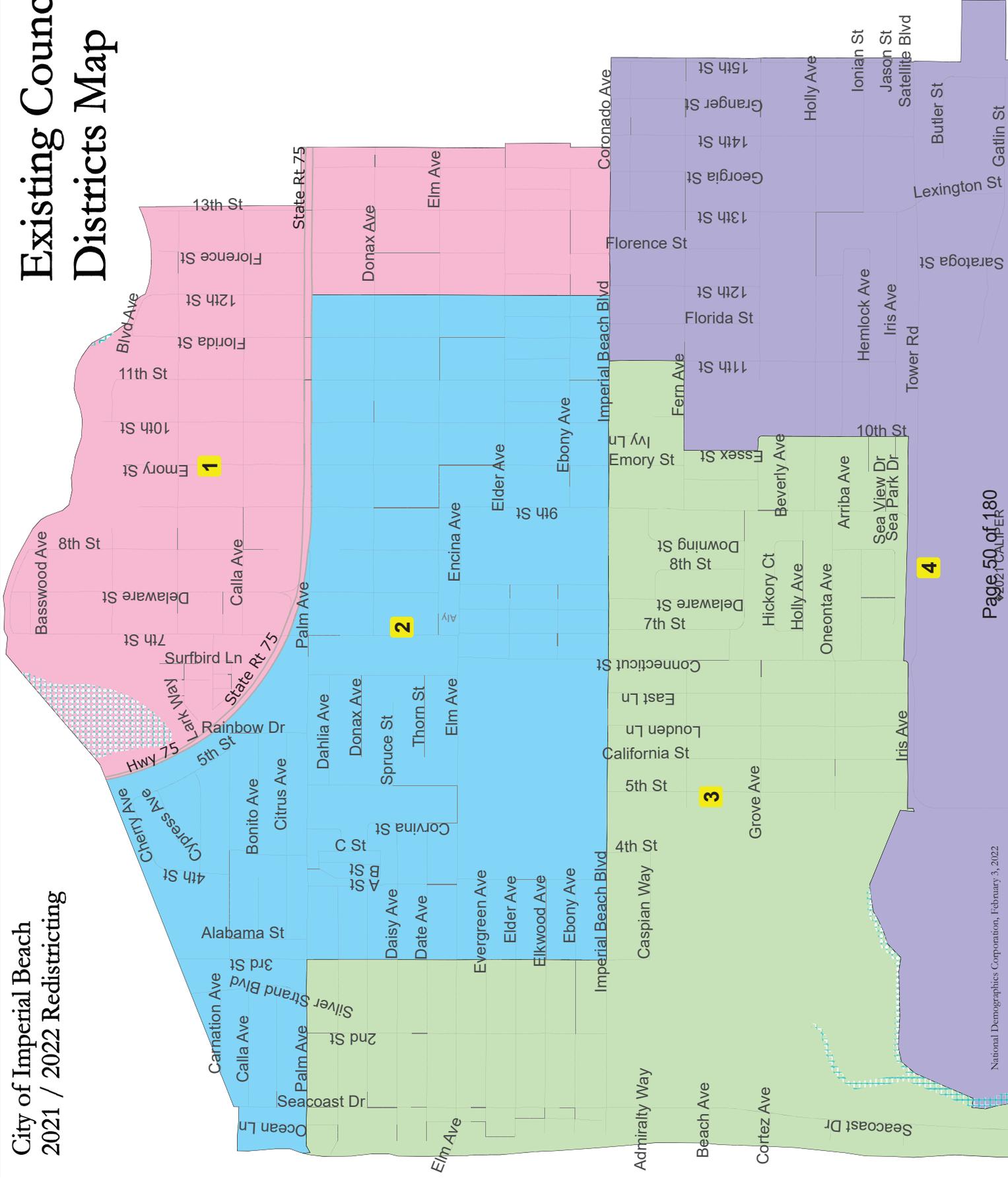
Jacqueline Kelly, City Clerk

APPROVED AS TO FORM:

Jennifer M. Lyon, City Attorney

City of Imperial Beach
2021 / 2022 Redistricting

Existing Council Districts Map



Imperial Beach - Existing Districts						
District		1	2	3	4	Total
	Total Pop	6,701	6,784	6,558	6,187	26,230
	Deviation from ideal	143	226	0	-371	597
	% Deviation	2.18%	3.45%	0.00%	-5.66%	9.10%
Total Pop	% Hisp	59.1%	48%	35%	63%	51%
	% NH White	25%	38%	49%	20%	33%
	% NH Black	5%	3%	4%	4%	4%
	% Asian-American	7%	6%	8%	10%	8%
Citizen Voting Age Pop	Total	4,305	4,304	5,847	3,538	17,994
	% Hisp	54%	36%	29%	55%	42%
	% NH White	30%	48%	50%	24%	40%
	% NH Black	9%	6%	7%	7%	7%
	% Asian/Pac.Isl.	6%	9%	12%	12%	10%
Voter Registration (Nov 2020)	Total	3,470	4,094	3,876	3,120	14,560
	% Latino est.	56%	39%	28%	57%	44%
	% Spanish-Surnamed	51%	36%	26%	52%	40%
	% Asian-Surnamed	1%	1%	1%	1%	1%
	% Filipino-Surnamed	2%	2%	2%	3%	2%
	% NH White est.	35%	55%	63%	33%	48%
	% NH Black	9%	5%	8%	10%	8%
Voter Turnout (Nov 2020)	Total	2,278	3,125	3,145	2,070	10,618
	% Latino est.	52%	35%	25%	52%	39%
	% Spanish-Surnamed	48%	33%	24%	48%	36%
	% Asian-Surnamed	1%	1%	1%	1%	1%
	% Filipino-Surnamed	2%	2%	1%	3%	2%
	% NH White est.	37%	58%	65%	38%	52%
	% NH Black	9%	5%	7%	8%	7%
Voter Turnout (Nov 2018)	Total	1,330	2,173	2,262	1,190	6,955
	% Latino est.	47%	31%	21%	46%	33%
	% Spanish-Surnamed	45%	29%	20%	43%	32%
	% Asian-Surnamed	1%	1%	1%	1%	1%
	% Filipino-Surnamed	2%	2%	1%	3%	2%
	% NH White est.	39%	62%	69%	41%	56%
	% NH Black est.	10%	4%	7%	10%	7%
ACS Pop. Est.	Total	6,550	6,461	7,865	6,563	27,440
Age	age0-19	28%	26%	26%	31%	28%
	age20-60	57%	56%	54%	59%	56%
	age60plus	15%	19%	19%	11%	16%
Immigration	immigrants	20%	19%	14%	32%	21%
	naturalized	51%	53%	55%	42%	49%
Language spoken at home	english	49%	60%	74%	34%	55%
	spanish	47%	34%	22%	54%	39%
	asian-lang	3%	4%	3%	9%	5%
	other lang	1%	2%	1%	2%	2%
Language Fluency	Speaks Eng. "Less than Very Well"	13%	14%	7%	23%	14%
Education (among those age 25+)	hs-grad	56%	55%	47%	50%	52%
	bachelor	10%	15%	19%	13%	14%
	graduatedegree	2%	8%	17%	2%	8%
Child in Household	child-under18	34%	33%	25%	41%	33%
Pct of Pop. Age 16+	employed	72%	67%	55%	68%	65%
Household Income	income 0-25k	17%	25%	13%	19%	18%
	income 25-50k	34%	25%	24%	34%	29%
	income 50-75k	28%	18%	14%	21%	20%
	income 75-200k	18%	29%	44%	26%	30%
	income 200k-plus	3%	4%	5%	1%	3%
Housing Stats	single family	45%	66%	58%	48%	55%
	multi-family	55%	34%	42%	52%	45%
	rented	84%	66%	50%	83%	69%
	owned	16%	34%	50%	17%	31%
Total population data from the 2020 Decennial Census.						
Surname-based Voter Registration and Turnout data from the California Statewide Database.						
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates. NH White and NH Black registration and turnout counts estimated by NDC. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.						



City of Imperial Beach Public Hearing #1

October 20, 2021

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Shannon Kelly
National Demographics Corporation

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What is Redistricting?

Every 10 years, local governments use new data from the census to redraw their district lines to reflect how local populations have changed.

Cities must ensure that their district boundaries continue to be in population balance. If districts are out of balance, they must be adjusted or redrawn to bring them into balance.

The primary goal when developing election districts is to draw lines that respect neighborhoods, history and geographical elements.

The final map of districts will be used for Imperial Beach’s City Council elections for the next 10 years starting in 2022.

Why Are We Doing this Again so Soon?

Every 10 years the federal government conducts a census and each City must update its election districts to reflect the latest population counts.

Imperial Beach went through a process to move to council districts in 2018. District maps were drawn in 2018 using 2010 population counts. The first election using these districts was 2020.

The California adjusted 2020 census data shows that the current districts are in balance.

The Fair Maps Act was passed in 2019 to govern how cities conduct redistricting.

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

Imperial Beach – Overview

District	Estimated 2020		Deviation from	
	Population	Ideal	% Deviation	% Deviation
1	6,701	143		2.18%
2	6,784	226		3.45%
3	6,558	0		0.00%
4	6,187	-371		-5.66%
Total	26,230	597		9.10%

A deviation range less than 10% has generally been considered balanced by the Courts

CVAP	1	2	3	4	Total
% His	54%	36%	29%	55%	42%
% NH White	30%	48%	50%	24%	40%
% NH Black	9%	6%	7%	7%	7%
% Asian/Pac Isl	6%	9%	12%	12%	10%
Total	4305	4304	5847	3538	17,994



Options for the City Council

Because the current Imperial Beach districts have a population deviation range of less than 10%, they are considered to be balanced and do not need to be redrawn to comply with the federal equal population requirement.

If the City Council finds that current districts meet the requirements of California's new Fair Maps Act, the election district lines may be kept as-is at the conclusion of the Fair Maps Act hearing and outreach process.

The City's options are:

- Continue through the hearing process and re-adopt the current map at the end
- Request additional draft maps to consider through the hearing process

City of Imperial Beach Proposed Redistricting Timeline

Month(s)	Event
Census Data Release August 12	Census Bureau released official 2020 Census population data
California Data Release September 20/27	California released official “prisoner adjusted” redistricting data on September 20 Due to significant errors in the data file, data was re-released data on September 27
Public Hearing #1 October 20	Public hearing to allow members of the public to learn about redistricting process and census data and provide feedback on communities of interest Review of options for City Council given “balanced data”
Public Hearing #2 November 17	Hear public testimony about existing map and communities of interest
Public Hearing #3 TBD	Hear public testimony about existing map
Public Hearing #4 March 2, 2022	Solicit final public testimony Discuss and adopt recommended final map
April 17, 2022	(Election Minus 205) Statutory deadline to adopt map ordinance

Defining Neighborhoods

1st Question: What is your neighborhood?

2nd Question: What are its geographic boundaries?

Examples of physical features defining a neighborhood boundary:

- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals and/or hills
- Areas around parks or schools
- Other neighborhood landmarks

Beyond Neighborhoods: Communities

Under the California Elections Code, “community of interest” has a very specific definition in the context of districting and redistricting cities and counties:

A “community of interest” is a population that shares common social or economic interests **that should be included within a single district for purposes of its effective and fair representation.**

Communities of interest do not include relationships with political parties, incumbents, or political candidates.
(emphasis added)

Beyond Neighborhoods: Defining Communities of Interest

1st Question: What defines your community?

- Geographic Area, plus
- Shared issue or characteristic
 - Shared social or economic interest
 - Impacted by county policies
- Tell us “your community’s story”

2nd Question: Would this community benefit from being “included within a single district for purposes of its effective and fair representation”?

- Or would it benefit more from having multiple representatives?

Definitions of Communities of Interest may not include relationships with political parties, incumbents, or political candidates.

What's Next

Public Hearing:

- **What are important communities of interest in Imperial Beach that should be kept together to ensure “effective and fair representation?”**
- **How well do the current districts serve the needs of the City of Imperial Beach?**

For more information and to stay up-to-date on Imperial Beach’s redistricting efforts, please visit:

[Redistricting - Imperial Beach, CA \(imperialbeachca.gov\)](https://imperialbeachca.gov)