



## **County of Santa Cruz Board of Supervisors**

### **Agenda Item Submittal**

**From:** County Administrative Office  
(831) 454-2100

**Subject:** Report on 2021 Redistricting Process and Advisory Commission

**Meeting Date:** February 23, 2021

### **Recommended Action(s):**

- 1) Accept and file a report on the 2021 redistricting process;
- 2) Adopt a resolution establishing an Advisory Redistricting Commission to recommend changes to supervisorial district boundaries;
- 3) Set the deadline of April 13, 2021 for final appointments to the Advisory Redistricting Commission; and
- 4) Direct the County Administrative Office to return with an update on the 2021 redistricting process on or before May 18, 2021.

### **Executive Summary**

With the recent conclusion of the 2020 Census, efforts will be turning to redistricting in 2021. This is an important process that will help determine federal funding for local services as well as redraw the County's supervisorial districts, so they are substantially equal in population as required by the United States Constitution. This report provides recommendations to initiate the 2021 redistricting process.

### **Background**

The U.S. Census Bureau (Bureau) is required by Article I, Section 2 of the U.S. Constitution to conduct an accurate count of the population every ten years. Census data is used to determine how many seats each state will have in the U.S. House of Representatives and in redistricting of state legislatures, county boards of supervisors and city councils.

In 2020, the Bureau conducted the decennial census, extending the deadline for responses through October 15, 2020 in response to the COVID-19 pandemic. Upon completion of the Census, Santa Cruz County's self-response rate (those residents who responded without contact from the Bureau) was 71.7%, exceeding participation in the prior Census and national self-response rate of 67.0%. The Bureau followed up with non-responders through census takers and estimates that 99.9% of the U.S. population was counted between self-response and follow up by the Bureau. The Bureau will deliver population data to the U.S. President by April 30, 2021 and recently announced that it will send redistricting data to all states by September 30, 2021.

Pursuant to Elections Code Section 21500 et seq., "Following each federal decennial

census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution." In addition, county boards must adopt new boundaries for supervisorial districts no later than 174 days prior to the county's next regular election after January 1, 2022 (Elections Code Section 21501).

The next regular election after January 1, 2022 is the Primary election, which the State has set for June 7, 2022. This requires that the ordinance take effect by December 15, 2021. The Santa Cruz County Board of Supervisors (Board) should therefore adopt an ordinance amending supervisorial districts at its regularly scheduled meeting on November 9, 2021, unless the required timeline is adjusted due to the delay in receiving redistricting data. If the Board fails to complete the process by the required timeline, the County loses jurisdiction, and the process will be completed by the Superior Court.

## **Analysis**

### Redistricting Requirements

In adopting updated supervisorial districts, the Board must comply with the requirements of the United States and California Constitutions, the Voting Rights Act of 1965, and California Elections Code Sections 21500 et seq. These authorities require that districts be based on total population and must have substantially equal population per district. Additionally, the U.S. Supreme Court, in recent cases, has generally prohibited using race as a predominate criteria for redrawing districts or diluting the voting rights of racial or language minority communities to elect representatives of their choice.

Under Elections Code Section 21500(c), the updated districts must be redrawn using the following criteria, in order of priority:

- 1) To the extent practicable, districts must be geographically contiguous;
- 2) To the extent practicable, districts must maintain the geographic integrity of neighborhoods and communities of interest;
- 3) To the extent practicable, districts must minimize division of cities or census designated places;
- 4) Boundaries must be easily identifiable and, if possible, bound by natural/artificial barriers, streets, and/or county lines; and
- 5) To the extent practicable, districts must not favor or discriminate against any political party.

State law also requires extensive outreach and opportunity be given for public input, especially for minority and language minority communities (Elections Code Section 21507.1 and 21508). The County is required to hold at least four public hearings or workshops meeting the following requirements:

- 1) One public hearing/workshop must be held before draft maps are drawn;
- 2) Two public hearings/workshops must be held after draft maps are drawn;
- 3) One public hearing/workshop must be held on a weekend or after 6pm on a weekday;
- 4) All public hearings/workshops must be noticed to the public, accessible to the disabled and must provide live translation if requested 72 hours prior to the

- hearing/workshop; and
- 5) The County must publish the date, time and place of each hearing/workshop online at least five (5) days prior.

The County must make good faith, demonstrable efforts to encourage the public, including underrepresented and non-English speaking communities, to participate in the redistricting process. This may be demonstrated by providing information via local media organizations, including those serving non-English speaking communities, and to local community organizations and agencies, including those active in language minority communities.

The County is also required to publish all draft maps, along with specified information regarding the maps at least seven (7) days prior to their adoption. Throughout the redrawing process, the County must allow the public to submit testimony or draft maps in writing and electronically. Finally, the County must record all public comment and Board deliberation regarding proposed maps.

#### Advisory Commission

For the past three redistricting efforts in 1991, 2001 and 2011, the County established a Redistricting Task Force to produce various plans and maps for the Board's consideration and eventual adoption. In 2011, the Task Force consisted of one representative from each supervisorial district with staff support and technical assistance provided by the County Administrative Office (CAO), County Counsel, County Clerk-Elections, and Information Services/Geographic Information Services (GIS).

In 2018, the Elections Code was amended to provide new requirements on establishing advisory redistricting commissions. Elections Code Section 23001 provides that a local jurisdiction may establish by resolution an advisory redistricting commission composed of residents of a local jurisdiction to recommend to the legislative body changes to district boundaries. The Board may determine the manner in which members are appointed (Elections Code Section 23002(b)) but shall not appoint themselves, other County elected officials, or their family members, staff members, or paid campaign staff to serve on the commission (Elections Code Section 23002(c)).

Similar to past redistricting efforts, staff recommends that the Board establish an Advisory Redistricting Commission and set the deadline of April 13, 2021 for final appointments. Board approval of the attached resolution would establish this body with one representative from each supervisorial district as appointed by the Board of Supervisors. The commission will be supported by staff from the CAO, County Counsel, County Clerk-Elections, and Information Services/GIS who will provide GIS information, mapping, legal boundary descriptions and coordination, and public outreach.

#### Next Steps

The CAO will monitor efforts at the state level to address the delay in receiving districting data. In coordination with the Advisory Redistricting Commission and County staff, the CAO will develop a plan to conduct public outreach and hold public hearings/workshops. Upon Board approval, the CAO will return with an update on the 2021 redistricting process on or before May 18, 2021.

**Strategic Plan Element(s)**

The 2021 redistricting process, including efforts to encourage public participation, supports all of the County's Strategic Plan goals.

**Submitted by:**

Carlos J. Palacios, County Administrative Officer

**Recommended by:**

Carlos J. Palacios, County Administrative Officer

**Attachments:**

- a Resolution Establishing 2021 Advisory Redistricting Commission



**BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA**

**RESOLUTION NO. 27-2021**

On the motion of Supervisor Coonerty  
Duly seconded by Supervisor Caput  
The following resolution is adopted.

**RESOLUTION ESTABLISHING AN ADVISORY REDISTRICTING  
COMMISSION FOR THE 2021 REDISTRICTING PROCESS**

**WHEREAS**, Article I, Section 2 of the U.S. Constitution mandates an accurate counting of the nation's population every ten years; and

**WHEREAS**, Title 13 of the United State Code governs the administration of the U.S. Census, including the collection and publication of data; and

**WHEREAS**, California Election Code section 21500 requires that, following each federal decennial census and using the provided census data, the Board of Supervisors shall adjust the boundaries of any or all supervisorial districts of the county so that the supervisorial districts are substantially equal in population as required by the U.S. Constitution; and

**WHEREAS**, California Election Code section 21500 also requires that the revised supervisorial district boundaries comply with the U.S Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec 10301 et seq.) by following the enumerated criteria which ensures geographic integrity and protects communities of interest, as outlined and defined in the statute, without favoring or disfavoring any political party; and

**WHEREAS**, California Election Code section 21501 requires that the boundaries of the revised supervisorial districts be adopted by this Board before December 15, 2021, which is no later than 174 days before the next regular election; and

**WHEREAS**, California Election Code section 23001 permits the establishment of an Advisory Redistricting Commission composed of residents from the local jurisdiction to make recommendations to the Board of Supervisors on any proposed changes to district boundaries; and

**WHEREAS**, the County of Santa Cruz has utilized a similar Redistricting Task Force for the past three redistricting efforts in 1991, 2001, and 2011 to produce various plans, maps, and recommendations of revised supervisorial districts for the Board's consideration and adoption;

**NOW, THEREFORE**, the Board of Supervisors of the County of Santa Cruz resolves and orders that an Advisory Redistricting Commission be created to study redistricting issues and provide the Board of Supervisors with recommendations for action with regard to the 2021 redistricting process and final redistricting determinations.

**BE IT FURTHER RESOLVED AND ORDERED** that the Advisory Redistricting Commission consist of one representative from each supervisorial district, said representative to be nominated for appointment by the Supervisor of that district, and thereafter appointed by the Board of Supervisors.

**BE IT FURTHER RESOLVED AND ORDERED** that the County Administrative Office, County Counsel, County Clerk-Elections, and Geographic Information Services (GIS) shall provide staff support to the Commission.

**BE IT FURTHER RESOLVED AND ORDERED** that the Commission will be in place for a limited term to conduct the duties set forth herein and will be disbanded by further Board action when the 2021 redistricting process is complete.

**PASSED AND ADOPTED** by the Board of Supervisors of the County of Santa Cruz, State of California, this 23rd day of February, 2021, by the following vote:

AYES: Supervisors: Koenig, Friend, Coonerty, Caput, and McPherson

NOES:

ABSENT:

ABSTAIN:

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BRUCE McPHERSON  
Chair, Board of Supervisors

ATTEST:

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Stephanie Cabrera  
Clerk of the Board

Approved as to Form:

2/12/2021 (AMS# 10266)

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Office of the County Counsel

DISTRIBUTION:

CAO

County Counsel

County Clerk-Elections

Geographic

Information Services