



## Report to City Council

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**TO:** Mayor and City Council

**FROM:** Steve Quintanilla, Interim City Attorney

**AGENDA DATE:** March 1, 2022

**TITLE:** THIRD PUBLIC HEARING REGARDING THE DECENNIAL CITY COUNCIL REDISTRICTING PROCESS BASED ON RECENTLY RELEASED 2020 US CENSUS POPULATION DATA FOR THE CITY OF MORENO VALLEY

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### **RECOMMENDED ACTION**

#### **Recommendations: That the City Council:**

1. Receive a presentation from the City's redistricting consultants regarding proposed redistricting maps;
2. Conduct the third of four public hearings regarding the adjustment of City Council District boundaries in light of the 2020 Census, pursuant to Elections Code Sections 21601-21609; and
3. Provide feedback, if any, regarding potential adjustments to the maps.

Members of the Moreno Valley City Council are elected using "by-district" elections, meaning elections in which a candidate for the Council may only run for office in the district in which he or she resides and is elected only by the voters in that district.

State law (Elections Code §§ 21600-21609) requires that any city using district elections readjust its boundaries in the year following the release of each U.S. Census, to rebalance the population in accordance with federal equal population requirements. That rebalancing must be done in accordance with the federal Voting Rights Act, the Equal Protection Clause, and applicable State law.

This is the third of four public hearings related to the Redistricting Process that are intended to provide the public with a meaningful opportunity to comment and to submit maps related to the Redistricting Process for consideration by the City Council.

***It is important to note that even though it may appear to some that no changes may be required, the City is still required to go this process regardless.***

## **BACKGROUND**

In 2019, the State Legislature enacted AB 849 and AB 1276, which substantially re-wrote the State law provisions governing the Redistricting Process as it relates to cities. The new law requires a significantly more detailed public process, including requirements for more public hearings; new notice and public outreach requirements; translation requirements; the creation and maintenance (for ten years) of a redistricting website, etc. The City has already established the required website at [redistrictmoval.org](http://redistrictmoval.org).

The new law also limits the discretion that city councils previously had in determining the redistricting criteria to be applied under State law, and instead prescribes specific criteria that the City Council must follow and sets the priority to be given to each criterion.

## **DISCUSSION**

### **A. Substantive Requirements**

The official adjusted<sup>1</sup> 2020 population of Moreno Valley is 209,667, and the ideal district size is 52,417 total persons. The populations of the current districts as reflected in the adjusted Census data are as follows:

District 1:	50,844
District 2:	51,719
District 3:	53,474
District 4:	53,630

The Supreme Court has held that there does not have to be perfect equality amongst the district populations, but a plan with a “total deviation” exceeding 10% is presumed to be unconstitutionally malapportioned. The “total deviation” is calculated by determining the difference in population between the largest and smallest districts and then dividing by the ideal population.

Applying that formula, we subtract the population of District 1 (the least populated, 3.00% below the ideal) from the population of District 4 (the most populated, 2.31% above the ideal) to get a range of 2,786. Dividing that range by the ideal population of 52,417, the “total deviation” of the City’s current district plan is 5.32%—which is way within the permissible 10% range.

However, under State law there are additional criteria that must be complied with. State law requires that the districts conform to the following:

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<sup>1</sup> Pursuant to State law, the population as reflected in the Census must be adjusted to redistribute incarcerated prisoners back to their last known place of pre-incarceration residence. See Elec. Code § 21601(a). Those are the data addressed herein.

- 1) The districts must be “substantially equal in population” as defined by the Supreme Court (*i.e.*, within the 10% range discussed above).
- 2) The districts must comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).
- 3) The districts must comply with constitutional restrictions on “racial gerrymandering.
- 4) Subject to the constitutional and federal law requirements noted in paragraphs (1) – (3), voting districts must be established according to four statutory criteria, ranked in order of priority:
  - To the extent practicable, council districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
  - To the extent practicable, the geographic integrity of any local neighborhood or local Community of Interest shall be respected in a manner that minimizes its division. 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.
  - Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the City.
  - To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

All of the maps that will be presented to the Council at the public hearing appear to comply with numbers 1-3, so the choice of map will necessarily turn on the question of which maps the City Council determines best meets the criteria listed in number 4.<sup>2</sup>

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<sup>2</sup> A map with a lower total deviation is not any more legally defensible than another with a higher deviation, so long as both maps are within the 10% threshold discussed above and the deviation results from the pursuit of legitimate redistricting goals.

## **B. Process**

Under the pertinent State laws as amended by AB 849 and AB 1276 (in 2019), the City Council is required conduct at least four public hearings prior to adopting an updated district boundary map. At least one such hearing must be held prior to the drafting of possible mapping alternatives, and at least two must be held after the drafting of possible mapping options.

This is the third of the required public hearings, with the remaining hearing to be conducted on March 15, 2022. The legal deadline to complete this process is April 17, 2022. The first and second of the required public hearings were held on February 1 and February 15, 2022.

Per State law, the hearings must be conducted at a specific time; this hearing is noticed to begin at 6:00 p.m. The chief purpose of this new hearing is to receive public and Council feedback on proposed mapping options.

The draft maps are available on the City's redistricting website at [redistrictmoval.org](http://redistrictmoval.org).

## **ALTERNATIVES**

The City Council has the following alternatives:

1. Conduct the public hearing. *This alternative will comply with State law and allow the City Council and the City's consultants to receive feedback from the public regarding the adjustment of district boundaries in light of the 2020 Census.*
2. Do not conduct the public hearing. *If the process required by State law is not completed by the legal deadline, responsibility for redrawing the council districts shifts to the Riverside County Superior Court.*

## **FISCAL IMPACT**

None

## **NOTIFICATION**

The Public Hearing Notice was published in the Press Enterprise Newspaper at least seven days in advance of the Public Hearing. Notices of the Public Hearing were also posted at City Hall, Senior Center, City's Website and at the City's three Library Branches.

## **PREPARATION OF STAFF REPORT**

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**CITY COUNCIL GOALS**

None

**CITY COUNCIL STRATEGIC PRIORITIES**

- 1. Economic Development
- 2. Public Safety
- 3. Library
- 4. Infrastructure
- 5. Beautification, Community Engagement, and Quality of Life
- 6. Youth Programs

**ATTACHMENTS**

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on the left hand side of this document for the necessary attachment.

None

**APPROVALS**

Budget Officer Approval	<u>✓ Approved</u>	2/24/22 3:56 PM
City Attorney Approval	<u>✓ Approved</u>	
City Manager Approval	<u>✓ Approved</u>	2/24/22 3:58 PM