



CITY COUNCIL AGENDA STATEMENT



April 21, 2020

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20-0137

TITLE

ORDINANCE OF THE CITY OF CHULA VISTA AMENDING VARIOUS SECTIONS OF CHULA VISTA MUNICIPAL CODE CHAPTER 2.51, "DISTRICTING COMMISSION," TO CHANGE THE NAME OF THE COMMISSION TO THE "REDISTRICTING COMMISSION," MODERNIZE LANGUAGE, AND SET THE TARGET ADOPTION DATE OF THE FINAL DISTRICTING PLAN TO IMPLEMENT NEW DISTRICTS IN THE ELECTION YEAR FOLLOWING THE RELEASE OF THE FEDERAL DECENNIAL CENSUS RESULTS (SECOND READING AND ADOPTION)

RECOMMENDED ACTION

Council adopt the ordinance.

SUMMARY

Adoption of the ordinance sets the target adoption date of the Final Districting Plan to implement the new districts in the election year immediately following the release of the results of the Federal Decennial Census. Further, the ordinance renames the "Districting Commission" the "Redistricting Commission," to use the more common term for redistricting proceedings. Finally, the ordinance updates language regarding the regulations pertaining to the Redistricting Commission, based on updated legislation, feedback from the original Districting Commission, and input from staff.

ENVIRONMENTAL REVIEW

The Director of Development Services has reviewed the proposed activity for compliance with the California Environmental Quality Act (CEQA) and has determined that this activity is not a "Project" as defined under Section 15378 of the State CEQA Guidelines because it will not result in a physical change to the environment; therefore, pursuant to Section 15060(c)(3) of the State CEQA Guidelines, the activity is not subject to CEQA. Thus, no environmental review is required.

BOARD/COMMISSION/COMMITTEE RECOMMENDATION

Staff reviewed and incorporated some recommendations from the 2015 Districting Commission Final Report, which is included as Attachment 1.

DISCUSSION

Background

In 2012, the City's Charter was amended to provide that City Councilmembers be elected by geographical

district beginning with the 2016 election. In 2014 the Districting Commission was formed and the Council approved the Commission’s Recommended Districting plan on July 14, 2015.

Every 10 years, the U.S. Census Bureau conducts the Federal Decennial Census to count population throughout the country, as required by the United States Constitution. Among other uses, this information is used to redraw legislative districts, such as the City Council districts, based on population changes. The results of each Census are released the following year. The Census was conducted on April 1, 2020 and the results will be released on April 1, 2021.

Redistricting Timeframe

City Charter section 300.5(A)(2) calls for redistricting, “within one year of receipt by the City of the final Federal Decennial Census information for use commencing with the next scheduled general municipal election occurring at least three months after adoption of the Final Districting Plan.” Based on the provided timeframe, election deadlines, and depending on when redistricting occurred, the new Council districts resulting from the 2020 Census could be implemented in either election year 2022 or 2024.

Staff recommends setting a target date of August of the year the Census results are released to adopt the Final Districting Plan. This approach would implement the new City Council districts as soon as possible following the Census and would make use of the updated population information for a full ten years between redistricting efforts.

A general timeline for implementation of the new districts in time for the 2022 elections is as follows:

#	Date	Event
1	April 2020	Census Day
2	August 2020	Seat Redistricting Commission
3	March 2021	Release of Census Results
4	April 2021	Candidates for March 2022 Election May Begin Receiving Campaign Contributions
5	July 2021	Approval of Recommended Districting Plan
6	August 2021	Council approval of the Final Districting Plan
7	November 15 – December 10, 2021	Candidate Nomination Period for March 2022 election
8	March 8, 2021	Election with Updated District Boundaries

Individuals who wish to run in the 2022 elections can begin receiving campaign contributions in April 2021, while district lines will not be finalized until August of that year. If Council adopts the subject ordinance, staff plans to propose changes to the Campaign Contribution ordinance (CVMC 2.52) to address the potential situation where a candidate begins soliciting campaign funds with the intent to run in a particular district, and redistricting results in a change to their district of residency mid-campaign.

Changing the Name of the Districting Commission and Modernizing Language

Elections Code section 23000(g) defines “Redistricting” as either districting or redistricting. The terminology typically used when districts are established, and the boundaries are being adjusted is “redistricting.” For clarity, staff recommends adding the definition of “Redistricting” to match the Elections Code and also referring to the next and all subsequent Commissions as “Redistricting Commission.”

Other notable changes proposed to the Municipal Code are as follows:

- **Process for selection of consultants.** Charter section 300.5(A) provides that one or more independent consultants experienced in districting work shall be used to assist the Districting Commission in developing districting plans. To ensure availability of quality consultants and to streamline the work of the Districting Commission, staff recommends defining a process whereby staff solicits consultant proposals through the City's established procurement practices, and the Districting Commission evaluates the proposals and submits recommendations to City Council for approval. Assembly Bill 849 (2019) created a timeline for California General Law and some Charter cities to conduct redistricting. Many of these agencies will redistrict around the same time, following the Census, which may limit the availability of qualified consultants. Staff would plan to issue a Request for Proposals early in the process to encourage proposals from a variety of qualified consultants for the Districting Commission and City Council consideration.
- **Districting Commission Meetings.** Proposed changes to the ordinance call for the Districting Commission to meet regularly at Council Chambers, as well as to hold at least one special meeting in each Council District prior to the development of a Draft Districting Plan. This would ensure opportunities to participate would be provided in each district, as well as make use of the technology available in Council Chambers for audio/video recording, translation, and meeting management.
- **Other Updates.** Other updates to the Districting Commission section of the municipal code include consolidating repetitive language, removing reference to instructions to the initial Districting Commission, and other minor clarifications and updates.

DECISION-MAKER CONFLICT

Staff has reviewed the decision contemplated by this action and has determined that it is not site-specific and consequently, the real property holdings of the City Council members do not create a disqualifying real property-related financial conflict of interest under the Political Reform Act (Cal. Gov't Code § 87100, et seq.).

Staff is not independently aware, and has not been informed by any Councilmember, of any other fact that may constitute a basis for a decision-maker conflict of interest in this matter.

CURRENT-YEAR FISCAL IMPACT

There is no fiscal impact in the current year. The Districting Commission is proposed to be seated in August 2020.

ONGOING FISCAL IMPACT

It is anticipated the Redistricting Commission will require a budget of \$125,000. The budget will be included as part of the City Manager's Fiscal Year 2021 Proposed Budget and will be considered by the City Council as part of the normal budget process.

ATTACHMENTS

1.0 – 2015 Districting Commission Final Report.

Staff Contact: Cristina Hernandez, City Clerk Analyst