



# STAFF REPORT

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March 16, 2022  
File Number 0120-10

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## **SUBJECT**

### **RECOMMENDED REDISTRICTING PLAN OF THE ESCONDIDO INDEPENDENT REDISTRICTING COMMISSION**

## **DEPARTMENT**

City Clerk's Office

## **RECOMMENDATION**

Request the City Council approve Ordinance 2022-06 adopting the Recommended Redistricting Plan submitted by the Independent Redistricting Commission. If adopted, the plan submitted by the Independent Redistricting Commission will become the Final Redistricting Plan and will be used for all regular elections of the four Council members. The plan will also be used for the recall of any Council member elected from the new districts and for the appointment of any new Council member to fill a vacancy in the office of the member of the Council elected from the new district. Finally, the plan would be used for any special election to fill a vacancy in the office of the member of the Council elected from the new districts.

Staff Recommendation: Approval (City Clerk's Office: Zack Beck)

Presenter: Zack Beck

## **FISCAL ANALYSIS**

## **PREVIOUS ACTION**

In 2013, the City of Escondido ("City") formed an Independent Districting Commission ("Commission") which was vested with authority to develop an initial district-based plan for future City Council elections. It was composed of seven members, appointed by a Selection Panel of three retired judges residing in San Diego County.

The Consent Decree entered in San Diego Superior Court Case No. 37-2011-00060480 ("Consent Decree") established the guidelines and criteria for districting of the City. Pursuant to the Consent Decree, the Selection Panel appointed Commission members who provided racial, geographic, social and ethnic diversity; had a high degree of competency to carry out the responsibilities of the Commission; and a demonstrated capacity to serve with impartiality.



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With the assistance of an expert consultant, the Commission adopted plans that divided the City into four Council districts. The City Council approved the district boundaries on December 4, 2013, and by Ordinance No. 2013-17 to be used in the 2014, 2016, 2018, and 2020 General Elections.

Elections for the City's four City Council members are conducted under a district-based method in which the four City Council members are elected from four districts and the Mayor is elected at-large.

Pursuant to the Consent Decree dated April 19, 2013, the City shall be redistricted at least once every ten years, but no later than 120 days before the next City Council election after the national decennial census is released. If the next City Council election is within 180 days of the day the national decennial census data is released, redistricting shall be completed no later than 120 days before the following Council election.

The City shall establish a seven-member Independent Redistricting Commission "Commission", which shall be vested with authority to develop an initial district-based plan for future City Council elections. To establish a truly Independent redistricting or Redistricting Commission, the selection process must be free of political influence and must be reasonably representative of the City's diversity. Members of the Commission shall be appointed by a panel of three retired judges residing in San Diego County "Selection Panel".

The City solicited applications for members of the public to serve on the Independent Redistricting Commission from June 15, 2020 to July 31, 2020. Twenty candidates applied. Per Consent Decree guidelines, the City Clerk removed from the pool any individual who was not a qualified elector in the City or who, within ten years preceding the date of application:

- Was a candidate for local, federal, or California state office.
- Was a paid employee or paid consultant of the campaign for a California political candidate or for a California political committee as defined by federal or state law.
- Was an official or paid employee of any California political party organization.
- Made monetary contributions to California political campaigns or political parties that exceed a total of \$5,000 during a two-year period, which amount shall be adjusted consistent with the consumer price index in future years.
- Is currently a candidate for local, federal, or California state office.

On August 31, 2020, the City Manager compiled a list of retired judges willing to serve on the Redistricting Selection Panel and residing in San Diego County, per Consent Decree guidelines. The following judges were appointed to the Selection Panel:



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- Hon. Irma Gonzalez
- Hon. William Pate
- Hon. William Howatt, Jr.

On November 18, 2021, the Selection Panel appointed the following candidates to the Independent Redistricting Commission:

- Robert Case
- Carolyn Clemens
- Amy Dao Doan
- Kristy Jurgensen
- Xochitl Reyes
- Mariela Saldana

On January 6, 2021, the Commission held its first meeting. The Commission appointed Robert Case as Chair and Kristy Jurgensen as Vice Chair. The Commission agreed to set a budget in the amount of \$200,000 and submit it to the City Council for approval. On January 27, 2021, the City Council approved the budget.

The Commission met on February 2, 2021 and selected Karin MacDonald (Q2 Data) to serve as the Redistricting Commission demographer through the redistricting process. Ms. MacDonald previously served as the demographer for the initial City of Escondido Independent Districting Commission in 2013.

On May 4, 2021, the Commission met to establish public outreach goals and set a tentative timeline for holding future public hearings where map drawing will take place following the release of Census data.

On July 12, 2021, the Commission held a workshop on the redistricting process. On August 23, 2021, the Independent Redistricting Commission received an update on Census Legacy Data. On September 13, 2021, the Independent Redistricting Commission adopted a communication disclosure policy for all commissioners.

The Commission met on September 27, 2021 to approve a public outreach plan. On October 25, 2021, the Independent Redistricting Commission reviewed the budget. On November 29, 2021, the Independent Redistricting Commission approved a \$17,500 budget adjustment request for to fund additional public outreach.



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### BACKGROUND

The Commission adhered to the procedural and substantive requirements set forth in the Consent Decree in developing and adopting the Recommended Redistricting Plan. The plan provides fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and is in conformance with the requirements of the United States and California Constitutions, and with federal and state statutes.

The new district boundaries comply with the United States Constitution, including containing reasonably equal population; comply with the federal Voting Rights Act; are geographically contiguous and drawn to encourage geographic compactness; are drawn with respect for geographic integrity of any neighborhood and any community of interest, including racial, ethnic, and language minorities; and were not drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

The Commission's decisions were governed by federal and state legal requirements as well as criteria specific to Escondido. The United States Constitution requires districts contain roughly equal population and it and the federal Voting Rights Act ("VRA") prohibit racial discrimination. The federal VRA also prohibits discrimination because of language minority status, in addition to practices that have a discriminatory effect, such as at-large elections or districts that make it harder for a racial or language minority group to elect a representative of choice.

The Commission's decisions were also governed by specific criteria resulting from the consent decree in a California VRA case. In ranked order, the Commission had to address the following criteria:

- All districts comply with the United States Constitution. This includes that each district contains about the same number of people.
- All districts comply with the federal Voting Rights Act. This could mean drawing one or more majority-minority districts, if it is possible to do so.
- All districts must be contiguous and encourage compactness.

The Commission conducted an open and transparent process that ensured full and meaningful public consideration of and comment on the drawing of district lines.

The Commission provided public notice of six (6) public hearings at which all Escondido citizens had equal opportunity to comment on the drawing of district lines.



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The public hearings were held at six (6) geographically diverse locations throughout Escondido as well as via video conference. The Commission made every reasonable effort to afford maximum public access to its proceedings.

In particular, the Commission fixed the times, locations and formats of the hearings to assure accessibility to Escondido's Latino and other ethnic communities, including Escondido's Chinese, Vietnamese and Filipino communities.

Notice of each of the public hearings was provided in English, Spanish, Chinese, Vietnamese, and Filipino.

Spanish, Chinese, Vietnamese, and Filipino translation services were provided at each of the public hearings

The Commission received comments from the public and worked in consultation with the expert consultant to prepare a Preliminary Redistricting Plan dividing the City into four (4) Council districts. The Preliminary Redistricting Plan was unanimously approved on January 27, 2022.

The Commission filed its designated Preliminary Redistricting plan with the City Clerk, along with a report outlining the bases on which its decisions were made as to district boundaries and explaining its compliance with the criteria outlined in Subsection IX.E of the Consent Decree, including any definitions of any terms or standards used in drawing its draft plan. The Preliminary Redistricting Plan and accompanying report were made publicly available.

During the thirty (30) day period after filing the designated Preliminary Redistricting Plan with the City Clerk, the Commission held three (3) public hearings in various geographic areas of the City as well as via video conference.

After receiving comments from the public on the Preliminary Redistricting Plan, the Commission worked in consultation with the expert consultant to prepare a Recommended Redistricting Plan. The Recommended Redistricting Plan (See Attachment 1) was unanimously approved on February 23, 2022. The approved Recommended Redistricting Plan is now being submitted to the City Council for its up or down approval.

The City Council shall hold at least one (1) public hearing on the Recommended Redistricting Plan of the Commission before any adoption of a Final Redistricting Plan. No later than forty (40) days after submission of the Recommended Redistricting Plan to the City Council, the City Council shall either approve or disapprove the Recommended Redistricting Plan in its entirety.

If the Council approves the Recommended Redistricting Plan, it shall become the Final Redistricting Plan and shall be implemented. If the Council disapproves the Recommended Redistricting Plan the Council shall submit in writing to the Commission, the reasons for such disapproval. The Commission shall consider any reasons for disapproval submitted to it by the Council and shall consider whether to make



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alterations to the Recommended Redistricting Plan in response to such reasons. Within forty (40) days of the City Council's submission of its reasons for disapproval, the Commission shall submit the same or an altered Recommended Districting Plan to the City Council for approval.

### **ORDINANCES**

- a. Ordinance 2022-06
- b. Ordinance 222-06 Exhibit "A" Escondido Independent Redistricting Commission Recommended Plan