

AGENDA STAFF REPORT

MEETING NAME: REGULAR BOARD MEETING
MEETING DATE(S): DECEMBER 20, 2021
FROM: LEGAL COUNSEL



FOR: ACTION DIRECTION INFORMATION

PUBLIC HEARING – PROCESS AND PUBLIC INPUT FOR ADJUSTMENT OF DIVISION BOUNDARIES

RECOMMENDATIONS

Every ten years, agencies with by-district election systems must use new census data to review and, if needed, redraw electoral division lines to reflect how local populations have changed. This process, called redistricting, ensures all divisions comply with both the California and federal Voting Rights Acts. Staff recommends the Board do the following:

1. Conduct a Public Hearing on December 20, 2021 to receive testimony and comments regarding MSWD'S Division Boundaries; and
2. Consider having a draft map presented at the February 21, 2022 Regular Board Meeting with adoption of a map scheduled for the Board's March 21, 2022 Regular Meeting.

BACKGROUND

The Agenda Staff Report dated October 18, 2021 provided the Board with an informational presentation on the process for adjustment of division boundaries following release of the 2020 census information. As you will recall, requirements for redistricting include:

- Revised electoral districts must be “substantially equal in population as required by U.S. Constitution.”
 - Balance must comply with U.S. and California Constitutions and Federal Voting Rights Act (FVRA) Section 10301 of Title 52 of the United States Code, as amended.
 - Population equality is based on total population of District residents (not customers) per U.S. Census.
 - Incarcerated persons only counted if last known residence may be assigned to a City census block.
 - In adjusting the boundaries of the divisions, the Board may give consideration to the following factors:
 - (1) topography,
 - (2) geography,
 - (3) cohesiveness, contiguity, integrity, and compactness of territory, and
 - (4) community of interests of the division.

Please upload all pertinent attachments using the Municode Meetings ADD ITEM function.

* This section does not apply to divisions in which only landowners vote for directors or whose directors are all elected at large or appointed.

- Boundaries shall not be drawn to favor or discriminate against a political party.
- Change of boundaries shall not affect the unexpired term of office of any elected Board member.

Prior to considering specific maps adjusting division boundaries, MSWD must conduct at least one public hearing to receive testimony and comments from the Board members and the public. Following this hearing, MSWD's redistricting consultant will prepare draft maps reflecting the 2020 census data and considering any comments received. A second public hearing is tentatively scheduled for March 21, 2022 to consider the proposed division boundary adjustments and adoption of revised boundary maps.

MSWD must complete the current redistricting process by April 17, 2022. SB 594, enacted in September 2021, established this date which consolidated the redistricting deadline for all municipalities and most special districts onto a single date. Previous to SB 594, the deadline for special districts was May 12, 2022 (180 days before the November 8, 2022 general election). However, certain types of districts had deadlines as early as November 1, 2021, and with the delay of census data from the U.S. Census Bureau as a result of the COVID-19 pandemic, that deadline was impossible to meet. To accommodate those districts, and at the request of county Registrar of Voters statewide, the deadline for special districts was moved up 25 days to April 17th, while the November 1st deadline was extended to April 17th.

PUBLIC NOTICE

Pursuant to California Elections Code Sections 10010 and 22001, on December 9, 2021, MSWD published in *The Desert Sun Newspaper* notice of its first public hearing to provide public input for adjustment of division boundaries. Staff also posted information about this hearing on its website. Public notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

FISCAL IMPACT

There is no fiscal impact associated with this report. However, as previously reported, redistricting required MSWD to retain the services of a demographer. The cost of services should be no more than \$20,000. Additionally, the Board will incur costs associated with communications efforts for the process such as printing, advertisements, etc.

ATTACHMENT

None