



Date: April 30, 2021

To: Mayor and City Council

From: Eric Figueroa, City Manager

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Subject: Formation of City of Martinez Independent Redistricting Commission and Approval of Contract for Demographic Consulting Services

Recommendation

Adopt a resolution approving the formation of the City of Martinez Independent Redistricting Commission, and approve a contract with a firm providing demographic consulting services.

Background

On March 18, 2021, the Ad-Hoc Committee composed of Councilmembers Mark Ross and Brienne Zorn discussed preliminary considerations for the City Council redistricting process, including:

- 1) selecting a redistricting commission;
- 2) selecting a demographer;
- 3) developing a public outreach program;
- 4) proposing a timeline; and
- 5) budgeting for redistricting.

At the conclusion of the meeting, the Ad-Hoc Committee directed the City Attorney's Office to draft a City Council resolution approving the formation of an independent redistricting commission and to solicit proposals from demographers.

On April 21, 2021, the City Council Ad-Hoc Committee discussed the proposals submitted by three demographers:

- 1) National Demographics Corporation, Inc.;
- 2) Bear Demographics & Research, LLC; and
- 3) Redistricting Partners.

The Ad-Hoc Committee also considered a resolution approving the formation of the City of Martinez Independent Redistricting Commission (“Commission”). The Ad-Hoc Committee invited California Common Cause to present on the need for an independent redistricting commission and heard public comment. The Ad-Hoc Committee then made a number of amendments to the proposed resolution.

Selecting a Redistricting Commission

The City Council should consider whether it would like to complete the redistricting process itself or utilize a redistricting commission for some or all of the project. The Elections Code provides for three types of redistricting commissions: 1) advisory, 2) hybrid, and 3) independent. This chart summarizes the differences among the three.¹

Type of redistricting commission	Selection process	Can hold public hearings before maps are drafted	Can draft maps	Can hold public hearings after maps are drafted	Can adopt final map
Advisory	Political or non-political appointment	Yes	Yes	No	No
Hybrid	Non-political appointment	Yes	Yes	Yes	No
Independent	Non-political appointment	Yes	Yes	Yes	Yes

The Ad-Hoc Committee expressed interest in an independent commission. The attached Resolution contemplates a Commission consisting of seven members and two alternates. The selection of the Commissioners was initially proposed to be by lottery, but the Ad-Hoc Committee preferred a selection process based on both lottery and appointment to form a Commission that better reflects the City’s demographic composition.

Each Commission applicant will be a registered voter of the City and satisfy the eligibility requirements under Elections Code section 23003 (Attachment B) limiting potential conflicts of interest. The City Council may not eliminate the eligibility requirements

¹ Elec. Code, § 23000 et seq.

mandated by the Elections Code or the mandate that the Commissioners be registered with the same political party preference.

The Council has discretion to change the following elements of the proposed Resolution:

- 1) whether the Commission is hybrid or independent;
- 2) the number of Commissioners;
- 3) whether the Commission has alternates;
- 4) whether the Commissioners are selected from each existing district or whether there should be no geographic criteria to selection;
- 5) whether to impose additional requirements or restrictions on Commissioners beyond the Elections Code requirements; and,
- 6) whether to have a non-elected official other than the Deputy City Clerk conduct the screening and drawing process.

Regardless of the above variables, the Commission will be transparent, in that it will comply with the California Public Records Act in disclosing public records, the Ralph M. Brown Act in conducting meetings, and the relevant provisions of the Political Reform Act and Elections Code in disclosing and avoiding potential conflicts of interest. The Commission's public meetings will be video recorded and made available to the public for review. The Commission will provide proper notice of all meetings and create and manage a webpage on the City's website that includes all materials relevant to the redistricting process.

The Commission will engage the public, in that it will actively encourage residents to participate in the redistricting process and accommodate diverse needs and limitations. Commission meetings will be held at various times and days of the week to reach as large an audience as possible. The meeting location will be accessible to persons with disabilities and live translation services will be provided with at least 48 hours' notice. The Commission will also provide the public with tools and population and demographic data to create draft maps.

Proposals of Firms Providing Demographic Consulting Services

Per the City Council Ad-Hoc Committee's direction, the City Attorney's Office contacted four firms providing demographic consulting services. Of the four, three submitted proposals — listed below in order of receipt:

- Attachment C is the proposal submitted by National Demographics Corporation, Inc., the City's prior demographer who helped the City transition from at-large elections to district-based elections.
- Attachment D is the proposal submitted by Bear Demographics & Research, LLC.

- Attachment E is the proposal submitted by Redistricting Partners.

Since this is a professional services contract, there is no requirement the contract be awarded to the lowest responsible bidder.² The City Council may evaluate the proposals based on factors such as cost, services, former and current clients, individual qualifications, and firm-wide experience.

Each demographer will:

- develop a demographic database;
- process 2020 Census data;
- provide training on drawing maps
- prepare draft maps; and
- evaluate draft maps submitted by the public.

For an additional charge, some demographers provide:

- website development;
- online mapping tools;
- public outreach; and
- in-person meetings.

Staff and the City Attorney's Office believe the online mapping tools and the in-person meetings will be of great value to the City and should be included in any evaluation of proposals. The costs below are listed in order of lowest to highest and include the cost of the online mapping tools, monthly meetings with staff, and at least five virtual meetings.

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| • National Demographics Corporation, Inc. | \$27,750 |
| • Bear Demographics & Research, LLC. | \$40,000 |
| • Redistricting Partners, LLC. | \$46,500 |

At the price points listed above, the demographic consultants propose to use the following online mapping tools:

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| • National Demographics Corporation, Inc., | Maptitude or DistrictR |
| • Bear Demographics & Research, LLC. | DistrictBuilder |
| • Redistricting Partners, LLC. | DistrictR |

² Gov. Code, § 4529.10.

Councilmember Ross favored Redistricting Partners' proposal. Councilmember Zorn favored Bear Demographics & Research, LLC's and Redistricting Partners' proposal. The Ad-Hoc Committee decided not to recommend National Demographics Corporation, Inc.'s proposal due to the firm's involvement with the transition from at-large to district-based elections.

Redistricting Timeline

Two dates inform when the redistricting process should commence — the redistricting deadline and the release of the census data. The deadline to complete redistricting varies depending on the City's next election. Martinez' redistricting deadline is April 17, 2022.³

To provide sufficient time to recruit eligible applicants to the Commission, the Ad-Hoc Committee considered soliciting applications from May 31, 2021 through July 31, 2021. The Deputy City Clerk will conduct a random drawing to select the initial four commissioners and two alternates.

Census data is typically available by April 1st of the year following the Census completion, but the COVID-19 Pandemic has significantly delayed its release. The latest estimate for release of the population figures needed for drawing new districts is late September 2021. The City must wait an additional month for the State to update the census data with the number of prisoners whose last known place of residence is within the City.⁴ The State will then use this information to create a block-level redistricting database that the Commission can rely on to draft its maps.⁵

The Commission must hold at least:

- one hearing before publication of the draft maps;
- two hearings after publication of the draft maps;
- one hearing or public workshop on a Saturday or Sunday or after 6:00 p.m. on a weekday; and
- at least four public hearings in total before approving a final map.⁶

Public hearings must be noticed pursuant to the Brown Act, but to encourage more community participation the FAIR MAPS Act requires more than the standard 72-hour notice. Generally, notice and agendas for public hearings and workshops must be noticed at least five days in advance. And any maps must be published on the webpage at least five days before a hearing or workshop.⁷ A draft map must be published on the webpage

³ Elec. Code, § 21602, subd. (a)(1).

⁴ Elec. Code, § 21601, subd. (a).

⁵ Elec. Code, § 21608, subd. (d)(3).

⁶ Elec. Code, § 21607.1, subd. (a).

⁷ Elec. Code, § 21608, subd. (c).

for at least seven days before being adopted as a final map.⁸ Finally, no maps shall be published earlier than three weeks after the State provides the updated census data with the block-level analysis.⁹

Attachment E provides the proposed redistricting timeline. It assumes four public hearings and builds in extra time before the deadline in case more public hearings are needed.

Developing a Public Outreach Program

Developing an outreach program is necessary to ensure residents are actively engaged in the redistricting process. The outreach program should include a media strategy to provide information to:

- media organizations that provide city news coverage, including media organizations that serve language minority communities;
- good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that request to be notified of redistricting; and
- the City's website.

The City's website should have a webpage dedicated to the redistricting process that includes:

- 1) A general explanation of the redistricting process;
- 2) The procedures for a member of the public to testify during a public hearing or to submit written testimony;
- 3) A calendar of all public hearing and workshop dates, times, and locations;
- 4) The notice and agenda of each public hearing and workshop;
- 5) Each draft map under consideration; and
- 6) The adopted final map of council district boundaries.

State law requires the information to be posted in English and any "applicable language," defined as "any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined." The "applicable languages" for each city will be posted to the California Secretary of State's website in the footnote. The City's webpage must be maintained for at least 10 years after adopting of the new district boundaries.

⁸ Elec. Code, § 21608, subd. (d)(3)(A).

⁹ Elec. Code, § 21608, subd. (d)(3)(A).

Fiscal Impact

The redistricting process is expected to cost approximately \$67,500–\$106,500. The budget assumes two ad-hoc committee meetings that already took place and six commission meetings. The budget also assumes no litigation during the redistricting process.

Service	Cost
Demographer	\$27,500-\$46,500
Outreach	\$15,000-\$30,000
Legal Services	\$25,000-\$35,000

Attachment

- Attachment A – City Council Resolution
- Attachment B – Elections Code section 23003
- Attachment C – National Demographics Corporation, Inc. Proposal
- Attachment D – Bear Demographics & Research, LLC Proposal
- Attachment E – Redistricting Partners, LLC Proposal
- Attachment F – Proposed Timeline