



Office of the City Manager

PUBLIC HEARING  
July 2, 2013

To: Honorable Mayor and Members of the City Council  
From:  Christine Daniel, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Public Hearing #2: City Council Redistricting Plan

RECOMMENDATION

Conduct a public hearing and upon conclusion direct staff to draft an ordinance to reflect the preferred redistricting plan.

CURRENT SITUATION AND ITS EFFECTS

The deadline to submit redistricting plans was March 15, 2013. The City Clerk received seven plans from members of the public by the deadline (listed in the order in which they were submitted).

- A. Alfred Twu
- B. Berkeley Neighborhoods Council
- C. Berkeley Student District Campaign
- D. Eric Panzer – Edge Simplicity Plan
- E. Eric Panzer – Idealized Plan
- F. Kristin Hunziker
- G. Alejandro Soto-Vigil – Jurisdictional Plan

The City Manager, City Attorney, City Clerk, and Information Technology Departments provided an analysis of all Charter-compliant plans at the first public hearing on May 7, 2013. After the presentations, public comment, and discussion at the first public hearing, the Council focused the consideration of redistricting proposals to the Berkeley Student District Campaign plan and the Eric Panzer (Edge Simplicity) plan for the second public hearing.

The timeline for completing the redistricting process by December 31, 2013 includes a period dedicated to drafting the new ordinance for City Council districts, and submission of that ordinance to Council for adoption. In order to meet the established deadlines, final direction on the new district boundaries is scheduled for the second public hearing.

Additional Analysis

At the first public hearing, the City Council requested additional analysis on two points, 1) the data on displacement of residents and how that effected their voting cycle for Council district elections, and 2) data on the Latino population in Berkeley.

*Effect on Voting Cycle:* In both plans, the change in election year for residents is primarily attributable to the need to add population to Districts 5 and 6. To achieve equal district population, District 5 needs to gain over 1,300 residents and District 6 needs almost 1,200 residents. Both districts are on the ballot next in 2016. Both districts are bordered entirely by districts that are on the ballot next in 2014 (Districts 1, 4, 7, and 8). Thus, all needed population additions to Districts 5 and 6 must come from residents that were scheduled to vote in 2014. To a lesser degree, changes in population moving from Districts 4 and 7 to District 3 also adds to the total.

The residents moving from a 2016 election to a 2014 election are located in the southwest corner of current District 6. These residents would be in District 4 in both plans.

Table 1  
Displacement of voters for voting purposes (BSDC)

Change	Population
Changing District - no change to election year	11,078
Changing District - from 2016 to 2014 (earlier)	1,063
Changing District - from 2014 to 2016 (later)	5,310

Table 2  
Displacement of voters for voting purposes (Panzer – Edge Simplicity)

Change	Population
Changing District - no change to election year	8,238
Changing District - from 2016 to 2014 (earlier)	1,063
Changing District - from 2014 to 2016 (later)	5,310

*Latino Population Data:* For the Latino population data, staff has provided the table below which shows the total Latino population within each district and the percentage of the population that Latino residents represent within each district. Latino residents account for 10.84% of the Berkeley population.

Table 3a - Latino population data by district (current)

Current Districts	Total Pop.	Latino Pop.	Latino Pop. %
1	13,080	1,804	13.79
2	13,381	2,604	19.46
3	13,024	1,859	14.27
4	15,605	1,531	9.81
5	12,709	669	5.26
6	12,883	718	5.57
7	16,623	1,802	10.84
8	15,275	1,222	8.00
Total	112,580	12,209	

Table 3b - Latino population data by district (BSDC)

BSDC Districts	Total Pop.	Latino Pop.	Latino Pop. %
1	14,060	1,903	13.53
2	14,026	2,775	19.78
3	14,070	1,855	13.18
4	14,082	1,396	9.91
5	14,182	783	5.52
6	13,966	842	6.03
7	14,079	1,637	11.63
8	14,115	1,018	7.21
Total	112,580	12,209	

Table 3c - Latino population data by district (Panzer)

Panzer Districts	Total Pop.	Latino Pop.	Latino Pop. %
1	14,060	1,903	13.53
2	14,114	2,799	19.83
3	13,982	1,831	13.10
4	14,082	1,396	9.91
5	14,182	783	5.52
6	13,966	842	6.03
7	14,047	1,621	11.54
8	14,147	1,034	7.31
Total	112,580	12,209	

## Timeline

The schedule anticipates that the Council will adopt the new boundaries by way of the first reading of an ordinance on September 10, 2013 and a second reading on September 17, 2013. The new ordinance would be effective prior to the Charter-imposed December 31, 2013 deadline. Staff will then transmit the new districts to the Registrar of Voters to meet the County's April 1, 2014 deadline for boundary changes for the November 2014 municipal election.

### BACKGROUND

Berkeley City Charter Article V, Section 9 requires City Council district boundaries to be adjusted, if needed, following each decennial census. The census data for Berkeley was released on March 8, 2011. The Council adopted a process and timeline for the completion of redistricting for Berkeley City Council districts that includes public participation and multiple opportunities for analysis and input by the public and the City Council. The deadline in the City Charter to complete the redistricting process is December 31, 2013.

The 2010 census data released by the Census Bureau shows Berkeley's population increased by 9,836 people between 2000 and 2010. The total population for Berkeley is 112,580. This represents a nine-percent increase over the 2000 population count of 102,744.

Staff initiated the redistricting process in 2011. This initial process was deferred to 2013 to allow for the outcome of a vote on a Charter amendment on the November 2012 ballot to modify the redistricting requirements. That Charter Amendment was approved and the current redistricting process was initiated in January 2013 in order to allow for approval of new districts by December 2013, as required by the Charter. New districts would thus be in place for the November 2014 municipal election.

As in prior years, the redistricting process began with an opportunity for the public to create and submit redistricting plans. The process also includes at least two public hearings for review and consideration of the proposals. In addition, two community meetings were held prior to the first public hearing for citizens to ask questions of staff and obtain information on the submitted plans.

Redistricting plans were evaluated against four primary criteria (below). The full analysis for all plans is contained in the May 7, 2013 staff report for the first public hearing.

### Analysis Criteria

1) *Boundaries in a redistricting plan may not result in the residences of two sitting Council members being located in the same district.*

This criterion is self-explanatory.

*2) Districts must be “as nearly equal in population as may be according to the census.” This criterion is shown as a deviation percentage for each district and for all districts as a whole.*

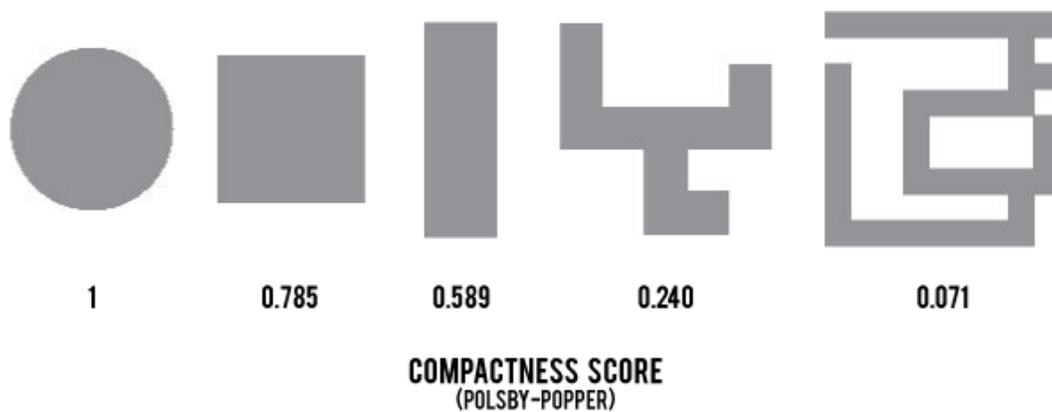
The “nearly equal” criterion requires a comparative analysis. For instance, in 2002, based on the technology available at that time and the various proposals before the Council, the City Attorney opined that proposals that were within a 2% population variance could be considered “as nearly equal in population as may be.” However, changes in technology and other circumstances can change this standard. For example, some of the current proposals have variance ranges of significantly less than 2%. By comparison, a hypothetical proposal with a variance range of 1.9% might not be considered “as nearly equal in population as may be.” The Council should consider whether a given proposal meets this criterion in the context of the other proposals. This criterion in the Charter contains some modifying factors which are discussed in more detail under number 4) below.

*3) Districts must use easily understood boundaries such as major traffic arteries and geographic boundaries.*

The definition of major traffic artery for this purpose is from the City of Berkeley General Plan Transportation Element, Figure 10. Vehicular Circulation Network. Figure 10 designates “Major Streets” and “Collector Streets” in Berkeley. On the staff analysis maps these arteries are highlighted in orange where they are used as boundaries. The criterion for the use of major arteries is also a comparative analysis in the context of all the plans.

*4) Boundaries shall take into account topography, geography, cohesiveness, contiguity, integrity and compactness of territory in their attainment of districts that are “nearly equal in population as may be.”*

A useful measure for this criterion is the length of the perimeter of a district. As you can see in the diagram below, the circle is the most compact shape with the smallest perimeter. As the shapes become less compact, less cohesive, and lose their integrity, the perimeter increases. As with other criteria, the relative compactness is best judged in the context of the other plans submitted rather than against a pre-determined standard.



### Comparison Matrix

The table below shows a summary of the plans submitted and how they compare against each other in population and perimeter (compactness).

Plans	Equal Pop. Deviation %		Perimeter
	Low	High	Miles
<b>Alfred Twu*</b>	0.24	1.32	53.22
<b>Berkeley Neighborhoods Council</b>	0.18	1.63	55.91
<b>Berkeley Student District Campaign</b>	0.02	0.77	54.84
<b>Eric Panzer - Simplicity</b>	0.06	0.77	51.68
<b>Kristin Hunziker</b>	0.09	1.48	52.65
<b>Alejandro Soto-Vigil - Jurisdictional</b>	0.38	4.01	53.41

\* *Corrected*

### Submittal of Corrections

Corrections were submitted by one of the authors (Twu) in response to staff analysis. The numbers in the matrix reflect those corrections.

### Equal District Population

The City Charter and the state Elections Code require that districts be drawn to result in a nearly equal population in each district. As can be seen from the table below, the verified data shows significant deviation from the equal population number in the eight City Council districts.

The Equal District Population (EDP) number is arrived at by dividing total population (112,580) by eight. For reference, the EDP number from 2000 was 12,843 (102,744 divided by eight). The 2010 EDP number is 14,073.

	<b>2010 Equal Dist. Pop.</b>	<b>2010 Actual Dist. Pop.</b>	<b>Deviation</b>
District 1	14,073	13,080	(993)
District 2	14,073	13,381	(692)
District 3	14,073	13,024	(1,049)
District 4	14,073	15,605	1,532
District 5	14,073	12,709	(1,364)
District 6	14,073	12,883	(1,190)
District 7	14,073	16,623	2,550
District 8	14,073	15,275	1,202

In 2001, the City sought a correction from the Census Bureau for undercounted blocks in the student housing area near campus. The Census Bureau made a small adjustment to the block assignments of some populations, but did not add to the total population count. For the 2010 count, the City performed extensive outreach in the student areas as well as the census tracts designated as “hard to count” by the Census Bureau and staff believes this resulted in a more accurate count.

#### POSSIBLE FUTURE ACTION

The Council may provide direction with regards to the plans submitted by the public. If any amendments or alterations are requested, those changes will be resubmitted to the City Council after the summer recess.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

#### CONTACT PERSON

Christine Daniel, City Manager, 981-7000

Mark Numainville, City Clerk, 981-6900

#### Attachments:

- 1: Redistricting Timeline
- 2: City Charter and State Redistricting Regulations
- 3: General Plan Figure 10
- 4: Plan C (Berkeley Student District Campaign) staff analysis map-11x17
- 5: Plan D (Eric Panzer – Edge Simplicity Plan) staff analysis map-11x17
- 6: Public Hearing Notice

MEETING DATE / DEADLINE	AGENDA PACKET DELIVERED	ACTION TAKEN
January 7, 2013		Complete packets of public hearing dates, timelines, process, maps and data available for the public at the City Clerk Department and available on the City's website.
January 24, 2013		Community Meeting - Education and information regarding the process, timeline, and requirements for submission of redistricting plans. South Berkeley Senior Center, 6pm
March 15, 2013		Last day for public or councilmembers to submit a redistricting proposal to the City Clerk. Proposals must be submitted in the format established by the City Council.
April 25, 2013		All redistricting proposals to be made available to the public through the City Clerk and published on the City's website.
April 29, 2013		Community Meeting - Submitters present their proposals to the public. North Berkeley Senior Center, 6:00 p.m.
May 7, 2013	April 25, 2013	First Public Hearing by Council on proposals to adjust boundaries of a district. (EC 21620.1)
May 17, 2013		Technical corrections due from original submitters in response to staff analysis.
July 2, 2013	June 20, 2013	Second Public Hearing by Council on redistricting proposals. (EC 21620.1)
Sept. 10, 2013	August 29, 2013	Final proposal in form of ordinance. Council adopts first reading of ordinance adopting new district boundaries. (Charter Art. V, Sec. 9)
Sept. 17, 2013		Council adopts second reading of ordinance adopting new district boundaries (Charter Art. V, Sec. 9).
October 20, 2013		Effective date of Redistricting Ordinance.
Dec. 31, 2013		Statutory deadline for Council to adjust boundaries by ordinance. Districts shall be as nearly equal in population and adhere to all local, state, and federal regulations. (Charter Art. V, Sec. 9)
<b>April 1, 2014</b>		<b>Deadline to submit new boundary lines to the Alameda County Registrar of Voters for November election.</b>
May 30, 2014 July 24, 2014		Signatures In Lieu of Filing Fee Period for Nov. 2014 election
July 14, 2014 August 8, 2014		Candidate Filing Period for Nov. 4, 2014 election
November 4, 2014		Auditor, Council Districts 1, 4, 7, 8, Rent Board (5 seats), School Board (3 seats)

## **City Charter and State Redistricting Regulations**

### **Charter: Article V, Section 8. The Elective Officers.**

The elective officers of the City shall be a Mayor, an Auditor, eight (8) Councilmembers, five (5) School Directors and nine (9) Rent Board Commissioners.

The Council shall consist of the Mayor and eight (8) Councilmembers, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council.

The Board of Education shall consist of five (5) School Directors, each of whom shall have the right to vote on all questions coming before the Board; provided, however, that the Mayor shall serve as a School Director with the right to vote on all questions coming before the Board for the four (4) year term commencing July 1, 1951.

### **Charter: Article V, Section 9. Election and Districts.**

(a) The Mayor, Auditor and School Directors shall be elected at the general municipal election on a general ticket from the City at large.

(b) The Councilmembers shall be elected at the general municipal election by districts. The Councilmembers shall be recalled by districts.

(c) No later than December 31<sup>st</sup> of the third year following the year in which each decennial federal census is taken, commencing with the 2010 census, the Council shall by ordinance divide the City into eight Council districts. Any such redistricting shall become effective as of the next general election of Councilmembers immediately following the effective date of said ordinance.

(1) In establishing and modifying district boundaries, the Council shall ensure that the districts continue to be as nearly equal in population as may be according to the census, taking into consideration topography, geography, cohesiveness, contiguity, integrity and compactness of territory of the districts, as well as existing communities of interest as defined in California Constitution Article XXI, section 2(d)(4), and shall utilize easily understood district boundaries such as major traffic arteries and geographic boundaries to the extent they are consistent with communities of interest.

(2) Notwithstanding the foregoing paragraph, no change in the boundary or location of any district by redistricting may result in the residences of two sitting Council members being located in the same district.

(d) Each Councilmember shall be elected by the electors within a Council district, must have resided in the District in which he or she is elected for a period of not less than thirty days immediately preceding the date he or she files a declaration of candidacy for the office of Councilmember, must continue to reside therein during his or her incumbency, and shall be removed from office upon ceasing to be such resident.

(e) The candidate receiving the highest number of votes for the offices, respectively, of Mayor, Auditor and Councilmembers of the City shall be elected to such offices, provided that such candidate receives at least 40% of the votes cast for each such office. In the event that no candidate for Mayor, Auditor and Councilmember for one or more Council offices receives at least 40% of the votes cast for that office, then there shall be a runoff election between the two candidates receiving the most votes, which runoff election shall be held on the first Tuesday after the first Monday in February of the odd numbered year following the initial election. No other issues shall appear on the ballot of any runoff election. The successful candidate in any runoff election shall assume office on March 1, after the election results have been declared by the Council. If the provisions of Article III, Section 5, Paragraph 12 related to instant runoff voting are operative, the vote threshold requirements in this section shall have no application to municipal elections.

(f) Should any provision of this section be held invalid, the remainder of this section shall not be affected thereby, and such word, phrase, sentence, part, section, subsection, or other portion shall be severable, and the remaining provisions of this section shall remain in full force and effect. The voters hereby declares that they would have passed this section and each subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more, subsections, sentences, clauses or phrases had been declared invalid.

## **California Elections Code**

### **21620. Members elected by district.**

If the members of the governing body of a chartered city are nominated or elected "by districts" or "from districts," as defined in Section 34871 of the Government Code, upon the initial establishment thereof, the districts shall be as nearly equal in population as may be according to the latest federal decennial census or, if the city's charter so provides, according to the federal mid-decade census or the official census of the city, as provided for pursuant to Chapter 17 (commencing with Section 40200) of Part 2 of Division 3 of Title 4 of the Government Code, as the case may be. After the initial establishment of the districts, the districts shall continue to be as nearly equal in population as may be according to the latest federal decennial census or, if authorized by the charter of the city, according to the federal mid-decade census. The districts shall comply with the applicable provisions of the federal Voting Rights Act of 1965, Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts, the council may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interest of the districts.

#### **21620.1 Public hearing on proposal to adjust boundaries.**

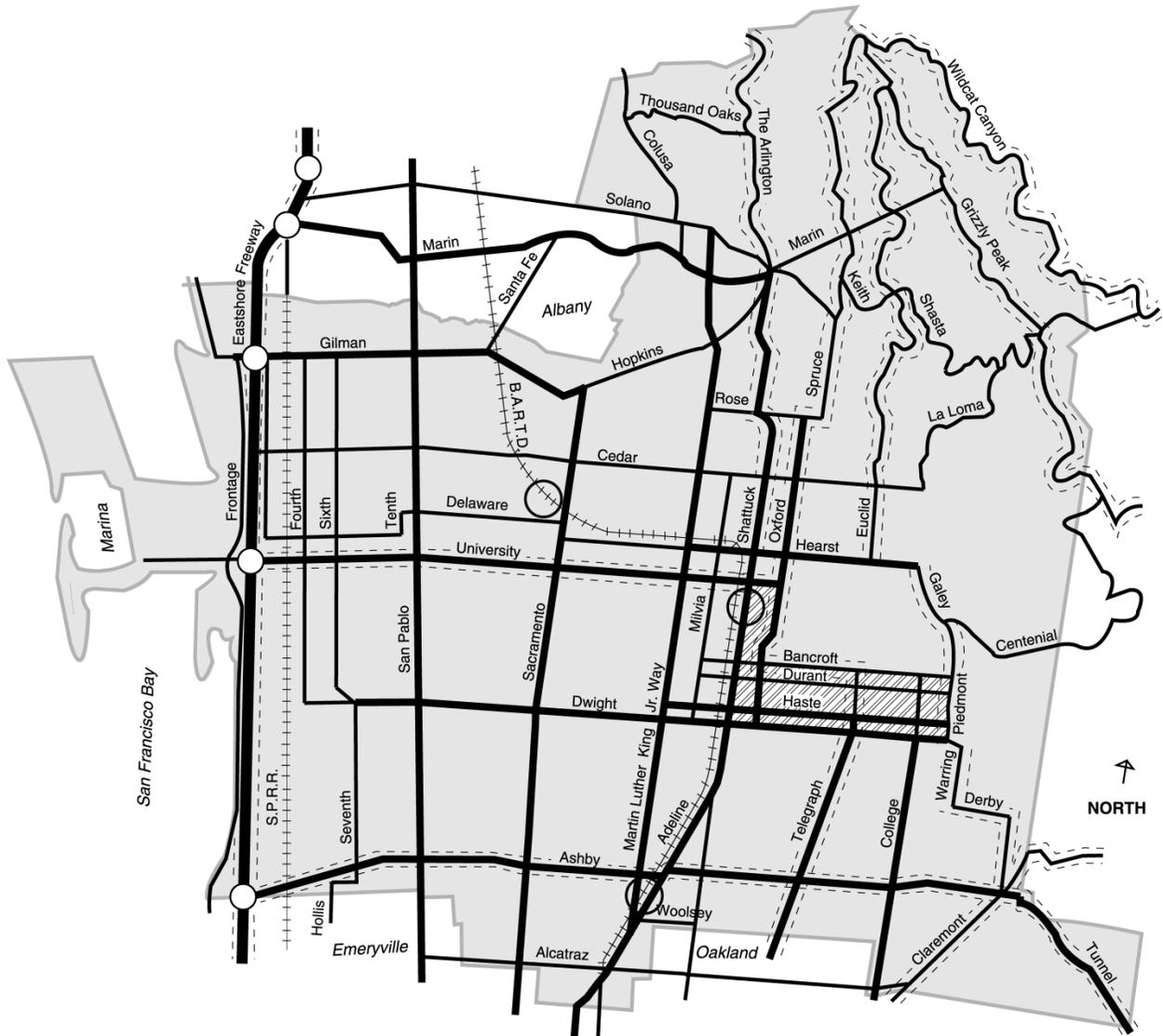
The governing body shall hold at least one public hearing on any proposal to adjust the boundaries of a district prior to a public hearing at which the council votes to approve or defeat the proposal.

## **California Constitution Article XXI. Redistricting of Senate, Assembly, Congressional and Board of Equalization Districts**

### **Section 2(d)(4)**

The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

Figure 10: Vehicular Circulation Network



LEGEND

- |  |  |   |
|--|--|---|
|  Major Street     |  Scenic Route     |  Freeway and Interchange |
|  Collector Street |  Area Under Study |  Rail Lines              |
|  |  |  B.A.R.T.D. Station      |

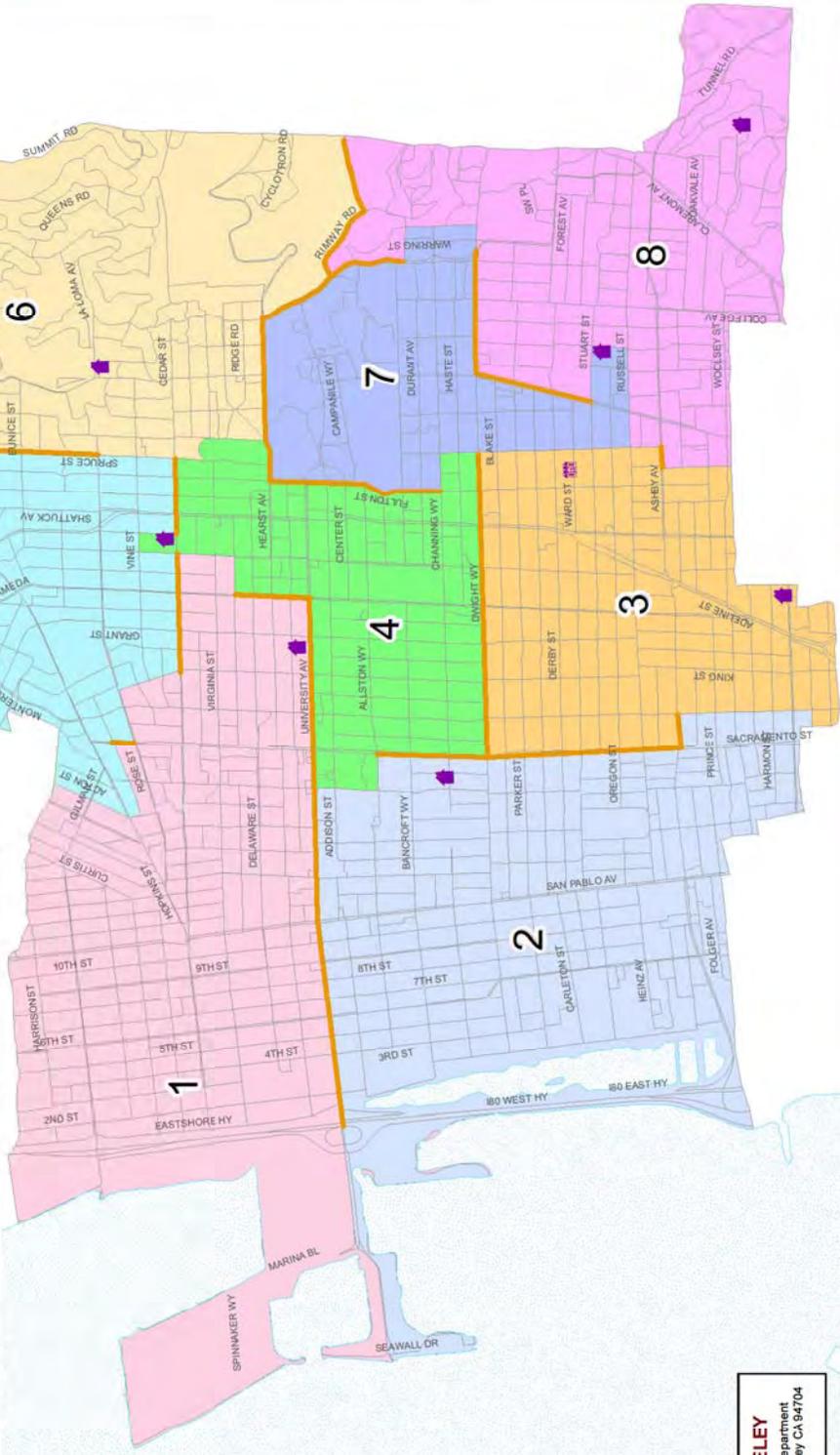
Prepared by the City of Berkeley Planning Dept.  
for illustrative purposes only, updated 8/02

**BERKELEY STUDENT DISTRICT CAMPAIGN (BSDC)**

**STAFF ANALYSIS**

**2010 CENSUS REDISTRICTING**

BSDC Districts	Total Pop.	Deviation	%	Perimeter (miles)
1	14,060	-13	0.09	10.73
2	14,026	-47	0.33	8.67
3	14,070	-3	0.02	4.41
4	14,082	9	0.06	5.06
5	14,182	109	0.77	7.73
6	13,966	-107	0.76	7.11
7	14,079	6	0.04	4.32
8	14,115	42	0.30	6.82
	112,580			54.84



- Council
- Mayor
- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- 2010 Census Blocks
- Major Arteries\*

\* Major streets and collector streets, per General Plan Figure 10, used as boundaries.



This map is for reference purposes only. Care was taken in the creation of this map, but it is provided 'AS IS'. Please contact the City of Berkeley to verify map information or to report any errors.

April 6, 2013

**CITY OF BERKELEY**  
 Information Technology Department  
 2180 Milvia Street, Berkeley CA 94704

**PANZER  
EDGE  
SIMPLICITY  
STAFF ANALYSIS  
2010 CENSUS  
REDISTRICTING**

-  Council
-  Mayor
-  District 1
-  District 2
-  District 3
-  District 4
-  District 5
-  District 6
-  District 7
-  District 8
-  2010 Census Blocks
-  Major Arteries\*

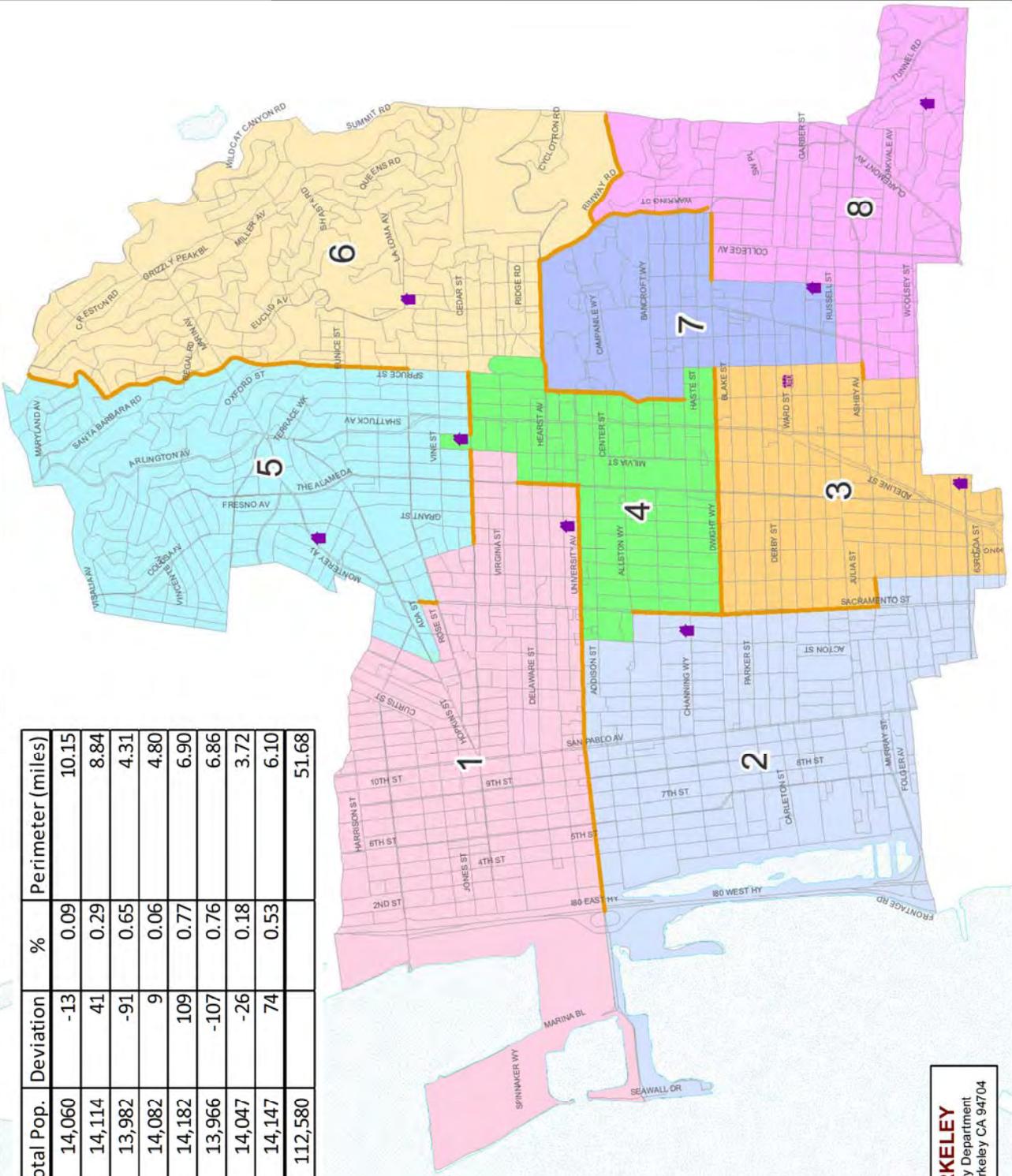
\* Major streets and collector streets, per General Plan Figure 10, used as boundaries



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April 8, 2013

Panzer Districts	Total Pop.	Deviation	%	Perimeter (miles)
1	14,060	-13	0.09	10.15
2	14,114	41	0.29	8.84
3	13,982	-91	0.65	4.31
4	14,082	9	0.06	4.80
5	14,182	109	0.77	6.90
6	13,966	-107	0.76	6.86
7	14,047	-26	0.18	3.72
8	14,147	74	0.53	6.10
	112,580			51.68



**CITY OF BERKELEY**  
Information Technology Department  
2180 Milvia Street, Berkeley CA 94704



## NOTICE OF PUBLIC HEARING

City of Berkeley  
CITY COUNCIL REDISTRICTING

Notice is hereby given that on **Tuesday, July 2, 2013 at 7:00 P.M.** the City Council will hold a public hearing for the purpose of redrawing City Council district boundaries based on the 2010 census figures. The Berkeley City Council will conduct the hearing on July 2, 2013 to review any and all redistricting proposals submitted, take testimony on the submitted plans, and provide direction on a preferred alternative. The meeting will be held in Council Chambers at 2134 Martin Luther King Jr. Way.

Anyone wishing to speak at the hearing may do so in accordance with the procedures in the City Council Rules of Procedure.

Redistricting proposals were required to be submitted to the City Clerk no later than March 15, 2013. Copies of these proposals are available in the City Clerk Department at 2180 Milvia Street, Berkeley, CA and posted to the City's website at [www.cityofberkeley.info/redistricting](http://www.cityofberkeley.info/redistricting).

For additional information regarding this issue, please contact Mark Numainville, City Clerk, 2180 Milvia Street, Berkeley, CA 94704. Telephone: (510) 981-6900 Fax: (510) 981-6901 TDD: (510) 981-6903

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, in order to ensure delivery to all Councilmembers. Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

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