



Berkeley City Council

44b

ACTION CALENDAR

September 10, 2013

To: Honorable Mayor and Members of the City Council
From: Councilmembers Jesse Arreguín, Max Anderson and Kriss Worthington
Subject: United Student District Amendment Redistricting Plan

RECOMMENDATION:

Direct the City Manager to review for consistency with state and local requirements the proposed United Student District Amendment (USDA) redistricting plan and return to City Council with its analysis and with a proposed ordinance to allow adoption of the USDA map. Staff should present to Council simultaneously separate redistricting ordinances to adopt either the USDA map or the Berkeley Student District Campaign map.

The proposed USDA redistricting plan is an enhancement to the Berkeley Student District Campaign (BSDC) map, which the City Council has focused its consideration on. It builds upon the BSDC plan and includes most areas in the BSDC plan, but also includes a majority of the Northside dorms and cooperative housing to achieve a united campus district.

BACKGROUND:

Throughout the current redistricting process the City Council has expressed its interest in adopting a redistricting plan that creates a campus district in order to unite the campus community, and to ensure that all communities of interest are represented in the final boundaries the Council adopts.

Most redistricting proposals submitted create a campus district, and on May 7 and July 2, the City Council voted to focus consideration on maps that draw the boundaries of District 7 to create a campus district. The proposed United Student District Amendment (USDA) builds upon the Berkeley Student District Campaign (BSDC) plan to achieve a united campus district by adding Northside blocks into District 7 which would bring in three student dorms, 11 coops, the International House and private apartments largely occupied by undergraduates, graduate students, and other residents that were previously left out of the BSDC plan.

The plan is an amendment to the BSDC plan and achieves the goal of a united campus district without removing any UC student housing, and creates a district that is more inclusive to students. It also includes all five Coops, the six UC dorms, and fraternities/sororities that were in the BSDC proposal.

The Berkeley Student Cooperative has voted to support the USDA map. The Daily Californian has also supported the USDA plan. In an editorial on July 11, 2013 (see attachment) the Daily Cal said, **“the district should ultimately encompass students living in cooperative housing and dormitory housing on the north side of campus.”**

This proposal includes a majority of student Coops. In the 2000 redistricting process, the Berkeley Student Cooperative wanted to include its Northside Coops into District 7. After successfully being included in 2000, the Northside Coops are now at risk of being kicked out of the majority student district under the current proposal. The BSDC map includes five Coops totaling 484 students. The USDA map also includes the 9 Northside Coops, plus 2 stadium Coops, bringing the total to 16 and 1,112 students.

This proposal includes a majority of student dorms by including the Foothill, Bowles, and Stern dorms. This significantly increases the student population in District 7. The BSDC proposal has a total of 86.0% of residents in the district between the ages of 18-29. The USDA map has 90.3% student aged residents. Including more dorms, along with more varieties of official student housing, allows these students to come together in dealing with political decisions that affect their community.

Geographically, the **USDA map is most centralized to the UC Berkeley campus.** All but six blocks are within a four-block radius of campus, whereas 18 blocks are more than four blocks away from campus under the BSDC map. The population deviation continues to be below 1% for each district.

This proposal includes a majority of student coops, a majority of student dorms, International House, fraternities/sororities, and Northside and Southside tenants. The USDA map provides the best solution for uniting the campus community of interest, and ensuring that it has a unified voice in electing a City Council representative that will advocate for its distinct needs on the Council.

There is also precedent for modifying redistricting proposals to reflect new information. In the last redistricting process the City Council made a number of amendments to publically submitted maps. Given that the Council has until December 31 to adopt a final plan, the USDA amendment presents an important opportunity to modify the BSDC plan to further the City Charter goal of reflecting communities of interest, and correct decades of diluting the campus voice, but bringing together campus neighborhoods in a single district. The ultimate goal of Measure R was to modify the City Charter to eliminate arbitrary boundaries put in place in 1986 and to set guidelines, including communities of interest, so that Council can adopt boundaries to better reflect current population. The USDA map presents the first opportunity in decades to achieve this goal.

FINANCIAL IMPLICATIONS

Staff time involved in analyzing the USDA plan for Charter and state law compliance as well as time involved in drafting a redistricting ordinance.

CONTACT PERSONS

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ATTACHMENTS

1. "Drawing the Lines", July 11, 2013 Daily Californian Editorial
2. USDA Tract Sheet
3. Proposed USDA Redistricting Map
4. Responses to Arguments Against the USDA Amendment

THE DAILY CALIFORNIAN

[HTTP://WWW.DAILYCAL.ORG/2013/07/11/DRAWING-THE-LINES/](http://www.dailycal.org/2013/07/11/drawing-the-lines/)

THURSDAY, JULY 11, 2013

Drawing the lines

CITY AFFAIRS: Berkeley City Council's final decision on a newly redrawn voting district should take into account students who live on Northside.

BY [SENIOR EDITORIAL BOARD](#) | STAFF

Berkeley City Council's decision to support an ASUC-sponsored redistricting map is a promising step toward establishing a student supermajority district in the city. Still, the district should ultimately encompass students living in cooperative housing and dormitory housing on the north side of campus.

At its meeting July 2, the council supported the Berkeley Student District Campaign map, which creates a student-majority district south of the UC Berkeley campus and could increase the chance of a student being elected to the council. However, a new amendment that was unfairly rejected at the meeting seems to suggest that the ASUC map could leave out students who live in International House, nine student cooperatives, and three dormitories on Northside.

Though the final decision on which map to implement is not expected until September, the council should ensure that all student voices are represented in the newly drawn district by reconsidering the amendment in the fall.

The Berkeley Student Cooperative provides housing to about 1,250 UC Berkeley students, with most of those students living in the two largest Northside cooperatives, Casa Zimbabwe and Cloyne Court. International House is home to 600 students and campus affiliates. Together, campus dormitories Foothill, Stern and Bowles house 1,248 students. Though these students represent just 8 percent of the total student population, they still deserve to be represented in a student district with their peers. If they are mixed into a regular residential district, their opinions may not have enough of an impact when it comes time to make a vote.

At the July 2 meeting, Mayor Tom Bates said he did not want to call the ASUC-sponsored district a student district, but rather that he wanted to call it a campus district. Bates and other councilmembers should recognize that although they may not want it to be a student district, the ASUC map that is supported by the council has created just that. It is only fair that students get the opportunity to have their voices heard on the council.

The council has long been considering redrawing voting districts. By passing the measure to redraw the district in the fall through Measure R, city residents voted to have the job done in a timely fashion. Thus, the decision that Northside student residences be included in this student district should be made immediately after the council returns from its summer recess and not go through another long, drawn-out process.

Responses To Arguments Against The USDA Amendment

Argument: It's too late in the process to submit a new map now.

Response: The USDA proposal an enhancement to the Berkeley Student District (BSDC) plan on which the City Council has focused its consideration. It builds on the work of the BSDC Plan with some enhancements that further the goal of uniting the community of interest around the UC Berkeley campus into one district - which further enhances its voice in electing a representative and making sure that its distinct needs and concerns are heard.

Additionally, the deadline established in the City Charter for adopting new City Council district boundaries is December 31st, 2013. Adopting the first reading of a final map on November 12th, 2013 would be effectively no different than adopting the first reading of a final map on September 10th, 2013, since allowing for more discussion and consideration of the USDA proposal would still meet the statutory deadline.

Argument: The USDA group should have joined the process earlier.

Response: It is paramount to any public policy process to consider new information that is materially relevant and furthers the intent of that policy. The feasibility of a more complete student district that included North side Cooperative Housing and Dormitories, and that does not considerably impact existing districts was not known prior to the introduction of the USDA map. That being said, the USDA amendment is now before the City Council, so the question becomes: Should we modify the BSDC map to further unite the campus population, our publicly stated goal?

Argument: The USDA amendment violates the process that Berkeley voters democratically approved when they passed Measure R. By submitting the amendment now, the USDA campaign breaks from the process established by Measure R.

Response: Measure R only updated the Charter to remove fixed district boundaries to provide the Council the flexibility to draw new lines reflecting changes in population. It instead used criteria to guide the process, but it did not establish a specific process for the city to follow.

To the extent that voters have addressed process, they approved Measure II in 2008 to extend the redistricting deadline to the end of the third year after the decennial census. City Council ultimately prescribes the process for redistricting.

Argument: Consideration of the USDA proposal is disrespectful, if not unfair, to all the other proposals that underwent a public process.

Response: The USDA plan is substantively similar to the BSDC proposal and, as such, is more of an enhancement than an entirely new proposal that has not undergone public scrutiny. If one accepts that an amendment to a redistricting proposal is disrespectful to

the process, then one must equally accept that ANY Council alteration of a proposal is also disrespectful.

Argument: There is no procedural precedent for how to even consider the amendment, so it is unclear whether the amendment is legal or legitimate.

Response: It is the unequivocal prerogative of the City Council to alter its preferred redistricting proposal to consider new information or for any other reasons it deems appropriate prior to final adoption, as it has done in past processes (e.g. 2000 Redistricting). Ultimately, the boundaries are not final until Council adoption; they are still subject to change.

Argument: We cannot consider the USDA amendment as it has not been properly analyzed by staff for compliance.

Response: Council does not have to adopt the first reading of a redistricting ordinance until November 12th, which provides ample time for staff analysis. This item requests that the City Council direct staff to analyze the USDA proposal for compliance with state law and the City Charter and bring back the analysis to Council along with a redistricting ordinance **so that we can have all the information we need to make an informed decision and ultimately decide between the USDA or BSDC map.**

Argument: The student district's future would be threatened if we introduce the amendment because not only could the City Council push for a referendum, but other neighborhood groups and disgruntled homeowners would push for a referendum.

Response: There is no basis for this claim. A referendum would be just as likely, or arguably more, if the amendment is not considered.

Argument: Consideration of the USDA amendment will come at the expense of the BSDC proposal.

Response: Consideration of both proposals is not mutually exclusive, and the consideration of the USDA amendment only ensures that Council is fully presented with the best options for a "Campus District." USDA is an enhancement of the BSDC plan and builds upon the work done to further the goal of drawing District 7 as a campus district.

To foreclose on consideration of the USDA amendment would be to foreclose on earnestly evaluating which proposal better accomplishes the publicly stated goal of a "Campus District."

Conclusion: Given that the publicly stated goal of the BSDC and City Council is to create the best possible "Campus District," and given that the USDA amendment better accomplishes this goal based on objective criteria, it is incumbent that the City Council, at a minimum, direct staff to analyze the USDA plan for state law and Charter

compliance and bring back to the Council both the USDA and BSDC plan so that Council can make a final informed decision between both plans based on merit.