



Office of the City Manager

CONSENT CALENDAR

October 15, 2013

To: Honorable Mayor and Members of the City Council

From:  Christine Daniel, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Analysis of United Student District Amendment Redistricting Plan

RECOMMENDATION

Accept the analysis of the United Student District Amendment redistricting plan and direct staff to draft an ordinance for the plan that includes technical corrections as identified by City staff.

CURRENT SITUATION AND ITS EFFECTS

At the City Council meeting of September 10, 2013, the Council directed the City Manager to review for consistency with state and local requirements the proposed United Student District Amendment (USDA) redistricting plan and refer to the Agenda Committee to schedule a presentation of the analysis as well as a proposed ordinance to allow adoption of the USDA map. The Council requested that staff present redistricting ordinances to adopt either the USDA map or the Berkeley Student District Campaign (BSDC) map.

If the Council and the USDA submitters accept the corrections made by staff on the map (Attachment 4b) and tract-block worksheet (Attachment 4d), staff may then prepare the ordinance for the USDA plan that will be presented at the same meeting as the BSDC ordinance. The uncorrected versions of the map and worksheet are in Attachments 4a and 4c respectively.

Staff must receive direction from the Council at the October 15, 2013 meeting in order to have adequate time to prepare an additional redistricting ordinance and submit that ordinance on a schedule that meets the December 31, 2013 Charter imposed deadline for action.

The USDA plan has been analyzed by staff using the same criteria that were applied to the seven plans that were submitted by the March 15, 2013 deadline. The criteria are described below.

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.*

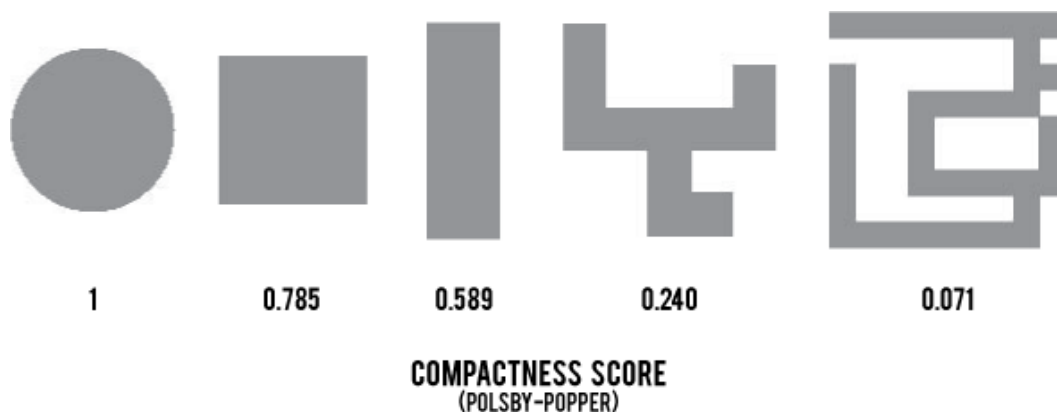
The “nearly equal” criterion requires a comparative analysis. For instance, in 2002, based on the technology available at that time and the various proposals before the Council, the City Attorney opined that proposals that were within a 2% population variance could be considered “as nearly equal in population 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.



Analysis of the *corrected* USDA Plan

1) This plan complies with Article V, Section 9, Paragraph (c)(2) of the Charter. It does not result in two sitting members residing in the same district.

2) Districts are nearly equal in population (shown as deviation percentage)

This Proposal results in an equal population deviation per Council District of less than 1%. The total population, deviation from equal population and deviation percentage for each district are listed in the table below.

USDA CDs	Total Pop.	Deviation	%
1	14,060	-13	0.09
2	14,114	41	0.29
3	14,105	32	0.23
4	13,957	-116	0.82
5	14,097	24	0.17
6	13,963	-110	0.78
7	14,195	122	0.87
8	14,089	16	0.11

3) Use of major arteries and geographic boundaries. This plan uses the following Major Streets and Collector Streets in its boundaries: Sacramento Street, Cedar Street, Spruce Street, Shattuck Avenue, Oxford Street, Hearst Avenue, Bancroft Way, Fulton Street, Centennial Drive, Dwight Way, Telegraph Avenue, Ashby Avenue, University Avenue, Martin Luther King Jr. Way, and Milvia Street (see Attachment 4b).

4) Perimeter and compactness. The table below lists the perimeter for each district and the total perimeter for all districts in this plan. The median total perimeter for all 7 Charter-compliant plans (including the USDA Plan) is 53.41 miles.

USDA CDs	Perimeter (in miles)
1	10.73
2	8.84
3	4.67
4	4.88
5	6.69
6	7.83
7	5.85
8	6.44
Total	55.93

This plan contains the following technical errors:

- 1) Two blocks in the Track Block Worksheet appear to be assigned to the incorrect district.
- 2) 10 blocks with zero population (median strips) were not properly assigned to a district.

Staff created a revised map (Attachment 4b) for this submittal based on the most rational correction for the incorrectly assigned blocks. Staff has also provided a marked up Tract Block Worksheet to assist the Council and the submitter with their evaluation of the technical corrections made by staff.

Comparison Matrix

Plans	Equal Pop. Deviation %		Perimeter
	Low	High	Miles
Berkeley Student District Campaign	0.02	0.77	54.84
United Student District Amendment	.09	.87	55.93
Alfred Twu	0.24	28.76	52.42
Berkeley Neighborhoods Council	0.18	1.63	55.91
Eric Panzer - Simplicity	0.06	0.77	51.68
Kristin Hunziker	0.09	1.48	52.65
Alejandro Soto-Vigil - Jurisdictional	0.38	4.01	53.41

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 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.

	2010 Equal Dist. Pop.	2010 Actual Dist. Pop.	Deviation
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

POSSIBLE FUTURE ACTION

If the Council and the USDA submitters accept the corrections made by staff on the map (Attachment 4b) and tract-block worksheet (Attachment 4d), staff may then prepare the ordinance for the USDA plan that will be presented at the same meeting as the BSDC ordinance.

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: United Student District Amendment (USDA)

- a) Map as submitted-11x17
- b) Corrected staff analysis map-11x17
- c) Tract-Block worksheet as submitted
- d) Corrected Tract-Block worksheet

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)
April 1, 2014		Deadline to submit new boundary lines to the Alameda County Registrar of Voters for November election.
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 31st 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



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