ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/13/2023 Staff Report No. 23-391c

TO: AC Transit Board of Directors

FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary SUBJECT: Redistricting to Seven-Ward Election System - Public Hearing #2

ACTION ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Receive presentation from the District's demographer on redistricting to a seven-ward election system for the Board of Directors; and hold the second of two public hearings to receive public input on the composition of the voting wards before maps are drafted and provide initial direction to the demographer on the composition of the draft maps.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Presenter:

Michael Wagaman, Wagaman Strategies

STRATEGIC IMPORTANCE:

Goal - Strong Public and Policymaker Support Initiative - Internal and External Diversity, Equity, Inclusion and Accessibility Programs and Priorities

BUDGETARY/FISCAL IMPACT:

There is no budgetary or fiscal impact associated with this report.

BACKGROUND/RATIONALE:

Since its establishment, AC Transit has had a directly elected seven-member Board of Directors consisting of five Board members representing specific geographic areas known as "wards" and two representing the entire District "at-large". On March 27, 2023, AC Transit received a letter from attorney Ginger L. Grimes asserting that the District's at-large electoral system violates the California Voting Rights Act of 2001 ("CVRA"). The letter claims that polarized voting may be occurring in the District and threatened litigation absent the District's voluntary conversion to a seven-ward election system for Boardmembers.

On July 26, 2023, the Board of Directors adopted Resolution No. 23-033, declaring the Board's intent to transition from a hybrid ward-based and at-large election system to a solely ward-based election system, to initiate procedures, and implement ward-based elections for at-large members of the Board of Directors. In

establishing a ward-based election system, no Boardmember's term may be cut short. Boardmembers will continue to hold the office to which they were elected until their term ends and can only run from the new ward in which the Boardmember resides. The ward-based election system will be phased in over the 2024 and 2026 election cycles.

Public Hearings

The timeline for this restricting process is relatively quick due to the requirements of the CVRA. The process for this transition is determined by Elections Code section 10010, which requires four public hearings to be held prior to a hearing where the Board would vote whether to adopt an ordinance establishing a seven-ward election system. The first two public hearings will give the community an opportunity to provide input and the Board to provide initial direction on the composition of the wards before any maps are drawn.

Public Hearing #1 was held on September 6, 2023. A summary of the comments received to date is provided in Attachment 3. At Public Hearing #2, the District's demographer will be seeking input from the public on the composition of the voting wards before maps are drafted and initial direction from the Board on the composition of the draft maps.

Following these initial hearings, draft ward maps will be developed, and two additional public hearings will be held for the purpose of public input regarding the content of the draft maps and the proposed sequence of elections. Elections Code section 10010 requires that the first version of a draft map be published at least seven days before consideration at a hearing. In addition, during Public Hearings #3 and #4, the Board will be asked to provide direction on the sequencing of future elections. Sequencing of elections refers to staggered terms of office and when each ward will host its first election under the new seven-ward election system. Final direction on election sequencing will be sought at Public Hearing #4. The Board is the final decision-making authority on adopting ward boundaries and the plan will be incorporated into a recommended ordinance that will be presented to the Board of Directors for consideration during Public Hearing #5.

Public Hearings

The timeline for the remaining public hearings is provided below:

Hearing	Purpose
	Receive input regarding the content of the draft map(s) and the proposed sequence of elections.
	Review and give final direction on revised draft map and election sequencing.
Public Hearing #5 Wed., November 8 th at 6:00 p.m.	Introduction of Ordinance (no map changes)
Wed., December 13 th at 5:00 p.m.	Adoption of Ordinance (Consent Item)

Redistricting Criteria

In creating the boundaries of the seven wards, the process must comply with state and federally mandated criteria that require each ward to be as nearly equal in population as practicable and drawn in a manner that complies with the 14th Amendment, the State and Federal Voting Rights Act, as well as the criteria outlined in Elections Code section 22000 pertaining to special districts, all of which are further detailed in Attachment 1 of

Staff Report No. 23-391c

MEETING DATE: 9/13/2023

this report.

Community Outreach

Community outreach for the redistricting process is underway and will provide the public with several opportunities to participate in the process, including six multi-lingual workshops (four virtual and two held in person). In addition, there will be outreach to community-based organizations such as neighborhood associations, faith organizations, nonprofits, elected officials and others. Display ads will also be published in the El Mundo and Sing Tao Daily newspapers and others, and ad cards advertising the hearings and workshops have been placed on buses. There will also be regular social media posts and press releases issued throughout the process, and a dedicated webpage (actransit.org/redistricting) has been launched. In addition, the District is providing multiple ways for the public to submit feedback through in-person and online formats, as well as interactive map drawing. Materials are being provided in English, Spanish and Chinese, the three predominant languages spoken in the District's service area. Please reference Staff Report 23-391b for more information about the public outreach plan for the restricting process.

ADVANTAGES/DISADVANTAGES:

This report does not contain a course of action with notable advantages and disadvantages.

ALTERNATIVES ANALYSIS:

The process to transition to a seven-ward election system is set forth in statute; therefore, there are no practical alternatives to the course of action outlined in this report.

PRIOR RELEVANT BOARD ACTION/POLICIES:

Resolution No. 23-033 SR 23-391b - Public Hearing #1

ATTACHMENTS:

- 1. Redistricting Educational and Initial Direction Presentation
- 2. Public Hearing Notice
- 3. AC Transit Existing Plan Demographics
- 4. AC Transit Baseline Maps
- 5. Summary of Public Comment To Date

Prepared by:

Linda Nemeroff, Board Administrative Office/District Secretary

Approved/Reviewed by:

Linda A. Nemeroff, Board Administrative Officer/District Secretary Jill A. Sprague, General Counsel/Chief Legal Officer



Redistricting

Alameda-Contra Costa Transit District Public Input and Initial Direction

September 13, 2023



Actions Requested

Conduct second of two public hearings to receive input on the composition of voting wards before maps are drafted

Provide initial direction to demographer on composition of draft maps



Timeline

Hearing	Purpose	Date
1	EducationPublic input	September 6
2	Public inputInitial direction	September 13
3	Review plans (public & draft)Provide additional direction	October 4
4	Review or further revise plansSelect final plan	October 25
5	 Introduce ordinance 	November 8



Relevant Laws

U.S. Constitution: Equal Population and 14th Amendment

Federal Voting Rights Act

State Constitution and Code: Contiguity, Compactness, Topography and Geography, Community of Interest

Case Law



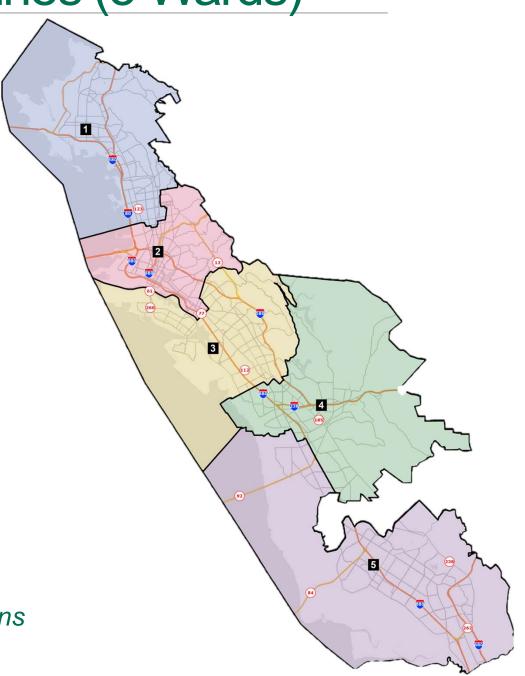
Current Lines (5 Wards)

#	Population [^]					
#	Total	Deviation				
1	314,635	+0.0%				
2	313,701	-0.3%				
3	315,567	+0.3%				
4	314,801	+0.1%				
5	314,278	-0.1%				

Total 1,572,982

Ideal 314,596

^ 2020 Census Redistricting Data. Unadjusted for incarcerated populations





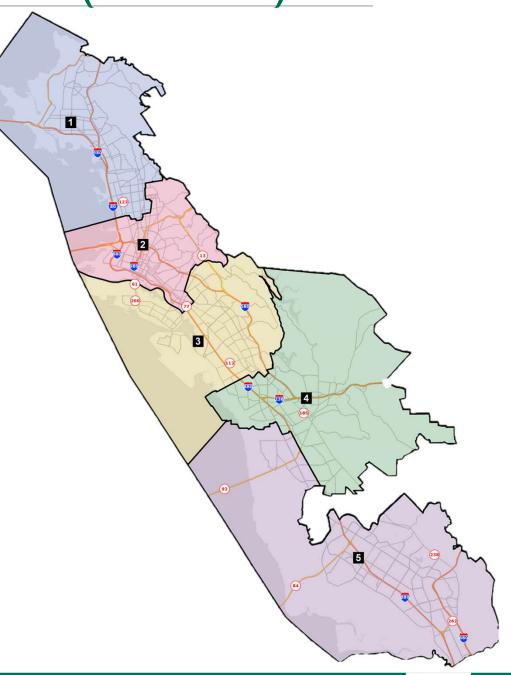
Current Lines (7 Wards)

#	Population [^]				
#	Total	Deviation			
1	315,268	+40.1%			
2	314,269	+39.6%			
3	316,393	+40.6%			
4	315,168	+40.0%			
5	314,500	+39.7%			
6	0	-100.0%			
7	0	-100.0%			

Total 1,575,598

Ideal 225,085

^ 2020 Census Redistricting Data. Adjusted for incarcerated populations





Community of Interest

Community of Interest:

Population sharing common interests. Bringing like people together for representation

Examples: Common assets like schools and shopping areas, housing, culture and language, and employment

Law generally does not limit the kinds of interests that may bind a community

Can consider existing data such as public transit routes

No definitive dataset. **Need** public testimony!



Things to Remember

Strive for population equality. Be prepared to justify deviations

Ensure compliance with federal Voting Rights Act.

Avoid vote dilution where required

Do not use race as the predominant factor. Only as one of many factors and cannot subordinate other redistricting criteria

Focus on traditional criteria.

Draw compact, contiguous divisions, making use of existing topography and geography, while respecting communities of interest



Resources

Webpage

www.actransit.org/redistricting

Email

myvoice@actransit.org

Phone

- (510) 891-7192
- Press 1 for English, 2 for Spanish, or 3 for Chinese

Mail

- AC Transit Board of Directors
- 1600 Franklin Street
- Oakland, California, 94612



Alameda-Contra Costa Transit District NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the AC Transit Board of Directors invites all interested persons to attend Public Hearings on September 6, 2023 at 6:00 PM, September 13, 2023 at 6:00 PM, October 4, 2023 at 6:00 PM, October 25, 2023 at 6:00 PM, and, if necessary, on November 8, 2023 at 6:00 PM at AC Transit's General Office, 2nd Floor Board Room located at 1600 Franklin Street in Oakland, California 94612, relative to the following:

TRANSITION TO A SEVEN-WARD ELECTION SYSTEM PURSUANT TO ELECTIONS CODE SECTION 10010

Public Hearings will be held to receive input on communities of interest, District maps, and election sequencing for the formation of seven new wards for the election of members of the the District's Board of Directors which are proposed to be phased in beginning with the General Election in November 2024.

The Board of Directors will discuss, consider and take action on one or more district map(s). Actions include modification of ward boundares, sequencing of elections and such other matters as may be releated to the transition from five wards with two at-large seats to a seven-ward election system.

Public Hearings may be accessed in person at the address listed above or by teleconference/video conference via Zoom or telephone call:

Zoom link https://actransit.zoom.us/j/98487175063 (all languages) English Phone Number: (669) 900 6833; Webinar ID: 984 8717 5063 Spanish Phone Number: (707) 304-7195, Conference ID: 647 528 554# Chinese Phone Number: (707) 304-7195, Conference ID: 983 252 334#

Spanish and Chinese interpreters will be provided at the hearings. Upon request, a sign language interpreter or interpreter for languages other than those listed in this notice may be provided, but must be requested by calling (510) 891-7201 at least 72 hours in advance of a hearing. For TDD for hearing impaired, call 711, California Relay Service, and specify (510) 891-4700.

PUBLIC COMMENT can be submitted in writing and/or live in-person or by video/teleconference at the hearing. Written comments for the hearing must be submitted as follows:

- By email to myvoice@actransit.org by 3:00 PM the day of the hearing.
- Via online eComment by 5:30 PM the day of the hearing (Go to https://actransit.legistar.com/Calendar.aspx and click on the eComment link for the selected hearing date).
- By U.S. Mail to: AC Transit Board of Directors, 1600 Franklin Street, Oakland, California, 94612 by 5:00 PM for receipt on the Monday prior to the hearing.
- By voicemail: (510) 891-7192, Press 1 for English, Press 2 for Spanish or Press 3 for Chinese by 5:00 PM the Monday prior to the hearing.

It is anticipated that the Board will render a decision on this matter as early as November 8, 2023. Information concerning the hearings will be published 72 hours in advance of each hearing on AC Transit's Public Meetings web page at https://actransit.legistar.com/Calendar.aspx, and is available in printed and alternate formats by calling the District Secretary's Office at (510) 891-7201.



Distrito de Tránsito de Alameda-Contra Costa AVISO DE AUDIENCIA PÚBLICA

POR LA PRESENTE SE NOTIFICA que la Junta Directiva de AC Transit invita a todas las personas interesadas a asistir a las Audiencias Públicas el 6 de septiembre de 2023 a las 6:00 P. M., el 13 de septiembre de 2023 a las 6:00 P. M., el 4 de octubre de 2023 a las 6:00 P. M., el 25 de octubre de 2023 a las 6:00 P. M. y, de ser necesario, el 8 de noviembre de 2023 a las 6:00 P. M. en la oficina general de AC Transit, sala de juntas del 2^{do} piso ubicada en 1600 Franklin Street en Oakland, California 94612, en relación con lo siguiente:

TRANSICIÓN A UN SISTEMA ELECTORAL DE SIETE DISTRITOS DE CONFORMIDAD CON LA SECCIÓN 10010 DEL CÓDIGO ELECTORAL

Se celebrarán audiencias públicas para recibir comentarios sobre las comunidades de interés, los mapas del distrito y la secuencia electoral para la formación de siete nuevos distritos para la elección de los miembros de la junta directiva del distrito, que se proponen introducir de manera progresiva a partir de las elecciones generales de noviembre de 2024.

La junta directiva debatirá, considerará y tomará medidas sobre uno o varios mapas de distrito. Las medidas incluyen la modificación de los límites de los distritos, la secuencia electoral y otros asuntos que pueden estar relacionados con la transición de cinco distritos con dos puestos generales a un sistema electoral de siete distritos.

Se puede acceder a las audiencias públicas en persona en la dirección indicada anteriormente o por teleconferencia/videoconferencia a través de Zoom o llamada telefónica:

Enlace de zoom https://actransit.zoom.us/j/98487175063 (todos los idiomas)

Número de teléfono para idioma inglés: (669) 900 6833; ID del Webinar: 984 8717 5063

Número de teléfono para idioma español: (707) 304-7195, ID de la conferencia: 647 528 554#

Número de teléfono para idioma chino: (707) 304-7195, ID de la conferencia: 983 252 334#

Se proporcionará intérpretes en español y chino para las audiencias. Previa solicitud, se puede proporcionar un intérprete de lengua de señas o un intérprete para idiomas distintos de los enumerados en este aviso, pero debe solicitarse llamando al (510) 891-7201 al menos 72 horas antes de una audiencia. Para TDD o personas con discapacidades de escucha, llame al 711, Servicio de Retransmisión de California, y especifique (510) 891-4700.

Los **COMENTARIOS DEL PÚBLICO** pueden presentarse por escrito o en persona por videoconferencia/teleconferencia en la audiencia. Los comentarios por escrito para la audiencia deben presentarse de la siguiente manera:

- Por correo electrónico a myvoice@actransit.org antes de las 3:00 P. M. del día de la audiencia.
- En línea a través de eComment antes de las 5:30 P. M. del día de la audiencia (diríjase a https://actransit.legistar.com/Calendar.aspx y haga clic en el enlace eComment para la fecha de audiencia seleccionada).
- Por correo postal Enviar correo a: Junta directiva de AC Transit, 1600 Franklin Street, Oakland, California, 94612 antes de las 5:00 P. M. para su recepción el lunes anterior a la audiencia.
- Por correo de voz: (510) 891-7192, pulse 1 para inglés, pulse 2 para español o pulse 3 para chino antes de las 5:00 P. M. del lunes anterior a la audiencia.



Se anticipa que la junta tomará una decisión sobre este asunto a partir del 8 de noviembre de 2023. La información relativa a las audiencias se publicará 72 horas antes de cada audiencia en la página web de AC Transit dedicada a las reuniones públicas, en https://actransit.legistar.com/Calendar.aspx, y estará disponible en formato impreso y alternativo llamando a la oficina del secretario del distrito al (510) 891-7201.



阿拉米达-康特拉科斯塔公共交通区 公开听证会通知

特此通知——AC Transit 董事会诚邀感兴趣的所有人士参加于 **2023 年 9 月 6 日傍晚 6:00、2023 年 9 月 13 日傍晚 6:00、2023 年 10 月 4 日傍晚 6:00、2023 年 10 月 25 日傍晚 6:00(如有必要,2023 年 11 月 8 日傍晚 6:00)**在 AC Transit 总办公室(位于加州奥克兰市 Franklin Street 1600 号的 2 楼董事会会议室,邮编为 94612)举行的公开听证会,相关内容如下所述:

依照《选举法》第10010条过渡到七选区选举系统

将举行公开听证会,收集有关利益社区、地区地图和选举顺序的意见,以便形成七个新选区,选举地区董事会成员,拟定从 2024 年 11 月大选开始分阶段进行。

董事会将就一张或多张地区地图进行讨论、考虑并采取措施。 措施包括修改选区边界、选举顺序以及可能与从拥有两个普通席位的五选区向七选区选举系统过渡相关的其他此类事项。

您可亲自前往上述地址参加此公开听证会,也可采用 Zoom 或电话通过电话会议/视频会议参加:

Zoom 链接: https://actransit.zoom.us/i/98487175063 (各种语言)英语电话号码: (669) 900 6833; 网络研讨会 ID: 984 8717 5063 西班牙语电话号码: (707) 304-7195,会议 ID: 647 528 554#中文电话号码: (707) 304-7195,会议 ID: 983 252 334#

听证会上将提供西班牙语和中文口译员。可应要求提供手语译员或本通知中未列出语言的口译员,但您必须至少在听证会前 72 小时致电 (510) 891-7201 提出请求。对于听力障碍人士的 TDD,请致电 711 加州转接服务,并指定 (510) 891-4700。

您可用书面形式和/或亲自前往或在听证会上通过视频/电话会议提交**公众意见。**必须通过以下方式提交听证会书面意见:

- 在听证会当天下午 3:00 之前发送电子邮件至 myvoice@actransit.org。
- 在听证会当天下午 5:30 之前通过在线电子评论提交(前往 https://actransit.legistar.com/Calendar.aspx, 然后点击所选听证会日期的电子评论链接)。
- 通过美国邮局邮寄至: AC Transit Board of Directors, 1600 Franklin Street, Oakland, California, 94612, 须于听证会之前的星期一下午 5:00 之前寄达。
- 通过语音信箱: (510) 891-7192, 在听证会之前的星期一下午 5:00 之前, 英语, 请按 1, 西班牙语, 请按 2, 中文, 请按 3。

预计董事会最早将于 2023 年 11 月 8 日就此事做出决定。我们将在每次听证会前 72 小时在 AC Transit 的以下公开会议网页上发布有关听证会的信息:

https://actransit.legistar.com/Calendar.aspx, 您亦可致电 (510) 891-7201 联系区秘书办公室索取印刷版和其他形式资料。

Alameda-Contra Costa Transit District Current Wards

Ward	Population ⁴	۸		Citizen Voting Age Population+								
	Total	Deviation		Total Latino*			Asian*		Black*		Non-Hispanic White	
	#	#	%	#	#	%	#	%	#	%	#	%
1	315,268	90,183	40.1%	202,891	42,175	20.8%	37,524	18.5%	33,304	16.4%	85,594	42.2%
2	314,269	89,184	39.6%	227,386	27,420	12.1%	49,801	21.9%	38,179	16.8%	106,813	47.0%
3	316,393	91,308	40.6%	205,553	42,238	20.5%	43,034	20.9%	52,506	25.5%	62,211	30.3%
4	315,168	90,083	40.0%	206,253	54,144	26.3%	60,186	29.2%	24,532	11.9%	60,396	29.3%
5	314,500	89,415	39.7%	186,113	31,389	16.9%	91,033	48.9%	9,075	4.9%	48,951	26.3%
Total	1,575,598			1,028,196	197,366	19.2%	281,578	27.4%	157,596	15.3%	363,965	35.4%
Ideal	225,085											·

^{^ 2020} Census Redistricting Data. Adjusted for incarcerated populations

⁺ Adjusted 2017-2021 American Community Survey Special Tabulation

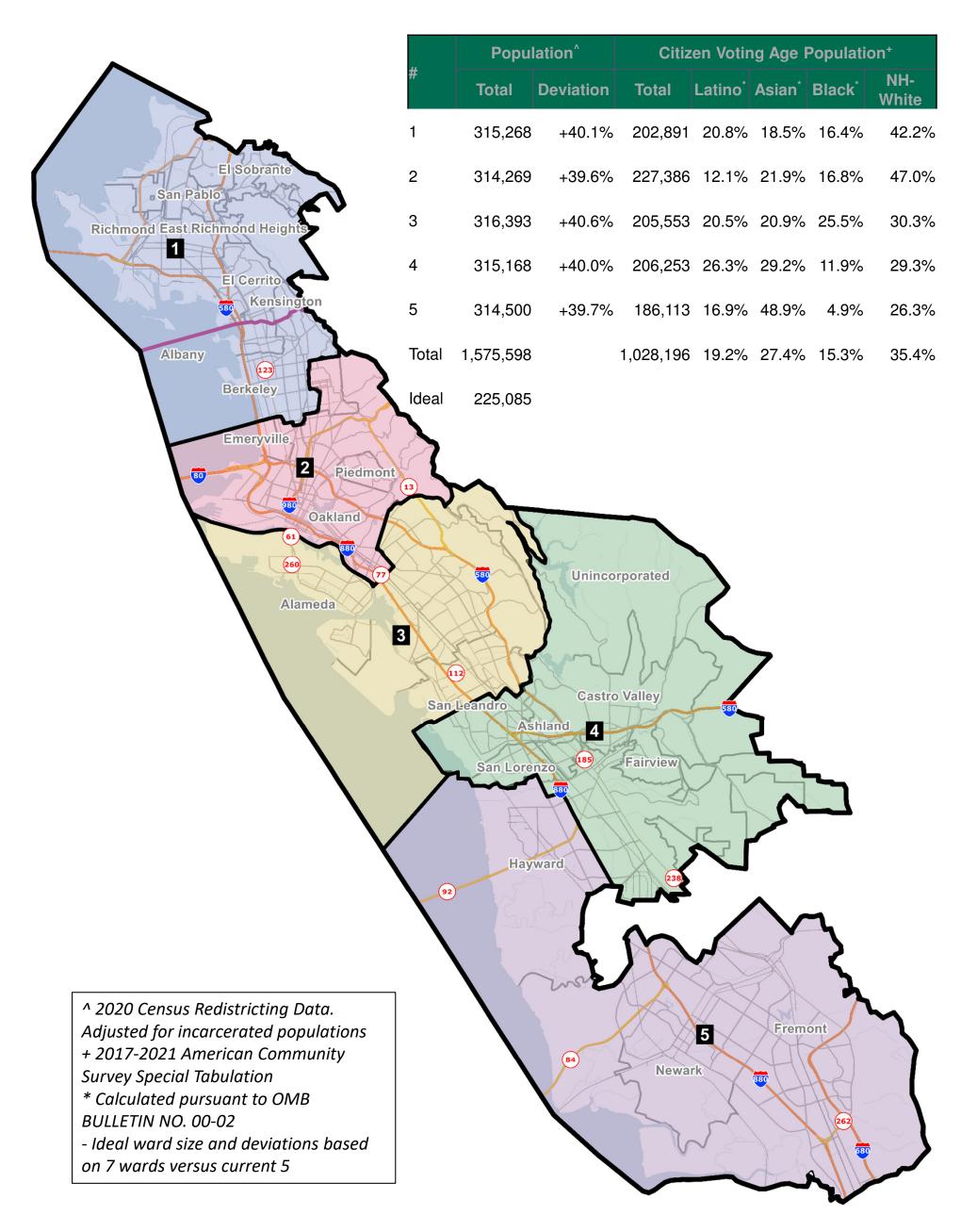
^{*} Calculated pursuant to OMB BULLETIN NO. 00-02

⁻ Ideal ward size and deviations based on 7 wards versus current 5



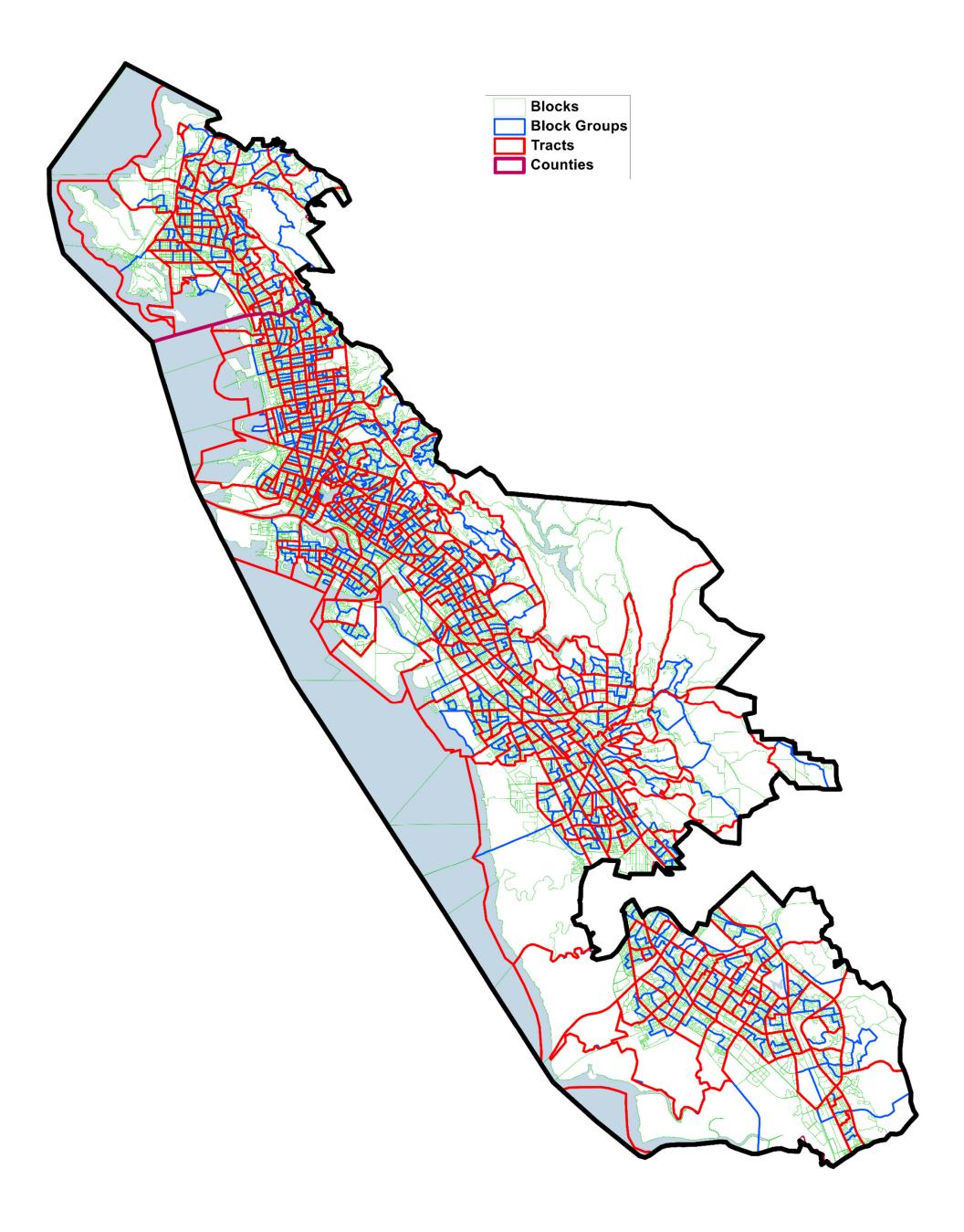




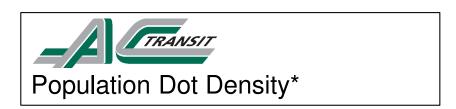


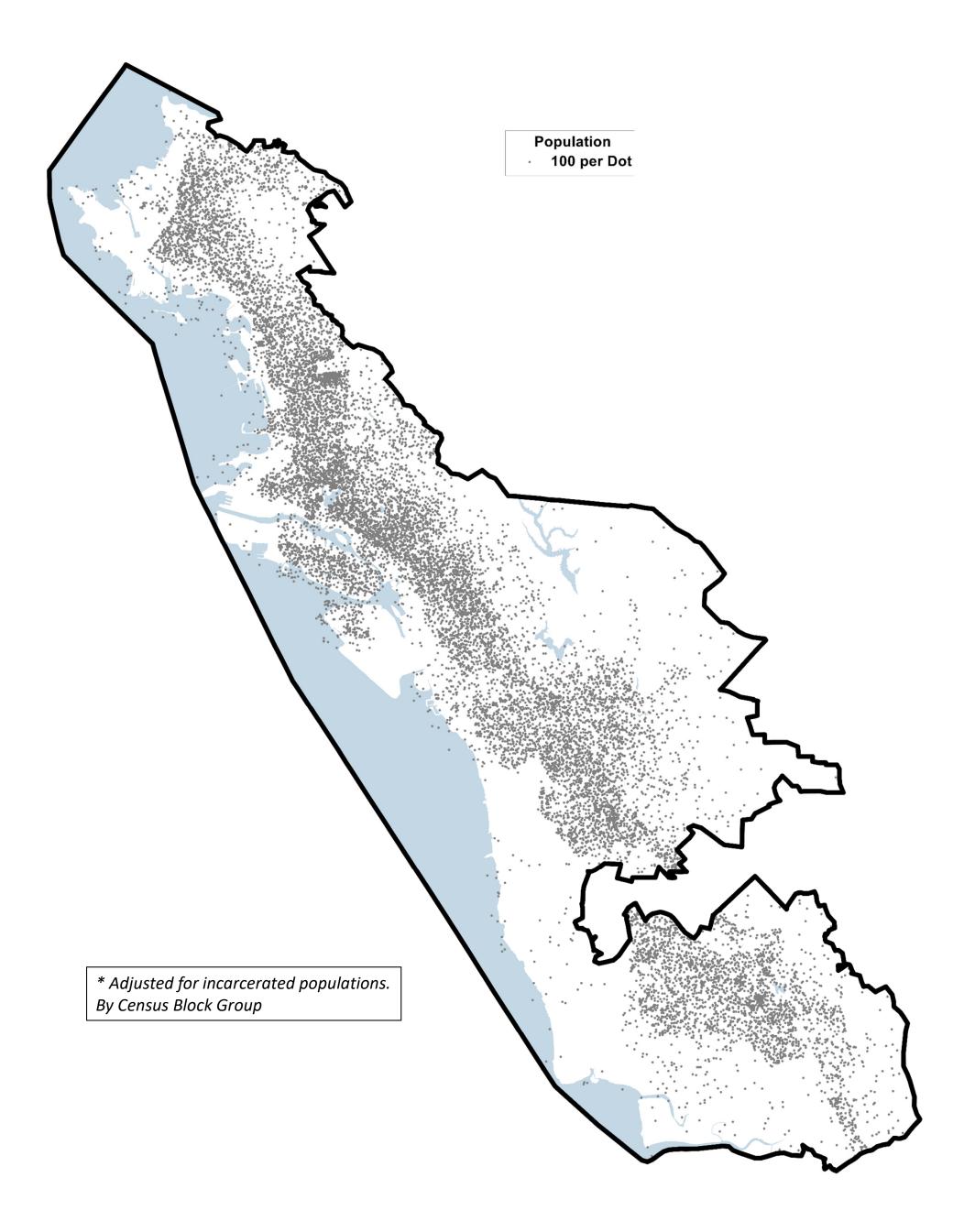






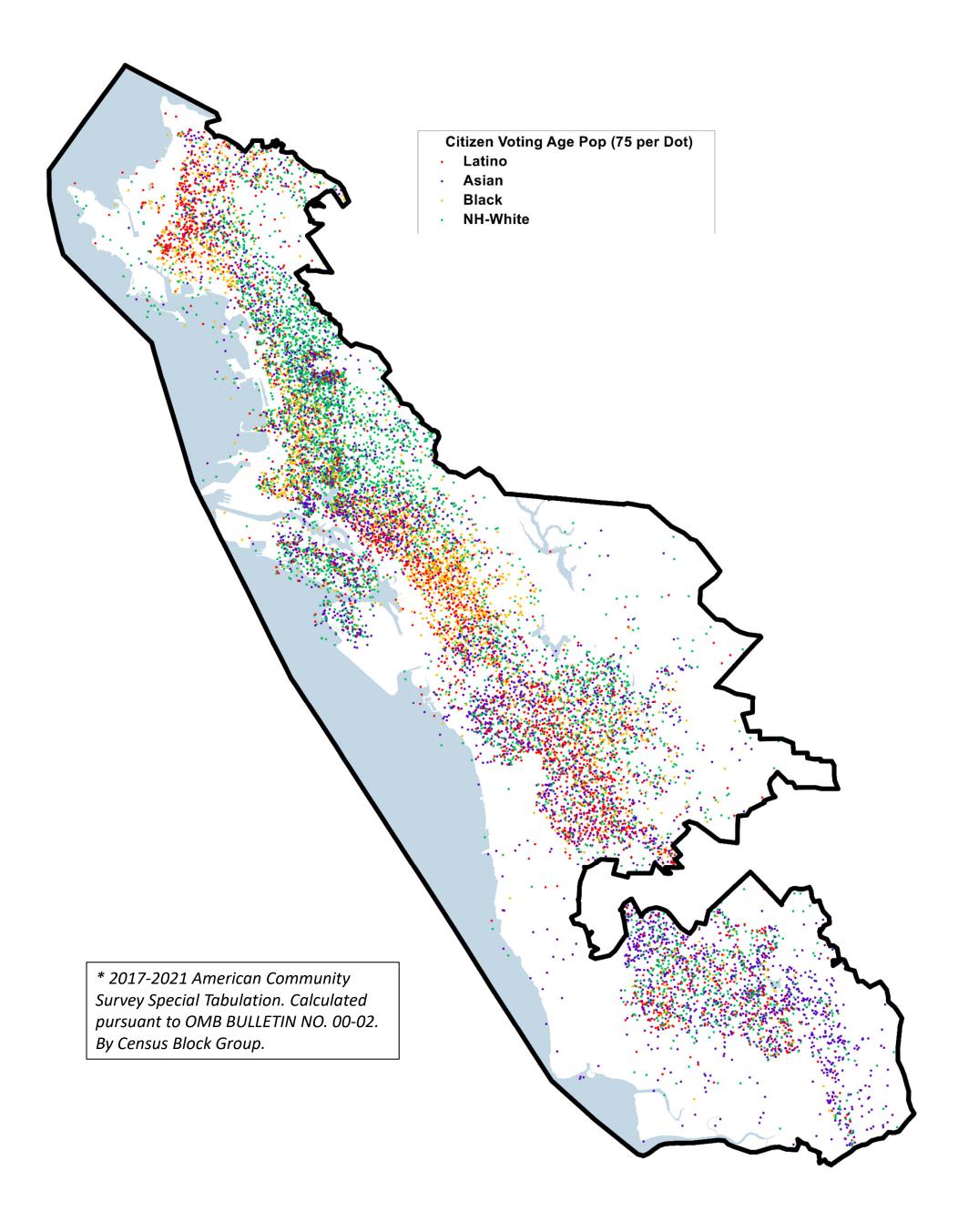






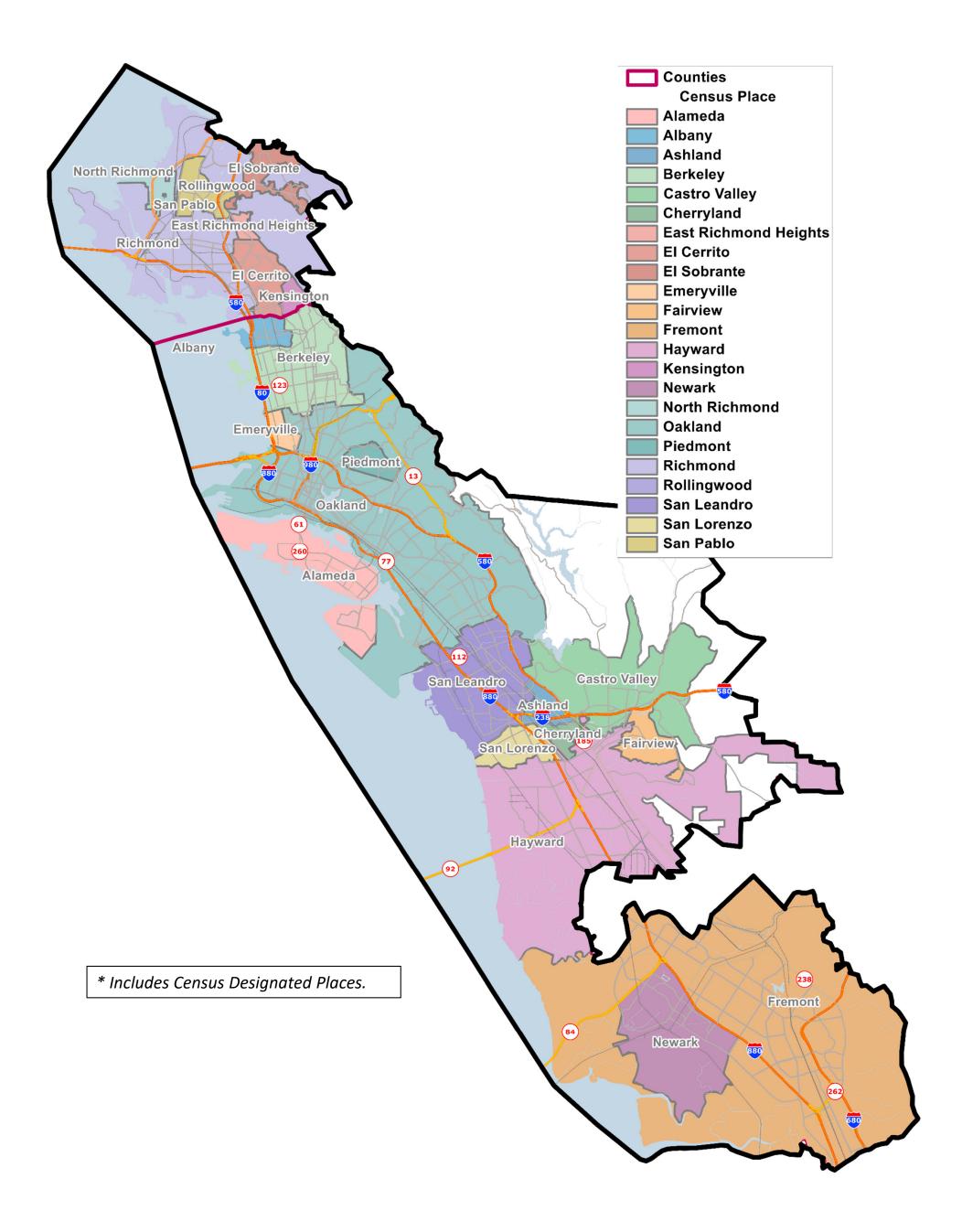






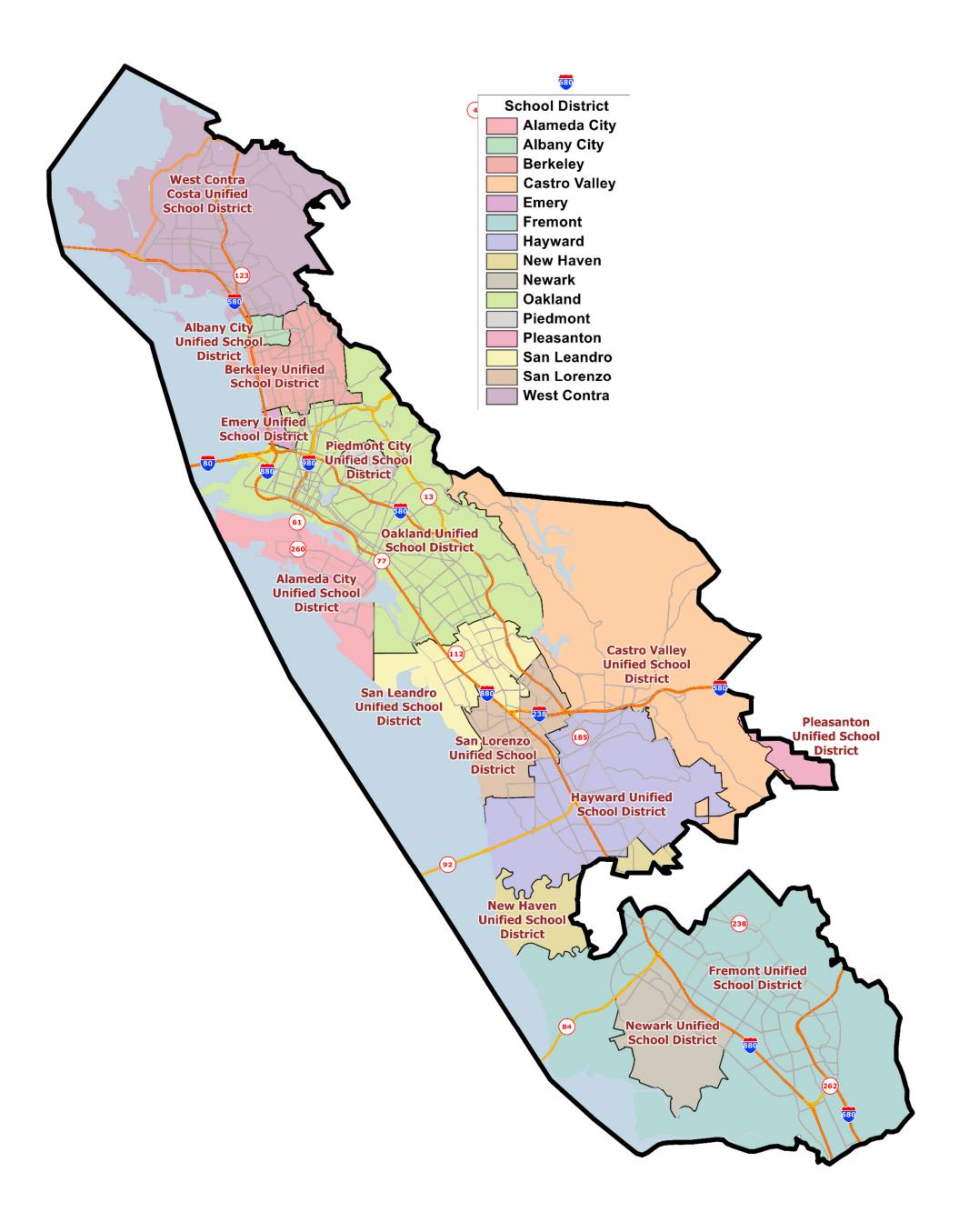






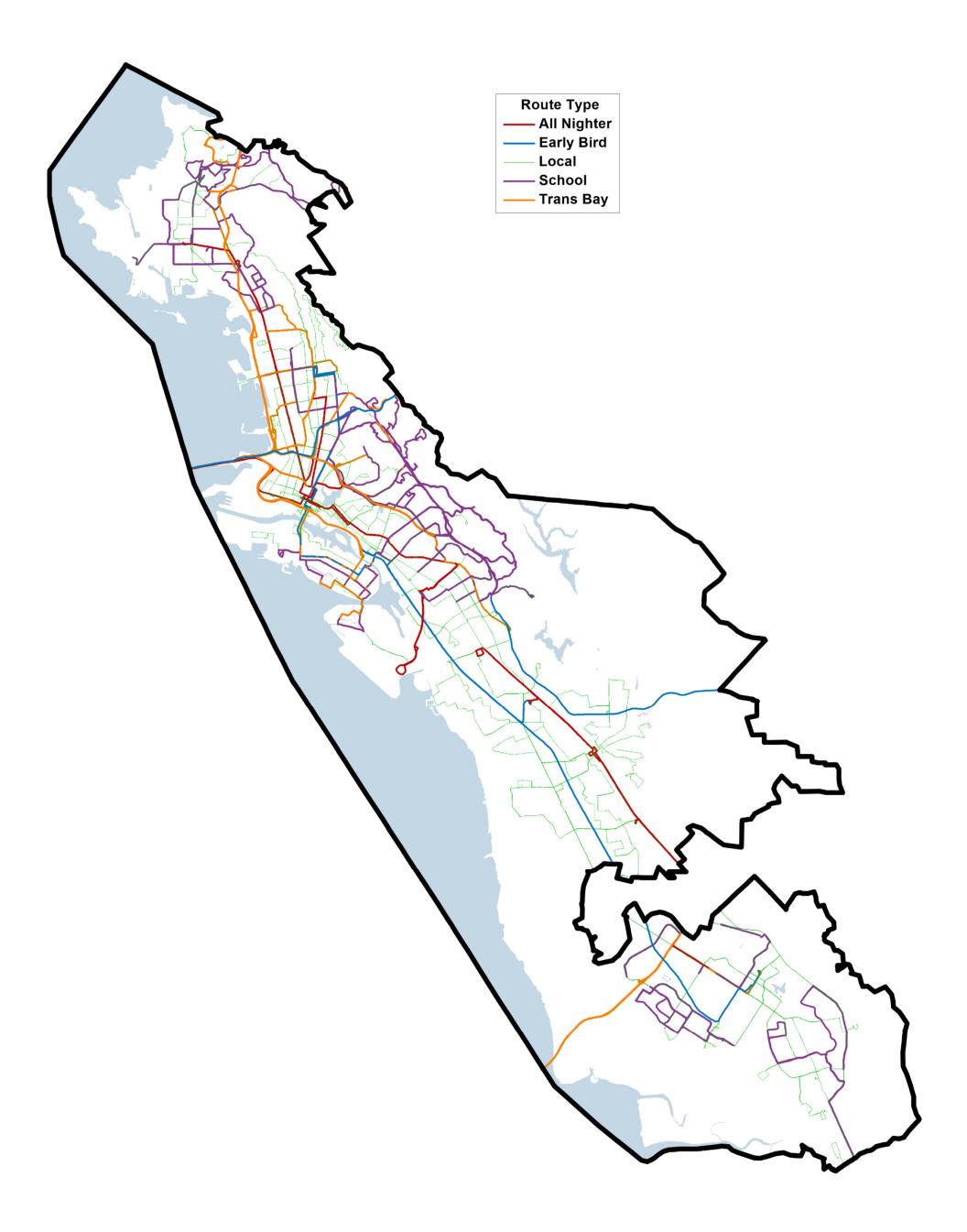






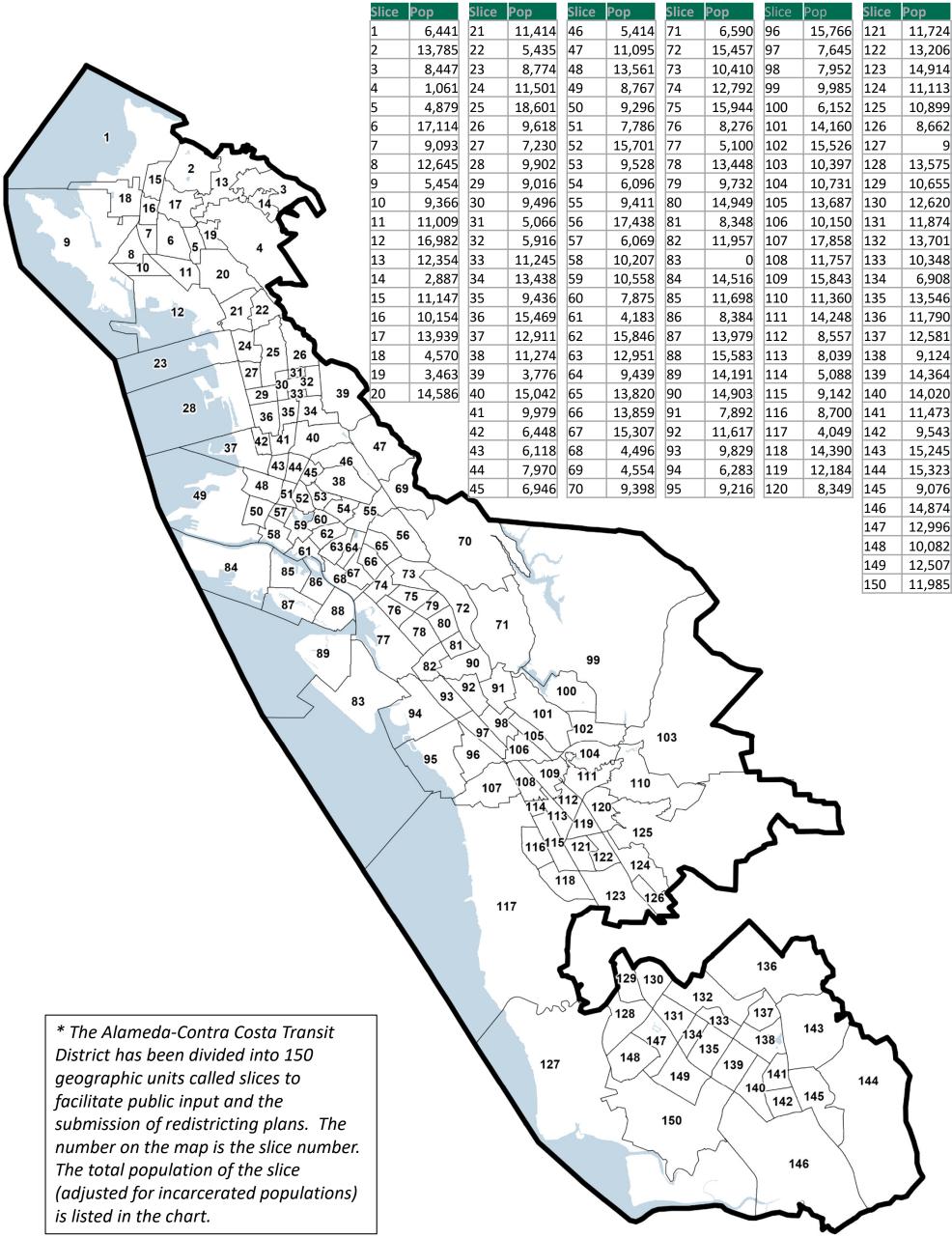














SUMMARY OF PUBLIC COMMENT – AC TRANSIT REDISTRICTING PROCESS

Date Received	Name	Comment
September 5, 2023 10:34 AM	Mary Kazmer	Email: I don't like the idea of electing directors by ward. I think the directors should be representing all passengers, not just those in their little district or of their own ethnic group or language etc. Think about it - many passengers live in one district and travel to other districts for work, school, shopping, business etc should they elect someone who represents only one district?
September 6, 2023	Alfred Twu Public Hearing Testimony	Hi, good evening, everyone. So, I looked at some of the more overarching larger level communities of interest based around some of our transit lines, but also the way that the East Bay has been doled out. So, starting at the top, I have what I call Ward 72 along the 72 San Pablo bus. This area has more working-class industrial jobs. It also has to deal with a lot of the air pollution issues from the freeway and the refineries in the district. Next, we have Ward 51B along the College Ave-University Avenue bus in Berkeley, and this area is more very highly educated, very high voter turnout. So it's good to group this together so that their votes don't dilute everybody else's. Moving on down, we have a ward which go through Alameda as well as Oakland, Chinatown, which has many links to Alameda, and also over to San Leandro, where we've seen a growing Chinese American population. And next here in the green, we have ward 1T along the International Boulevard Corridor, but I could also see this extending around 14th Street into West Oakland. This is more of a working-class area in both sides and also very high transit ridership. Continuing down, we have ward 10 around the unincorporated areas into Hayward. Ward 97, which is more west of 880, more suburban area. And finally, Ward 210, city of Fremont is conveniently the size of one ward and could easily become one. Thank you.
September 6, 2023	Jane Kramer Public Hearing Testimony	[Submitted Community of Interest Map.] Thanks. Okay. One of the to me, one of the salient comments of the speaker was defining a community as "others need to be talking with each other". That means you don't want to create chaos. But, on the other hand, you don't want to exclude anyone. So that means that you represent the community and their interests, but you also have to consider the general welfare of the entire AC Transit district. And that means you have a complicated job and you have to do it with subtlety, suppily, and ethically. And that can be soul searching. Thank you.

Public Comment as of 9/7/23 @2:31 p.m. No voicemail comments have been received as of this date.

SUMMARY OF PUBLIC COMMENT – AC TRANSIT REDISTRICTING PROCESS

September 7, 2023 at 12:29 p.m.	Nathan Landau	Email: Subject: [EXTERNAL] Berkeley is a community of interest for the redistricting process
·		Chair Young, fellow Boardmembers. As you are now involved in a redistricting process, I wanted to offer my thoughts about why Berkeley city should ner treated as a community of interest for, and put together in, the redistricting process.
		Berkeley is fundamental to AC Transit. It generates the second highest number of passengers of any city in the District. It is home to the University of California, where the classpass program enrolls thousands of students. Berkeley is very active in transportation, and has worked with AC Transit on numerous projects. Berkeley is one of the few cities in the district that has a transportation commission. Given these characteristics, all of Berkeley should be in a single ward, represented by a single Boardmember.
		Currently, Berkeley is split between a ward based in Contra Costa County, and a ward based in Oakland. This split dilutes the effectiveness of Berkeley's representation on the Board. As a city with a Census population over 124,000, Berkeley can provide the majority of the population for a new ward. With the adjacent Alameda County cities of Albany and Emeryville, the ward would have a population of 157,000. The 50,000 additional people needed could come from a small portion of Oakland, particularly if Piedmont (population 11,000) were included in that ward.
		A ward based in Berkeley would fit well with the geography of the district. The Contra Costa County cities and communities, at the north end of the AC Transit district, are approximately the population needed for a ward. This would create a logical north-south progression of a Contra Costa ward, followed by a Berkeley/North Oakland area ward.
		Thank you for your consideration.
		Nathan Landau