ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 9/6/2023 Staff Report No. 23-391b

TO: AC Transit Board of Directors

FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary SUBJECT: Redistricting to Seven-Ward Election System - Public Hearing #1

ACTION ITEM

AGENDA PLANNING REQUEST:

RECOMMENDED ACTION(S):

Receive presentations from the District's public outreach and demographer consultants regarding upcoming workshops and outreach activities and the process and criteria for redistricting to a seven-ward election system for the Board of Directors; and hold the first of two public hearings to receive public input and provide direction regarding the boundaries and composition of wards before draft maps of proposed ward boundaries are drawn.

Staff Contact:

Linda A. Nemeroff, Board Administrative Officer/District Secretary

Presenters:

Jennifer Nentwig, Tripepi Smith 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.

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 public hearing schedule is provided below:

Hearing	Purpose
Public Hearing #1 Wed., September 6 th	Receive input from public about composition of the
at 6:00 p.m.	wards before any maps are drawn.
· · ·	Receive input from public and give direction to the
th at 6:00 p.m.	demographer to prepare draft maps.
Public Hearing #3 Wed., October 4,	Receive input regarding the content of the draft map(s)
2023 at 6:00 p.m.	and the proposed sequence of elections.
Public Hearing #4 Wed., October 25 th	Review and give final direction on revised draft map and
at 6:00 p.m.	election sequencing.
Public Hearing #5 Wed., November 8 th	Introduction of Ordinance (no map changes)
at 6:00 p.m.	
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 2 of this report.

Community Outreach

In addition to public hearings, the District's outreach consultant (Tripepi Smith) will coordinate robust community outreach, which entails six multi-lingual workshops, including 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 car or ad cards advertising the hearings and workshops will be 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. Attachment 1 features a full list of the outreach activities associated with this redistricting effort.

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

ATTACHMENTS:

- 1. Public Outreach Presentation
- 2. Redistricting Educational and Initial Direction Presentation
- 3. Public Hearing Notice

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



Outreach & Engagement Presentation

7-Ward Redistricting



September 6, 2023

Comprehensive Outreach & Engagement Plan

Page 2 of 7

Planned Outreach

- Launch of redistricting webpage, <u>www.actransit.org/redistricting</u>
- Robust translation and interpretation support
 - Written content provided in Spanish and Simplified Chinese
 - Interpreters in Spanish, Cantonese and Mandarin to be available at all public hearings and workshops
- One social media post per week, including set-up of two boosted posts
- News articles posted online and shared with local media
- Flyers/ads promoting hearings and workshops
 - Ad Cards
 - Print Ads
 - Digital Ads



Planned Outreach & Engagement

- Two in-person workshops and four virtual workshops to educate the community on redistricting and gather public input
 - See schedule on following slide
- Direct email & phone call outreach to community groups & organizations



Workshop Schedule

Date	Time	Location
September 7	6:30 p.m.	Virtual via Zoom
September II	6:30 p.m.	Virtual via Zoom
September 14	6:30 p.m.	1600 Franklin Street, Oakland, CA, 2nd Floor Board Room
September 30	2 p.m.	Fremont area (Exact location TBD)
October 12	6:30 p.m.	Virtual via Zoom
October 17	6:30 p.m.	Virtual via Zoom

For Zoom links and additional event details, visit <u>www.actransit.org/redistricting</u>



Share Your Thoughts

Website

www.actransit.org/redistricting

Phone

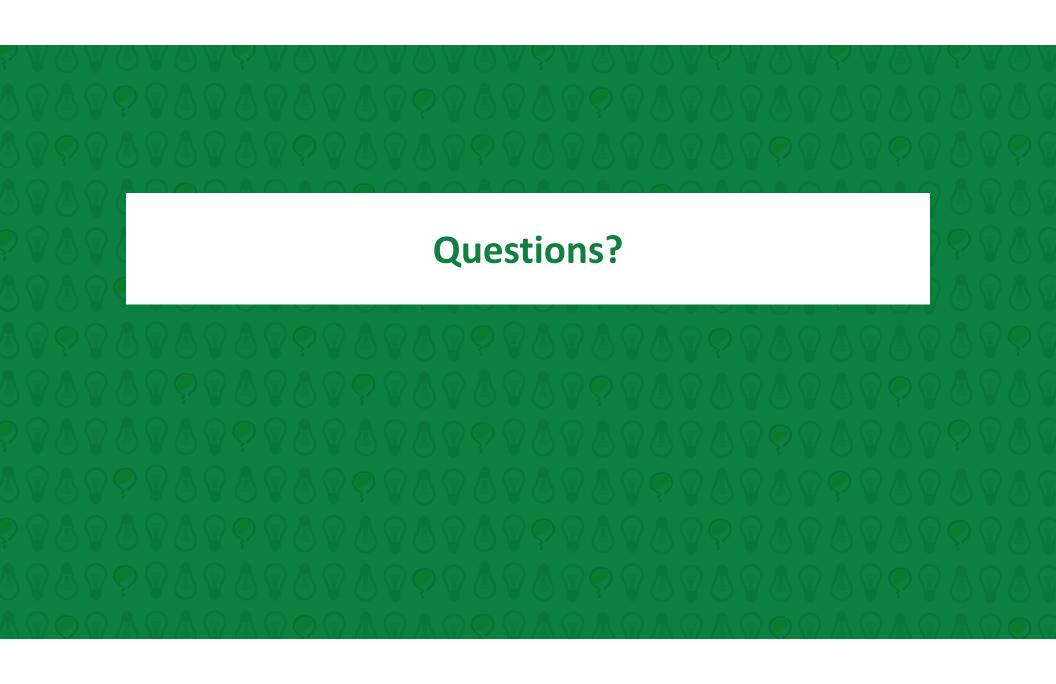
(510) 891-7192

Press 1 for English, Press 2 for Spanish or Press 3 for Chinese

Email

myvoice@actransit.org







Redistricting

Alameda-Contra Costa Transit District Education and Initial Direction

September 6, 2023



Actions Requested

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

Request any additional information needed from staff and/or the demographer before the next public hearing to facilitate providing direction on creation and sequencing of draft plans





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



What is Redistricting?

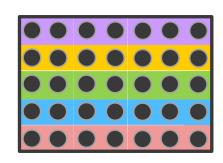
5 Directors currently elected from wards. 2 at-large

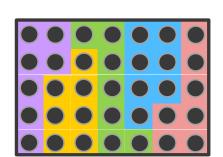
Redistricting the act of redrawing those lines

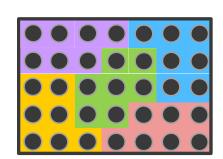
Normally done to reflect shifts in populations over time

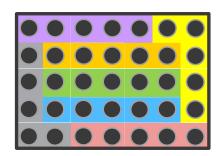
In this case so all 7 Directors will be elected by wards

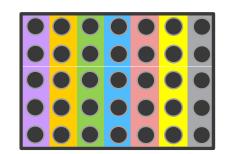
How those lines are drawn affects how people are represented

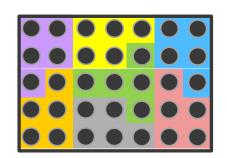














Why Redistrict?

Evolving Rules: Federal/state law continue to change. Both through legislation and the courts. California Voting Rights Act

New Data: While Census conducted once a decade, other data sources updated annually

Public Input: Communities change over time. New opportunities to engage public



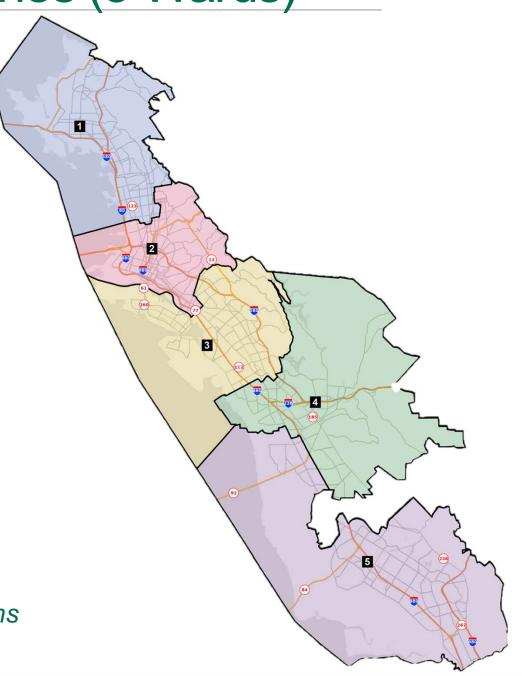
Current Lines (5 Wards)

#	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





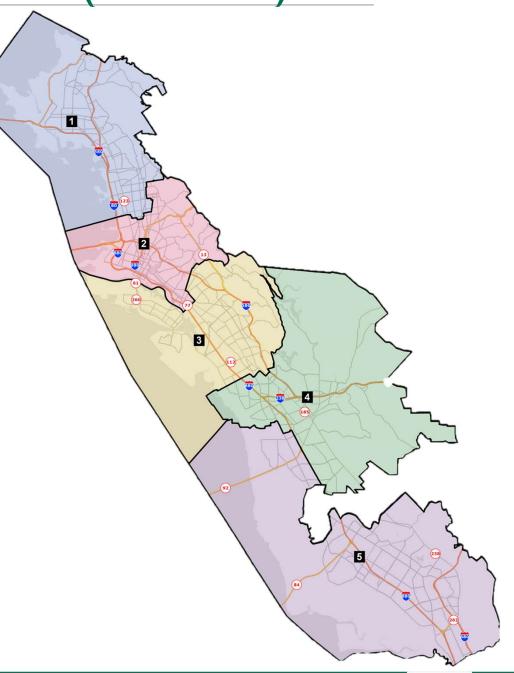
Current Lines (7 Wards)

#	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





Current Lines

	Asian Citizen Voting Age Population [^]					
#	2015-20	019 ⁺	2019-2021 [*]			
	#	%	#	%		
1	36,130	18.3%	37,524	18.5%		
2	47,817	21.7%	49,801	21.9%		
3	41,119	20.6%	43,034	20.9%		
4	53,849	27.1%	60,186	29.2%		
5	88,315	46.7%	91,033	48.9%		
Total	267,230	26.6%	281,578	27.4%		

[^] Calculated pursuant to OMB BULLETIN NO. 00-02

⁺ Adjusted 2015-2019 American Community Survey Special Tabulation

^{*} Adjusted 2017-2021 American Community Survey Special Tabulation



Current Lines

#	Population ¹	Citizen Voting Age Population [†]			+	
#	Total	Total	Latino [*]	Asian [*]	Black [*]	NH-White
1	315,268	202,891	20.8%	18.5%	16.4%	42.2%
2	314,269	227,386	12.1%	21.9%	16.8%	47.0%
3	316,393	205,553	20.5%	20.9%	25.5%	30.3%
4	315,168	206,253	26.3%	29.2%	11.9%	29.3%
5	314,500	186,113	16.9%	48.9%	4.9%	26.3%
Total	1,575,598	1,028,196	19.2%	27.4%	15.3%	35.4%

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

⁺ Adjusted 2015-2019 American Community Survey Special Tabulation

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



Relevant Laws

U.S. Constitution

Federal Voting Rights Act

State Constitution and Code

Case Law



Equal Population

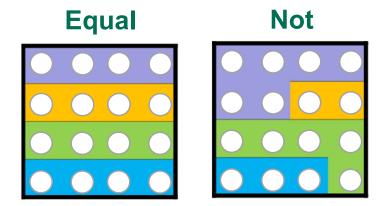
Equal Population: "As far as practicable"

Exact: no. Good faith: yes

Deviation: Difference between actual & ideal size

10% no longer clear "safe harbor"

California provides adjusted data for incarcerated populations



14th Amendment & Voting Rights Act

Race: Must not be the "predominant" factor

Can consider along with traditional, race-neutral, criteria

Traditional criteria must not be subordinate

Vote Dilution: Avoid depriving minority voters of an equal opportunity to elect a candidate of their choice

Discriminatory intent not required, only effect

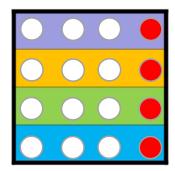


Voting Rights Act

Gingles Criteria:

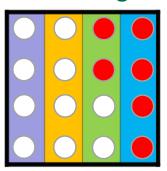
- 1. The minority group must be sufficiently large and geographically compact to constitute a majority in a district
- 2. The minority group must be politically cohesive
- 3. The white majority votes sufficiently as a block to enable it to usually defeat the minority's preferred candidate

Cracking



Dispersing into several districts such that a block-voting majority can routinely outvote

Packing

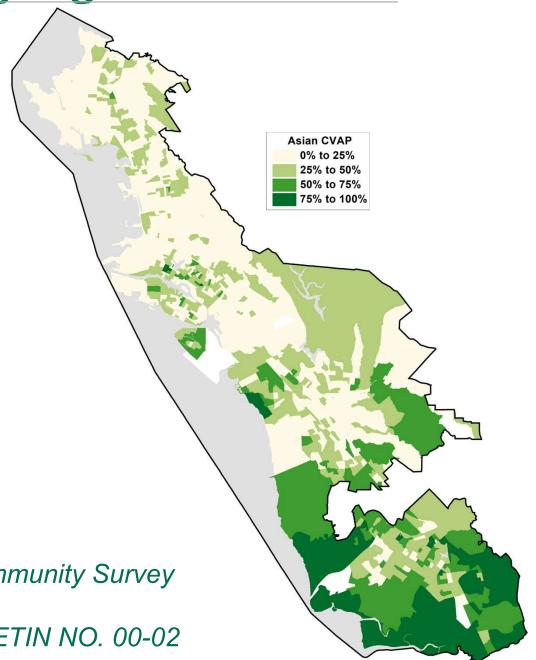


Concentrating to minimize influence in other districts



Voting Rights Act

#	CVAP ⁺
	Asian*
1	18.5%
2	21.9%
3	20.9%
4	29.2%
5	48.9%
Total	27.4%



+ Adjusted 2017-2021 American Community Survey Special Tabulation

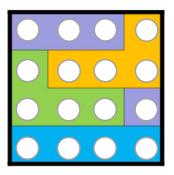
* Calculated pursuant to OMB BULLETIN NO. 00-02



Contiguity: All parts should be connected

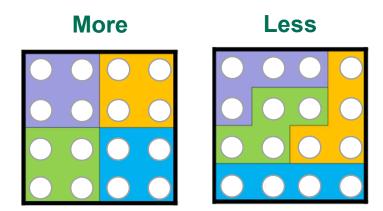
Special cases such as islands

Non-Contiguous





Compactness: Be aware of shape and appearance



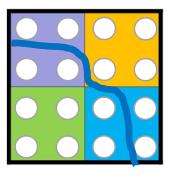


Topography and Geography:

Natural and man-made barriers and boundaries

Not always compact

Compact, But...





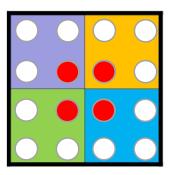
Community of Interest:

Sharing common interests.
Bringing like people together for representation

Minimize splits of communities of interest into different wards

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

Split Community



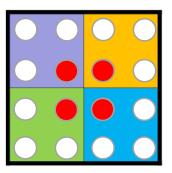


COI Examples: Common assets like schools and shopping areas, housing, culture and language, and employment

Can consider existing data such as public transit routes

No definitive dataset

Split Community





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



Census Data

Census: Conducted every ten years.

ACS: Monthly sample averaged over five years

Purpose is to count every person

Purpose to estimate a more detailed demographics

Used to determine if populations are equal

Used to determine compliance with Voting Rights Act.

Reported by census blocks

Reported primarily by census block groups or tracts

But California breaks down CVAP data to census block



Census Geography

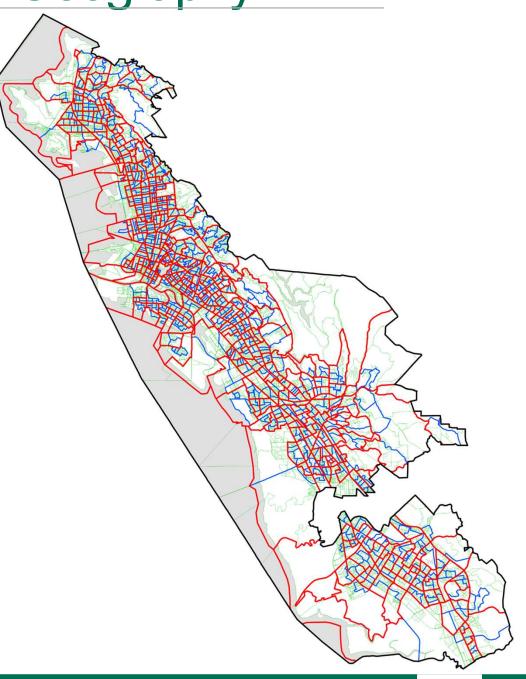


Block 16,819 94

Block Group 1,115 1,413

Tract 370 4,258

+ Includes Block Groups and Tracts only partially within the jurisdiction.





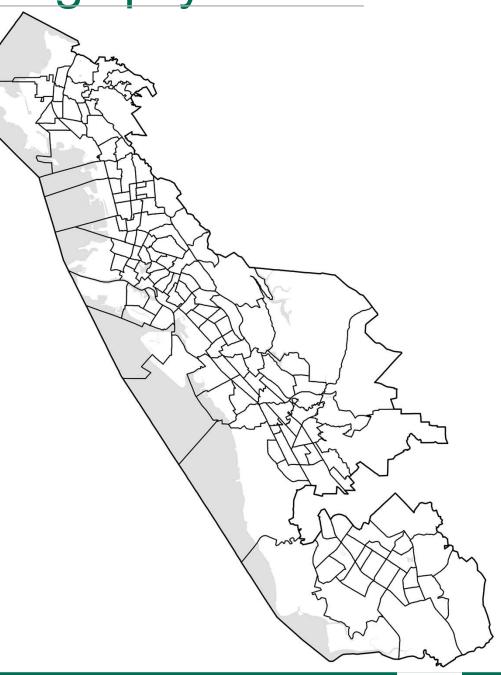
Slice Geography



Slice 150 10,504

Slices: Combination of county, city, census, other understandable boundaries, and existing plan

Used to lower barriers to public redistricting plans





Three Phases

Phase I: Before draft plans:

- September 6
- September 13

Input on communities of interest, existing lines, and potential changes

Chance for feedback, suggested revisions, and alternate plans.

October 4

October 25

Phase II: After first draft plans:

Phase III: After select final plan:

November 8

Adoption of ordinance



Public Input

Communities of Interest:

- Where is it located?
- What is the mutual interest of the community?
- Why should it be kept together?

Online interactive and printable worksheet

Plans:

Online interactive using blocks

Printable worksheet and interactive excel using slices

Basic demographics, PDF, interactive map, and GIS files produced for all plans



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。