

ALAMEDA-CONTRA COSTA TRANSIT DISTRICT



STAFF REPORT

MEETING DATE: 11/8/2023

Staff Report No. 23-391f

TO: AC Transit Board of Directors
FROM: Linda A. Nemeroff, Board Administrative Officer/District Secretary
SUBJECT: Redistricting to Seven-Ward Election System - Public Hearing #5

ACTION ITEM

AGENDA PLANNING REQUEST: ☐

RECOMMENDED ACTION(S):

Hold Public Hearing to receive comment on the introduction of two proposed Ordinances (Ordinance 20 (Evergreen) and Ordinance 20 (Jade)) establishing a seven-ward election system and sequence of elections pursuant to Elections Code Section 10010; and introduce and waive the reading of the ordinances.

Staff Contact:

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

STRATEGIC IMPORTANCE:

Goal - Strong Public and Policymaker Support

Initiative - Internal and External Diversity, Equity, Inclusion and Accessibility Programs and Priorities

BUDGETARY/FISCAL IMPACT:

If either of the ordinances is adopted, it will save AC Transit approximately \$2.5 million in at-large election costs for the 2024 and 2026 election cycles based on 2022 figures. This does not include any additional savings that will result from reducing the size of each ward, which will have fewer voters.

BACKGROUND/RATIONALE:

On July 27, 2023, the Board of Directors adopted Resolution No. 23-033 declaring its intent to transition from hybrid ward-based and at-large elections to solely ward-based elections, to initiate procedures, and implement ward-based elections for at-large members of the Board of Directors.

On September 6 and September 13, 2023, the Board of Directors held the first and second of five public hearings required to transition AC Transit's Board elections to a seven-ward election system. Public hearings #1 and #2 were held prior to any draft maps being drawn and covered the public input process and the composition of the new voting wards prior to the drawing of any draft maps. At its September 13 hearing, the Board provided direction to begin drawing draft maps for a seven-ward election system. Based on public input and Board feedback, the District's demographer prepared six redistricting plans for review: Green, Blue,

Purple, Red, Orange, and Yellow. These plans were made publicly available on September 25, 2023, as were the plans submitted by the public by the September 20th deadline. Community of Interest submissions received through the online DistrictR mapping tool were also provided.

At Public Hearing #3 held on October 4, 2023, the Board received an in-depth overview of the six draft redistricting plans and discussed their preferences regarding the plans and the sequencing of elections. After considering all the plans, there was consensus to direct the demographer to:

- Number the wards 1 through 7, north to south for all variations of the plans presented at the next meeting;
- Address questions about sequencing at the next meeting in terms of which wards will come up for election in 2024 versus 2026;
- Renumber the Green Plan as described above;
- Prepare a variation of the Green Plan that includes Wards 1 through 5, and Wards 6 and 7 from the Red Plan; and
- Prepare a variation of the Green Plan that splits the downtown area of Oakland into at least two and up to three wards and has flexibility as to potentially rotating through Emeryville/the Oakland Hills while maintaining the community of interest in East Oakland.

On October 25, 2023, the Board held Public Hearing #4. An updated set of draft maps (referenced as Pine, Apple, Emerald and Lemon), was prepared for review and discussion. Also discussed at length was the sequencing of future elections associated with each map. After a lengthy discussion, there was consensus to move forward with Plan Pine as presented and an amended Plan Emerald moving:

1. Bushrod neighborhood in Oakland to Ward 2
2. Remaining portions of Downtown Oakland east of Broadway to Ward 3
3. Glenview neighborhood in Oakland to Ward 4
4. Cherryland to Ward 5
5. Fairview to Ward 6

In addition, the Board authorized the District Secretary to make technical, non-substantive corrections and to correct a minor external boundary adjustment in Ward 6 (previously Ward 4). The resulting prepared plans are named Plan Evergreen (previously Pine) and Plan Jade (amended Emerald).

The Board gave final direction to prepare ordinances for the November 8th public hearing as follows:

- Draft an Ordinance for Plan Evergreen with two sequencing options: 1) prioritizing wards 1, 6 and 7 for the 2024 election cycle, and 2) prioritizing wards 1, 2 and 6 for the 2024 election cycle.
- Draft an Ordinance for Plan Jade with two sequencing options: 1) prioritizing wards 1, 6 and 7 for the 2024 election cycle, and 2) prioritizing wards 1, 2 and 6 for the 2024 election cycle.

There was consensus that the proposed ordinances be presented for public comment at the November 8th public hearing with the selection and adoption of one of the two ordinances to occur on December 13, 2023.

Public Hearing #5

In accordance with the Board's direction given at the October 25, 2023 public hearing, staff submits two ordinances for final comment from the public. The revised map for Plan Emerald (now Plan Evergreen) and the map for Plan Jade were published seven days prior to the hearing. Following the close of the public hearing, the Board is requested to introduce and waive the reading of both proposed Ordinances. A final decision to adopt an ordinance is expected at the December 13, 2023, Board meeting.

With respect to ordinances, Board Policy 101, Section 6.8, Board of Directors Rules for Procedure, provides:

"Unless otherwise requested by a Director, it shall be unnecessary for the District Secretary to read aloud more than the title of a written ordinance submitted to the Board for action. No ordinance shall be passed by the Board on the day of its introduction nor within three (3) days thereafter, nor at any time other than at a regular or adjourned-regular meeting.

Following action adopting an ordinance, the ordinances shall be signed by the Board President. Each ordinance shall include a certification by the General Counsel approving the document as to form and content and a certification by the District Secretary specifying the date of adoption and roll call vote adopting the ordinance.

All ordinances shall be published after passage once a week for two consecutive weeks. Ordinances shall become effective thirty (30) days from the date of final passage."

Election Sequencing

The issue of election sequencing is a complicated topic. As noted in the demographer's presentation at hearings #3 and #4, it is unusually complicated for AC Transit as the District is dealing with two different legal issues: transitioning from a five to seven-member board [California Voting Rights Act- CVRA] and redistricting [deferral, meaning that some voters must wait six years to vote for their ward representative] at the same time.

After the 2024 election, the Board will be made up of seven seats. Four of those will come from those seats elected in 2022. Because the law prohibits cutting short the term of any of these members, the following seats will remain the same until they are up in 2026:

- * At Large (Young)
- * Old 3 (Syed)
- * Old 4 (McCalley)
- * Old 5 (Shaw)

If the person (listed above) representing one of those seats were to vacate that seat, the seat would be filled based on the old lines.

After the 2024 election, in addition to the aforementioned four seats, the Board will have three seats elected in 2024 under the new lines. Thus, during the transitional period from 2024 to 2026, the Board will continue to be constituted of seven members: 4 old + 3 new = 7.

For example, if the new Ward 2 does not vote in 2024, as under sequencing Option 1, the Board would not end up with 6 Directors. Rather, it would be made up of 4 members elected under the old lines (At Large, Old 3, Old 4, Old 5) plus three under the new (New 1, New 6, New 7). Similarly, no such sequencing scenario would result in expanding the Board to eight. Pub. Util. Code, section 24801 requires a seven-person board. Public Utilities Code section 24862 would not allow for a fourth ward to vote in 2024.

The result of these sequencing issues is that between 2024 and 2026, some people will end up with two-ward elected representatives (excluding the at-large seat), and some will end up with no-ward elected representatives but will have an at-large representative for whom they were able to vote in 2022. The former is ACCELERATION: People who vote in both 2022 and 2024 for a ward will end up with two representatives. The latter is DEFERRAL: People who voted in 2020 and then not again until 2026 would not have a ward-based representative for two years but would still have an at-large representative.

Deferral and acceleration do impact questions of fair and equal representation. As a result, the courts have said minimizing deferral is something that can legitimately be considered in determining the sequence of elections. However, some degree of acceleration and deferral is an inherent part of the redistricting process and usually unavoidable. Importantly, this is a temporary situation that will be corrected in 2026.

Some jurisdictions choose to designate a member of the Board to serve as a contact and provide services to persons in deferred areas during this transitional period. The District will also continue to have one at large member representing the entire jurisdiction through 2026.

As an example, under both plans, and both sequencing options, some people in the Old Ward 2 are moved into the New Ward 4 and as a result would be deferred. This was done for a legitimate policy purpose, primarily to unite a previously divided community of interest (Fruitvale). The example shows why the mere existence of deferral has not been found to create a violation of fair and equal representation principles. Rather, it is just one of many factors that has to be considered in the process.

In the case of AC Transit, one of those additional factors the California Voting Rights Act, and its specific requirement that in considering sequencing, “the governing body shall give special consideration to the purposes of the [CVRA], and it shall take into account the preferences expressed by members of the districts.” (Elec. Code, section 10010(b)).

Attachment 4 provides a breakdown under both plans and both sequencing options of persons deferred and accelerated. Counsel will be prepared to address any lingering questions about election sequencing at the meeting. A letter from the CVRA plaintiffs’ counsel concerning election sequencing is provided in Attachment 5 for the Board’s consideration.

Community Outreach

Community outreach throughout the redistricting process has been robust and has provided the public with several opportunities to participate in the process. At this juncture, six workshops have been held to educate the public about the process, instruct on how to use the tools available to draw maps and solicit feedback on the various redistricting plans. Please reference Staff Report 23-391b for more information about the public outreach plan for the restricting process.

ADVANTAGES/DISADVANTAGES:

A significant advantage of adopting an ordinance is the substantial savings to the District in the cost of administering elections for seats on the Board of Directors. Another important outcome would be the implementation of an election system that addresses the concerns raised in the CVRA demand letter received by the District in March.

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 23-391e - Public Hearing #4

ATTACHMENTS:

1. Ordinance 20 (Evergreen) and related Exhibits
2. Ordinance 20 (Jade) and Related Exhibits
3. Demographics for Evergreen and Jade Plans
4. Sequencing Options for Evergreen and Jade Plans (Acceleration & Deferral)
5. October 30, 2023 Letter from CVRA Plaintiff's Counsel
6. Public Hearing Notice

Prepared by:

Linda Nemeroff, Board Administrative Office/District Secretary

Collaborators:

Michael Wagaman, Wagaman Strategies
Robin Johansen - Olson Remcho

Approved/Reviewed by:

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

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
ORDINANCE NO. 20 (EVERGREEN)**

**AN ORDINANCE TO ESTABLISH A SEVEN-WARD SYSTEM FOR ELECTING DIRECTORS TO THE
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT BOARD OF DIRECTORS**

WHEREAS, the Alameda-Contra Costa District (“District”) is duly organized as a special district and operates as a rapid transit district, politically created pursuant to Transit District Law (Division 10 of the Public Utilities Code of the State of California) by the electorate on November 6, 1956; and

WHEREAS, on March 27, 2023, the District received a letter from lawyers alleging that the District’s method of electing two of the seven members of the District’s Board of Directors in at-large elections instead of by-ward elections violates the California Voting Rights Act (“CVRA”), Elections Code section 14025 et seq.; and

WHEREAS, on July 26, 2023, the District’s Board of Directors adopted Resolution No. 23-033 pursuant to Elections Code sections 10650 and 10508, declaring its intent to transition from a hybrid at-large and by-ward election system to a solely by-ward election system commencing with the November 2024 General Election, using 2020 Census data, demographic study, and community feedback. This resolution established specific steps to undertake and facilitate this transition; and

WHEREAS, pursuant to Elections Code section 10010, and the timeframes set forth in the statute, the District took the following actions:

- (a) Conducted public outreach, including to non-English speaking communities, to explain the redistricting process and to encourage public participation;
- (b) Before drawing a draft map or maps of the proposed ward boundaries, held at least two (2) public hearings over a period of no more than 30 days, at which the public was invited to provide input regarding the composition of the wards and to consider ward boundaries as provided in Elections Code section 10010;
- (c) After drawing a draft map or maps, published the draft map(s) and the potential sequence of the ward elections and held at least two (2) public hearings at which the public was invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections. The first version of a draft map was published at least seven days before the third public hearing. Revised draft maps were published and made available to the public for at least seven days before the fourth public hearing at which they were considered ; and
- (d) Held a public hearing at which the Board of Directors considered Ordinances establishing by-ward elections, including proposed ward boundary maps and sequences of the ward elections; and

WHEREAS, the District conducted robust public outreach related to redistricting, including six multi-lingual workshops, including four virtual and two held in person; outreach to community-based organizations, elected officials and members of the public; display ads published in Spanish and Chinese newspapers; multi-lingual ad cards placed on buses advertising the public hearings and workshops; regular social media posts and press releases; and a dedicated redistricting webpage (actransit.org/redistricting); and

WHEREAS, multi-lingual workshops were held on September 7 and September 11 at which the public received information about the redistricting process, communities of interest, and the use of available tools to create and submit maps for consideration by the September 20, 2023 deadline. Additional workshops were held on September 30, October 12, and October 17, 2023 to review draft maps and provide input on the design of the wards and sequencing of elections; and

WHEREAS, the District tailored all communications regarding redistricting to its constituents in the three predominant languages spoken in the District's service area (English, Spanish, and Chinese), including all public hearing notices, staff reports, maps, presentations, and redistricting information. Spanish, Mandarin, and Cantonese interpreters were provided at every workshop and public hearing; and

WHEREAS, before any maps of the proposed boundaries of the wards were drawn, the Board of Directors (Board) held two (2) public hearings on September 6, 2023 and September 13, 2023, respectively, at which time input from the public on the composition of the District wards including criteria for determining ward boundaries was invited and heard; and

WHEREAS, at the public hearings on September 6, 2023 and September 13, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, and all pertinent information prior to acting on, or making recommendations on, the ward election process and composition of maps; and

WHEREAS, at the public hearing on September 13, 2023, the Board provided initial direction to the demographer to begin drawing draft maps for a seven-ward election system; and

WHEREAS, based on public input and Board feedback, the District's demographer prepared six redistricting plans for review: Green, Blue, Purple, Red, Orange, and Yellow. These plans were made publicly available on the District's website on September 25, 2023, and the public was invited to comment on the plans as well as on the plans submitted by the public by the September 20, 2023 deadline; and

WHEREAS, at the public hearing on October 4, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports

from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 4, 2023, the Board instructed its demographer to number the wards 1 through 7, north to south for all variations of the plans presented at the next meeting; address questions about sequencing at the next meeting in terms of which wards will come up for election in 2024 versus 2026; renumber the Green Plan as described above; prepare a variation of the Green Plan that includes Wards 1 through 5 and Wards 6 and 7 from the Red Plan; and prepare a variation of the Green Plan that splits the downtown area of Oakland into at least two and up to three wards and has flexibility as to potentially rotating through Emeryville/the Oakland Hills while maintaining the community of interest in East Oakland; and

WHEREAS, on October 16, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment an updated set of draft maps, respectively entitled, Pine, Apple, Emerald and Lemon; and

WHEREAS, at the public hearing on October 25, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 25, 2023, the Board of Directors directed the preparation of two ordinances for public comment and future consideration at the November 8, 2023 public hearing: one for the Pine Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election); and a second ordinance for the Revised Emerald Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election). In addition, the ordinances were to include language authorizing staff to make technical, non-substantive corrections and to correct a minor external boundary adjustment in Ward 4; and

WHEREAS, on October 27, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment updated draft maps, respectively entitled, Evergreen and Jade; and

WHEREAS, on November 8, 2023, the Board held its fifth and final public hearing, received public comment on two proposed ordinances (Ordinance 20 (Evergreen) and Ordinance 20 (Jade)), and introduced and waived reading of both ordinances; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of Directors of the Board of

Directors of the Alameda-Contra Costa Transit District by-ward in seven wards to be created hereby.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT:

Section 1. PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of members of the Board of Directors of the Alameda-Contra Costa Transit District by seven (7) single member wards. This Ordinance is adopted pursuant to the District's authority under California Elections Code Sections 10010, 10508, 10650 and Public Utilities Code Section 24823. The change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5, commencing with Section 14025 of Division 14 of the California Elections Code).

Section 2. EFFECT OF ORDINANCE.

This Ordinance shall take effect thirty (30) days following its passage and adoption, and the text of the Ordinance (excluding exhibits which shall be made available at www.actransit.org/redistricting) shall be published after passage once a week for two consecutive weeks in a newspaper of general circulation within the Alameda-Contra Costa Transit District, with at least five days intervening between the respective publication dates not counting such publication dates.

Section 3. BY-WARD ELECTORAL SYSTEM FOR SEVEN DIRECTORS.

- (a) Pursuant to California Elections Code Sections 10010, 10508, and 10650, Directors shall be elected by-ward in seven (7) wards.
- (b) Except as provided in subdivision (c) hereof, the Director elected to represent a ward must live in that ward and be a registered voter in that ward, and any candidate for Director must live in, and be a registered voter in, the ward in which he or she seeks election at the time nomination papers are issued.
- (c) A Director in office at the time this ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified. If vacancies in Director offices elected by-ward or at-large occur before the expiration of the full term thereof, such vacancies shall be filled according to law from the prior ward boundaries or District at-large, respectively.
- (d) Upon expiration of the full term of each Director elected at-large or by ward, that Director's successor shall be elected only on a by-ward basis in the wards established by this Ordinance. A vacancy in a Director office elected or appointed by-ward shall be filled according to law by a person qualified to hold the office, who lives, and is a registered voter, in the ward.

Section 4. WARDS.

Elections shall take place, and Directors shall be elected by wards, meaning one member of the ward shall be elected from each ward, by the voters of that ward alone. A copy of the adopted ward map and the metes and bounds for each of the seven wards are attached hereto as Exhibits A and B and are incorporated by reference.

Section 5. ELECTION SCHEDULE (OPTION 1)

- (a) Directors from Wards 1, 6 and 7 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
- (b) Directors from Wards 2, 3, 4 and 5 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 5. ELECTION SCHEDULE (OPTION 2)

- (a) Directors from Wards 1, 2 and 6 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
- (b) Directors from Wards 3, 4, 5 and 7 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Alameda-Contra Costa Transit District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. MINOR CORRECTIONS

In case of an apparent conflict between the ward map attached to this Ordinance as Exhibit A and the ward metes and bounds in Exhibit B of this Ordinance, the ward map shall govern. The District Secretary is authorized to make technical adjustments to the ward boundaries specified in this section if necessary to facilitate the implementation of this Ordinance, so long as such adjustments do not materially affect the ward populations, the eligibility of ward candidates, or the residency of elected officials within any ward.

Section 8. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption by four affirmative votes of the Board of Directors and shall be published once a week for two consecutive weeks following its passage in a newspaper of general circulation within the District.

Joel B. Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that this ordinance was introduced at a regular meeting of the Board of Directors on November 8, 2023 and adopted at a regular meeting of the Board of Directors held on December 13, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

Approved as to Form and Content:

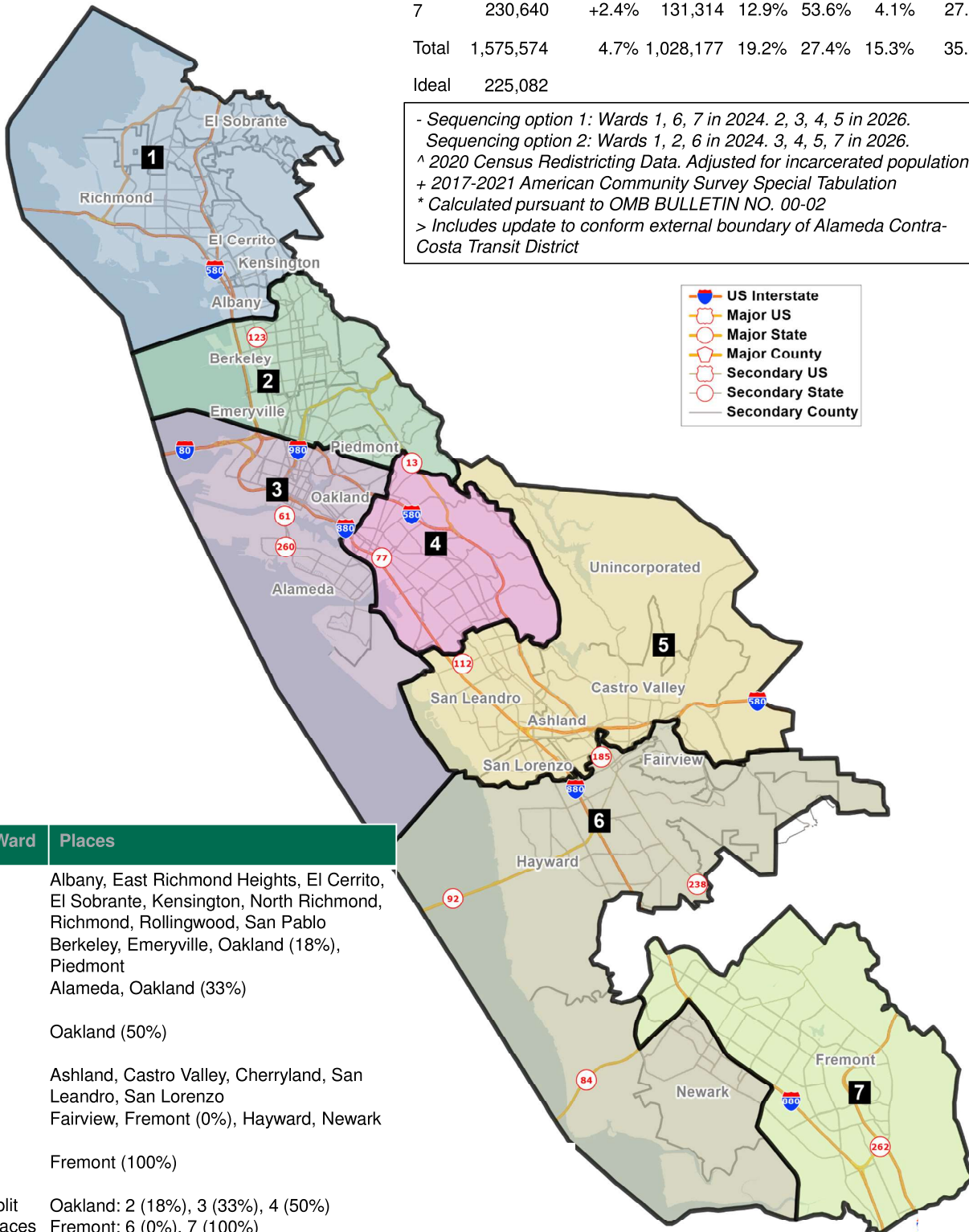
Jill A. Sprague, General Counsel/Chief Legal Officer



Prepared by
WAGAMAN
STRATEGIES

#	Population [^]		Citizen Voting Age Population [*]				
	Total	Deviation	Total	Latino [*]	Asian [*]	Black [*]	NH-White
1	226,500	+0.6%	138,082	26.5%	18.9%	19.1%	33.1%
2	225,960	+0.4%	171,515	9.1%	18.6%	11.0%	59.6%
3	222,790	-1.0%	158,802	11.1%	27.3%	17.0%	42.2%
4	220,110	-2.3%	133,202	25.4%	15.3%	35.1%	21.5%
5	227,395	+1.0%	152,944	23.2%	29.9%	11.1%	32.5%
6	222,179	-1.3%	142,318	29.0%	30.7%	11.5%	24.7%
7	230,640	+2.4%	131,314	12.9%	53.6%	4.1%	27.1%
Total	1,575,574	4.7%	1,028,177	19.2%	27.4%	15.3%	35.4%
Ideal	225,082						

- Sequencing option 1: Wards 1, 6, 7 in 2024. 2, 3, 4, 5 in 2026.
Sequencing option 2: Wards 1, 2, 6 in 2024. 3, 4, 5, 7 in 2026.
[^] 2020 Census Redistricting Data. Adjusted for incarcerated populations
+ 2017-2021 American Community Survey Special Tabulation
^{*} Calculated pursuant to OMB BULLETIN NO. 00-02
> Includes update to conform external boundary of Alameda Contra-Costa Transit District



* When place is split, percentages are shown for ward's share of place's total population.

EVERGREEN PLAN

The ward areas are as follows:

Ward 1: All the portion of Alameda-Contra Costa Transit District lying northerly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and the northerly boundary of the County of Alameda, and proceeding westerly along the boundary of the County of Alameda to the northeasterly boundary of the City of Albany, and proceeding southerly along the boundary of the City of Albany to intersection of the boundary of the City of Albany and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 2: All the portion of the Alameda-Contra Costa Transit District lying easterly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and the northerly boundary of the County of Alameda, and proceeding westerly along the boundary of the County of Alameda to the northeasterly boundary of the City of Albany, and proceeding southerly along the boundary of the City of Albany to the westerly boundary of the Alameda-Contra Costa Transit District, and proceeding southerly along the boundary of the of the Alameda-Contra Costa Transit District to the northerly boundary of the City of Oakland, and proceeding easterly along the boundary of the City of Oakland to San Pablo Avenue, and proceeding southeasterly along San Pablo Avenue to Interstate 580, and proceeding easterly along Interstate 580 to Broadway Avenue, and proceeding northeasterly along Broadway to MacArthur Boulevard, and proceeding southeasterly along MacArthur Boulevard to Fairmount Avenue, and proceeding northeasterly along Fairmount Avenue to El Dorado Avenue, and proceeding northeasterly along El Dorado Avenue to Bayo Vista Avenue, and proceeding northwesterly along Bayo Vista Avenue to Fairmount Avenue, and proceeding northeasterly along Fairmount Avenue to Monte Vista Avenue, and proceeding southeasterly along Monte Vista Avenue to Kingston Avenue, and proceeding northeasterly along Kingston Avenue to the boundary of the City of Piedmont, and proceeding southeasterly along the boundary of the City of Piedmont to the intersection of the northeasterly boundary of the City of Piedmont and Park Boulevard, and proceeding northeasterly along Park Boulevard to State Route 13, and proceeding southeasterly along State Route 13 to Joaquin Miller Road, and proceeding easterly along Joaquin Miller Road to the easterly boundary of the City of Oakland, and proceeding northerly along the boundary of the City of Oakland to the intersection of the boundary of the City of Oakland and the easterly boundary of the Alameda-Contra Costa Transit District.

Ward 3: All the portion of Alameda-Contra Costa Transit District lying westerly of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the northerly boundary of the City of Oakland, and proceeding easterly along the boundary of the City of Oakland to San Pablo Avenue, and proceeding southeasterly along San Pablo Avenue to Interstate 580, and proceeding easterly along Interstate 580 to Broadway Avenue, and proceeding northeasterly along Broadway to MacArthur Boulevard, and

proceeding southeasterly along MacArthur Boulevard to Fairmount Avenue, and proceeding northeasterly along Fairmount Avenue to El Dorado Avenue, and proceeding northeasterly along El Dorado Avenue to Bayo Vista Avenue, and proceeding northwesterly along Bayo Vista Avenue to Fairmount Avenue, and proceeding northeasterly along Fairmount Avenue to Monte Vista Avenue, and proceeding southeasterly along Monte Vista Avenue to Kingston Avenue, and proceeding northeasterly along Kingston Avenue to the boundary of the City of Piedmont, and proceeding southeasterly along the boundary of the City of Piedmont to Leimert Boulevard, and proceeding easterly along Leimert Boulevard to Sausal Creek, and proceeding southerly along Sausal Creek to Excelsior Avenue, and proceeding southeasterly along Excelsior Avenue to Fruitvale Avenue, and proceeding southwesterly along Fruitvale Avenue to Interstate 580 and proceeding westerly along Interstate 580 to Ardley Avenue, and proceeding southerly along Ardley Avenue to 23rd Avenue, and proceeding southerly along 23rd Avenue to East 12th Street, and proceeding northwesterly along East 12th Street to 19th Avenue, and proceeding southeasterly along 19th Avenue to Embarcadero, and proceeding southerly along Embarcadero to Dennison Street, and proceeding westerly along Dennison Street to Coast Guard Island Bridge, and proceeding westerly along Coast Guard Island Bridge to the boundary of the City of Alameda, and proceeding southerly along the boundary of the City of Alameda to State Route 61, and proceeding easterly along State Route 61 to the boundary of the City of San Leandro, and proceeding southerly along the boundary of the City of San Leandro to the boundary of the City of Hayward, and proceeding southwesterly along the boundary of the City of Hayward to the intersection of the boundary of the City of Hayward and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 4: All the portion of the Alameda-Contra Costa Transit District lying within the following line: Beginning at the intersection of Joaquin Miller Road and State Route 13, and proceeding northwesterly along State Route 13 to Park Boulevard, and proceeding southwesterly along Park Boulevard to the boundary of the City of Piedmont, and proceeding southwesterly along the boundary of the City of Piedmont to Leimert Boulevard, and proceeding easterly along Leimert Boulevard to Sausal Creek, and proceeding southerly along Sausal Creek to Excelsior Avenue, and proceeding southeasterly along Excelsior Avenue to Fruitvale Avenue, and proceeding southwesterly along Fruitvale Avenue to Interstate 580, and proceeding westerly along Interstate 580 to Ardley Avenue, and proceeding southerly along Ardley Avenue to 23rd Avenue, and proceeding southerly along 23rd Avenue to East 12th Street, and proceeding northwesterly along East 12th Street to 19th Avenue, and proceeding southeasterly along 19th Avenue to Embarcadero, and proceeding southerly along Embarcadero to Dennison Street, and proceeding westerly along Dennison Street to Coast Guard Island Bridge, and proceeding westerly along Coast Guard Island Bridge to the boundary of the City of Alameda, and proceeding southerly along the boundary of the City of Alameda to State Route 61, and proceeding easterly along State Route 61 to the boundary of the City of Oakland, and proceeding easterly along the boundary of the City of Oakland to Joaquin Miller Road, and proceeding northwesterly along Joaquin Miller Road to the intersection of Joaquin Miller Road and State Route 13.

Ward 5: All the portion of Alameda-Contra Costa Transit District lying easterly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and the boundary of the City of Oakland nearest Skyline Boulevard, and proceeding southeasterly along the boundary of the City of Oakland to the boundary of the boundary of the City of San Leandro, and proceeding westerly along the boundary of the City of San Leandro to the boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the southwesterly boundary of the Census Designated Place of Castro Valley, and proceeding easterly along the boundary of the Census Designated Place of Castro Valley to the northeasterly boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the intersection of the boundary of the City of Hayward and the easterly boundary of the Alameda-Contra Costa Transit District.

Ward 6: All the portion of Alameda-Contra Costa Transit District lying westerly of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the northwesterly boundary of the City of Hayward, and proceeding northeasterly along the boundary of the City of Hayward to the southwesterly boundary of the Census Designated Place of Castro Valley, and proceeding easterly along the boundary of the Census Designated Place to the northeasterly boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the easterly boundary of the Alameda-Contra Costa Transit District, and proceeding southeasterly along the boundary of the Alameda-Contra Costa Transit District to Ardenwood Boulevard, and proceeding southerly along Ardenwood Boulevard to Paseo Padre Parkway, and proceeding southerly along Paseo Padre Parkway to the boundary of the City of Newark, and proceeding northeasterly along the boundary of the City of Newark to rail line nearest southern boundary of the City of Newark, and proceeding southerly along rail line to the intersection of rail line and the southerly boundary of the Alameda-Contra Costa Transit District.

Ward 7: All the portion of Alameda-Contra Costa Transit District lying easterly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and Ardenwood Boulevard, and proceeding southerly along Ardenwood Boulevard to Paseo Padre Parkway, and proceeding southerly along Paseo Padre Parkway to the boundary of the City of Newark, and proceeding northeasterly along the boundary of the City of Newark to rail line nearest southern boundary of the City of Newark, and proceeding southerly along rail line to the intersection of rail line and the southerly boundary of the Alameda-Contra Costa Transit District.

**ALAMEDA-CONTRA COSTA TRANSIT DISTRICT
ORDINANCE NO. 20 (JADE)**

**AN ORDINANCE TO ESTABLISH A SEVEN-WARD SYSTEM FOR ELECTING DIRECTORS TO THE
ALAMEDA-CONTRA COSTA TRANSIT DISTRICT BOARD OF DIRECTORS**

WHEREAS, the Alameda-Contra Costa District (“District”) is duly organized as a special district and operates as a rapid transit district, politically created pursuant to Transit District Law (Division 10 of the Public Utilities Code of the State of California) by the electorate on November 6, 1956; and

WHEREAS, on March 27, 2023, the District received a letter from lawyers alleging that the District’s method of electing two of the seven members of the District’s Board of Directors in at-large elections instead of by-ward elections violates the California Voting Rights Act (“CVRA”), Elections Code section 14025 et seq.; and

WHEREAS, on July 26, 2023, the District’s Board of Directors adopted Resolution No. 23-033 pursuant to Elections Code sections 10650 and 10508, declaring its intent to transition from a hybrid at-large and by-ward election system to a solely by-ward election system commencing with the November 2024 General Election, using 2020 Census data, demographic study, and community feedback. This resolution established specific steps to undertake and facilitate this transition; and

WHEREAS, pursuant to Elections Code section 10010, and the timeframes set forth in the statute, the District took the following actions:

- (a) Conducted public outreach, including to non-English speaking communities, to explain the redistricting process and to encourage public participation;
- (b) Before drawing a draft map or maps of the proposed ward boundaries, held at least two (2) public hearings over a period of no more than 30 days, at which the public was invited to provide input regarding the composition of the wards and to consider ward boundaries as provided in Elections Code section 10010;
- (c) After drawing a draft map or maps, published the draft map(s) and the potential sequence of the ward elections and held at least two (2) public hearings at which the public was invited to provide input regarding the content of the draft map(s) and the proposed sequence of elections. The first version of a draft map was published at least seven days before the third public hearing. Revised draft maps were published and made available to the public for at least seven days before the fourth public hearing at which they were considered ; and
- (d) Held a public hearing at which the Board of Directors considered Ordinances establishing by-ward elections, including proposed ward boundary maps and sequences of the ward elections; and

WHEREAS, the District conducted robust public outreach related to redistricting, including six multi-lingual workshops, including four virtual and two held in person; outreach to community-based organizations, elected officials and members of the public; display ads published in Spanish and Chinese newspapers; multi-lingual ad cards placed on buses advertising the public hearings and workshops; regular social media posts and press releases; and a dedicated redistricting webpage (actransit.org/redistricting); and

WHEREAS, multi-lingual workshops were held on September 7 and September 11 at which the public received information about the redistricting process, communities of interest, and the use of available tools to create and submit maps for consideration by the September 20, 2023 deadline. Additional workshops were held on September 30, October 12, and October 17, 2023 to review draft maps and provide input on the design of the wards and sequencing of elections; and

WHEREAS, the District tailored all communications regarding redistricting to its constituents in the three predominant languages spoken in the District's service area (English, Spanish, and Chinese), including all public hearing notices, staff reports, maps, presentations, and redistricting information. Spanish, Mandarin, and Cantonese interpreters were provided at every workshop and public hearing; and

WHEREAS, before any maps of the proposed boundaries of the wards were drawn, the Board of Directors (Board) held two (2) public hearings on September 6, 2023 and September 13, 2023, respectively, at which time input from the public on the composition of the District wards including criteria for determining ward boundaries was invited and heard; and

WHEREAS, at the public hearings on September 6, 2023 and September 13, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, and all pertinent information prior to acting on, or making recommendations on, the ward election process and composition of maps; and

WHEREAS, at the public hearing on September 13, 2023, the Board provided initial direction to the demographer to begin drawing draft maps for a seven-ward election system; and

WHEREAS, based on public input and Board feedback, the District's demographer prepared six redistricting plans for review: Green, Blue, Purple, Red, Orange, and Yellow. These plans were made publicly available on the District's website on September 25, 2023, and the public was invited to comment on the plans as well as on the plans submitted by the public by the September 20, 2023 deadline; and

WHEREAS, at the public hearing on October 4, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports

from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 4, 2023, the Board instructed its demographer to number the wards 1 through 7, north to south for all variations of the plans presented at the next meeting; address questions about sequencing at the next meeting in terms of which wards will come up for election in 2024 versus 2026; renumber the Green Plan as described above; prepare a variation of the Green Plan that includes Wards 1 through 5 and Wards 6 and 7 from the Red Plan; and prepare a variation of the Green Plan that splits the downtown area of Oakland into at least two and up to three wards and has flexibility as to potentially rotating through Emeryville/the Oakland Hills while maintaining the community of interest in East Oakland; and

WHEREAS, on October 16, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment an updated set of draft maps, respectively entitled, Pine, Apple, Emerald and Lemon; and

WHEREAS, at the public hearing on October 25, 2023, the Board considered all oral and written information, testimony, and comments received during the public review process, including information received at the public hearings and workshops, oral and written reports from District staff and the District's demographer, maps, and all pertinent information prior to acting on, or making recommendations on, the content of the draft maps and the proposed timing and sequence of elections; and

WHEREAS, at the public hearing on October 25, 2023, the Board of Directors directed the preparation of two ordinances for public comment and future consideration at the November 8, 2023 public hearing: one for the Pine Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election); and a second ordinance for the Revised Emerald Plan with two election sequencing options (one prioritizing Wards 1, 6 and 7 for the 2024 election, and another option prioritizing Wards 1, 2 and 6 for the 2024 election). In addition, the ordinances were to include language authorizing staff to make technical, non-substantive corrections and to correct a minor external boundary adjustment in Ward 4; and

WHEREAS, on October 27, 2023, consistent with the provisions of California Elections Code Section 10010, the District made publicly available on its website for review and comment updated draft maps, respectively entitled, Evergreen and Jade; and

WHEREAS, on November 8, 2023, the Board held its fifth and final public hearing, received public comment on two proposed ordinances (Ordinance 20 (Evergreen) and Ordinance 20 (Jade)), and introduced and waived reading of both ordinances; and

WHEREAS, the purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of Directors of the Board of

Directors of the Alameda-Contra Costa Transit District by-ward in seven wards to be created hereby.

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT:

Section 1. PURPOSE AND AUTHORITY.

The purpose of this Ordinance is to enact, pursuant to California Elections Code Section 10010, an ordinance providing for the election of members of the Board of Directors of the Alameda-Contra Costa Transit District by seven (7) single member wards. This Ordinance is adopted pursuant to the District's authority under California Elections Code Sections 10010, 10508, 10650 and Public Utilities Code Section 24823. The change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5, commencing with Section 14025 of Division 14 of the California Elections Code).

Section 2. EFFECT OF ORDINANCE.

This Ordinance shall take effect thirty (30) days following its passage and adoption, and the text of the Ordinance (excluding exhibits which shall be made available at www.actransit.org/redistricting) shall be published after passage once a week for two consecutive weeks in a newspaper of general circulation within the Alameda-Contra Costa Transit District, with at least five days intervening between the respective publication dates not counting such publication dates.

Section 3. BY-WARD ELECTORAL SYSTEM FOR SEVEN DIRECTORS.

- (a) Pursuant to California Elections Code Sections 10010, 10508, and 10650, Directors shall be elected by-ward in seven (7) wards.
- (b) Except as provided in subdivision (c) hereof, the Director elected to represent a ward must live in that ward and be a registered voter in that ward, and any candidate for Director must live in, and be a registered voter in, the ward in which he or she seeks election at the time nomination papers are issued.
- (c) A Director in office at the time this ordinance takes effect shall continue in office until the expiration of the full term to which he or she was elected or appointed and until his or her successor is qualified. If vacancies in Director offices elected by-ward or at-large occur before the expiration of the full term thereof, such vacancies shall be filled according to law from the prior ward boundaries or District at-large, respectively.
- (d) Upon expiration of the full term of each Director elected at-large or by ward, that Director's successor shall be elected only on a by-ward basis in the wards established by this Ordinance. A vacancy in a Director office elected or appointed by-ward shall be filled according to law by a person qualified to hold the office, who lives, and is a registered voter, in the ward.

Section 4. WARDS.

Elections shall take place, and Directors shall be elected by wards, meaning one member of the ward shall be elected from each ward, by the voters of that ward alone. A copy of the adopted ward map and the metes and bounds for each of the seven wards are attached hereto as Exhibits A and B and are incorporated by reference.

Section 5. ELECTION SCHEDULE (OPTION 1)

- (a) Directors from Wards 1, 6 and 7 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
- (b) Directors from Wards 2, 3, 4 and 5 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 5. ELECTION SCHEDULE (OPTION 2)

- (a) Directors from Wards 1, 2 and 6 as so constituted shall be elected by ward beginning with the Statewide General Election in November 2024, and every four years thereafter.
- (b) Directors from Wards 3, 4, 5 and 7 as so constituted shall be elected by ward beginning at the Statewide General Election in November 2026, and every four years thereafter.

Section 6. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors of the Alameda-Contra Costa Transit District hereby declares that it would have passed this Ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 7. MINOR CORRECTIONS

In case of an apparent conflict between the ward map attached to this Ordinance as Exhibit A and the ward metes and bounds in Exhibit B of this Ordinance, the ward map shall govern. The District Secretary is authorized to make technical adjustments to the ward boundaries specified in this section if necessary to facilitate the implementation of this Ordinance, so long as such adjustments do not materially affect the ward populations, the eligibility of ward candidates, or the residency of elected officials within any ward.

Section 8. EFFECTIVE DATE

This ordinance shall become effective thirty (30) days after its adoption by four affirmative votes of the Board of Directors and shall be published once a week for two consecutive weeks following its passage in a newspaper of general circulation within the District.

Joel B. Young
President

Attest:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

I, Linda A. Nemeroff, District Secretary for the Alameda-Contra Costa Transit District, do hereby certify that this ordinance was introduced at a regular meeting of the Board of Directors on November 8, 2023 and adopted at a regular meeting of the Board of Directors held on December 13, 2023, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Linda A. Nemeroff
Board Administrative Officer/District Secretary

Approved as to Form and Content:

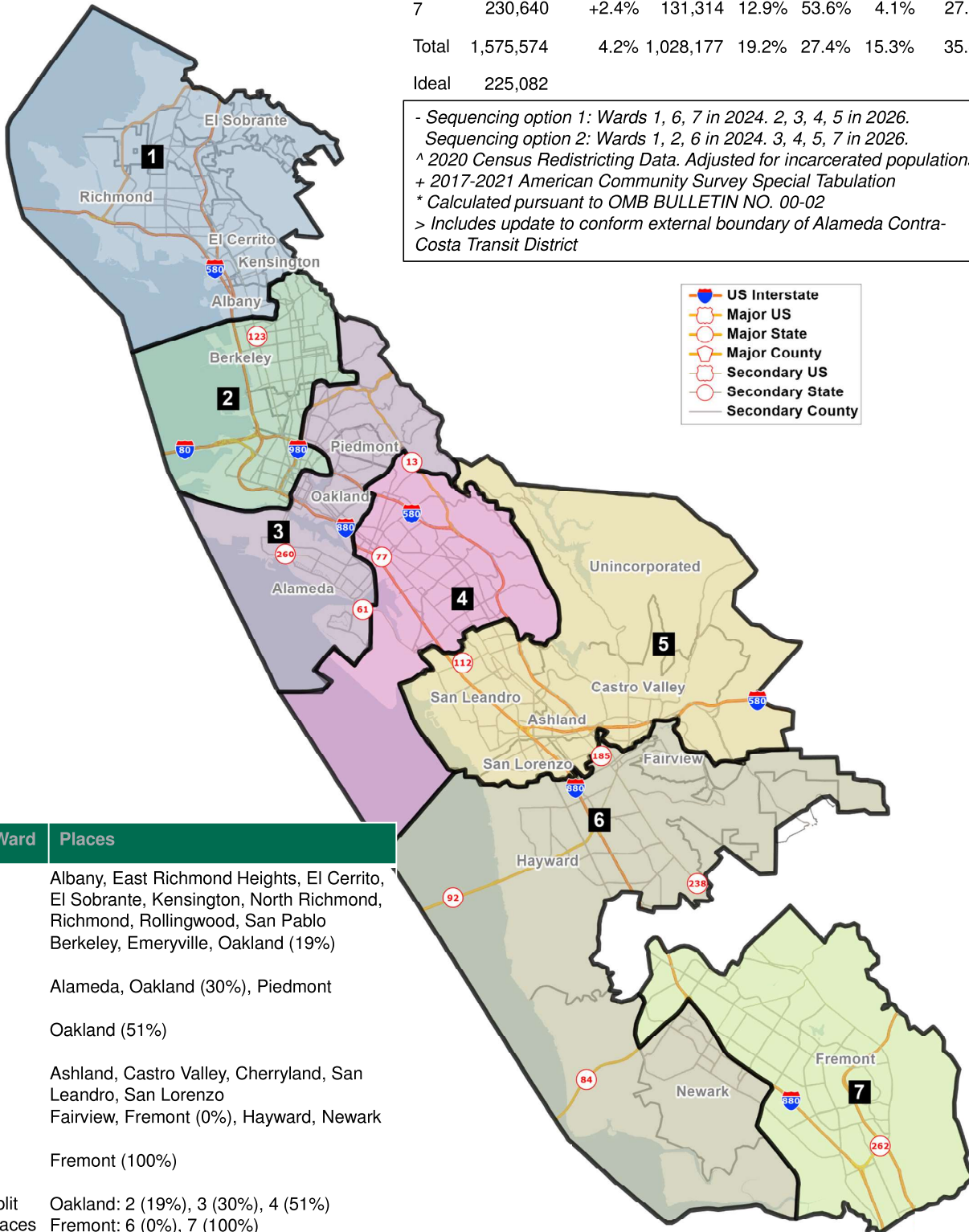
Jill A. Sprague, General Counsel/Chief Legal Officer



Prepared by
WAGAMAN
STRATEGIES

#	Population [^]		Citizen Voting Age Population [*]				
	Total	Deviation	Total	Latino [*]	Asian [*]	Black [*]	NH-White
1	226,500	+0.6%	138,082	26.5%	18.9%	19.1%	33.1%
2	221,065	-1.8%	162,753	11.1%	18.7%	17.8%	50.4%
3	223,683	-0.6%	164,132	9.0%	26.9%	10.0%	51.9%
4	224,112	-0.4%	136,634	25.1%	15.3%	34.5%	22.5%
5	227,395	+1.0%	152,944	23.2%	29.9%	11.1%	32.5%
6	222,179	-1.3%	142,318	29.0%	30.7%	11.5%	24.7%
7	230,640	+2.4%	131,314	12.9%	53.6%	4.1%	27.1%
Total	1,575,574	4.2%	1,028,177	19.2%	27.4%	15.3%	35.4%
Ideal	225,082						

- Sequencing option 1: Wards 1, 6, 7 in 2024. 2, 3, 4, 5 in 2026.
Sequencing option 2: Wards 1, 2, 6 in 2024. 3, 4, 5, 7 in 2026.
[^] 2020 Census Redistricting Data. Adjusted for incarcerated populations
+ 2017-2021 American Community Survey Special Tabulation
^{*} Calculated pursuant to OMB BULLETIN NO. 00-02
> Includes update to conform external boundary of Alameda Contra-Costa Transit District



* When place is split, percentages are shown for ward's share of place's total population.

JADE PLAN

The ward areas are as follows:

Ward 1: All the portion of Alameda-Contra Costa Transit District lying northerly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and the northerly boundary of the County of Alameda, and proceeding westerly along the boundary of the County of Alameda to the northeasterly boundary of the City of Albany, and proceeding southerly along the boundary of the City of Albany to intersection of the boundary of the City of Albany and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 2: All the portion of the Alameda-Contra Costa Transit District lying westerly of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the northwesterly boundary of the City of Berkeley, and proceeding northeasterly along the boundary of the City of Berkeley to Telegraph Avenue, and proceeding southerly along Telegraph Avenue to Highway 24, and proceeding southwest along Highway 24 to Interstate 580, and proceeding easterly along Interstate 580 to Grand Avenue, and proceeding westerly along Grand Avenue to Broadway, and proceeding southwest along Broadway to Interstate 880, and proceeding southeasterly along Interstate 880 to the Webster Street Tube, and proceeding southwest along the Webster Street Tube to the boundary of the City of Alameda, and proceeding westerly along the boundary of the City of Alameda to the intersection of the boundary of the City of Alameda and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 3: All the portion of the Alameda-Contra Costa Transit District lying southwest of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the southwest boundary of the City of Alameda, and proceeding easterly along the boundary of the City of Alameda to Park Street, and proceeding northeasterly along Park Street to 23rd Avenue, and proceeding northwest along 23rd Avenue to East 12th Street, and proceeding southeasterly along East 12th Street to 23rd Avenue, and proceeding northerly along 23rd Avenue to Ardley Avenue, and proceeding northerly along Ardley Avenue to Highway 580, and proceeding westerly along Highway 580 to 13th Avenue, and proceeding northeasterly along 13th Avenue to Park Boulevard, and proceeding northeasterly along Park Boulevard to the southerly boundary of the City of Piedmont, and proceeding northeasterly along the boundary of the City of Piedmont to the intersection of the northeasterly boundary of the City of Piedmont and Park Boulevard, and proceeding northeasterly along Park Boulevard to State Route 13, and proceeding southeasterly along State Route 13 to Joaquin Miller Road, and proceeding easterly along Joaquin Miller Road to the easterly boundary of the City of Oakland, and proceeding northerly along the boundary of the City of Oakland to the easterly boundary of the Alameda-Contra Costa Transit District, and proceeding northerly along the boundary of the Alameda-Contra Costa Water District to the boundary of the City of Berkeley, and proceeding southerly along

the boundary of the City of Berkeley to Telegraph Avenue, and proceeding southerly along Telegraph Avenue to Highway 24, and proceeding southwesterly along Highway 24 to Interstate 580, and proceeding easterly along Interstate 580 to Grand Avenue, and proceeding westerly along Grand Avenue to Broadway, and proceeding southwesterly along Broadway to Interstate 880, and proceeding southeasterly along Interstate 880 to the Webster Street Tube, and proceeding southwesterly along the Webster Street Tube to the boundary of the City of Alameda, and proceeding westerly along the boundary of the City of Alameda to the intersection of the City of Alameda and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 4: All the portion of the Alameda-Contra Costa Transit District lying southwesterly of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the southwesterly boundary of the City of Alameda, and proceeding easterly along the boundary of the City of Alameda to Park Street, and proceeding northeasterly along Park Street to 23rd Avenue, and proceeding northwesterly along 23rd Avenue to East 12th Street, and proceeding southeasterly along East 12th Street to 23rd Avenue, and proceeding northerly along 23rd Avenue to Ardley Avenue, and proceeding northerly along Ardley Avenue to Highway 580, and proceeding westerly along Highway 580 to 13th Avenue, and proceeding northeasterly along 13th Avenue to Park Boulevard, and proceeding northeasterly along Park Boulevard to the southerly boundary of the City of Piedmont, and proceeding northeasterly along the boundary of the City of Piedmont to the intersection of the northeasterly boundary of the City of Piedmont and Park Boulevard, and proceeding northeasterly along Park Boulevard to State Route 13, and proceeding southeasterly along State Route 13 to Joaquin Miller Road, and proceeding easterly along Joaquin Miller Road to the easterly boundary of the City of Oakland, and proceeding southerly along the boundary of the City of Oakland to the intersection of the boundary of the City of Oakland and the westerly boundary of the Alameda-Contra Costa Transit District.

Ward 5: All the portion of Alameda-Contra Costa Transit District lying easterly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and the boundary of the City of Oakland nearest Skyline Boulevard, and proceeding southeasterly along the boundary of the City of Oakland to the boundary of the boundary of the City of San Leandro, and proceeding westerly along the boundary of the City of San Leandro to the boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the southwesterly boundary of the Census Designated Place of Castro Valley, and proceeding easterly along the boundary of the Census Designated Place of Castro Valley to the northeasterly boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the intersection of the boundary of the City of Hayward and the easterly boundary of the Alameda-Contra Costa Transit District.

Ward 6: All the portion of Alameda-Contra Costa Transit District lying westerly of the following line: Beginning at the intersection of the westerly boundary of the Alameda-Contra Costa Transit District and the northwesterly boundary of the City of Hayward, and proceeding northeasterly along the boundary of the City of Hayward to the southwesterly boundary of the

Census Designated Place of Castro Valley, and proceeding easterly along the boundary of the Census Designated Place to the northeasterly boundary of the City of Hayward, and proceeding easterly along the boundary of the City of Hayward to the easterly boundary of the Alameda-Contra Costa Transit District, and proceeding southeasterly along the boundary of the Alameda-Contra Costa Transit District to Ardenwood Boulevard, and proceeding southerly along Ardenwood Boulevard to Paseo Padre Parkway, and proceeding southerly along Paseo Padre Parkway to the boundary of the City of Newark, and proceeding northeasterly along the boundary of the City of Newark to rail line nearest southern boundary of the City of Newark, and proceeding southerly along rail line to the intersection of rail line and the southerly boundary of the Alameda-Contra Costa Transit District.

Ward 7: All the portion of Alameda-Contra Costa Transit District lying easterly of the following line: Beginning at the intersection of the easterly boundary of the Alameda-Contra Costa Transit District and Ardenwood Boulevard, and proceeding southerly along Ardenwood Boulevard to Paseo Padre Parkway, and proceeding southerly along Paseo Padre Parkway to the boundary of the City of Newark, and proceeding northeasterly along the boundary of the City of Newark to rail line nearest southern boundary of the City of Newark, and proceeding southerly along rail line to the intersection of rail line and the southerly boundary of the Alameda-Contra Costa Transit District.

Alameda-Contra Costa Transit District Final Proposed Plans: November 8, 2023

Plan		Population^							Voting Age Population^					Citizen Voting Age Population+				
Name	#	Total	Deviation	% Dev	Latino	Asian	Black	NH White	Total	Latino	Asian	Black	NH White	Total	Latino	Asian*	Black*	NH White
Evergreen	1	226,500	1,418	0.6%	38.7%	19.4%	14.4%	23.2%	177,394	35.1%	20.2%	14.9%	25.7%	138,082	26.5%	18.9%	19.1%	33.1%
Evergreen	2	225,960	878	0.4%	12.2%	21.5%	10.5%	51.6%	193,900	11.5%	21.6%	10.3%	52.8%	171,515	9.1%	18.6%	11.0%	59.6%
Evergreen	3	222,790	-2,292	-1.0%	15.0%	29.7%	16.1%	34.7%	187,072	13.9%	29.6%	16.0%	36.5%	158,802	11.1%	27.3%	17.0%	42.2%
Evergreen	4	220,110	-4,972	-2.3%	43.0%	12.6%	25.6%	14.8%	168,252	39.2%	13.5%	27.0%	16.6%	133,202	25.4%	15.3%	35.1%	21.5%
Evergreen	5	227,395	2,313	1.0%	31.3%	31.8%	9.6%	23.5%	179,944	28.4%	32.3%	9.5%	26.1%	152,944	23.2%	29.9%	11.1%	32.5%
Evergreen	6	222,179	-2,903	-1.3%	38.1%	32.8%	8.3%	15.2%	175,648	34.7%	34.0%	8.5%	17.3%	142,318	29.0%	30.7%	11.5%	24.7%
Evergreen	7	230,640	5,558	2.4%	12.6%	65.6%	2.5%	16.6%	176,630	12.2%	63.6%	2.6%	19.0%	131,314	12.9%	53.6%	4.1%	27.1%
Jade	1	226,500	1,418	0.6%	38.7%	19.4%	14.4%	23.2%	177,394	35.1%	20.2%	14.9%	25.7%	138,082	26.5%	18.9%	19.1%	33.1%
Jade	2	221,065	-4,017	-1.8%	14.5%	21.3%	16.7%	43.1%	193,277	13.8%	21.9%	16.0%	44.2%	162,753	11.1%	18.7%	17.8%	50.4%
Jade	3	223,683	-1,399	-0.6%	12.7%	29.9%	10.0%	43.2%	184,459	11.6%	29.3%	10.0%	45.3%	164,132	9.0%	26.9%	10.0%	51.9%
Jade	4	224,112	-970	-0.4%	42.5%	12.8%	25.4%	15.4%	171,488	38.6%	13.7%	26.7%	17.3%	136,634	25.1%	15.3%	34.5%	22.5%
Jade	5	227,395	2,313	1.0%	31.3%	31.8%	9.6%	23.5%	179,944	28.4%	32.3%	9.5%	26.1%	152,944	23.2%	29.9%	11.1%	32.5%
Jade	6	222,179	-2,903	-1.3%	38.1%	32.8%	8.3%	15.2%	175,648	34.7%	34.0%	8.5%	17.3%	142,318	29.0%	30.7%	11.5%	24.7%
Jade	7	230,640	5,558	2.4%	12.6%	65.6%	2.5%	16.6%	176,630	12.2%	63.6%	2.6%	19.0%	131,314	12.9%	53.6%	4.1%	27.1%

- Sequencing option 1: Wards 1, 6, 7 in 2024. 2, 3, 4, 5 in 2026. Sequencing option 2: Wards 1, 2, 6 in 2024. 3, 4, 5, 7 in 2026.

^ 2020 Census Redistricting Data. Adjusted for incarcerated populations

+ Adjusted 2017-2021 American Community Survey Special Tabulation

* Calculated pursuant to OMB BULLETIN NO. 00-02

> Includes update to conform external boundary of Alameda Contra-Costa Transit District

Alameda-Contra Costa Transit District

Final Proposed Plans: November 8, 2023

Plan		Population^	Current Lines		Option 1: 1, 6, 7 in 2024		Option 2: 1, 2, 6 in 2024	
Name	#	Total	2024	2026	Deferred	Accelerated	Deferred	Accelerated
Evergreen	1	226,500	226,500	0	0	0	0	0
Evergreen	2	225,960	225,960	0	225,960	0	0	0
Evergreen	3	222,790	144,439	78,351	144,439	0	144,439	0
Evergreen	4	220,110	32,638	187,472	32,638	0	32,638	0
Evergreen	5	227,395	0	227,395	0	0	0	0
Evergreen	6	222,179	0	222,179	0	222,179	0	222,179
Evergreen	7	230,640	0	230,640	0	230,640	0	0
Total		1,575,574	629,537	946,037	403,037	452,819	177,077	222,179

Plan		Population^	Current Lines		Option 1: 1, 6, 7 in 2024		Option 2: 1, 2, 6 in 2024	
Name	#	Total	2024	2026	Deferred	Accelerated	Deferred	Accelerated
Jade	1	226,500	226,500	0	0	0	0	0
Jade	2	221,065	221,065	0	221,065	0	0	0
Jade	3	223,683	145,332	78,351	145,332	0	145,332	0
Jade	4	224,112	36,640	187,472	36,640	0	36,640	0
Jade	5	227,395	0	227,395	0	0	0	0
Jade	6	222,179	0	222,179	0	222,179	0	222,179
Jade	7	230,640	0	230,640	0	230,640	0	0
Total		1,575,574	629,537	946,037	403,037	452,819	181,972	222,179

- Sequencing option 1: Wards 1, 6, 7 in 2024. 2, 3, 4, 5 in 2026. Sequencing option 2: Wards 1, 2, 6 in 2024. 3, 4, 5, 7 in 2026.

^ 2020 Census Redistricting Data. Adjusted for incarcerated populations

> Includes update to conform external boundary of Alameda Contra-Costa Transit District

Shareholders
Linda M. Dardarian
Laura L. Ho
James Kan
Andrew P. Lee



SR 23-391f
Att.5.

Of Counsel
Barry Goldstein
David Borgen
Morris J. Baller

October 30, 2023

Jill Sprague
1600 Franklin Street
Oakland, CA 94612

Via E-Mail Only
jsprague@actransit.org

Re: CVRA – Ward Election Sequencing Proposals

Dear Counsel:

We are glad to hear that the AC Transit transition to a fully ward-based system pursuant to Resolution No. 23-033 ahead of the November 2024 general election has been proceeding smoothly and with active community engagement. We understand that the Board will be selecting a final map at its upcoming November 8, 2023 meeting and will also be deciding the issue of election sequencing.

We understand there are two potential sequencing proposals, and that in one plan, proposed Ward 2 would be up for election in 2024 and in the other proposed Ward 7 would be up in 2024. Under the Ward 2 plan there would be no vacant seat, but under the Ward 7 plan, the seat for the Ward 2 Director would potentially be vacant between the 2024 and 2026 elections.

The Board should proceed with the sequencing plan that results in a balanced, fully staffed Board. The sequencing plan that causes a vacancy leaves voters and residents in proposed Ward 2, where AC Transit ridership is high, without direct representation by an elected Director on the Board. A vacancy is not in the best interests of the voters and residents of AC Transit's jurisdiction, and it does not further the goals of the California Voting Rights Act ("CVRA"). We understand that it was suggested at a meeting that remedial districts must be sequenced first to meet the goals of the CVRA, *see* Elec. Code § 10010(b), favoring an election for proposed Ward 7 in 2024. While we appreciate the Board's concern for moving up an election in the proposed Ward with the highest proportion of Asian American voters, it is not our position that the Board's proposal to elect a Director from Ward 7 first at the expense of an elected representative for Ward 2 between 2024 and 2026 furthers the goals of the CVRA.

Please feel free to reach out if you have questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Ginger L. Grimes".

Ginger L. Grimes



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 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 boundaries, sequencing of elections and such other matters as may be related 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., 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 6:00，2023 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/j/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。