

Meeting Date: July 13, 2011

Committees:

Operations Committee
External Affairs Committee
Board of Directors

Planning Committee
Finance and Audit Committee
Financing Corporation

SUBJECT: Redistricting of AC Transit Ward Boundaries as a Result of the 2010 Census.

RECOMMENDED ACTION: Briefing Item Recommended Motion

Receive report regarding the redistricting process, determine whether to establish a limited-purpose committee to assist staff in developing redistricting proposals, and provide direction to staff with regard to any other elements of the process.

Budgetary/Fiscal Impact:

The District Secretary and Interim General Counsel in coordination with Geographic Information Systems (GIS) staff in the Long Range Planning Department intend to carry out the process of redistricting in-house at a significant savings to the District. Thus far, approximately \$7,000 has been expended to purchase the necessary redistricting software and provide training on the software to the GIS staff. In addition, public outreach will be carried out using existing resources such as the District's website, email, E-news and news media in addition to public outreach events in each ward using facilities provided at no or low cost. It is further anticipated that a moderate print campaign would place information about the redistricting process and outreach events on buses.

Background/Discussion:

Redistricting is the process of drawing new ward boundaries in order to equalize populations following the completion of the decennial federal census. The process is governed by federal and state laws as well as Resolution No. 780, adopted by the Board on November 20, 1991 which sets forth the procedures for fixing the boundaries of the five wards.

Resolution No. 780 (Attachment A) provides for an adjustment in Ward boundaries to ensure that the five Wards "shall be as nearly equal in population as practicable" and sets forth a list of factors the Board is to consider when drawing Ward boundaries:

- Communities of interest of the population within the ward;
- Cohesiveness, contiguity, integrity and compactness of the territory;
- Topography; and
- Geography.

Resolution No. 780 also requires that, in establishing the boundaries of the Wards that, "the Board recognize the importance of providing members of racial and ethnic minority groups the same opportunity to participate in the political process and to elect representatives of their choice as other members of the electorate."

While Resolution No. 780 and state law require the District to amend the five ward boundaries by May 1, 2012, the Elections Officials in Alameda and Contra Costa Counties

have advised that the deadline to submit new boundaries is April 1, 2012. A draft timeline to complete the various activities associated with this process is provided in Attachment B and is subject to change depending on whether the Board wishes to establish a limited-purpose committee to assist in the process. It is anticipated that the Board could adopt a Redistricting Plan in November, well in advance of the April 1st deadline.

In 1992 and 2002, the District hired consultants to coordinate all aspects associated with the process including the development of redistricting plans, public outreach, and GIS/mapping services. Due to advances in technology and a desire to bring this process in-house, staff anticipates completing the task significantly under budget and with the added benefit analyzing data and generating all maps internally. In addition, it is anticipated that the services of a redistricting consultant may be needed to provide technical advise and oversight as needed. This individual would be sought without the necessity of Board approval in accordance with Board Policy 350 – Procurement Policy. The role of the consultant would be limited in order to minimize costs.

Traditional Redistricting Principles

The redistricting principles listed below are common to state and local redistricting processes. Given that these criteria are generally reflected in Resolution No. 780, staff does not see a need to amend the resolution.

Equal or "Ideal" Population: Each ward shall be as equal as practicable.

Compliance with the Federal Voting Rights Act: Section 2 of the Act is a nationwide prohibition against voting practices and procedures, including redistricting plans that discriminate on the basis of race, color or membership in a language minority group. It prohibits not only election-related practices and procedures that are intended to be racially discriminatory, but also those that are shown to have a racially discriminatory impact.

Community of Interest: Populations or communities that share the same social and economic characteristics. Some examples of relevant social and economic characteristics are income levels, educational backgrounds, housing patterns and living conditions (urban, suburban, rural), cultural and language characteristics, employment and economic patterns, health and environmental conditions as well as policy issues raised with local representatives (concerns about crime, education, etc.)

Compactness and Contiguity: Both refer to the geographic appearance of the Ward. Contiguity occurs when all the lines that create a ward are connected in a single, unbroken shape. Compactness refers to the shape of the ward and how tightly it is drawn. Wards should be as compact as possible.

Consideration Items/Next Steps:

In order to move forward with the redistricting process, staff is seeking direction from the Board on the following:

- 1) Determine whether the existing redistricting criteria established in Resolution No. 780 warrants amendment.
- 2) Determine whether to establish a limited purpose redistricting committee* which would be responsible for the following:
 - a. Unless determined by the Board, determine whether the existing redistricting criteria established in Resolution No. 780 requires amendment.
 - b. Assist in identifying communities of interest and in the development of three (3) Draft Redistricting Proposals.
 - c. Work with staff to evaluate input provided at community meetings (as well as written and online comments) on the proposed plans and/or alternative redistricting plans submitted by the public.
 - d. Report back to the Board with a recommendation on at least one (1) Redistricting Plan that would be subject to a second round of public comment via a public hearing.

** The committee would sunset upon adoption of a redistricting plan by the Board of Directors. It is suggested that this committee convene meetings that are open to the public and subject to the Brown Act in order to maximize public input.*
- 3) Determine whether staff should move forward with the process without the assistance of a committee and instead meet with Directors individually to help identify communities of interest respective to each Ward as well as boundary changes.

Prior Relevant Board Actions/Policies:

Resolution No. 780 Adopted on November 20, 1991 Establishing Redistricting Criteria
Resolution No. 2046 Adopted March 28, 2002, Fixing and Establishing the Boundaries of the District for the Purpose of Electing Directors.

Attachments:

Attachment A: Resolution 780 Establishing Redistricting Criteria
Attachment B: Draft Redistricting Timeline

Approved by: Carol Babington, Interim General Counsel
Prepared by: Linda A. Nemeroff, District Secretary
Date Prepared: June 20, 2011

RESOLUTION NO. 780

ESTABLISHING PROCEDURES FOR FIXING THE BOUNDARIES OF THE
WARDS OF THE ALAMEDA-CONTRA COSTA TRANSIT DISTRICT

WHEREAS, Section 24823 of the Public Utilities Code, Transit District Law covering the Alameda-Contra Costa Transit District, provides that the Board of Directors shall fix the boundaries of the Wards of the District for the purpose of electing Directors therefrom; and

WHEREAS, the laws of the United States and the State of California, and court decisions relating thereto, establish legal requirements governing redistricting; and

WHEREAS, the Board of Directors of Alameda-Contra Costa Transit District ("Board") wishes to adopt procedures governing periodic redistricting,

NOW, THEREFORE, BE IT RESOLVED that:

1. Following each decennial federal census, and using the census as a basis, the Board shall adjust the boundaries of any or all of the Wards of the Alameda-Contra Costa Transit District so that the Wards shall be as nearly equal in population as practicable.

2. In establishing the boundaries of the Wards, the Board recognizes the importance of providing members of racial and ethnic minority groups the same opportunity to participate in the political process and to elect representatives of their choice as other members of the electorate.

3. The Board shall give consideration to the following factors:

- (a) community of interest of the population within the Ward,
- (b) cohesiveness, contiguity, integrity and compactness of territory,
- (c) topography, and
- (d) geography.

4. The boundaries of the Wards shall be adjusted by the Board before the first day of May in the first even-numbered year following the year in which the federal census is taken.

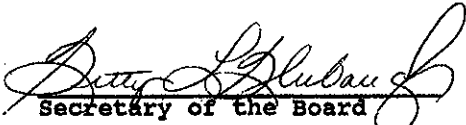
5. (a) If, at any time between each decennial federal census, territory is annexed to or deannexed from the District, the Board shall re-examine and, if necessary, readjust the boundaries of the Wards within 180 days after completion of the annexation proceeding.

(b) If upon re-examination the Board finds that the population of any Ward has varied so that the Ward no longer meets the criteria specified in Paragraphs 2 and 3 of this Resolution, the Board shall adjust the boundaries of any or all of the Wards of the District so that the Wards shall be as nearly equal in population as practicable.

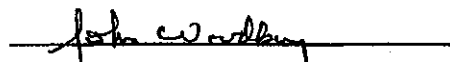
6. The term of office of any Board member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the Ward from which he/she was elected. At elections following adjustment of the boundaries of the Wards, a Board member shall be elected for each adjusted Ward that has the same Ward number as a Ward whose incumbent's term is due to expire.

I hereby certify that the foregoing resolution was duly and regularly adopted by the Board of Directors of Alameda-Contra Costa Transit District at a ^{regular} special meeting of the Board on the 20th day of November 1991, by the following vote:

- Ayes: DIRECTORS: BISCHOFBERGER, PRIAS, NAKADEGAWA, WINTER, WOODBURY
- Nayes: DIRECTORS: NONE
- Absent: DIRECTORS: NONE
- Abstain: DIRECTORS: CREASON, GANONG


 Secretary of the Board

PASSED AND ADOPTED THIS 20th day of November, 1991.



John Woodbury, President

Approved as to Form:



Carol Babington, Interim General Counsel

AC Transit Redistricting Work Plan [DRAFT]

June		Status
Friday, June 10, 2011	Review Governing Documents – Research applicable laws.	Complete
Friday, June 10, 2011	Obtain/download 2010 Decennial Census Data.	Complete
Friday, June 10, 2011	Obtain GIS shapefiles from Elections Offices in Alameda and Contra Costa Counties.	Complete
Thursday, June 30, 2011	Purchase GIS Redistricting software.	Complete
July		Status
Wednesday, July 13, 2011	Report to the Board on the process and timeline for redistricting.	Complete
Friday, July 15, 2011	Legal/District Secretary to finalize a scope of work for consultant who will serve in an advisory capacity to the process.	
Friday, July 22, 2011	Meet with individual Directors to gather information on the characteristics of each ward, discuss existing ward boundaries and help identify Communities of Interest.	
Friday, July 29, 2011	Complete replication of existing boundaries; verify outer boundaries are correct.	
Friday, July 29, 2011	Identify and reserve facilities for public outreach meetings.	
Friday, July 29, 2011	Identify and reserve a location for the Board's October 26th meeting in South Alameda County (Fremont/Newark).	
Friday, July 29, 2011	Develop public outreach materials and website.	
August		Status
Friday, August 05, 2011	Develop at least three Draft Redistricting Plans including maps, description of changes, and demographic information.	
Friday, August 12, 2011	Finalize public outreach materials.	
Wednesday, August 17, 2011	Review Draft Redistricting Plans at Board of Directors meeting.	
Friday, August 19, 2011	Distribute outreach materials; place Redistricting Plans and updated information on the AC Transit website.	
September		Status
September 6, 2011 through September 13, 2011	Hold public outreach meetings. Provide an overview of the proposed plans and receive comments from the public about the plans. Ask for community's help in identifying communities of interest in the area.	
Thursday, September 15, 2011	Update Redistricting Plans based on community input.	
Wednesday, September 21, 2011	Board of Directors to set 2 public hearings regarding proposed redistricting plans.	
October		Status
Wednesday, October 26, 2011	Hold Public Hearing in Special District 2 in conjunction with annual meeting.	
November		Status
Wednesday, November 16, 2011	Hold Public Hearing in Oakland in conjunction with regular Board meeting. Board requested to adopt the final redistricting plan by resolution.	
December		Status
Monday, December 05, 2011	Submit required information to the elections officials in both counties including metes and bounds description and a GIS shapefile.	