



CITY COUNCIL STAFF REPORT

DATE: February 24, 2022 PUBLIC HEARING

SUBJECT: REDISTRICTING 2021: PUBLIC HEARING REGARDING REDISTRICTING OF CITY COUNCIL BOUNDARIES AND INTRODUCTION OF ORDINANCE ADJUSTING ELECTION DISTRICT BOUNDARIES AS REQUIRED BY ELECTIONS CODE SECTION 21601 ET SEQ

FROM: Justin Clifton, City Manager

BY: Anthony J. Mejia, City Clerk

SUMMARY:

Every 10 years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have a nearly equal population. The redistricting process for the City of Palm Springs must be completed by April 17, 2022.

You may view the draft maps using our online mapping tool:

- For maps labeled A-E
https://www.google.com/maps/d/u/0/viewer?mid=1ZbYIzU2eLu6cQjPz_GnXCyD5DJfn_Gg8&ll=33.81136476826782%2C-116.55600453882683&z=12
- For maps labeled F-L
<https://www.google.com/maps/d/u/0/viewer?mid=1diV-026fsSoyvYwmambeZLO-5JLNcqy1&ll=33.805997128326176%2C-116.46737325577526&z=11>

Staff recommends that the City Council focus its attention on Map Options K and L. At the last hearing, the Council expressed a preference for Map Option J, however, some issues remained that the Council wanted addressed, as discussed further in this report. Map Options K and L are the newest maps drafted by the consultant based upon the Council's and staff input to address these issues and are within the acceptable 10% population deviation permitted by law.

RECOMMENDATION:

1. Receive a report from Staff and the City's redistricting consultant on the continued redistricting process and review draft maps.
2. Conduct a public hearing to receive public input on district boundaries.

3. Select a preferred map for approval and introduce an Ordinance entitled: “AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.02.005(B) REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP.”

BACKGROUND:

Every 10 years, cities with by-district election systems must use new census data to review and, if needed, redraw district lines to reflect how local populations have changed. This process, called redistricting, ensures all districts have a nearly equal population. The redistricting process for the City of Palm Springs must be completed by April 17, 2022. The first of four scheduled public hearings was held on November 4, 2021 and provided an overview of the redistricting process. The second of the required hearings was held on December 9, 2021 and provided an initial review of the three proposed map options prepared by the City’s redistricting consultant. The third of the required hearings was held on February 10, 2022 and provided a review of six proposed map options prepared by the City’s redistricting consultant (Map Options A-E, J) and four maps options prepared by the public (Map Options F-I).

ANALYSIS:

The City adopted its current district boundaries in 2018, based on 2010 census data as required by law. The districts must now be redrawn using the 2020 census data and in compliance with the FAIR MAPS Act, which was adopted by the California legislature as AB 849 and took effect January 1, 2020. One of the key requirements under the Fair Maps Act, and the federal Voting Rights Act, is that districts be population balanced. In addition, maps may not intentionally seek to dilute or minimize the minority vote and if there is an ability to create majority/minority voting districts, the agency must strive to do so. Currently, the City’s districts vary widely in population, a result of the post-recession building boom occurring since the 2010 census, the numbers from which were used to draw the City’s original district boundaries. At present, the population deviation between the least populated district to the most populated district, as compared to the ideal population (1/5 of the total City population) is 12.135%. One of the goals of redistricting is to reduce the total deviation to as close to zero as possible, however, the courts have ruled that a deviation of 10% or less is generally acceptable.

The purpose of this public hearing is to share proposed map options and receive feedback and direction on the maps presented. The maps are noted whether they were prepared by the consultant or submitted by the public. If the Council is prepared to approve one of the draft maps at this hearing, it is recommended that the Council introduce the attached ordinance with the preferred map as directed. This item has been left open in the draft ordinance at this time and will be filled in with the appropriate text once the Council makes its choice of the approved map.

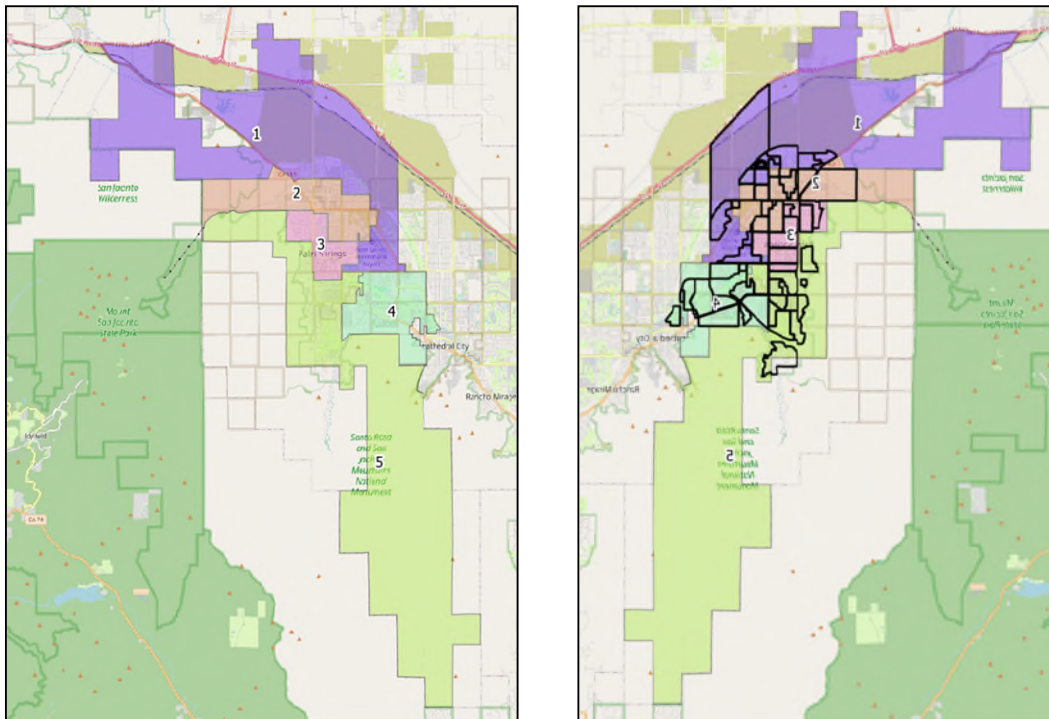
Previously Reviewed Maps

At the second public hearing, the Council considered three maps prepared by the City's redistricting consultant.

Map Option A

Map A begins with a simple population rebalance, to reduce the total deviation to an acceptable level. Closely resembling the current Council district boundary map, Map A primarily reduces population in District 3 and adds it to District 4. The map reflects an acceptable total deviation of 5.39%. The map also creates more compact Districts 3 and 4. Due to the dispersed nature of the minority population throughout the community, the map does not create a majority/minority voting district. Complete demographic analysis of the census data for Map Option A is attached to this report.

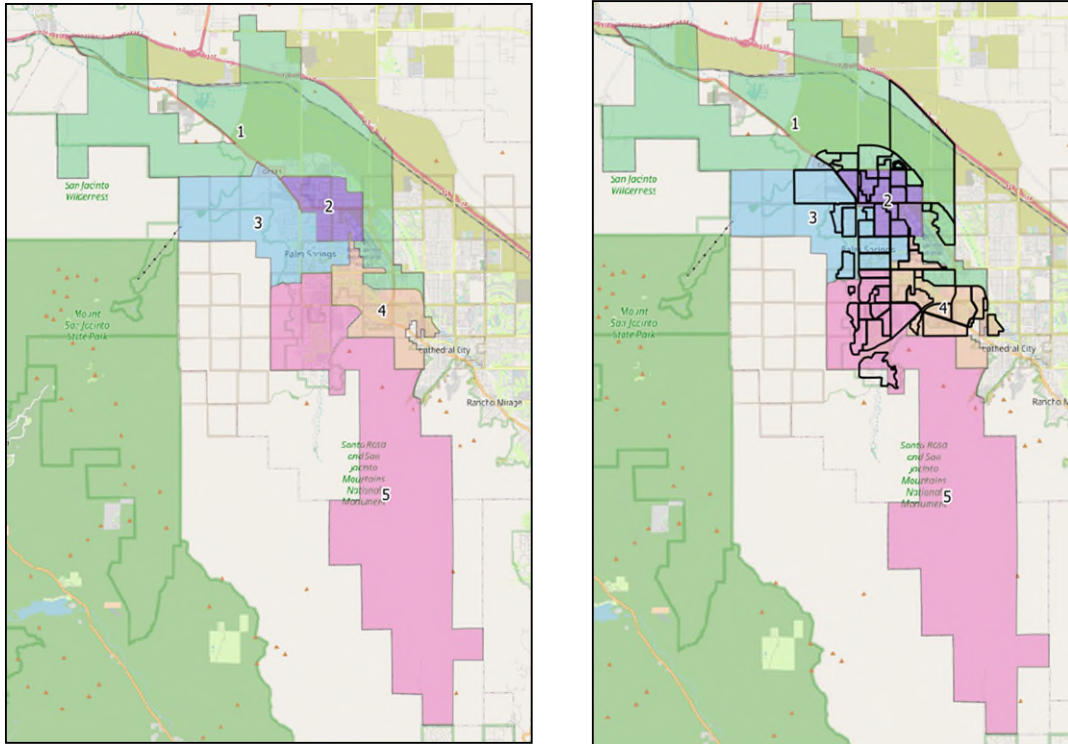
The map is depicted here, both with and without the community neighborhood overlay.



Map Option B

Map B also focused on population rebalance, however, it more dramatically changes the district configurations. Whereas Districts 1 and 5 remain fairly consistent with their current boundaries, Districts 2, 3, and 4 change significantly in the core of the City. This map creates more compactness for the central districts as compared to the City's existing boundary map. The map achieves a total deviation of 2.32%. As with Map Option A, this map does not create a majority/minority voting district. Complete demographic analysis of the census data for Map Option B is attached to this report.

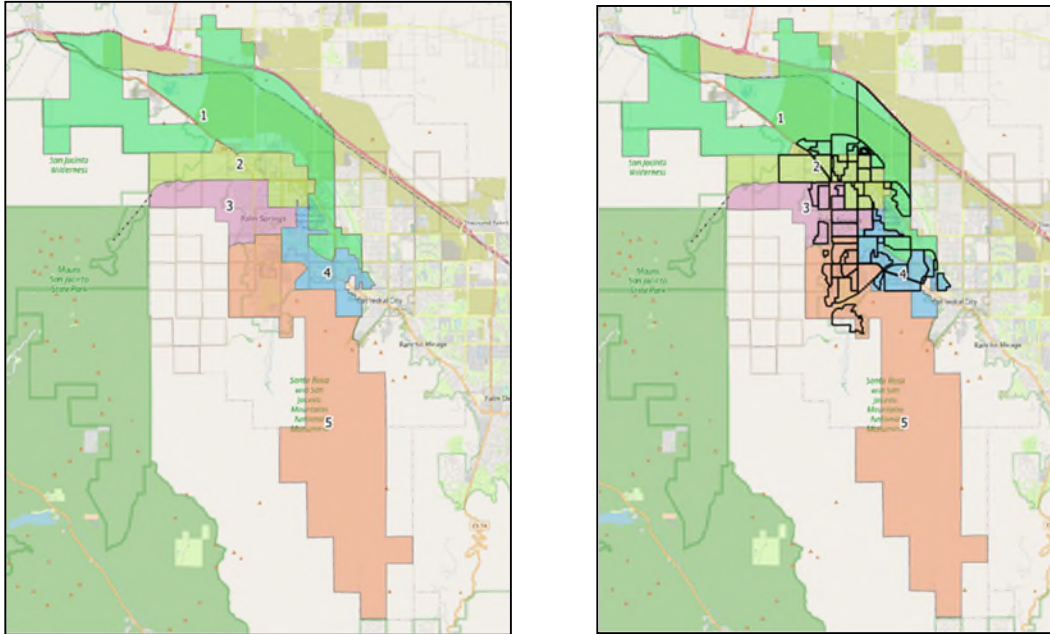
Map Option B is depicted here, both with and without the community neighborhood overlay.



Map Option C

Map Option C balances the population, maintains District 1 as a majority/minority voting district, and attempts to address concerns regarding communities of interest and existing neighborhoods, specifically as it relates to minority populations. Option C exhibits a deviation of 7.90%.

Map Option C is presented here, both with and without the community neighborhood overlay.



After the second public hearing, the City's consultant prepared additional map options D and E incorporating the City Council's and the public's input at the hearing. For the third public hearing, the consultant prepared an additional maps (Map Option J). In addition to the consultant's maps, four maps were submitted by members of the public (Map Options F-I). At the third public hearing, the Council expressed a preference for Map Option J, however, some issues remained that the Council wanted addressed, as discussed further in this report. Map Options K and L are the newest maps drafted by the consultant based upon the Council's and staff input to address these issues and are within the acceptable 10% population deviation permitted by law.

The maps are summarized below, with a complete demographic analysis attached to this report. In addition, an online tool has been developed that allows zoom and search capabilities. All maps may be reviewed online.

For maps labeled A-E, the tool may be found here:

- https://www.google.com/maps/d/u/0/viewer?mid=1ZbYIzU2eLu6cQjPz_GnXCyD5DJfn_Gg8&ll=33.81136476826782%2C-116.55600453882683&z=12

For maps labeled F-L, the tool may be found here:

- <https://www.google.com/maps/d/u/0/viewer?mid=1diV-026fsSoyvYwmambezLO-5JLNcqy1&ll=33.805997128326176%2C-116.46737325577526&z=11>

Map Options D and E

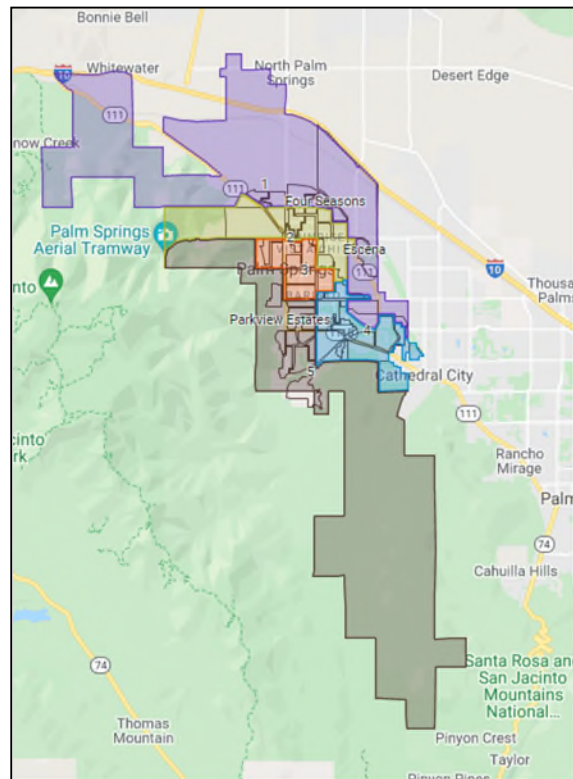
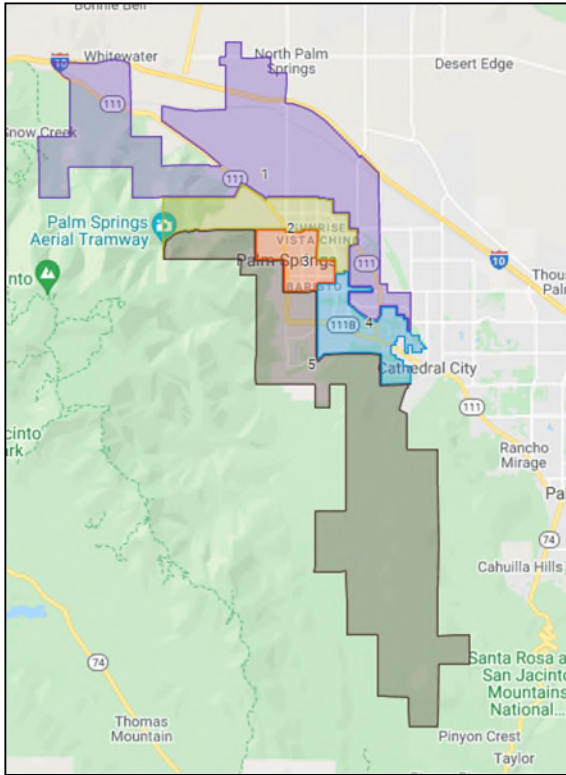
Map Options D and E were prepared by the consultant subsequent to the second public hearing, following Council input. The maps are two varied attempts at addressing the following:

- Maintaining the Gene Autry neighborhood in a single district.
- Araby Commons and Smoketree neighborhoods moving from District 4 to District 5, with the request the Araby Commons neighborhood remain in District 4.
- Is it possible to keep Movie Colony East with the original Movie Colony neighborhood?
- Minimize the number of voters moving from District 1 to District 4, District 3 to District 4, and District 5 to District 3 so as not to interrupt their current voting cycle.
- Overall desire to keep existing neighborhoods together.

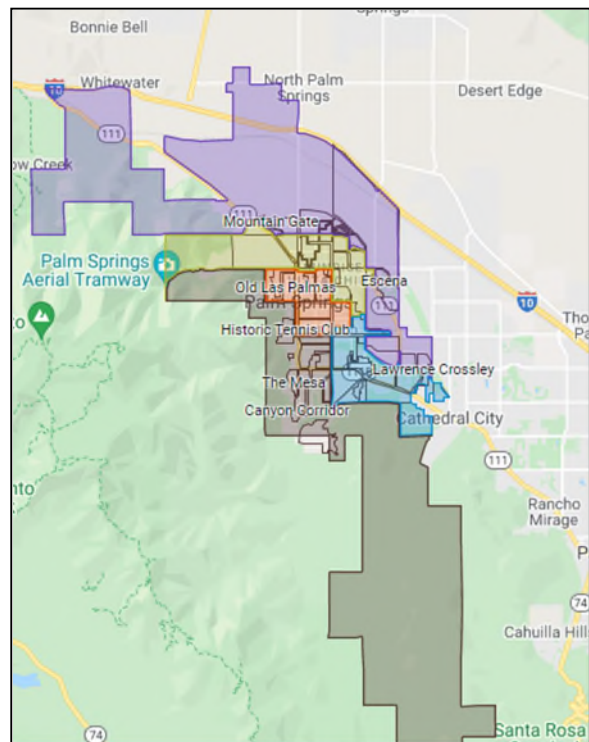
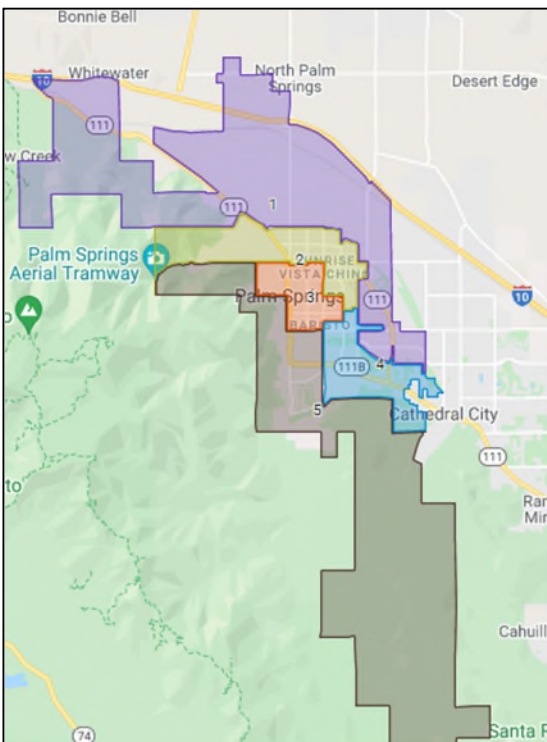
The two map options attempt to address these issues in different ways. There are slight differences between the two that are best viewed using the Google tools mentioned above. Both maps are population balanced, with Option D exhibiting a deviation of 5.75% and Option E exhibiting a deviation of 3.81%. Both maintain District 1 as a majority/minority voting district.

The maps are depicted below, both with and without the community neighborhood overlay.

Map Option D



Map Option E



Publicly Submitted Maps

Map Option F

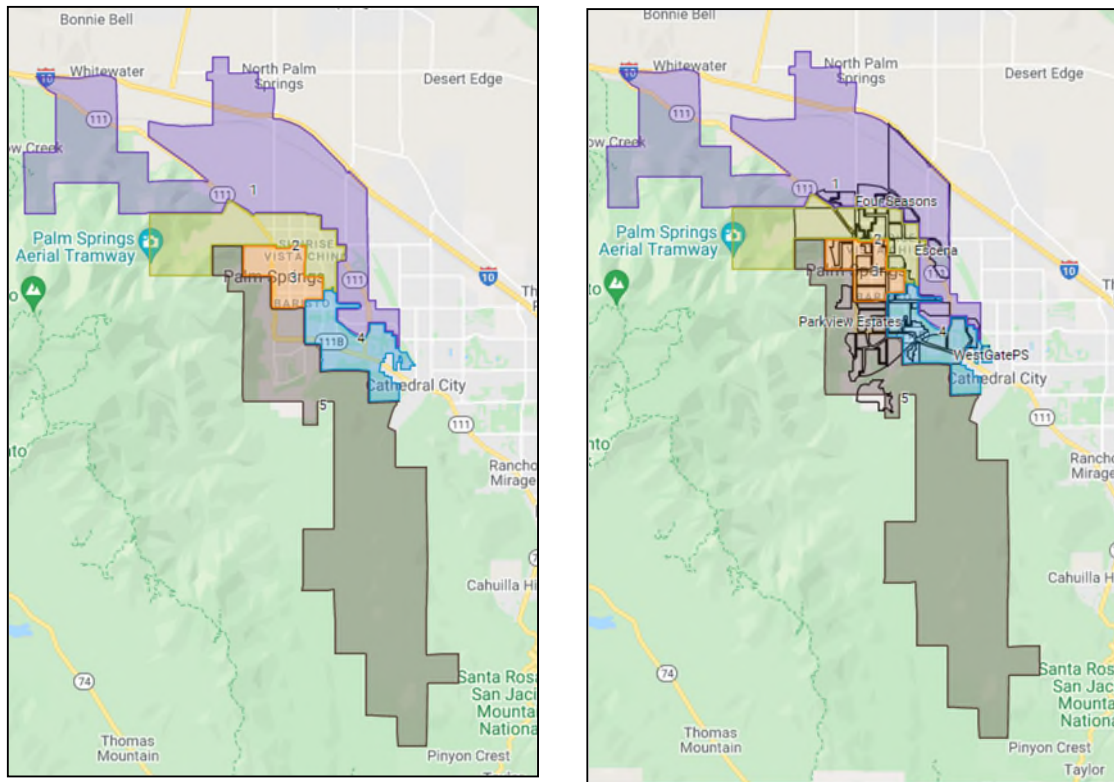
Map Option F was submitted by a member of the public, who provided the following insights into the methodology used in creating the maps.

- Smoke Tree Ranch is moved from District 4 to District 5, which reduces the deviation between these two districts. The author lives nearby in Indian Canyons, and the large houses (and likely high-income level) bring them into the same community of interest as District 5 neighborhoods, such as my neighborhood, Andreas Hills, the Mesa, and Historic Tennis Club. Responding to the comment of Councilmember Holstege at the December 9 public hearing, the Smoke Tree shopping district, Araby Commons and Araby Cove are kept in District 4. Araby Commons and Cove are clearly a single community of interest.
- The Sunmor neighborhood is moved from District 3 to District 2, instead of District 4, as proposed in Map Option C. The census block configuration leads to a few houses on the east side of Airline Drive as it curves north from Andreas Road being in District 4 with the apartment buildings on Tahquitz west of City Hall in the Gateway neighborhood, so a manual adjustment needs to be made to bring them into District 2 with the rest of the Sunmor neighborhood.
- With the above changes, all neighborhoods remain on their current election cycles, instead of moving Historic Tennis Club up by two years and Sunmor back by two years.
- Another manual adjustment that needs to be made, as is currently the case, is to move the area around the DAP Health campus at Sunrise and Vista Chino in the Rogers Ranch neighborhood from District 3 to District 2.
- The census block configuration has the mountain area to the west of Vista Las Palmas north of Alejo Road in District 5 instead of District 3 and for the districts to be contiguous the areas west of that block moved from District 3 to District 2, but I did not intend to make a change from the current map.
- Resembles Map Option C in moving City Hall and the civic complex area together with the Sunmor neighborhood into District 2 instead of District 1, as is currently the case. The district boundaries are more even, but since no one lives there, this is a policy decision for Council.
- The apartment complexes south of Vista Chino and north of Chuckwalla Road are moved from District 3 to District 2. Dieter Crawford made this change in his published map, and I agree entirely with him. The residents of the El Mirador neighborhood made it abundantly clear with their gates that they do not think they are in the same community of interest as the apartment residents.

- Movie Colony and Movie Colony East are kept together in District 3, as per the comment of Councilmember Kors at the public hearing. These neighborhoods also share a community of interest.

The total deviation for Map Option F is 4.95%. There is a slight difference in the population totals between the online mapping tool and official census records, however it is not significant enough to affect the overall deviation of drawn maps. Should the Council show a preference for Map Option F, the City's redistricting consultant will complete the full analysis of the demographics and confirm the deviation.

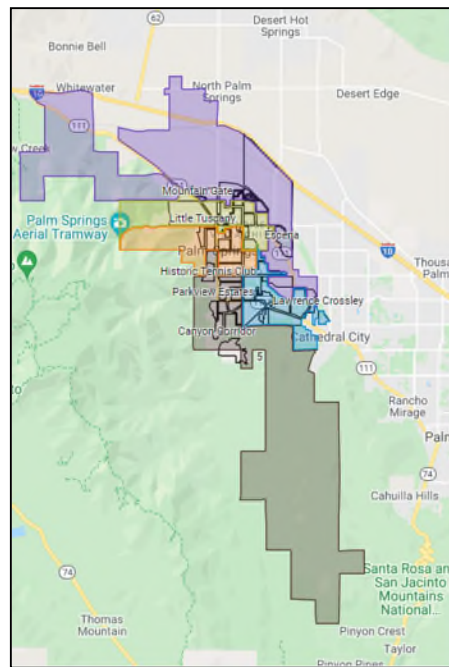
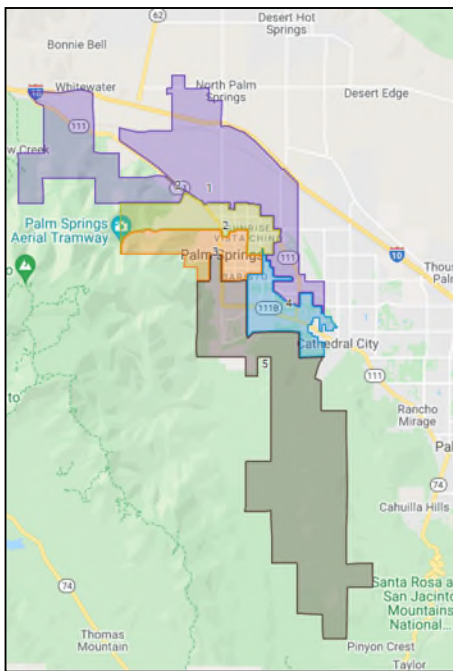
Map Option F is depicted below, both with and without the community neighborhood overlay.



Map Option G

Map Option G was submitted by a member of the public. The author did not provide any note as to the methodology, however preliminary analysis indicates the map exhibits a deviation of 7.41%. It does not create or maintain a majority/minority voting district. Should the City Council wish additional demographic analysis of this map, that information can be provided at the next public hearing.

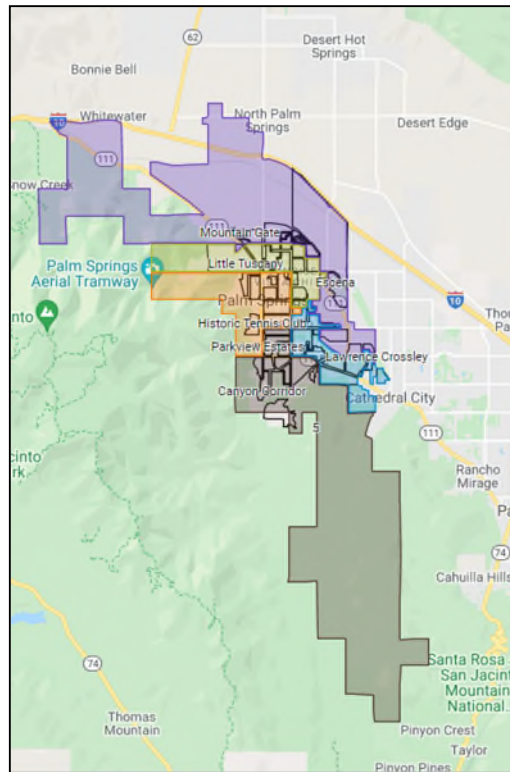
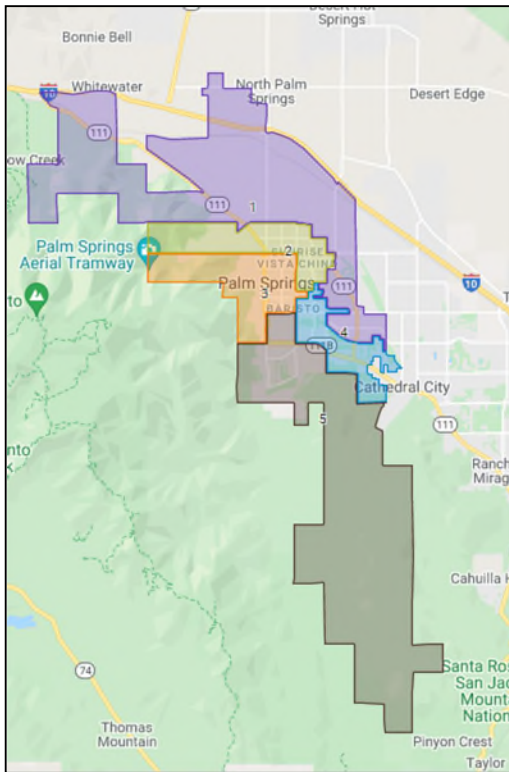
Map Option G is depicted below, both with and without the community neighborhood overlay.



Map Option H

Map Option H was submitted by a member of the public. The author did not provide any note as to the methodology, however preliminary analysis indicates the map exhibits a deviation of 9.84%. It does not create or maintain a majority/minority voting district. Should the Council wish additional demographic analysis of this map, that information can be provided at the next public hearing.

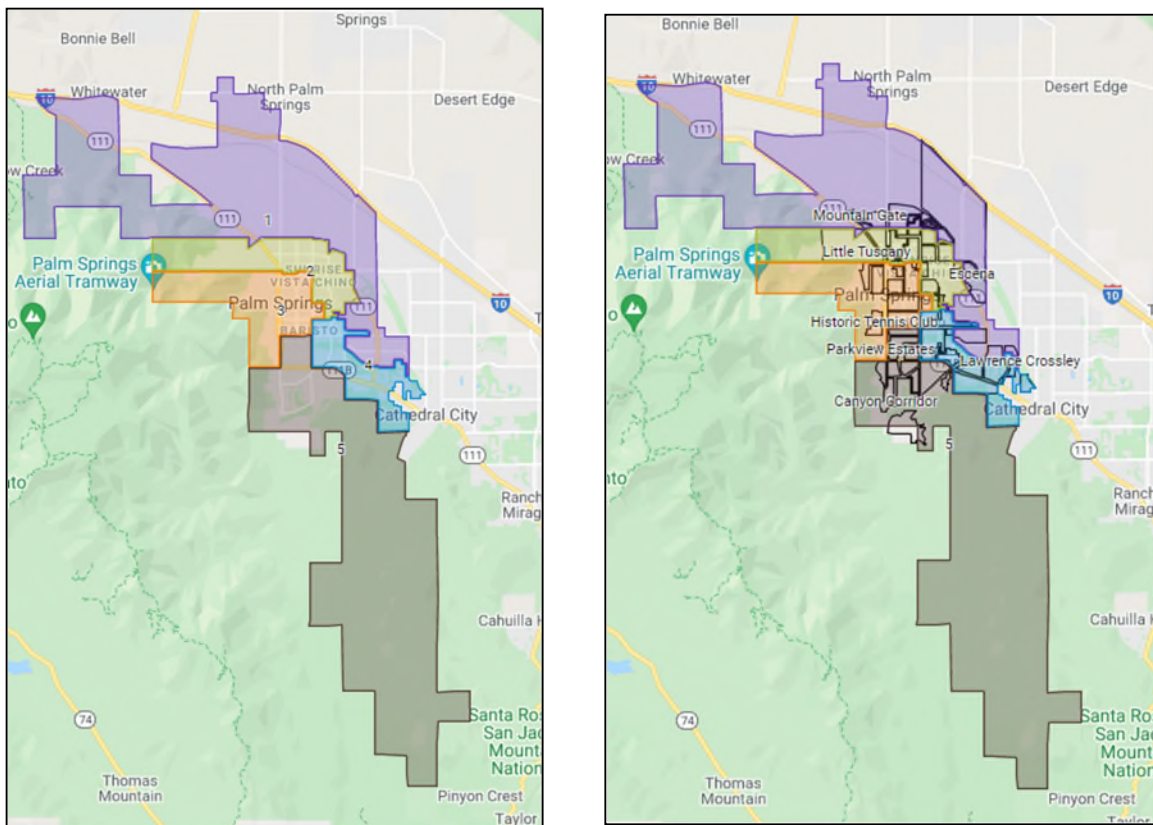
Map Option H is depicted below, both with and without the community neighborhood overlay.



Map Option I

Map Option I was submitted by a member of the public. The author did not provide any note as to the methodology, however preliminary analysis indicates the map exhibits a deviation of 6.98%. It does not create or maintain a majority/minority voting district. Should the City Council wish additional demographic analysis of this map, that information can be provided at the next public hearing.

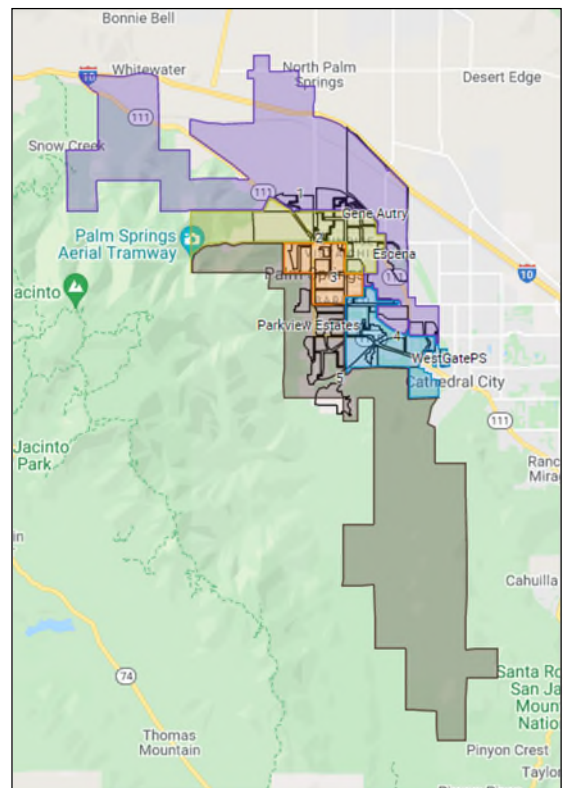
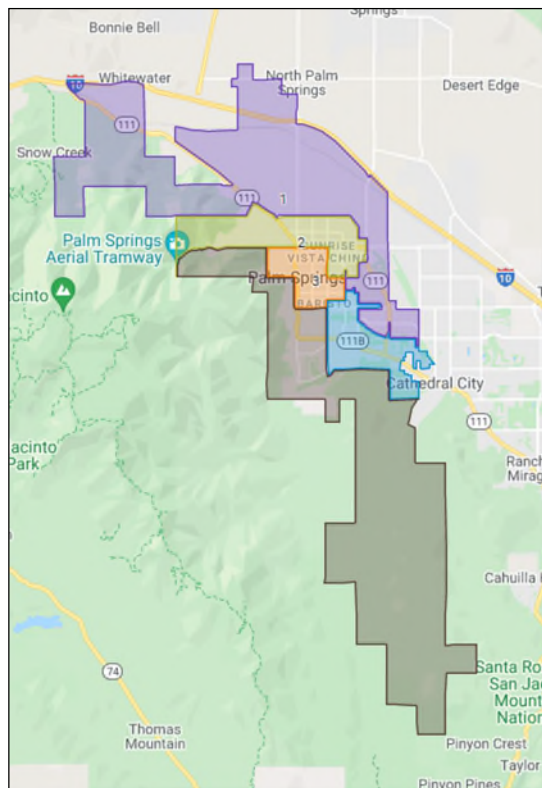
Map Option I is depicted below, both with and without the community neighborhood overlay.



Map Option J

Map Option J was prepared by the City’s consultant and presented to the Council at the third public hearing. It attempted a simpler approach to balancing the deviation while addressing some of Council’s previous concerns. Specifically, the Lawrence Crossley neighborhood is moved in its entirety to District 1, the Sunmor neighborhood was moved from District 3 into District 1, and an irregular community of interest in the Four Seasons neighborhood was made whole into District 1. Map J exhibits a deviation of 9.6%, within the acceptable range of less than 10% for substantially equal. District 1 is maintained as a majority/minority district in that the total non-white population is 64.31% and the total non-white voting age population (VAP) is 58.20%

Map J is depicted below, both with and without the community neighborhood overlay.



New Maps for Consideration

Map Options K and L

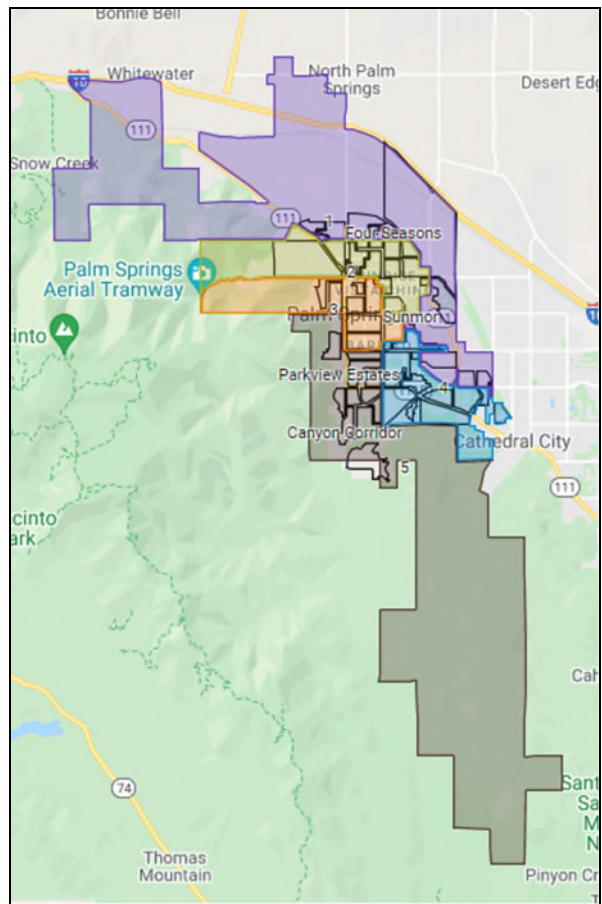
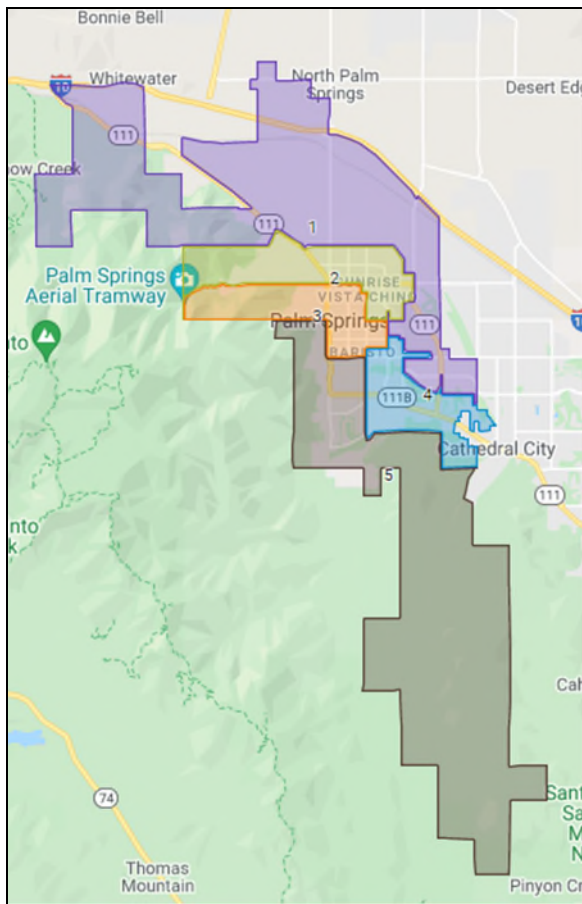
Following input from the Council at the third public hearing, and working closely with staff, the consultant prepared two additional maps. The maps are population balanced and address the following concerns: Move the open space area west of Old Las Palmas neighborhood from District 5 to District 3; Include the Desert Aids Project properties in District 2 and move from District 3; Split the census block containing three homes in the Sunmor neighborhood so that they may be included with the remainder of

the Sunmor neighborhood in District 1. These changes are reflected in Map Option K, which exhibits a deviation of 6.92%.

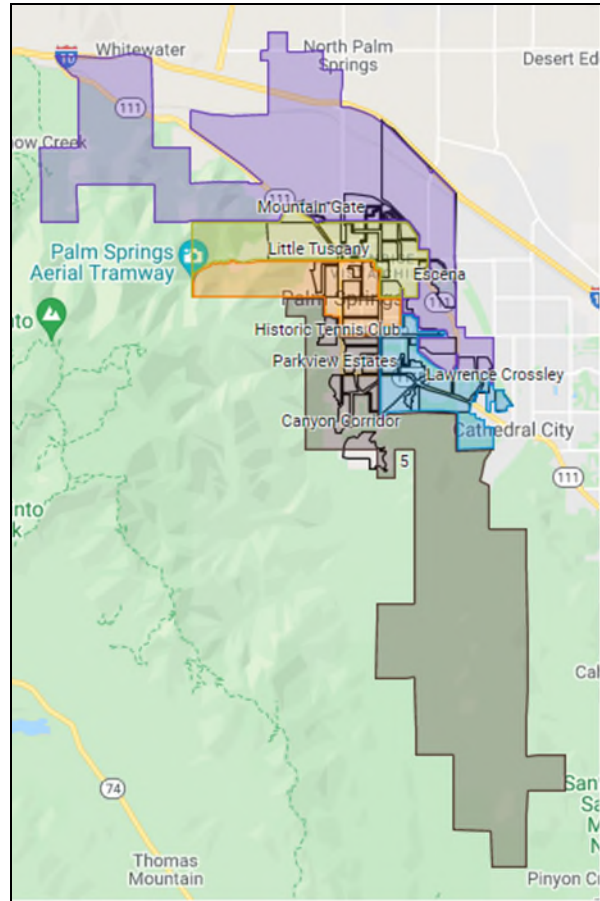
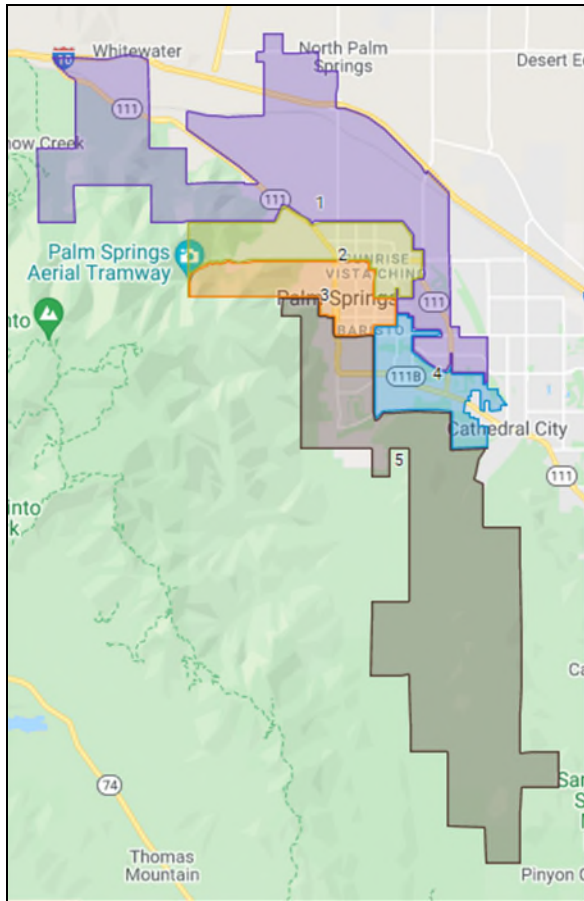
In addition to the changes noted above, Map Option L also incorporates the commercial area in Old Las Palmas south of Alejo Road, east of Highway 111, into District 3, from District 5. This map exhibits a total deviation of 7.55%.

The maps are depicted below, both with and without the community neighborhood overlay.

Map Option K



Map Option L



All maps have been posted on the City’s dedicated redistricting website for a minimum of seven days, a required by the Fair Maps Act. At this hearing, the City Council and community are invited to comment on the proposed maps and/or suggest revisions. The Council may also select a preferred map, and if so, introduce the Ordinance (attached) approving the final map.

FISCAL IMPACT:

There is no fiscal impact associated with this action.

REVIEWED BY:

City Clerk:	Anthony J. Mejia
City Attorney:	Jeffrey S. Ballinger
City Manager:	Justin Clifton

ATTACHMENTS:

- A. Demographic Analysis .
- B. Draft Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.02.005(B) REGARDING BY-DISTRICT ELECTIONS, ADJUSTING THE BOUNDARIES OF CITY COUNCIL ELECTION DISTRICTS AND CONFIRMING SUCH REVISED COUNCIL DISTRICT BOUNDARIES, AS REFLECTED IN THE ATTACHED MAP

City Attorney's Summary

Starting with the November, 2019 Municipal Election, the City Council has been elected by five (5) geographical election districts. This Ordinance amends Section 2.02.005(B) of Chapter 2.02 of the City's Municipal Code adjusting the boundaries of the City's five (5) City Council election districts to keep them "substantially equal in population" based upon the 2020 United States Decennial Census, as required by Federal and State law.

WHEREAS, on December 19, 2018 the City Council of the City of Palm Springs ("City Council") held a final public hearing on establishing Council election district boundaries, received additional public input, and formally selected the voting district map, set forth in Ordinance No. 1971 which established the current Palm Springs City Council election districts codified at Palm Springs Municipal Code section 2.02.005(B), which have been utilized to date in City Council elections; and

WHEREAS, the United States Census Bureau is required by Article I, Section 2, of the United States Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, California Elections Code § 21621 requires that following each decennial federal census, and using that census as a basis, the Council shall adjust the boundaries of any or all of the Council election districts of the City so that the districts shall be substantially equal in population as required by the United States Constitution, California Constitution, and the Federal Voting Rights Act. In establishing the boundaries of the districts the Council must give consideration to the following factors in the following priority: (a) contiguity of districts, (b) respecting communities of interest, (c) drawing easily identifiable districts through use of natural or artificial boundaries and (d) compactness of territory in districts; and

WHEREAS, California Elections Code § 21622 requires that the Council adopt an ordinance or pass a resolution amending Council districts no later than April 17, 2022; and

WHEREAS, on September 27, 2021 the Census Bureau sent 2020 Census data to the State of California with an official population estimate of 44,782 residents for the City of Palm Springs; and

WHEREAS, the City Council held four public hearings on November 4, 2021, December 9, 2021, February 10 and February 24, 2022, where the Council received briefings from the City's staff, legal counsel and demographic consultant relating to the redistricting process and state and federal redistricting criteria, including the California Elections Code, the Federal Voting Rights Act and the United States Constitution, heard public testimony, and directed staff and the City's demographic consultant to prepare draft Council district maps for consideration; and

WHEREAS, the City also conducted a series of workshops from December 13 through December 17, 2021 to both educate the public about the redistricting process and to solicit public input as to where the boundaries of future election districts should be drawn; and

WHEREAS, In addition, City staff conducted public outreach by way of print and digital advertisements. During the public hearings, public comment was received on redistricting criteria and communities of interest; and

WHEREAS, at the December 9, 2021, February 10, 2022 and February 24, 2022 public hearings, the Council received and reviewed a total of 8 draft maps prepared by the City's demographic consultant (Map Options A-E, J-L) and reviewed 4 additional maps submitted by the public (Map Options F-I) for compliance with applicable laws and standards; and

WHEREAS, at the February 24, 2022 public hearing, the City Council agreed on Map Option , designating it as the preferred map and directed that it be introduced and adopted by Ordinance; and

WHEREAS, at each of the public hearings on redistricting, the Council heard testimony relating to "communities of interest," which led the Council to reach the following determinations about communities of interest on the preferred map, as required under federal and state law:

- (1) The election districts are geographically contiguous. The districts are arrayed in a simple and logical form without any islands and with minimal intrusions from the area of one district into another;
- (2) To the extent practicable, the preferred map respects the geographic integrity of local neighborhoods and local communities of interest. The Council heard testimony about what constitutes communities of interest in the public's view.
- (3) The election districts are easily identifiable and understandable by residents. The districts in the preferred map form a relatively simple pattern.
- (4) To the extent practicable, the election districts are geographically compact. Their configurations for the most part are compact, simple shapes, with

nearby populations included in the same districts.

- (5) The election districts are balanced in terms of total population and voting age population. The districts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws.
- (6) The election districts conform to concentration of minority voters. The preferred map maintains one majority/minority voting district.

WHEREAS, all information in the staff reports, maps, presentations, Council debate and public testimony referenced above is hereby incorporated into this decision and serves as evidentiary basis for these findings and legislative decision.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

Section 1: This Ordinance is adopted following four noticed City Council public hearings as required by California Elections Code section 21627.1.

Section 2. Subsection (B) of Section 2.02.005 (By-District Elections) of Chapter 2.02 (Municipal Elections) of Title 2 (Administration and Personnel) of the Palm Springs Municipal Code is hereby amended to read as follows:

“2.02.005 By-district elections.

.....

B. City Council Districts and District Elections. ***Effective for all Council offices newly elected at the November 8, 2022 General Municipal Election and at each General Municipal Election thereafter, A***all five Councilmembers shall be elected on a by-district basis from the Council districts shown and numbered on the map titled ‘City of Palm Springs District Map - **2022**’ attached as Exhibit A, a copy of which shall be on file in the City Clerk’s office. In November, ~~2019~~**2022**, and every four years thereafter, the following three City Council districts shall be elected by-district: District 1; District 2; and District 3. In November, ~~2021~~**2024**, and every four years thereafter, the following two City Council districts shall be elected by-district: District 4 and District 5. The City Council may, by future enactment, change the dates of these elections as required and/or authorized by applicable law. ***Notwithstanding any other provision of this Section, and pursuant to California Elections Code § 21626 (a) and (b), each of the Council Members currently in office at the time this Ordinance takes effect shall continue in office until the expiration of the full term to which they were regularly elected or appointed. Any vacancy in or recall election for a Council term currently in effect shall be filled based on the Council districts in effect at the time the current Council term was last regularly elected.***”

Section 3. All ordinances and resolutions, or parts thereof in conflict with this Ordinance are hereby repealed.

Section 4: The City Manager is directed to take all necessary steps to give effect to this Ordinance. If necessary to facilitate the implementation of this Ordinance, the City Manager or his or her designee is authorized to make technical adjustments to the election district boundaries that do not substantively affect the populations in the districts, the eligibility of candidates, or the residence of elected officials within any district. The City Manager shall consult with the City Attorney concerning any technical adjustments deemed necessary and shall advise the City Council of any such adjustments required in the implementation of the districts.

Section 5. The City Clerk is hereby directed to provide a certified copy of this Ordinance to the Riverside County Registrar of Voters for use in subsequent Palm Springs City Council Elections.

Section 6. Compliance with California Environmental Quality Act. This activity is exempt from environmental review under the California Environmental Quality Act ("CEQA") (Pub. Resources Code, § 21000 et seq.) pursuant to State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.) sections 15061(b)(3), 15320, and 15378(b)(3). The redistricting process is an organizational and administrative activity of the City, does not have the potential to result in either a direct or reasonably foreseeable indirect physical change in the environment, and is therefore not a project for purposes of CEQA. (State CEQA Guidelines, §§ 15061(b)(3); 15378(b)(5).) In the event the transition process does constitute a project, it is categorically exempt under the Class 20 (Changes in the Organization of Local Governments) categorical exemption. (State CEQA Guidelines, § 15320.) None of the exceptions to the exemptions found in State CEQA Guidelines section 15300.2 apply. Staff is hereby directed to prepare, execute and file with the Riverside County Clerk a CEQA Notice of Exemption within five (5) working days of the adoption of this Ordinance.

Section 7. Integration of Ordinance. If any section, subsection, subdivision, sentence, or clause or phrase in this Ordinance or any part thereof is for any reason held to be unconstitutional, invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have adopted each section irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

Section 8. Effective Date. This Ordinance shall become effective thirty (30) days from its adoption.

Section 9. Publication. The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published in a newspaper of general circulation printed and published within the City of Palm Springs, pursuant to all legal requirements.

Ordinance No. _____

Page 5

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS
____ DAY OF _____, 2022.

LISA MIDDLETON, MAYOR

ATTEST:

ANTHONY J. MEJIA, MMC
CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, do hereby certify that Ordinance No. ____ is a full, true, and correct copy, and was introduced by the City Council at a regular meeting held on the 24th day of February, 2022, and adopted at a regular meeting of the City Council held on the __ day of _____, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this _____ day of _____, 2022.

ANTHONY J. MEJIA, MMC
CITY CLERK

Exhibit "A"
City of Palm Springs District Map 2022

[Council preferred map to be attached]