



AGENDA NO. 11.
MEETING DATE September 14, 2021

TITLE 2021-2022 REDISTRICTING GUIDELINES AND CRITERIA

TYPE	<input type="checkbox"/> Construction	<input type="checkbox"/> General Services	<input type="checkbox"/> Materials & Supplies	<input type="checkbox"/> Professional Services
	<input type="checkbox"/> CEQA	<input type="checkbox"/> Grants	<input type="checkbox"/> Water Supply Assessment	<input checked="" type="checkbox"/> OTHER
ACTION	<input checked="" type="checkbox"/> MOTION	<input type="checkbox"/> RESOLUTION	<input type="checkbox"/> ORDINANCE	

RECOMMENDED ACTION


Approve guidelines and criteria for the District’s 2021-2022 redistricting efforts.

SUMMARY

Section 11823 of the Municipal Utility District Act requires the Board of Directors by resolution or ordinance to fix the boundaries of the wards for the purpose of electing directors. Election Code sections 22000 and 22001 provides that a special district, such as the District, must adjust boundaries after each decennial census, and use the census data to adjust boundaries of divisions or wards so they are equal in population and comply with federal law. The Board will use the guidelines and criteria to complete EBMUD’s redistricting efforts, and approve and submit legal ward boundaries and maps to Alameda and Contra Costa counties in advance of the counties’ deadlines for the November 8, 2022 elections. This item was discussed with the Redistricting Ad Hoc Committee on June 22, 2021 and August 24, 2021.

DISCUSSION

On May 11, 2021, the Board appointed a Redistricting Ad Hoc Committee (Committee) to determine guidelines, criteria, and public outreach activities; review census information; and propose redistricting alternatives for Board consideration. On June 22, 2021, the Committee met and reviewed the redistricting guidelines and criteria from 2011-2012 as well as provisions of the FAIR MAPS Act (AB 849 – Bonta) to determine guidelines and criteria for 2021-2022. Based on Committee feedback, staff presented draft guidelines and criteria for the District’s 2021-2022 redistricting efforts at the August 24, 2021 Redistricting Ad Hoc Committee meeting. The draft guidelines and criteria included information on how the Board will, to the extent possible, adopt provisions of the FAIR MAPS Act as best practices when establishing ward boundary lines; a reference to communities of interest; and updated criteria language to clarify actions to be completed by the Committee and meetings and hearings to be conducted by the full Board.

Funds Available: NA	Budget Coding: NA	Contract Equity Forms? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Originating Department	Department Director or Manager	Approved
Office of the Secretary	Rischa S. Cole	 General Manager
Attachment(s): 2021-22 Redistricting Guidelines and Criteria		

During the August 24 meeting, the Committee directed staff to maintain transparency with redistricting efforts and adjust redistricting efforts based on the public’s interest and costs; and make an additional revision to the guidelines and criteria to clarify the Board will “adhere to provisions of the FAIR MAPS Act as much as reasonable,” before presenting the final guidelines and criteria (attached) for Board consideration. This item supports the District’s Customer and Community Services Strategic Plan goal.

SUSTAINABILITY

Economic

There are no fiscal impacts associated with this action.

Social

The Committee developed guidelines and criteria that will ensure the District’s redistricting efforts are transparent and allow the public to participate in the process.

ALTERNATIVE

Do not approve guidelines and criteria for the District’s 2021-2022 redistricting efforts. This alternative is not recommended because the Board is required to complete redistricting efforts to provide updated ward boundaries and maps to Alameda and Contra Costa counties in advance of the counties’ deadlines for the November 8, 2022 elections. The updated guidelines and criteria will ensure the Board is conducting its redistricting efforts in accordance with the Municipal Utility District Act and the Elections Code.

EBMUD 2021-2022 Redistricting Guidelines and Criteria

The FAIR MAPS Act (AB 849) was enacted in 2019 and was intended to improve public engagement and communication regarding the process of redistricting for cities and counties. The EBMUD Board of Directors wishes to achieve the improved transparency and fairness provided for in the Act by, adopting some of its provisions as best practices as much as reasonable. As such, the EBMUD Board of Directors intends to establish ward boundary lines in accordance with the following guidelines and criteria.

Guidelines

- To achieve as precise equality of population among wards as possible.
- Board members residences will be maintained within their current wards.
- City boundaries will be followed as closely as possible.
- Ethnic communities and/or communities of interest¹ will be kept whole as nearly as possible.
- County precincts will not be split.

Criteria

- Establish an ad hoc committee comprised of three board members appointed by the Board of Directors to hold public meetings regarding the District's redistricting options. At least one public meeting of the ad hoc committee shall be held East of Hills² for public review and comment on options for redistricting. The ad hoc committee shall hold at least two public meetings prior to the first public hearing to be held by the Board of Directors to consider the proposal for redistricting.
- The ad hoc committee will propose alternative redistricting plans, which reflect the total and eligible voting populations, racial and ethnic composition, and maps delineating District, city, and county boundaries, to the extent this information is available. Options for redistricting plans shall be made available to the public at least 14 days prior to the first public hearing held by the Board of Directors to consider the proposal for redistricting.
- Documentation of the proposed redistricting plan to be adopted by the Board shall be made available to the public 14 days prior to the scheduled public hearing on the vote on the final configuration.
- No substantive amendments to the alternative plans or the final plan may occur during the 14-day review period prior to the final vote on the ultimate redistricting configuration.
- The Board of Directors will hold at least one public hearing to consider the proposal for redistricting prior to taking action on the boundaries.
- The Board of Directors will hold at least one public hearing to take final action on the ward boundaries.

¹ The California Constitution defines a community of interest as a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.

² This is contingent on the provisions in the Brown Act. As of this writing, the Governor's Executive Order N-08-21 suspends portion of the Brown Act and allows the Board of Directors to conduct its meetings by webinar or teleconference.

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