

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: September 9, 2021

MEMO TO: Board of Directors

THROUGH: Clifford C. Chan, General Manager *CCC*

FROM: Rischa S. Cole, Secretary of the District *RC*

SUBJECT: Redistricting Ad Hoc Committee Minutes – August 24, 2021

President Doug A. Linney called to order the Redistricting Ad Hoc Committee meeting at 8:52 a.m. He announced that in accordance with the Governor's Executive Order N-08-21, which suspends portions of the Brown Act, a physical location would not be provided for the meeting. Directors John A. Coleman and Marguerite Young were present at roll call. All Directors participated remotely. Staff participants included General Manager Clifford C. Chan, General Counsel Derek T. McDonald, Assistant General Counsel Lourdes Matthew, Executive Assistant II Robyn S. Johnson, and Secretary of the District Rischa S. Cole.

Public Comment. None.

Review Redistricting Guidelines and Criteria and Next Steps. Secretary of the District Rischa S. Cole presented an overview of the draft redistricting guidelines and criteria and responded to questions raised at the June 22, 2021 Redistricting Ad Hoc Committee meeting. Based on input received during the June 22 meeting, staff drafted guidelines and criteria that include 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. Ms. Cole reviewed provisions of the FAIR MAPS Act and said that due to time constraints and limited resources, the Board would not be following some provisions in the Act, in particular those pertaining to conducting multiple public hearings and translating meeting materials into multiple languages. At the June 22 meeting, the Committee raised questions regarding public use of the District's software to draft and submit ward boundary maps; why special districts were not included in the FAIR MAPS Act; providing accessibility to the public for all Board meetings including livestreamed Redistricting Ad Hoc Committee meetings; clarification on whether the Board is required to hold public hearings for redistricting; if virtual meetings count as public meetings for the purposes of redistricting; and including a redistricting tab or hyperlink on the District's homepage. Ms. Cole reported a redistricting webpage will launch in mid-September and a link to the page will be available under the Announcements section on the District's homepage. The District's redistricting software licensing agreement does not permit use by the public; however, staff is researching free, online mapping tools for public use and will provide an update at the September 28, 2021 Redistricting Ad Hoc Committee meeting. Based on legislative reports, there was opposition to extending the FAIR MAPS Act to special districts, school districts, community college districts and county boards of education. Following the committee hearing in which opponents expressed opposition, the FAIR MAPS Act was amended to apply only to cities and counties. To increase accessibility, staff began using the closed captioning feature in Zoom during the August 10, 2021 Board meetings. Currently, the feature supports only the English language. Staff will research

costs and technical requirements for third-party vendors that provide closed captioning for Zoom meetings in multiple languages. Ms. Cole stated that due to time constraints and resource limitations, staff will not focus efforts on translating redistricting meeting materials but will continue exploring ways to provide greater accessibility for non-English speakers to participate in all Board meetings. Staff will update the Board on these efforts at a future meeting. Ms. Cole and Assistant General Counsel Lourdes Matthew clarified how public hearings and meetings conducted by webinar or teleconference count as public meetings for the purposes of redistricting. Next, Ms. Cole reviewed a draft redistricting activity schedule. The Committee discussed the information presented and the draft schedule. The Committee commented the District wants to maintain an open and transparent process for redistricting efforts and directed staff to adjust redistricting efforts based on the public's interest and potential costs. Ms. Cole and Assistant General Counsel Lourdes Matthew responded to Committee questions regarding adjustments to the redistricting activity schedule; funding for redistricting efforts; public participation options for an East of hills meeting; and public participation during the 2011-2012 redistricting process. The Committee thanked staff for their work and asked for additional information on the level of public interest/participation in the 2011-2012 redistricting efforts; directions for the public on how to use certain browsers to translate redistricting webpages and PDF documents; ensure the public can provide information to the Board in advance of Board meetings or can display redistricting information at Board meetings and hearings; ensure the public understands the redistricting criteria that states no substantive amendments can be made during the 14-day review period prior to the Board's vote on final redistricting plans; alternative dates for the proposed December 21 Special Redistricting Ad Hoc Committee meeting; and an amendment to the redistricting guidelines to clarify the Board will "adhere to provisions of the FAIR MAPS Act as much as reasonable." Staff will present updated draft guidelines and criteria to the Board for consideration at its September 14, 2021 meeting.

The next Redistricting Ad Hoc Committee meeting is scheduled for September 28, 2021.

Adjournment. President Linney adjourned the meeting at 9:56 a.m.

CCC/RSC