BOARD OF DIRECTORS
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607 Office of the Secretary: (510) 287-0440

Notice of Location Change

REDISTRICTING AD HOC COMMITTEE

Tuesday, August 24, 2021

8:45 a.m.

*****Virtual*****

In accordance with the Governor's Executive Order N-08-21, which suspends portions of the Brown Act, **this meeting will be conducted by webinar and teleconference only.** A physical location will not be provided for this meeting.

Dated: August 19, 2021

Rischa S. Cole

Rischa S. Cole
Secretary of the District

W:\Board of Directors - Meeting Related Docs\Notices\Notices 2021\082421_ Redistricting Ad Hoc Committee meeting

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AGENDA
Redistricting Ad Hoc Committee
Tuesday, August 24, 2021
8:45 a.m.
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Location

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Committee Members John A. Coleman, Doug Linney, and Marguerite Young

***** Please see appendix for public participation instructions*****

ROLL CALL:

PUBLIC COMMENT: The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

DETERMINATION AND DISCUSSION:

1. Review Redistricting Guidelines and Next Steps (Cole)

ADJOURNMENT:

Disability Notice

If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours, and can be viewed on our website at www.ebmud.com.

APPENDIX

Redistricting Ad Hoc Committee Meeting
Tuesday, August 24, 2021
8:45 a.m.

EBMUD public Board meetings will be conducted via Zoom.
Board committee meetings are recorded, and live-streamed on the District's website.

Please visit this page beforehand to familiarize yourself with Zoom.
https://support.zoom.us/hc/en-us/articles/201362193-Joining-a-Meeting

Online
https://ebmud.zoom.us/j/93185422462?pwd=NHFmVXlueEl2bytyT25ka3VFOExXZz09
Webinar ID: 931 8542 2462
Passcode: 906719

By Phone
Telephone: 1 669 900 6833
Webinar ID: 931 8542 2462
Passcode: 906719
International numbers available: https://ebmud.zoom.us/u/keyqPYUq11

Providing public comment
The EBMUD Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

If you wish to provide public comment please:
- Use the raise hand feature in Zoom to indicate you wish to make a public comment https://support.zoom.us/hc/en-us/articles/205566129-Raising-your-hand-in-a-webinar
  - If you participate by phone, press *9 to raise your hand
- When prompted by the Secretary, please state your name, affiliation if applicable, and topic
- The Secretary will call each speaker in the order received
- Comments on **non-agenda items** will be heard at the beginning of the meeting
- Comments on **agenda items** will be heard when the item is up for consideration
- Each speaker is allotted 3 minutes to speak; the Committee Chair has the discretion to amend this time based on the number of speakers
- The Secretary will inform each speaker when the allotted time has concluded

Submitting written comments or materials
- Email written comments or other materials for the Board of Directors to SecOffice@ebmud.com.
- Please indicate the meeting date and agenda item number or non-agenda item in the subject of the email. Contact information is optional.
- **Please email by 4 p.m. the day prior to the scheduled Committee meeting**; written comments and other materials submitted to the Board of Directors will be filed in the record.

To *observe* the Redistricting Ad-Hoc Committee Meeting,
please visit: https://www.ebmud.com/about-us/board-directors/board-meetings/

EAST BAY MUNICIPAL UTILITY DISTRICT

DATE: August 19, 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 – Review Redistricting Guidelines and Next Steps

SUMMARY

On June 22, 2021 the Redistricting Ad Hoc Committee met to discuss guidelines for the District's 2021-2022 redistricting efforts. The Committee reviewed the guidelines and criteria used in 2011-2012 and provisions from the FAIR MAPS Act (AB 849 – Bonta). Based on questions and feedback from the Committee, staff prepared draft redistricting guidelines and additional information regarding the redistricting process. This information will be discussed at the August 24, 2021 Redistricting Ad Hoc Committee meeting.

DISCUSSION

At its June 22, 2021 meeting, the Committee directed staff to draft redistricting guidelines that reference points in the FAIR MAPS Act that were not in the 2011-2012 guidelines and to address the following:

- If the public can use the District's redistricting software to prepare draft ward boundary maps
- Information on why special districts were not included in provisions of the FAIR MAPS Act
- Accessibility for all Board meetings (e.g., real-time translation, real-time interpreters, closed-captioning, materials translated into the common languages spoken in the service area) including livestreamed redistricting meetings
- If the Board is required to hold public hearings for redistricting and if virtual meetings count as public meetings for the purposes of redistricting
- Including a redistricting tab or hyperlink on the District's homepage

<u>Draft Redistricting Guidelines</u>

Staff prepared the draft guidelines (attached) based on direction from the Committee. The guidelines include information on how the Board will, to the extent possible, adopt some of the provisions of the FAIR MAPS Act as best practices when establishing ward boundary lines; a

reference to communities of interest[1]; and updated criteria language to clarify actions to be completed by the Ad Hoc Committee and meetings and hearings to be conducted by the full Board. If the Committee approves the draft guidelines, the guidelines will be presented to the Board for consideration at its September 14, 2021 meeting.

Public Use of Redistricting Software

Staff reviewed the licensing agreement for the District's redistricting software and determined the license does not provide for public use of the software. The District reviewed other mapping tools which would cost approximately $50,000 not including staff time to implement and manage. Staff is currently reviewing free, open-source mapping tools to determine if one can be used by the public to submit map proposals and/or maps depicting communities of interest to the District for consideration. Staff will provide an update on mapping tools at the September 28, 2021 Redistricting Ad Hoc Committee meeting.

Special Districts and the FAIR MAPS Act

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. Opponents argued that including these local agencies in the Act would result in more redistricting meetings than the public could possibly attend, resulting in meetings being held simultaneously with city and county redistricting meetings. Opponents argued that local agencies and cities and counties would be competing for the public's participation and that local agencies would likely expend significant taxpayer dollars in employee overtime, rental space and equipment.[2] Following the committee hearing in which opponents raised these arguments, the FAIR MAPS Act was amended to apply only to cities and counties.

Accessibility for All Board Meetings (e.g., closed captioning in multiple languages during livestreamed meetings; real-time translation; real-time interpreters; materials translated into the common languages spoken in the service area)

Staff began using the closed captioning feature in Zoom during the August 10, 2021 Board meetings. Currently, the feature supports only the English language. To provide closed captioning in multiple languages in Zoom, the District would either need interpreters to participate in each Zoom meeting to provide translated audio or work with a third-party vendor to provide closed captioning in multiple languages in Zoom. If the District elected to have interpreters participate in its virtual meetings, meeting attendees would be able to select the audio channel to hear the translated audio in their language of choice.

To increase accessibility to Board meetings, staff is researching costs and technical requirements for third-party vendors that provide closed captioning for Zoom meetings in multiple languages. Staff will continue exploring ways to provide greater accessibility for non-English speakers to participate in Board meetings, including translating meeting materials into the common

[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] Assembly Committee on Local Government Hearing on AB 849, April 24, 2019.

languages spoken in the District's service area. Staff will update the Board on this information at a future meeting.

Public Hearings for Redistricting (including if virtual meetings count as public meetings for the purposes of redistricting)

Virtual meetings of governing bodies are authorized by Governor Newsom's Executive Order N-08-2021, which suspends portions of the Brown Act which provide specific requirements for holding public meetings by webinar or teleconference. Thus, public hearings and meetings for redistricting that are conducted by webinar or teleconference count as public meetings for the purposes of redistricting. The executive order is set to expire on September 30, 2021, after which, all public meetings would be held according to the requirements of the Brown Act. Public hearings and meetings for redistricting may be held in a physical location where the Board of Directors would be physically present to consider the proposed boundaries and to take a vote on the final ward boundaries.

Redistricting Tab or Hyperlink on the District's Homepage

A hyperlink to the redistricting webpage will be available under the Announcements section on the ebmud.com homepage.

Census Data Status

In February 2021, the U.S. Census Bureau announced that due to COVID-19 pandemic related delays, redistricting data would not be released until September 30, 2021. On August 12, the Bureau announced it provided each state with population counts to use in their redrawing of congressional and state legislative district boundaries. The Bureau is scheduled to release the same data in "easier-to-use" formats by September 30. Staff reviewed the August 12 data and determined it can be used to begin redistricting efforts.

NEXT STEPS

Staff will discuss the proposed redistricting schedule at the August 24, 2021 Redistricting Ad Hoc Committee meeting. The Committee will review the draft redistricting guidelines and criteria to present to the Board for consideration at its September 14, 2021 meeting. Staff will also continue reviewing the online mapping tools; explore ways to increase accessibility for all Board meetings; and draft a redistricting web page with a soft launch scheduled for mid-September.

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

CCC:RSC

Attachment

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ATTACHMENT

EBMUD 2021-2022 Redistricting Guidelines and Criteria

The FAIR MAPS Act (AB 849) was enacted in 2019 and is 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, to the extent practicable, adopting some of its provisions as best practices. 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 interest[1] 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 hills[2] for public review and comment on options for redistricting plans. 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 options for 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 at least 14 days prior to the scheduled public hearing on the vote on the ultimate redistricting configuration.
- No substantive amendments to the alternative plans or the proposed redistricting plan to be adopted by the Board 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 ultimate redistricting configuration and ward boundaries.
- The Board of Directors will hold at least one public hearing to take final action on the ultimate redistricting configuration and 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.

DRAFT