

**Butte County Administration**

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*Members of the Board*

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## MEMORANDUM

DATE: April 13, 2021  
TO: Butte County Board of Supervisors  
FROM: Andy Pickett, Chief Administrative Officer  
RE: 2021 Redistricting Methodology

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### **Executive Summary**

Redistricting is the process by which Supervisorial District boundaries are drawn every 10 years to ensure each district has the same number of people. Historically, the Board of Supervisors has had broad latitude in drawing boundaries that are substantially equal in population, balanced, and non-discriminatory.

In October 2019 Governor Newsom signed into law AB 849, The Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, which substantially altered the redistricting process. Codified in Elections Code §21500 et seq., the new law specifies redistricting criteria and deadlines for the adoption of new boundaries by the Board of Supervisors. The new law specifies hearing procedures that allow the public to provide input on the placement of boundaries and on proposed boundary maps. The new law requires the Board to take specified steps to encourage the residents of the local jurisdiction to participate in the redistricting process.

The requirements of the FAIR MAPS Act are complicated, and require expertise in demographics, cartography, and statistics. These new requirements, superimposed on a county population that has undergone an unprecedented shift due to the Camp Fire and the North Complex Fire, creates a situation where hiring a consultant to manage the process and bring in the necessary expertise is the most likely path to a successful redistricting process.

### **Redistricting Requirements**

In adopting updated supervisorial districts, the Board must comply with new requirements outlined in Assembly Bill 849 (FAIR MAPS Act) along with requirements of the U.S. and California Constitutions. These authorities require that districts be based on total population and must have substantially equal population per district. Additionally, these authorities generally prohibit using race as a predominate criteria for redrawing districts or diluting the voting rights of racial or language minority communities to elect representatives of their choice. Further, under the California Elections Code, the updated districts must be redrawn using the following criteria, in order of priority:

1. To the extent practicable, districts must be geographically contiguous;
2. To the extent practicable, districts must maintain the geographic integrity of neighborhoods and communities of interest;
3. To the extent practicable, districts must minimize division of cities or census designated places;
4. Boundaries must be easily identifiable and, if possible, bound by natural/artificial barriers; and
5. To the extent practicable, districts must not favor or discriminate against any political party.

With the new changes in law, the focus is now on identifying and engaging “Communities of Interest,” which are defined as “a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.” Identifying these communities of interest could require the use of surveys and community outreach. State law requires extensive outreach and opportunity be given for public input, especially for minority and language minority communities. Previously only one public meeting was required. The County is now required to hold at least four public hearings or workshops, with the following requirements:

- A minimum of one public hearing/workshop must be held before draft maps are drawn;
- A minimum of two public hearings/workshops must be held after draft maps are drawn;
- A minimum of one public hearing/workshop must be held on a weekend or after 6:00 p.m. on a weekday;
- All public hearings/workshops must be noticed to the public, accessible to the disabled and must provide live translation if requested 72 hours prior to the hearing/workshop; and
- The County must publish the date, time, and place of each hearing/workshop online at least five days prior.

In addition to the public meetings, there are additional requirements with regard to public outreach including the following:

- Efforts must be made to encourage input from underrepresented communities and non-English speaking communities;
- Extensive record keeping requirements;
- Draft maps must be published on the internet and be posted a minimum of seven days before being adopted;
- Each draft map must include: total population, citizen voting age population and racial/ethnic characteristics; and
- The Board must maintain an internet page for a minimum of 10 years after the adoption of new districts dedicated to redistricting (hosted on the county’s existing website).

### **Timing**

Federal census data is not anticipated to be received by the State of California until September 30. Once the State receives the data, they have 30 days to make adjustments to it (making adjustments for those incarcerated to be counted in their primary residence versus where they are imprisoned). The county is not likely to receive its data until the end of October. This will leave very little time to get the necessary work completed. Statutory timelines required district boundaries to be enacted by August 15, however, given the delay in receiving the data this year, the California Supreme Court has granted a four-month extension to the timeline. With the extension, district maps must be approved no later than December 15 (174 days before next election - June 7,

2022) – unless the primary election date is moved. If the date of the primary election in 2022 is moved, redistricting timelines would be extended.

### **Redistricting Options**

There are four distinct options the Board of Supervisors has for redistricting. All of these options can be done through staff alone or with the assistance of a consultant. The options are:

1. The Board of Supervisors may draw the new district boundaries themselves.
2. The Board may establish an advisory commission (Elections Code§23002) to gather input and conduct some of the public hearings. The Board retains the final decision on the map.
  - The Board establishes the appointment process for this commission.
  - Only statutory restriction is: “[a] person who is an elected official of the [County], or a family member, staff member, or paid campaign staff of an elected official of the [County], shall not be appointed to serve on the commission.” (Elections Code § 23002)
3. The Board may establish an independent commission (Elections Code§23003) that is empowered to manage the entire process and make district boundary decisions (following a similar process as discussed previously). This option requires the County would to recruit, appoint and educate commission members. It also requires the adoption of an ordinance or resolution setting out the appointment process.
  - The Board may determine the manner in which member are appointed, however the restrictions are extensive:
    - Must use “an application process open to all eligible residents and the commissioners may not be directly appointed by the [Board] or an elected official of the [County].” (Elections Code §23003)
    - “A person shall not be appointed to serve on the commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the [County] in the eight years preceding the person’s application.” (Elections Code §23003)
    - In addition, a person cannot be appointed to serve on either an independent or hybrid commission if:
      - The person or their spouse has, within eight (8) years of applying, worked for an elected officer, or candidate for elective office of the County, been a registered lobbyist for the County, or contributed at least \$500 to any candidate for elective office of the County; or
      - The person’s family member (other than spouse) has, within four (4) years of applying, worked for an elected officer, or candidate for elective office of the County, been a registered lobbyist for the County, or contributed at least \$500 to any candidate for elective office of the County. (Elections Code §23003)
      - Finally, neither commission shall “be comprised entirely of members who are registered to vote with the same political party preference.” (Elections Code §23003)

- Once appointed to an independent commission, a member cannot:
    - While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to a candidate for any elective office of the County;
    - Run for elective office of the County if (a) less than five (5) years has passed since the member’s appointment to the commission or (b) the election will be conducted using the boundaries adopted or recommended by the commission;
    - Within four (4) years of being appointed, (a) work for an elected official or candidate for any elective office of the County, (b) receive a noncompetitively bid contract with the County, (c) register as a lobbyist for the County; and
    - Within two (2) years of being appointed, accept an appointment to a County office. (Elections Code §23003)
  - Once an independent or hybrid commission is formed, its members are subject to both the Conflict of Interest Code and the Brown Act, whereas an Advisory Commission is not. (Elections Code §23003)
4. Hybrid commission – similar to the independent commission, however, the hybrid commission approves two or more map options, and the Board would make the final decision based upon those maps presented.

**Staff Recommendations and Next Steps**

Due to the complexities of the FAIR MAPS Act, the large population shifts within the county, and the shortened timeframes, staff recommends hiring a consultant to provide necessary expertise and to manage the process. The consultant would:

1. Provide information to the Board on methodology available in order for the Board to decide which map drawing option is preferred: :
  - a. Board of Supervisors
  - b. Advisory Commission
  - c. Independent Commission
  - d. Hybrid Commission
2. Manage the redistricting process, including:
  - a. Assist in analyzing data
  - b. Produce district alternatives
  - c. Review, consider, incorporate public input
  - d. Finalize map options
  - e. Provide technical guidance to Board
3. Guide the establishment of a Citizens Advisory Committee.
4. Serve in an advisory capacity to the Board
5. Attends and participates in community meetings
6. Work with County staff in the development of district lines

**Action Requested:**

Authorize staff to retain a consultant to manage and guide the redistricting process.