



City of Costa Mesa

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 21-463

Meeting Date: 11/16/2021

TITLE:

ADOPT A RESOLUTION OPPOSING ANY REDISTRICTING PLAN PROPOSED BY THE COUNTY OF ORANGE THAT DIVIDES COSTA MESA INTO TWO SUPERVISORIAL DISTRICTS

DEPARTMENT: CITY ATTORNEY'S OFFICE

PRESENTED BY: KIMBERLY HALL BARLOW, CITY ATTORNEY

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RECOMMENDATION:

City Council to consider the adoption of Resolution 2021-XX in opposition to the adoption of any redistricting map proposed by the County of Orange that results in the division of Costa Mesa into two supervisorial districts.

BACKGROUND:

Every ten years, local governments use new Census data to redraw their district lines according to changes in the local population. In Orange County, the Board of Supervisors is responsible for adopting boundaries for Supervisorial Districts following the Federal Decennial Census.

On October 15, 2021, the Orange County Board of Supervisors closed the public submission period for the acceptance of map proposals. At the November 2, 2021 Board of Supervisors meeting, the Board approved three (3) of eight (8) maps proposed for further consideration. Two of these maps (Redistricting Proposal #2 and Redistricting Proposal #4) would divide sections of Costa Mesa into two supervisorial districts.

Based on discussion at its November 2, 2021 meeting, the Board directed creation of maps with "technical corrections" relating to city divisions. In addition, each Supervisor was given the opportunity to suggest revisions to the three remaining maps which would be considered by the Board on November 9, 2021.

On November 9, 2021, the Board of Supervisors considered two maps with only technical corrections and an additional six maps based on the original three, for a total of eleven maps.

This raises significant concerns to the City since many of the proposed maps divide Costa Mesa neighborhoods and certain Council Districts into two supervisorial districts. Should the Board select one of these proposed maps, this action would create division resulting in fragmentation of Costa Mesa neighborhoods.

ANALYSIS:

The County of Orange has published several proposals on the County’s website (Proposals 2, 4, 4A, and 4C) that would divide the City of Costa Mesa into two supervisorial districts impacting various City Council Districts.

Proposal 2

Under Proposal 2 (with and without technical adjustments), Costa Mesa is divided into District 2 and District 4. In this proposal, City Districts 1 and 2 would be split.

Proposal 4

Under Proposal 4 (with and without technical adjustments), Costa Mesa is divided into District 2 and 5; this would split City Districts 1, 2 and 3.

Proposals 4A and 4C also split City Districts 1, 2 and 3.

According to the statutory redistricting criteria governing the County, (1) the geographic integrity of local neighborhoods or communities shall be respected in a manner that minimizes its division, and (2) geographic integrity of a city shall be respected in a manner that minimizes its division. The redistricting proposed on maps 2, 4, 4A and 4C would alter supervisorial district lines in such a way that it would ultimately lead the City to fragmentation and thus a division of our ‘communities of interest.’

According to *Section 2(d)(4) of Article XXI of the California Constitution*, governing state redistricting, “A community of interest is 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. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, Incumbents, or political candidates.”

In addition, the distinct composition of the City’s neighborhoods creates unique priorities for our communities that closely aligns the City’s interests with that of coastal cities in Orange County. Costa Mesa shares a border with the cities of Huntington Beach and Newport Beach, which runs along prominent regional sites such as Talbert Regional Park, Banning Ranch, and the central element of the proposed Orange Coast River Park. Additionally, the Newport - Mesa Unified School District (NMUSD) serves both the City of Costa Mesa and Newport Beach.

Of all the proposed maps, only Proposal 2A and 4B retain most of Huntington Beach in the same district with Costa Mesa and Newport Beach. Some of the proposals move Huntington Beach entirely into District 1, which will shift those voters to a different election cycle and have potentially large impacts on the entire region.

Should the Board consider an option that divides Costa Mesa neighborhoods sharing similar

compositions, it could potentially marginalize and disenfranchise residents. Additionally, it would interfere with the City's ability to advocate on behalf of its residents and 'communities of interest' and ensure fair and equitable representation, thwarting the will of the people.

ALTERNATIVES:

The City Council may choose to take no action and receive and file this report.

FISCAL REVIEW:

At this time, there is no fiscal impact associated with the adoption of the proposed resolution.

LEGAL REVIEW:

The City Attorney has grave concerns about the conduct of the County redistricting process for a variety of reasons. The process is supposed to actively engage and solicit input from the community. However, there has been little effort to notify Orange County residents of the process, solicit their input and to specifically reach out to cities and special districts to seek their input on communities of interest or proposed maps. While the County has retained a professional demographer, it appears that the Board has not had that demographer prepare any draft maps for its consideration, but rather has considered only eight publicly submitted maps, with modifications proposed by board members, for its almost 3.2 million residents.

As noted in the accompanying resolution, only a few maps under consideration maintain the geographic integrity of the City of Costa Mesa and its electoral districts. The other two maps "crack" the City's voters into separate districts, simultaneously dividing its existing communities of interest and voting districts.

In addition, many of the proposed maps separate Costa Mesa from either Huntington Beach or Newport Beach, which have been in the same district as Costa Mesa for decades, have similar demographics and are contiguous, and involve numerous shared assets, educational facilities, and contractual relationships.

The City Attorney's Office has reviewed this staff report and prepared Resolution 2021-XX, and approved them as to form.

CONCLUSION:

The City is committed to an open and transparent redistricting process that fairly considers the impacts of redrawing supervisorial district lines around 'communities of interest'. Many of the proposals currently under consideration by the Orange County Board of Supervisors divide the City's 'communities of interest,' impact election cycles in the region, and lead to fragmentation of Costa Mesa neighborhoods, and in certain cases, City Districts as well.