



August 18, 2021

Sent Via Email

Bakersfield City Council
c/o Julie Drimakis, City Clerk
1600 Truxtun Avenue
Bakersfield, CA 93301
city_clerk@bakersfieldcity.us

**Re: Public Comment on the City Council Redistricting Process
August 18, 2021, City Council Meeting, Item 10.a.**

Dear Members of the City Council:

The Dolores Huerta Foundation (DHF) and the American Civil Liberties Union of Southern California (ACLU) write regarding the redrawing of Bakersfield City Council's ward map. We urge the Council to strive to go well above minimum state and federal requirements for the Council's redistricting process to maximize public participation, increase transparency, and draft a map that ensures fair representation for all Bakersfield communities.

I. Redistricting Process Requirements

AB 849 and AB 1276, or the Fair Maps Act,¹ provide detailed requirements that the Council must follow before adopting a final map. Although the Council's deadline to adopt a map is not until April 17, 2022, hundreds of other jurisdictions across the state will be redistricting during this period and will also need redistricting consultants. It is therefore imperative for the Council and staff to expeditiously retain consultants and build the groundwork to engage the public. We have attached as **Exhibit A** a two-page document with best practices on education and outreach and summarize legal requirements and provide suggestions below.

A. Redistricting Webpage

The City must create a webpage dedicated to redistricting.² Although we appreciate that the City has already started the process of building the webpage, the page still needs a lot of improvement. There are currently two pages on redistricting on the City's website, one that appears to be a draft page and is missing links to relevant information,³ and one that is slightly more built out.⁴ We suggest that you take down the draft page to avoid confusion. The more updated page currently links to a Spanish translation of the page, but it is easy to miss.⁵ We suggest that the City make this link prominent, possibly adding graphics to make sure Spanish speakers see that a translation is available. The City should also strive to

¹ The charter city provisions of the Fair Maps Act are codified in sections 21620 to 21630 of the Elections Code.

² Cal. Elec. Code § 21628(g).

³ City of Bakersfield, Ward Redistricting, <https://bit.ly/3ge2jgV> (last accessed August 18, 2021).

⁴ City of Bakersfield, Ward Redistricting, <https://bit.ly/3sBY5EU> (last accessed August 18, 2021).

⁵ *Id.*

go beyond the required languages and translate the content into other commonly spoken languages in the region, including Punjabi. The Secretary of State has already created templates in ten languages and posted them [here](#).

The Fair Maps Act requires the redistricting webpage to include or link to the procedures for a member of the public to testify during a public hearing or workshop.⁶ Currently, the website provides little information on these procedures. For tonight's hearing and all future hearings and workshops, the public needs to know if there is a process to provide comment in person, whether it is possible to provide comment via telephone or videoconference, and more detailed instructions on providing written comment. With respect to in-person comment, the website should flag any time limitations so that the public can prepare accordingly. The City should have a full functioning website that includes this information well before hosting the next redistricting public hearings and workshops.

B. Education and Outreach

The Fair Maps Act mandates a thorough education and outreach program.⁷ Implementing a program that truly engages Bakersfield communities requires planning, staff time, and an allocation of sufficient monetary resources. We strongly suggest that the Council adopt a budget that accounts for a robust, multilingual effort to seek community input in this once-in-a-decade process. We further encourage the City to begin working with DHF and other community-based organizations in the region, as required by the Fair Maps Act.⁸ We also recommend that the City set up an online form so that the public can subscribe to email updates. Finally, we encourage the City to partner with other districted jurisdictions in the region, including Kern County and school and special districts that overlap with the City of Bakersfield, to educate and notify residents of opportunities to engage in redistricting. This will maximize city resources, streamline information, and minimize confusion for residents.

C. Public Hearings and Workshops

Because the City is large and diverse, the Council should strive to offer far more than the four hearings required by the Fair Maps Act.⁹ For example, the City of Anaheim, which has about the same population as the City of Bakersfield and has the same map-adoption deadline, plans to host a total of sixteen pre- and post-map public hearings and community meetings.¹⁰ There is no reason why the Council cannot match or exceed that number of meetings so that the Council has ample opportunities to hear from the public about their communities of interest and where the lines should be drawn. The Council should also make the hearings as accessible as possible by providing video and in-person options to attend the hearings, scheduling the hearings at different times and days of the week to accommodate varying schedules, and holding the hearings across the City to ensure that those residents who want or need to attend in person can access hearing locations. We appreciate the fact that the City plans to offer Spanish interpretation at all redistricting hearings and encourage the Council to also commit to provide Punjabi interpretation.

Once draft maps are published, the City must post them online for at least seven days before it selects a final map.¹¹ This requirement is reduced to three days in the last 27 days before the City's map-

⁶ Cal. Elec. Code § 21628(g)(2).

⁷ Cal. Elec. Code § 21628(a).

⁸ Cal. Elec. Code § 21628(a)(2).

⁹ Cal. Elec. Code § 21627.1(a).

¹⁰ City of Anaheim, Calendar of Public Hearings and Community Meetings (Aug. 2021), <https://bit.ly/2XHswhD>.

¹¹ Cal. Elec. Code § 21628(d)(1).

adoption deadline.¹² The City, however, should strive to give more than seven days to the community to evaluate draft maps and provide feedback, and should post draft maps considered at any public hearing or workshop well ahead of the hearing. Community members need a meaningful opportunity to digest draft maps, to identify recommendations, and to develop alternative maps.

The Fair Maps Act recognizes that to draw equitable maps line drawers must collect detailed testimony about communities of interest from as many residents as possible.¹³ We are thus very concerned with the amount of time that the City Council plans to allot for public comment at redistricting hearings.¹⁴ For tonight’s hearing, the City Council only set aside fifteen minutes in total to receive testimony.¹⁵ Such an extreme limit deviates from your obligations under the Fair Maps Act, which requires the City Council to encourage public participation by, among other things, conducting robust outreach and education “to encourage residents . . . to participate in the redistricting process”¹⁶ and hosting a minimum number of public hearings so that the public can “provide input regarding the composition of one or more council districts.”¹⁷ The fifteen minute limit means that only five people will have an opportunity to provide testimony at each hearing, and less than five if some speakers need interpretation.¹⁸

We urge the City Council to, instead, follow the lead of other line-drawing bodies throughout the state. Orange County, for example, recently hosted a series of pre-map redistricting workshops.¹⁹ County staff remained on site until they answered the public’s questions and heard from all members of the public who wanted to provide comment.²⁰ Staff heard testimony for about an hour and a half during at least one of the workshops.²¹ The California Citizens Redistricting Commission similarly recognizes that receiving community of interest testimony from as many members of the public as possible is necessary for map drawing. They have been setting aside at least three hours for each regional public meeting, but do not limit those meetings to just three hours. Instead, the meetings are over “upon the closing of business,” or when those members of the public who wish to speak have an opportunity to speak.²² The City Council should do what is right by allocating sufficient time during hearings and workshops for all members of the public to provide testimony.

II. City Council Map Requirements

When preparing its redistricting plan and drafting and considering draft maps, the City must keep in mind the following redistricting requirements:

¹² Cal. Elec. Code § 21628(d)(1).

¹³ See, e.g., Cal. Elec. Code § 21628(a) (requiring the Council to “take steps to encourage residents . . . to participate in the redistricting public review process”).

¹⁴ The ACLU previously expressed concerns with this limitation on public participation in a letter dated June 11, 2021 from staff members Jordan Wells and Maira Rios. In particular, the ACLU is concerned that this limitation also runs afoul of the Ralph M. Brown Act.

¹⁵ City of Bakersfield, Notice of Public Hearing for August 18, 2021, available at <https://bit.ly/3AP3BH5>.

¹⁶ Cal. Elec. Code § 21628(a).

¹⁷ Cal. Elec. Code § 21627.1(a).

¹⁸ Cal. Gov’t Code § 59454.3(b)(2)-(3) (requiring City Council to provide twice the allotted time to address the Council to a member of the public who utilizes consecutive interpretation).

¹⁹ OC Clerk of the Board, General Timeline/Calendar, <https://bit.ly/3iVXmek> (last accessed August 18, 2021).

²⁰ See, e.g., County of Orange, California, *Redistricting Community Workshop – District 4*, Facebook (Aug. 11, 2021), <https://fb.watch/7sXAwZPH46/>.

²¹ See, e.g., County of Orange, California, *Redistricting Community Workshop – District 1*, Facebook (Aug. 4, 2021), <https://fb.watch/7sXhE1TsQ4/>.

²² See, e.g., California Citizens Redistricting Commission, Communities of Interest (COI) Input Meeting for Zone F, <https://bit.ly/3xXJgxi> (public notice for August 25, 2021 hearing for communities in Kern County).

1. The final map must have districts that are substantially equal in population.²³
2. The final map must comply with Section 2 of the VRA. This may require the City to include several majority-minority districts.²⁴
3. The City must follow traditional redistricting principles, including those laid out in the Fair Maps Act. In particular, the City must use the following redistricting principles in this order of priority: contiguity; maintain neighborhoods and communities of interest; follow natural and artificial boundaries; and compactness.²⁵
4. The City may not adopt a map that favors or discriminates against a political party²⁶ and cannot consider relationships with political parties, incumbents, or political candidates when assessing communities of interest.²⁷

Assessing VRA compliance and identifying communities of interest requires extensive public testimony, an understanding of historical discrimination in the City of Bakersfield, and demographic and statistical analyses. This further highlights the need for the City to provide the public with sufficient time to provide comment at hearings and workshops.

* * *

We encourage the City to continue planning its redistricting process by, among other things:

- scheduling more than four hearings and workshops across the City and at different times and days of the week to accommodate varying schedules;
- agreeing to provide the public with at least three minutes of time for testimony and getting rid of the limit on the total time allotted for public comment;
- receiving a presentation on available consultants, including demographers and outside counsel, and a timeline for retaining those consultants; and
- working with the public and community-based organizations to develop a robust public outreach and education plan.

Finally, we implore the Council to ensure a fair and transparent redistricting process that inspires public trust in local government. This cycle, there are many organizations like DHF that are engaging the public and monitoring the City's redistricting process. Further, many organizations, like the ACLU of Southern California, are prioritizing redistricting and, if necessary, redistricting litigation. We commend the City for beginning to plan its redistricting process and urge you to do what is right, continue to plan and execute a redistricting process that is inclusive of all communities, and adopt a map that is representative of the City and complies with federal and state law.

We look forward to working with you to make this a fair, open, and transparent process.

Sincerely,

Lori Pesante
 Director of Civic Engagement
 & Government Relations
 Dolores Huerta Foundation

Cynthia Valencia
 Senior Policy Advocate and Organizer
 ACLU of Southern California

Julia A. Gomez
 Staff Attorney
 ACLU of Southern California

²³ Cal. Elec. Code § 21621(a).

²⁴ 52 U.S.C. § 10301; Cal. Elec. Code § 21621(b).

²⁵ Cal. Elec. Code § 21621(c).

²⁶ Cal. Elec. Code § 21621(d).

²⁷ Cal. Elec. Code § 21621(c)(2).

Exhibit A

Engaging Your Constituents in the LOCAL REDISTRICTING PROCESS

This year your jurisdiction will begin the process of redrawing district lines ahead of the 2022 elections. State law mandates that counties and cities conduct robust public education and outreach. The following are best practices to help facilitate the community engagement process.

ENCOURAGING CONSTITUENT PARTICIPATION IN THE REDISTRICTING PROCESS*

Your jurisdiction is tasked with encouraging residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting process.ⁱ To do this, you must conduct public outreach to local media organizations, good government, civil rights, civic engagement, and community groups or organizations that are active in your jurisdiction, including those serving different language communities, the disability community, and other historically underrepresented communities.ⁱⁱ

USE TARGETED RECRUITMENT STRATEGIES

- Partner with organizations that were involved with the 2020 Census count in your community, faith-based networks, and community organizations that work with different language communities.
- Reach out to other agencies and departments within your local government and ask them to share information with residents they come in contact with.
- Reach out to other jurisdictions redistricting in your geographical area to help educate and notify residents about getting involved.
- Use ethnic media to promote the opportunity within different language communities.
- Don't forget about youth! Reach out to high school leadership programs and youth-serving organizations to encourage them to get involved.
- Conduct outreach at virtual and in-person cultural events, community centers, schools, and places of worship.

CONSIDER DEDICATING A POINT PERSON FOR COMMUNITY OUTREACH

- Consider dedicating one or more staff members or consultants to be point people for outreach. The public should be able to contact them if they have questions about the redistricting process or have outreach and community education suggestions.

CREATING AND MAINTAINING A REDISTRICTING WEBPAGE*

Your jurisdiction must create a dedicated redistricting webpage.ⁱⁱⁱ The webpage must include an explanation of the redistricting process in all required languages.^{iv} It must also include or link to procedures for the public to testify during a hearing or submit written testimony; a calendar of all public hearings and workshop dates; the notice and agenda for each public hearing and workshop; a recording or written summary of each public hearing or workshop; draft maps; and the final adopted map. This webpage will be a critical source of information for your constituents.

TAKE ADVANTAGE OF RESOURCES CREATED BY THE SECRETARY OF STATE

- The Secretary of State created templates explaining the redistricting process and made it available in ten languages. You can find the templates [here](#).

ENSURE THAT TRANSLATED MATERIALS ARE EASY TO FIND

- Arrange your webpage so that translated materials are easy to find.
- Instead of listing available languages in English, list them in their respective language. For example, instead of listing “Spanish” list “Español.”

CREATE AND TRANSLATE ADDITIONAL MATERIALS

- Consider creating and translating additional helpful materials, such as the procedures for public testimony and submitting written testimony.

CREATE ENGLISH-LANGUAGE MATERIALS WITH AN EYE TOWARDS TRANSLATION

- Use plain English when creating materials so that they can be more easily translated.

CONSIDER PROVIDING TRANSLATION IN ADDITIONAL LANGUAGES

- Translate materials in additional languages, such as those covered by the state elections code, to better reach your constituents.

CREATING AN INCLUSIVE PUBLIC HEARING & PUBLIC INPUT PROCESS*

Before adopting a final map, your jurisdiction must hold at least four public hearings to receive input regarding line drawing.^v This includes at least one hearing before and at least two hearings after drawing your first draft map.^{vi} The fourth required hearing and additional hearings can be held before or after the draft map is drawn.^{vii}

PROVIDE ADDITIONAL OPPORTUNITIES FOR INPUT

- Your jurisdiction should strive to offer more than four hearings, advertise them widely, and make the hearings as accessible as possible.
- Hold hearings in different geographic areas to improve accessibility for all constituents.
- Make all public hearings, including in-person hearings, available over a video platform.
- Consider providing additional days than what is required for constituents to evaluate draft maps and provide feedback.
- Provide a public mapping tool to make the process more accessible.

BUILD TRANSPARENCY AND ACCOUNTABILITY INTO THE REDISTRICTING PROCESS

- Following each round of community input and feedback, consider posting all submitted testimony on your webpage, and if received in enough time, include the submitted public comment in the agenda packet for the hearing.

COORDINATE WITH OTHER JURISDICTIONS IN YOUR REGION

- Coordinate with other jurisdictions in your region about redistricting-related hearing and workshop dates to minimize conflicts.
- Avoid scheduling hearings that conflict with the California Citizens Redistricting Commission hearings in your region.

ENSURE LANGUAGE AND DISABILITY ACCESS

- Consider providing live interpretation and translation in all required languages regardless of whether an advance request was made.
- Include American Sign Language (ASL) interpretation and closed captioning for individuals who are Deaf or hard of hearing.

ⁱ Cal. Elec. Code § 21508(a) (counties); *id.* § 21608(a) (general law cities); *id.* § 21628(a) (charter cities).

ⁱⁱ Cal. Elec. Code § 21508(a)(1)-(2) (counties); *id.* § 21608(a)(1)-(2) (general law cities); *id.* § 21628(a)(1)-(2) (charter cities).

ⁱⁱⁱ Cal. Elec. Code § 21508(g) (counties); *id.* § 21608(g) (general law cities); *id.* § 21628(g) (charter cities).

^{iv} Cal. Elec. Code § 21508(g)-(h) (counties) (Required languages include “any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act...”); *id.* § 21608(g)-(h) (general law cities); *id.* § 21628(g)-(h) (charter cities). Note, the Secretary of State’s Office will be releasing a list of required languages by city [here](#).

^v Cal. Elec. Code § 21507.1(a) (counties); *id.* § 21607.1(a) (general law cities); *id.* § 21627.1(a) (charter cities).

^{vi} Cal. Elec. Code § 21507.1(a)(1)-(2) (counties); *id.* § 21607.1(a)(1)-(2) (general law cities); *id.* § 21627.1(a)(1)-(2) (charter cities).

^{vii} *See, generally*, Cal. Elec. Code § 21507.1(a) (counties); *id.* § 21607.1(a) (general law cities); *id.* § 21627.1(a) (charter cities).

* For a complete set of legal requirements, please review the relevant code section.