CITY OF MCFARLAND
2024 ADOPTED CITY COUNCIL ELECTION DISTRICT BOUNDARIES
REPORT PURSUANT TO ELECTION CODE 21130(f)

On March 14, 2024, the McFarland City Council unanimously adopted "Red Map" as the official district boundaries for City Council. Elections for Districts 2 and 4 will be held in November 2024, with Districts 1 and 3 and the at-large Mayor following in November 2026 to complete the transition to five single-member districts.

As required by Election Code 21130(f), the following report explains the basis on which the districting body made its decisions in achieving compliance with the requirements and criteria described in Section 21130:

Election Code 21130(a) states:

> (a) Following or concurrent with the decision to establish district-based elections for a legislative body, or following each federal decennial census for a legislative body that is already elected using district-based elections, the districting body shall, by ordinance or resolution, adopt boundaries for all of the election districts of the legislative body so that the election districts shall be substantially equal in population as required by the United States Constitution.
> (1) Population equality shall be based on the total population of residents of the local jurisdiction as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.
> (2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted towards a local jurisdiction's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the local jurisdiction, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

On March 14, 2024, the City Council adopted its Ordinance No. 003-2024 adopting election district boundaries substantially equal in population balance as required by the United States Constitution and in accordance with Election Code 21330(a)(1) and (2). Under federal law, districts are presumed constitutional if the difference between the deviation from the ideal population of the largest and smallest districts is less than ten percent. In the City's adopted map, District 1 is the largest district at 3,578 people and a deviation from the ideal population of +2.70 percent. District 3 is the smallest district at 3,382 people and a deviation from the ideal of -2.93% percent. The difference between those two percentages is 5.63 percent, safely below ten percent.

Election Code 21130(b) states:

> (b) The districting body shall adopt election district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).
> (1) Consistent with the districting body's existing obligations under the federal Voting Rights Act, the districting body shall determine whether it is possible to create an

election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in Thornburg v. Gingles, 478 U.S. 30 (1986), and as interpreted in case law regarding enforcement of the federal Voting Rights Act with respect to redistricting. The districting body shall publish on its redistricting web page, at a minimum, the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

(2) If the districting body, consistent with its existing obligations under the federal Voting Rights Act, conducts an analysis to determine whether "racially polarized voting," as defined in case law regarding enforcement of the federal Voting Rights Act, exists in the local jurisdiction, the districting body shall publish on its redistricting web page, at a minimum, a summary of its analysis and findings within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

In accordance with Election Code 21330(b)(1) and consistent with the districting body's existing obligations under the federal Voting Rights Act, the City Council has determined that the city is 96% Latino by total population and 91% Latino by citizens of voting age (CVAP). Therefore, no matter how the districts are drawn, all four council districts will have a majority-Latino population. Indeed, in the adopted Red Map, districts range from 84% Latino in District 2 to 94% Latino in Districts 1 and 4. The African-American, Asian-American, and Native American populations combined are about 1% of total population and CVAP.

The City did not conduct a racially polarized voting analysis as described in Election Code 21130(c)(2).

Election Code 21130(c) through (e) states:

(c) The districting body shall adopt election district boundaries using the following criteria as set forth in the following order of priority:

(1) To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the maximum extent practicable, and where it does not conflict with the preceding criterion in this subdivision, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division. A "community of interest" is a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, election districts shall be bounded by natural

and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.

(4) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(e) The districting body shall not adopt election district boundaries using any criterion that is prioritized over the criteria in subdivision (c) or that, expressly or as applied, conflicts with one of the requirements in subdivisions (a) to (d), inclusive, except as provided in subdivision (g).

The election district boundaries were adopted using the criteria as set forth in Election Code 21130(c)(1) through (5) in order of priority. The City Council did not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party. The City Council did not adopt election district boundaries using any criterion that is prioritized over the criteria in subdivision (c) or that, expressly or as applied, conflicts with one of the requirements in subdivisions (a) to (d), inclusive.

The basis on which the City Council made its decision were the requirements and criteria of Election Code 21130, including, in part, the following identified communities of interest:

1. The redrawn election district boundaries do not split neighborhoods, except where necessary because of population balancing requirements.
2. District 1 is a highly compact district including all the city north of Perkins Avenue. It links areas with a high proportion of apartments and other multi-unit housing east and west of Highway 99. It is the only district where renters comprise a majority of the population.
3. The original townsite area – broadly defined as between Perkins Avenue and Sherwood Avenue, between Garzoli Avenue and Browning Road, was too large to be in one Council District. Council therefore used Kern Avenue, historically the city's central east-west thoroughfare, as the dividing line between Districts 2 and 3.
4. Districts 3 and 4 work to keep together the distinct newer communities south of Sherwood Avenue as well. By principally using Mast Avenue, residential neighborhoods along Taylor Avenue are not divided. In addition, by using Hanawalt Avenue, the city separates the areas designated for agricultural/industrial use and future residential development.
5. District 4 also includes the two blocks north of Sherwood Avenue west of 10th Street for population-balancing, and to ensure that the new residential community southeast of Taylor Avenue and Mast Avenue was not divided.
6. There was one public comment about the areas on either side of the freeway being potential communities of interest. However, the concern raised was that drawing a district using the freeway would be used to marginalize the area east of Highway 99, which has about 30% of the city's total population, in a single district. In addition, there are communities of interest that cross the freeway, such as the concentration of multifamily housing in the north of the city and boundaries of the historic downtown area. To address this, the Council reviewed maps that both considered using the freeway and avoided it. They determined that the best way to

ensure "effective and fair" representation was to create a District 2 with a majority of its population east of Highway 99, and ensure that areas with socio-economic or geographic similarities on either side of Highway 99 were linked in Districts 1, 3, and 4.

7. The Red Map also balances future population growth between all four districts, as the City in in the process of multiple annexations, thus minimizing the potential population differences among the districts over time.

Submitted by:

Paul Saldana
Community Development Director

Approved by the McFarland City Council on March 14, 2024.