



**Fremont City Council**

3300 Capitol Avenue  
Fremont, CA 94538

**SCHEDULED**

Meeting: 03/01/22 07:00 PM  
Div/Dept: City Manager's Office  
Category: Plans, Policies and Studies

**STAFF REPORT (ID # 4554)**

Sponsors:  
DOC ID: 4554

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**CITY OF FREMONT REDISTRICTING PROCESS PUBLIC HEARING AND INTRODUCTION OF AN ORDINANCE AMENDING SECTIONS 2.05.130 AND 2.10.110 OF FREMONT MUNICIPAL CODE REGARDING THE REDRAWING OF ELECTION DISTRICT BOUNDARIES AND MAKING CONFORMING CHANGES DUE TO HAVING A SEVEN MEMBER CITY COUNCIL – Fourth Public Hearing on City of Fremont Redistricting Process, Start time - 7:15pm**

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**Executive Summary:** The Public Hearing scheduled for March 1, 2022, represents the fourth in a series of four public hearings required under the California Elections Code Section 21600 et seq. as part of the redistricting process undertaken following each decennial federal Census.

The purpose of this public hearing is to (1) conduct a public hearing to receive additional public input on communities of interest and district boundaries, and (2) identify a final Council District Map.

Staff also recommends the introduction of an ordinance amending Fremont Municipal Code Chapter 2.05 to remove the existing district boundaries from the Municipal Code and provide for the new boundaries to be established by a map adopted by resolution. The proposed ordinance also amends Fremont Municipal Code Chapter 2.10 to make a conforming change related to the expansion of the city council from 5 members to 7 members. The redistricting process must be completed by April 17, 2022.

**BACKGROUND:** In 2017, the City expanded the City Council from five members to seven members and began the transition from at-large to district-based elections. The district-based maps were adopted on June 13, 2017 by the City Council with an ordinance approving six new Council districts and a phase-in schedule from 2018-2020. The change from at-large to by-district elections requires the City to conduct a redistricting process every ten years.

*Redistricting Public Hearing Recap*

Public hearings for the City's 2021 Redistricting process were held in compliance with Elections Code Sections 21620-21629 on September 21, 2021, December 7, 2021, and February 15, 2022. This is the fourth and final public hearing required by law. The City also held an informational presentation of the redistricting process for the City Council, a community workshop providing training on public mapping tools, and informational presentations to community organizations and City commissions.

At each public hearing, the City's demographer consultant, National Demographics Corporation (NDC), provided a presentation of redistricting requirements under the federal Voting Rights Act and the California Voting Rights Act (CVRA). The City Council also received and filed reports on the public input received by the City of Fremont regarding communities of interest and district boundaries. All public input, staff reports, translated documents, and video recordings of Fremont Redistricting Public Hearings, can be found by date at <https://redistrictfremont.org/schedule/>.

At the second and third public hearings (December 7, 2021 and February 15, 2022) draft maps drawn by the public and NDC were presented to the City Council for their review. The City received 11 maps from the public, six of the maps drawn by the public met the basic criteria of redistricting under federal and state law, while five did not. All submitted maps can be found on the City's redistricting website, [www.redistrictfremont.org](http://www.redistrictfremont.org). Based on the discussion of the City Council, NDC has revised proposed maps to be presented at the fourth public hearing. The revised maps are attached to this report.

#### *Public Outreach*

An important aspect of the redistricting process is extensive public outreach. Information regarding public hearings has been posted in TriCity Voice (English), WorldJournal SF (Chinese), La Opinon de Bahia (Spanish), Vietnam Daily News (Vietnamese), and India Post (English, Punjabi, Hindi). Additionally, public hearing documents have been translated into eight languages and are posted on the City's redistricting website, [www.redistrictfremont.org](http://www.redistrictfremont.org). Redistricting information has also been included in the City's weekly online newsletter, The Fremont Connection, Channel 27, and weekly informational posts have been shared on the City's social media platforms. City staff also presented the redistricting information in other public meetings, in addition to the four required public hearings.

The City of Fremont received a request to for live interpretation services in Cantonese and Mandarin for participants during the third public hearing on February 15, 2022. The City consulted with an interpretation vendor to provide these services with two Cantonese interpreters and two Mandarin interpreters.

**DISCUSSION/ANALYSIS:** Under the redistricting process, districts must be redrawn using 2020 Census data and in compliance with the Fair Maps Act, which was adopted by the California legislature as AB 849 and took effect January 1, 2020.

The Fair Maps Act requires that "council districts shall be substantially equal in population as required by the United States Constitution." (Elections Code Section 21601(a)). A total deviation of 10% or below is the recommended target for proposed local government district maps to maintain legal compliance with federal and state law. After processing the City's current district map with 2020 Census data, NDC found that it reflects a total population deviation of 10.62%. This value is above the 10% threshold and thus requires redrawing of the district map to comply with balanced populations across districts.

Additionally, under the Act, Council shall draw and adopt boundaries using the following criteria in the listed order of priority (Elections Code Section 21601(c)):

1. Comply with the federal requirements of equal population and the Voting Rights Act
2. Geographically contiguous
3. Undivided neighborhoods and "communities of interest"

4. Easily identifiable boundaries
5. Compact (do not bypass one group of people to get to a more distant group of people)
6. Shall not favor or discriminate against a political party

Once the prioritized criteria are met, other traditional districting principles can be considered.

#### *Proposed Maps Reviewed under the Redistricting Process*

The City received 11 maps from the public throughout the redistricting process. Six of the maps drawn by the public met the basic criteria of redistricting under federal and state law, while five did not. Each map that met the basic criteria was presented to the Council at the second or third public hearings with demographic analysis reports.

NDC presented three proposed draft maps to the City Council for review based on results of the City's redistricting public survey, public comment, and feedback from Council. Each of these maps were also presented at the second or third public hearings with demographic analysis reports.

At the third public hearing, staff recommended that the City Council identify one to three priority maps to be reviewed at the fourth public hearing. The City Council provided extensive feedback and focused on three maps for NDC to attempt to revise for further review at the fourth public hearing. All maps submitted during this process, can be found on the City's redistricting website, [www.redistrictfremont.org](http://www.redistrictfremont.org).

#### *City Council Feedback - Revised Maps for Public Hearing #4*

The City Council directed NDC to perform analysis to revise Public Map 91604, Green Map Drawn by NDC, and the Minimal Change Map Drawn by NDC, for further review at the fourth public hearing. The City Council's feedback provided that though these three maps met the redistricting criteria and balanced population deviation requirements, NDC should revise to attempt to further unify Fremont's communities of interest. The City Council provided direction on the importance of maintaining unification of the City's neighborhoods and business districts. Direction was given to revise the map options to attempt to unify the Centerville neighborhood and its business corridor in one district, either District 2 or District 3, to unify the Glenmoore neighborhood in one district either District 2 or 3, and to ensure the continued unification of the Irvington neighborhood.

NDC has attempted to make the Council requested revisions and has revised Public Map 91604 and the Green Map Drawn by NDC for presentation at the fourth public hearing. The Minimal Change Map Drawn by NDC could not be revised to meet the requested revisions by the City Council while maintaining the compactness of the communities of interest and population balance. The NDC Redrawn 91604 Map and Revised Green Map Drawn by NDC are attached to this report and will be reviewed for the final Council District Map selection.

#### *Introduction of Ordinance Amendment*

The Draft Ordinance proposes to make the following changes to the Fremont Municipal Code:

1. Fremont Municipal Code Section 2.05.130 currently establishes the City Council voting districts by describing the boundaries of each district. The proposed amendment removes the existing district boundaries from the Fremont Municipal

Code and provides for the new boundaries to be established by a map adopted by resolution of the City Council.

2. In 2017, when the City established elections by district, the City expanded the City Council from five to seven members. At that time, a number of conforming changes were made throughout the Fremont Municipal Code to reflect that change. However, Section 2.10.110 regarding the removal of the City Manager was not amended and that section still reflects the number of votes required for removal by a five-member City Council. The proposed amendment revises the vote requirement to reflect the change from five to seven members. Specifically, the amendment changes the number of votes required to remove the City Manager from three to four and when the vote occurs within 60 days after the City Manager's appointment or a City Council election, the amendment changes the number of votes required from four to five to remove the City Manager.

**FISCAL IMPACT:** None.

**ENVIRONMENTAL REVIEW:** The selection of a Council District Map and the introduction of the ordinance are exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3) in that it is not a project which has the potential for causing a significant effect on the environment.

**ATTACHMENTS:**

- Draft Redistricting Ordinance
- Revised Green Map Drawn by NDC
- NDC Redrawn 91604 Map

**RECOMMENDATIONS:**

1. Conduct a public hearing to receive additional public input on communities of interest and district boundaries.
2. Identify and select a final Council District Map.
3. Introduce ordinance amending the Fremont Municipal Code, sections 2.05.130 and 2.10.110.
4. Direct the City Clerk to post and publish a summary of the ordinance in accordance with Government Code Section 36933(c)(1).