



Northern
California

March 20, 2023

Sent via Email

Pleasant Hill Mayor and City Council
100 Gregory Lane
Pleasant Hill, CA 94523
citycouncil@pleasanthillca.org

**Re: Public Comment on the City Council Districting Process
Agenda Item 10.2, March 20, 2023 City Council Meeting**

Dear Mayor and Members of the City Council:

The American Civil Liberties Union Foundation of Northern California (“ACLU”) writes regarding the City of Pleasant Hill’s districting process. We understand that on March 6, 2023, the City Council adopted a resolution providing notice of its intention to change Pleasant Hill’s election system from at-large to district-based elections. We further understand that the March 20, 2023 Regular City Council Meeting is being slated as the first of the four public hearings required under the California Voting Rights Act (“CVRA”). We urge you to not rush this important process. Instead, consistent with best democratic practices, the City Council should stipulate to an extension for its districting process and use that additional time to establish an independent districting commission to draw the new council district map. An independent districting commission will help ensure that the transition to district-based elections is fair and transparent.

Reflecting the importance of public participation in the districting process, the CVRA allows local jurisdictions and prospective plaintiffs to enter into a written agreement to provide for additional time beyond the statutory “safe harbor” of 90 days “to conduct public outreach, encourage public participation, and receive public input” on where lines should be drawn.¹ We urge you to take advantage of this potential additional time, which will also allow the City Council to establish an independent districting commission to conduct the rest of the process.

¹ See Elec. Code § 10010(e)(3)(C)(i). This written agreement must include a requirement that the district boundaries be established no later than six months before either the next regular primary election or regular election to select governing members, whichever is earlier. *Id.*

American Civil Liberties Foundation of Northern California

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The purpose of an independent districting commission is to ensure that the line-drawing process garners public trust by prioritizing transparency as well as communities over politics and special interests. We offer the City Council the following recommendations for creating a districting commission that is able to maintain its independence and the public's trust in order to draw a map that fairly represents all Pleasant Hill communities and residents:

- The composition of the commission should reflect Pleasant Hill's demographic and geographic diversity.
- To minimize partisan influence, commissioners should be selected through a transparent process operated by independent and nonpartisan actors, not incumbents. The commission should be empowered to adopt and enact the final council district map, not to merely submit a recommendation to the City Council. There should be service and post-service restrictions on commissioners, such as limitations on their ability to endorse candidates or run for office.²
- The commission should operate in a transparent and participatory manner. It should hold more than the minimum four public hearings and encourage robust public participation at those hearings so that commissioners receive the information they need to draw fair, representative lines.³ And, to maintain public trust, all communications with commissioners on how to draw the council district map must be in public and on the record.

A recent report on the 2020 local redistricting process in California released by the ACLU of Northern California and our partners highlights the importance of truly independent commissions and warns against politically appointed commissions.⁴ The report found that advisory commissions and commissions with political appointees were much less successful than fully independent redistricting commissions. While advisory commissions resulted in more opportunities for public participation and deliberation compared to incumbent-run processes, they frequently proposed maps that prioritized incumbents over communities.⁵ And, when these commissions proposed maps responsive to community input, like in the City of Los Angeles, these maps were often drastically modified or ignored by the legislative body.⁶ Even when commissioners had the power to adopt final maps, as in San Francisco, if they were politically appointed, they often acted as “proxies for appointing officials, undermining the benefits of [independent redistricting commissions] and harming public trust in the redistricting process.”⁷

² For examples of selection criteria, service restrictions, and post-service restrictions, we refer you to both the specific requirements for the County of Los Angeles and the default requirements for local jurisdictions. See Elec. Code §§ 21532(b)–(d) (Los Angeles County); *id.* §§ 23003 (local jurisdictions not including charter cities).

³ The state's redistricting law provides detailed accessibility and public outreach and education requirements that the City Council's independent districting commission could use as a starting point. See, e.g., Elec. Code §§ 21607, 21607.1, 21608 (requirements for general law cities).

⁴ Nicolas Heidorn, *The Promise of Fair Maps, California's 2020 Local Redistricting Cycle: Lessons Learned and Future Reforms* (Jan. 2023), <https://www.commoncause.org/california/wp-content/uploads/sites/29/2023/01/The-Promise-of-Fair-Maps.pdf>.

⁵ *Id.* at 76-78.

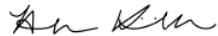
⁶ *Id.* at 78.

⁷ *Id.* at 80.

In contrast, redistricting run by independently appointed commissioners “overall was far more transparent, more participatory, and more responsive to community concerns than redistricting where incumbents drew their own lines.”⁸ Because such commissions were insulated from the control or influence of the legislative body, they “often prioritized keeping neighborhoods and communities whole and often also prioritized empowering marginalized or underrepresented communities.”⁹ That is exactly the process the City Council should strive for in Pleasant Hill.

Calling for an independent districting commission is not an indictment of the City Council. Instead, it reflects that Pleasant Hill residents know what is best for them and their communities. As demonstrated by multiple successful uses of independent commissions during the redistricting cycle following the 2020 Census, independent line-drawing commissions help lead to maps that are equitable, fair, and lawful. We look forward to working with you to make this a fair, open, and transparent process from at-large to by-district elections. If you have any questions, please feel free to contact us at hkieschnick@aclunc.org.

Sincerely,



Hannah Kieschnick
Staff Attorney
ACLU Foundation of Northern California

⁸ *Id.* at 4.

⁹ *Id.*