



File #: 19-1168, Version: 1

REPORT TO COUNCIL

SUBJECT

Report on Recently Discovered Demographic Dataset Errors Regarding Citizen Voting Age Population Counts in Proposed District Maps Processed by National Demographics Corporation

BACKGROUND

The City began exploring changing from the City's current at-large with numbered seats system for electing City Council members to a district-based form of elections (RTC No. 18-0776) in the fall of 2018, shortly before receiving a letter from a potential plaintiff alleging the City's current electoral system violates the California Voting Rights Act ("CVRA") because it "dilutes the voting power of Asian American voters."

Council adopted a resolution of intent to change to district-based elections in November 2018 and adopted an amended Resolution of Intent on March 19, 2019 (Resolution No. 907-18) declaring its intent to place a charter amendment measure on the March 2020 ballot to transition to district-based elections.

After a robust community outreach effort, on June 18, 2019 (RTC No. 19-0362) Council directed staff to move forward with a six-district model with a directly-elected, at-large mayor. The Phase 2: Community-Driven Mapping process began in July with support from National Demographics Corporation (NDC). NDC provided an online mapping tool using 2010 census, 2012-2016 American Community Survey (ACS), and California Statewide Database data. Residents were given training and access to the online mapping tool to develop proposed 6-district maps. A total of 26 maps were submitted by the public. Council has received public input and narrowed the preferred district maps to four maps: 107A, 120A, 120C, and 121A.

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" with the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines sections 15320, 15378 and 15061 (b)(3) as it is an organizational structure change and does not have the potential to result in either a direct or reasonable foreseeable indirect physical change in the environment.

DISCUSSION

On October 21, 2019, staff was informed of dataset error regarding Citizen Voting Age Population (CVAP) counts in proposed district maps processed by NDC that have been posted online and presented to Council at two public hearings. As detailed in attached memo from NDC (Attachment 1), the error occurred in the database NDC used for processing maps, which used 2013-2017 ACS data. This data became available after the online tool was built which used 2012-2016 ACS data. Therefore, the data provided and used by residents to draw proposed maps in the online mapping tool were correct. Most important, the "total population" counts required to create balanced districts

are correct as they are based on 2010 census data, which were accurate.

The issue affected the demographic data associated with each proposed district map posted online and presented at public hearings on September 10 and October 8. Not all districts were impacted, but for those impacted, the discrepancy in the demographic data ranges from 1% to 7%.

Demographic spreadsheets for the four preferred maps have been reposted with corrected data (Attachment 2). Demographic spreadsheets for all other proposed maps will be corrected and reposted as soon as possible.

The City Attorney requested that Outside Counsel perform quality control testing of the corrected data independently of that performed by NDC. As a result of that independent testing it is the opinion of the City Attorney and Outside Counsel that the dataset issue does not require that the Council reconsider any of the previously posted maps nor does it require any reconsideration of the four preferred maps for the following reasons:

1. The issue does not affect the requirement that districts be relatively equal in population.
2. Correcting the issue results in generally small or no changes in the reported CVAP data, and/or bringing the reported CVAP data generally in line with the data used by residents to design districts, which was correct.
3. The issue does not affect the community of interest considerations, and other traditional redistricting criteria (geography, topography, recognizable boundaries, etc.) that have informed the design of the various maps.

For transparency purposes, staff is sharing this information with Council and the public at a public hearing before further consideration of preferred maps on November 5. Staff has also met with potential plaintiffs regarding this issue.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

ALTERNATIVES

Staff is informing Council of the issue and is seeking direction on next steps:

1. Direct staff to continue moving forward with map 107A, 120A, 120C, and 121A for further consideration on November 5.
2. Reconsider all maps using corrected data on November 5 and extend the deadline for adopting a preferred district map to a later date to be determined by Council.
3. Provide other direction to staff.

STAFF RECOMMENDATION

Alternative 1: Direct staff to continue moving forward with map 107A, 120A, 120C, and 121A for

further consideration on November 5.

Prepared by: Jaqui Guzmán, Deputy City Manager

Reviewed by: Teri Silva, Assistant City Manager

Approved by: Kent Steffens, City Manager

ATTACHMENTS

1. Memo from National Demographics Corporation (NDC)
2. Preferred maps with corrected spreadsheets
3. Comparison of original and corrected data spreadsheets