



REGULAR MEETING
September 6, 2023
3:30 p.m.

Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream at <https://youtube.com/live/HPcr0NwAroM?feature=share>

ORANGE COUNTY BOARD OF EDUCATION
AGENDA

WELCOME

CALL TO ORDER

STATEMENT OF PRESIDING OFFICER: For the benefit of the record, this Regular Meeting of the Orange County Board of Education is called to order.

ROLL CALL

(*) AGENDA

Regular Meeting of September 6, 2023 – Adoption

(*) MINUTES

Regular Meeting of August 2, 2023 – Approval

PUBLIC COMMENTS (related to Closed Session)

TIME CERTAIN

1. Inter-district Appeal Hearing (Open) – Student # 09062023001I– Huntington Beach City School District to Newport-Mesa Unified School District.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 2

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. Orange County Committee on School District Organization – Case Number 30-2022-01242499-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 3

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Michael Sean Wright v. Orange County Board of Education and Al Mijares, Orange County Superintendent of Schools – Case Number 30-2022-01243638-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)

CLOSED SESSION 4

CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Potential litigation pursuant to (d) (4) of Government Code Section 54956.9

INVOCATION

5:00 p.m.

PLEDGE OF ALLEGIANCE

INTRODUCTIONS

PUBLIC COMMENTS (30 minutes)

TIME CERTAIN

- (*) 2. Special Presentation – Orange County’s Red Ribbon Week Campaign – Sonia Llamas, Ed.D., Associate Superintendent, Educational Services.
- (*) 3. Adopt Resolution # 17-23 in support of October 22 - October 28, 2023, as Orange County’s Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

Recess Regular Board Meeting to a Meeting of the Orange County Department of Education Facilities Corporation.

CONSENT CALENDAR

- (*) 4. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
- (*) 5. Approve invoice #3266371 in the amount of \$47,331.38 for Haight, Brown & Bonesteel LLP.
- (*) 6. Approve board date change from Wednesday, June 19, 2024 to Tuesday, June 18, 2024.

CHARTER SCHOOLS

7. Charter submissions

BOARD RECOMMENDATIONS

- (*) 8. Approve the format and panelists for the September 20th Special meeting. (Action)
- (*) 9. Approve travel and hotel accommodations for the panelists presenting at the September 20, 2023 Special meeting. (Action)
- (*) 10. Resolution on HR 1146 – Williams (Action)
- (*) 11. AB 764 – Executive Committee (Action)

STAFF RECOMMENDATIONS

- (*) 12. Adopt Resolution #18-23 identifying the Gann actual appropriations limit for 2022-23 and the Gann estimated appropriations limit for 2023-24. (Action)

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- Budget Update (Renee)
- Parent Communication (Board/Staff)

ANNOUNCEMENTS

- Superintendent
- Deputy Superintendent

LEGISLATIVE UPDATES

COMMITTEE REPORT

BOARD MEMBER COMMENTS

PUBLIC COMMENTS

ADJOURNMENT



Nina Boyd
Assistant Secretary, Board of Education

Next Regular Board Meeting: Wednesday, October 4, 2023 at 5:00 p.m. The meeting will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 with limited seating and via YouTube live stream.

Individuals with disabilities in need of copies of the agenda and/or the agenda packet or in need of auxiliary aides and services may request assistance by contacting Darou Sisavath, Board Clerk at (714) 966-4012.

(*) Printed items included in materials mailed to Board Members



MINUTES
Regular Meeting
August 2, 2023

ORANGE COUNTY BOARD OF EDUCATION
MINUTES

WELCOME

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education was called to order by Board President Shaw at 3:32 p.m., August 2, 2023 in the Board Room, 200 Kalmus Drive, Costa Mesa, California and via YouTube live stream at <https://www.youtube.com/live/6tDIokX>.

ROLL CALL

Present:
Mari Barke
Ken L. Williams, D.O.
Tim Shaw
Lisa Sparks, Ph.D.
Jorge Valdes, Esq.

AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve the agenda of the Regular meeting of August 2, 2023.

MINUTES

Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve the minutes of the Regular meetings of June 21, 2023 and July 5, 2023.

PUBLIC COMMENTS (related to Closed Session) - None

The Board took a recess from 3:33 p.m. to 5:00 p.m. to go into closed session to conduct Inter-District appeal hearings, followed by Closed Sessions 1-5.

TIME CERTAIN

1. Inter-district Appeal Hearing (closed) – Student # 08022023001I– Capistrano Unified School District to Tustin Unified School District.

Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve the appeal and allow the student to attend the Tustin Unified School District for the period of one academic year (2023-2024).

Terrance Dunn, Coordinator, Educational Services facilitated the hearing.

CLOSED SESSION 1

CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION-
Orange County Board of Education v. Newsom Case Number 30-2021-
01233170 - Government Code §§ 54956.9(a) and (d)(1)

<u>CLOSED SESSION 2</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. OC Superintendent of Schools, Al Mijares, and State Superintendent of Public Instruction, Tony Thurmond Case No 30-2019-01112665-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 3</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Orange County Board of Education v. Orange County Committee on School District Organization – Case Number 30-2022-01242499-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 4</u>	CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION Michael Sean Wright v. Orange County Board of Education and Al Mijares, Orange County Superintendent of Schools – Case Number 30-2022-01243638-CU-WM-CJC - Government Code §§ 54956.9(a) and (d)(1)
<u>CLOSED SESSION 5</u>	CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION Potential litigation pursuant to (d) (4) of Government Code Section 54956.9 Trustee Sparks could not participate in Closed Sessions 1-5 due to technical difficulties.
<u>INVOCATION</u>	Sarah Bach
<u>PLEDGE OF ALLEGIANCE</u>	Patty Cabada
Report Out	Mr. Rolan reported that the Board heard from board counsel on Closed Session items #1, #2, #3, and #4; no action was taken.
<u>INTRODUCTIONS</u>	Sonia Llamas, Ed.D., Associate Superintendent of Educational Services
<u>PUBLIC COMMENTS</u>	<ul style="list-style-type: none"> ▪ My ▪ Priscilla ▪ Alexandra ▪ Melissa ▪ Audrey ▪ Brianna ▪ Lorenzo ▪ Dimetrius ▪ Minji ▪ Stephanie ▪ David ▪ Rudi ▪ Ivy ▪ Lucy ▪ Beatriz ▪ Billie Joe

The Board recessed the Regular Board Meeting to conduct a Meeting of the Orange County Department of Education Facilities Corporation from 5:47 p.m. to 5:53 p.m.

CONSENT CALENDAR

Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to approve Consent Calendar items #2, #3, and #4.

2. Approve the granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.
3. Accept the 4th Quarter Report on Williams Uniform Complaints for Orange County Department of Education Student Programs for the period of April 1 to June 30, 2023.
4. Approve invoice #3264972 in the amount of \$57,765.68 for Haight, Brown & Bonesteel LLP.

CHARTER SCHOOLS

5. Charter submissions – None
6. Charter School Public Hearing – Sycamore Creek Community Charter II – Aracely Chastain, Director, Charter Schools, facilitated the public hearing.
 - PowerPoint Presentation by Dr. Sarah Bach, Executive Director, Sycamore Creek Community Charter II

PUBLIC COMMENTS (item #6 Only)

- Alisha
 - Janelle
 - Javier
 - Maria
 - Steve
 - Tracy
 - Liane
 - Stephen
7. Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve option I for Sycamore Creek Community Charter School II.

The Board took a recess from 7:11 p.m. to 7:20 p.m.

TIME CERTAIN

8. **Public Hearing** – Textbooks and Instructional Materials, Ramon Miramontes, Ed.D., Deputy Superintendent, Instructional Programs facilitated the public hearing.

The hearing was opened at 7:21 p.m. and closed at 7:26 p.m. for public comments.

PUBLIC COMMENTS (item #8 Only)

- Betty

9. Motion by Barke, seconded by Shaw, and carried by a vote of 5-0 to adopt Resolution #11-23 stating that each pupil of the county office has available textbooks and instructional.

BOARD RECOMMENDATIONS

10. Motion by Williams, seconded by Barke, and carried by a vote of 5-0 to approve the Fentanyl Resolution.

PUBLIC COMMENTS (item #11 Only)

- Ms. Martinez
- Patty
- Bea
- Monica

Video presentation by Trustee Williams on item #11.

BOARD RECOMMENDATIONS (continue)

11. Motion by Williams, seconded by Shaw, and carried by a vote of 5-0 to approve a Resolution on AB 1078: Curricula and Education Materials.

PUBLIC COMMENTS (item #12 Only)

- Nancy

Comments

Board legal counsel Mr. Greg Rolen commented on item #12.

Statement from Superintendent Dr. Mijares read by Deputy Superintendent Nina Boyd.

12. Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve a Resolution Authorizing Filing of 4020 Petition.
13. Motion by Shaw, seconded by Williams to approve a Media Services Resolution.

Subsidiary motion by Shaw, seconded by Barke, and carried by a vote of 5-0 to approve the Media Services Resolution with two amendments to the language on page 2 in the last paragraph and on number 9 on page 4. Mr. Rolan will provide the amended language and revise the resolution accordingly.

STAFF RECOMMENDATIONS

14. Motion by Barke, seconded by Sparks, and carried by a vote of 4-0-1 (Barke, Sparkes, Williams, and Shaw voted Yes; Valdes Abstained) to approve the waiver and release agreement from the Alliance of Schools for Cooperative Insurance Programs (ASCIP).

INFORMATION ITEMS

COMMUNICATION/INFORMATION/DISCUSSION

- OCBE & OCDE Web Site Revisions and Community Outreach - Valdes

ANNOUNCEMENTS

Deputy Superintendent

- Next Board meeting will be on September 6, 2023; submission deadline is August 23rd; Board packet delivery is on September 1st.
- Special Board Meeting on September 20th.
- Board Cabinets in board chambers.

COMMITTEE REPORT


- Add Charter Schools Forum link to Board's webpage

BOARD MEMBER COMMENTS

- Trustee Valdes – Public Comments
- Trustee Shaw – Meeting with LBGTQ Community

ADJOURNMENT

On a motion duly made, and seconded, the board meeting of August 2, 2023 adjourned at 9:01 p.m.


Nina Boyd
Assistant Secretary, Board of Education

Tim Shaw
President, Board of Education

Next Regular Board Meeting: Wednesday, September 6, 2023 at 5:00 p.m. All meetings will be held onsite at 200 Kalmus Drive, Costa Mesa, CA 92626 with limited seating and via YouTube live stream.

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ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent of Operations
FROM: Sonia R. Llamas, Ed.D., Associate Superintendent of Educational Services
SUBJECT: RESOLUTION #17-23, ORANGE COUNTY RED RIBBON WEEK

Orange County schools typically hold Red Ribbon Week campaigns during one of the last two weeks of October. The Orange County Department of Education will recognize Red Ribbon Week as October 22 - October 28, 2023.

RECOMMENDATION:

Adopt Resolution #17-23 in support of October 22 - October 28, 2023, as Orange County's Red Ribbon Week campaign, and encourage all community members to promote alcohol, tobacco, and other drug prevention education programs and activities, and send copies of this resolution to school districts in Orange County.

**RESOLUTION OF THE BOARD OF EDUCATION
ORANGE COUNTY, CALIFORNIA
September 6, 2023**

RED RIBBON WEEK, October 22 - October 28, 2023

WHEREAS, the Orange County Board of Education, the Orange County Superintendent of Schools, Orange County Schools, and other local organizations acknowledge October 22 - October 28, 2023 as Orange County's RED RIBBON WEEK campaign; and

WHEREAS, RED RIBBON WEEK is recognized as a tribute to Special Agent Enrique "Kiki" Camarena who lost his life while trying to make our communities safer, and as a catalyst to mobilize communities to educate youth and encourage participation in drug prevention activities; and

WHEREAS, by working together schools and communities engage youth and their families which can create a supportive environment that empowers youth to make informed decisions, leading to healthier and drug-free lifestyles; and

WHEREAS, schools, local governments, businesses, law enforcement agencies, faith-based and community organizations, and the general public join together to demonstrate their shared commitment to fostering drug-free communities by displaying red ribbons during this week-long campaign; and

WHEREAS, the California State Board of Education encourages the commitment of time and resources to ensure the success of the RED RIBBON WEEK campaign as well as sustained, year-round prevention education efforts.

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Education adopts Resolution # 17-23 in support of October 22 - October 28, 2023 as Orange County's RED RIBBON WEEK campaign and encourages all community members to promote alcohol, tobacco, and other drug prevention and education programs.

AYES:

NOES:

ABSENT:

STATE OF CALIFORNIA)
) ss
COUNTY OF ORANGE)

I, Tim Shaw, President of the Orange County Board of Education, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 6th day of September, 2023, and passed by _____ vote of said Board members present.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 6th day of September, 2023.

Tim Shaw, President
Orange County Board of Education

REGULAR MEETING OF FACILITIES CORPORATION

September 6, 2023

Location: The public meeting will be conducted onsite with limited seating at 200 Kalmus Drive, Costa Mesa, CA 92626 and via YouTube live stream

<https://youtube.com/live/HPcr0NwAroM?feature=share>



ORANGE COUNTY BOARD OF EDUCATION
FACILITIES CORPORATION
AGENDA

CALL TO ORDER - STATEMENT OF PRESIDING OFFICER: "For the benefit of the record, this Regular Meeting of Facilities Corporation is called to order."

ROLL CALL

(*) AGENDA Regular Meeting of September 6, 2023 – adoption

(*) MINUTES Minutes of the Regular Meeting of August 2, 2023 – Approval

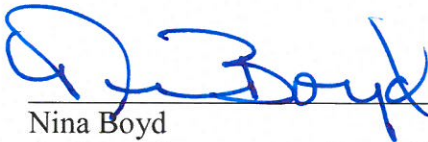
PUBLIC COMMENTS

At this time, members of the public may address the Board of Education regarding any agenda and/or off-agenda items within the subject matter jurisdiction of the Board of Education provided that NO action may be taken on off-agenda items unless authorized by law. Comments shall be limited to three (3) minutes per person per meeting and thirty (30) minutes for all comments.

SPECIAL RECOMMENDATIONS

CLOSED SESSION

ADJOURNMENT



Nina Boyd

Assistant Secretary to the Facilities Corporation, Orange County

(*) Printed items included in materials mailed to Board Members



MINUTES
Regular Meeting
Facilities Corporation
August 2, 2023

ORANGE COUNTY DEPARTMENT OF EDUCATION
FACILITIES CORPORATION
MINUTES

CALL TO ORDER

The Regular Meeting of the Orange County Board of Education Facilities Corporation was called to order at 5:47 p.m. on August 2, 2023 in the Board Room, 200 Kalmus, Costa Mesa, California and via YouTube live stream.

ROLL CALL

Present:
Mari Barke
Ken L. Williams, D.O.
Tim Shaw
Lisa Sparks, Ph.D.
Jorge Valdes, Esq.

AGENDA

Motion by Barke, seconded by Sparks, and carried by a vote of 5-0 to approve the August 2, 2023 agenda of the Facilities Corporation regular meeting.

MINUTES

Motion by Barke, seconded by Williams, and carried by a vote of 5-0 to receive the August 17, 2022 Regular Meeting of Facilities Corporation Minutes.

PUBLIC COMMENTS

None

SPECIAL RECOMMENDATIONS

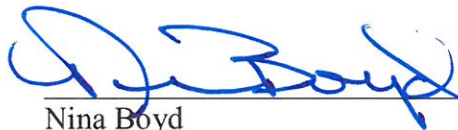
1. Motion by Shaw, seconded by Sparks, and carried by a vote of 5-0 to confirm the appointment of the officers of the Facilities Corporation for 2023-24.
 - Tim Shaw – President
 - Lisa Sparks, Ph.D. – Secretary
 - Mari Barke – Treasurer
2. Motion by Shaw, seconded by Barke, and carried by a vote of 5-0 to receive the Esplanade Project Operational Report for fiscal year 2022-23.
3. Motion by Shaw, seconded by Barke, and carried by a vote of 5-0 to receive and approve the Esplanade Project Operational Budget for fiscal year 2023-2024.

CLOSED SESSION

None

ADJOURNMENT

On a motion duly made and seconded, the Regular Meeting of the Facilities Corporation of August 2, 2023 adjourned at 5:54 p.m.



Nina Boyd
Assistant Secretary, Board of Education

Tim Shaw
President, Board of Education



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Vern Burton, Assistant Superintendent, Alternative Education
SUBJECT: Granting of Diplomas

The students listed on the attached pages have been certified for graduation by the Custodian of Records or their designee for the Division of Alternative Education of the Orange County Department of Education. These students have met the standards of proficiency in the basic skills prescribed by the governing board in accordance with Education Code 51412. It is requested that the Board approve the granting of diplomas to these students.

RECOMMENDATION:

Approve granting of diplomas to the students listed from Alternative, Community, and Correctional Education Schools and Services, Alternative Education Division.

VB:dc

Pages 15-16 removed (CONFIDENTIAL STUDENT INFORMATION)



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Lisa Sparks Ph.D., Board President
Tim Shaw, Board Vice President

SUBJECT: Haight, Brown & Bonesteel LLP – Invoice

RECOMMENDATION:

Approve invoice #3266371 in the amount of \$47,331.38 for Haight, Brown & Bonesteel LLP.

Haight

LAWYERS

555 South Flower Street
Forty-Fifth Floor
Los Angeles, CA 90071

P.O. Box 17939
Los Angeles, CA 90017-0939

www.hbblaw.com

Telephone: 213.542.8000

Facsimile: 213.542.8100

Bill Inquiries: 213.542.8074
accountsreceivable@hbblaw.com

Tax ID: 95-1605271

Nina Boyd, Associate Superintendent
ORANGE COUNTY BOARD OF EDUCATION
200 Kalmus Drive
Costa Mesa, CA 92626-5922

Invoice No.: 3266371
Client/Matter: OC18-0000004
Billing Atty: ROLEN, GREGORY J.
August 14, 2023

Account Statement

Invoice Number	Invoice Date	Matter Number	Billing Attorney	Invoice Amount	Balance Due
3264972	07/10/2023	0000004	01123	\$57,765.68	\$57,765.68
Total Outstanding Balance					\$57,765.68
Total Amount Due on this Invoice					\$47,331.38
Total Balance Now Due					\$105,097.06

Aging of Past Due Amounts

0-30 Days	31-60 Days	61-90 Days	91-120 Days	Over 120 Days	Total Past Due
\$0.00	\$57,765.68	\$0.00	\$0.00	\$0.00	\$57,765.68

Haight Brown & Bonesteel LLP

LAWYERS

555 South Flower Street
Forty-Fifth Floor
Los Angeles, CA 90071

P.O. Box 17939
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Haight

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Facsimile: 213.542.8100

Bill Inquiries: 213.542.8074
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Tax ID: 95-1605271

Nina Boyd, Associate Superintendent
ORANGE COUNTY BOARD OF EDUCATION
200 Kalmus Drive
Costa Mesa, CA 92626-5922

Invoice No.: 3266371
Client/Matter: OC18-0000004
Billing Atty: GREGORY J. ROLEN
August 14, 2023

Representing: Orange County Board of Education
Re: ORANGE COUNTY BOARD OF EDUCATION
General Counsel to the OCBE

Total Fees This Invoice	\$46,903.00
Total Costs Advances This Invoice	\$428.38
Total Fees and Costs This Invoice	\$ 47,331.38
Balance Carried Forward from Previous Invoice(s)	57,765.68
Total Due Upon Receipt	\$ 105,097.06

BILLS ARE DUE AND PAYABLE UPON RECEIPT

THIS STATEMENT DOES NOT INCLUDE EXPENSES NOT YET RECEIVED BY THIS OFFICE
WHICH MIGHT HAVE BEEN INCURRED DURING THE PERIOD COVERED BY THIS BILLING

TERMS: Accounts are due in full Net 30 days. If payment is not received within one month, the unpaid balance will be subject to a FINANCE CHARGE computed by a "Periodic Rate" of 1% per month which is an ANNUAL PERCENTAGE RATE of 12%.

LOS ANGELES " ORANGE COUNTY " RIVERSIDE " SACRAMENTO " SAN DIEGO " SAN FRANCISCO

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Page 2

PROFESSIONAL SERVICES RENDERED through 07/31/2023

Date	Description	Attorney	Hours
07/01/2023		GJR	1.00
07/03/2023		GJR	0.80
07/03/2023		CA	1.50
07/03/2023		CA	0.40
07/03/2023		CC	5.40
07/05/2023		GJR	3.90
07/05/2023		GJR	4.00
07/05/2023		CC	6.10
07/06/2023		GJR	0.90
07/06/2023		GJR	1.70
07/06/2023		GJR	0.30
07/06/2023		GJR	0.30
07/06/2023		GJR	0.30
07/06/2023		GJR	4.20
07/06/2023		CC	1.40
07/06/2023		CC	1.80
07/06/2023		CC	0.60

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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004

General Counsel to the OCBE

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07/07/2023	GJR	0.90
07/07/2023	GJR	0.70
07/07/2023	GJR	0.40
07/07/2023	GJR	0.30
07/07/2023	GJR	0.40
07/07/2023	GJR	0.20
07/07/2023	CC	2.90
07/07/2023	CC	2.00
07/10/2023	GJR	0.40
07/10/2023	GJR	0.50
07/10/2023	GJR	0.30
07/10/2023	GJR	0.30
07/10/2023	GJR	0.20
07/10/2023	GJR	0.60
07/10/2023	GJR	0.60
07/10/2023	GJR	0.30
07/10/2023	GJR	0.60
07/10/2023	GJR	0.30
07/10/2023	CA	0.80

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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004

General Counsel to the OCBE

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07/10/2023	CA	0.40
07/10/2023	CC	0.60
07/10/2023	CC	4.20
07/11/2023	GJR	2.90
07/11/2023	GJR	0.40
07/11/2023	CC	2.30
07/11/2023	CC	0.40
07/11/2023	CC	0.80
07/12/2023	GJR	0.90
07/12/2023	GJR	0.90
07/12/2023	GJR	0.80
07/12/2023	GJR	0.80
07/12/2023	GJR	0.30
07/12/2023	CC	1.00
07/12/2023	CC	0.10
07/12/2023	CC	0.70
07/13/2023	CC	1.00

Haight Brown & Bonesteel LLP
213.542.8000

Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004

General Counsel to the OCBE

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07/13/2023	CC	2.00
07/13/2023	CC	0.10
07/13/2023	CC	1.80
07/13/2023	CC	1.80
07/14/2023	CC	0.60
07/14/2023	CC	4.90
07/14/2023	CC	1.20
07/17/2023	DAV	0.60
07/17/2023	CC	1.30
07/17/2023	CC	0.50
07/17/2023	CC	0.20
07/17/2023	CC	0.40
07/17/2023	CC	0.40
07/17/2023	CC	2.00
07/17/2023	CC	1.30
07/18/2023	GJR	2.90
07/18/2023	GJR	4.30
07/18/2023	GJR	0.60

Haight Brown & Bonesteel LLP
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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

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07/18/2023	CC	4.30
07/18/2023	CC	0.10
07/19/2023	GJR	0.90
07/19/2023	GJR	0.60
07/19/2023	GJR	0.80
07/19/2023	GJR	0.50
07/19/2023	GJR	0.90
07/19/2023	GJR	0.30
07/19/2023	CC	0.20
07/19/2023	CC	0.30
07/19/2023	CC	0.40
07/20/2023	GJR	0.80
07/20/2023	GJR	1.50
07/20/2023	GJR	1.20
07/20/2023	GJR	0.50
07/20/2023	GJR	0.90
07/21/2023	GJR	0.80
07/21/2023	GJR	0.80
07/21/2023	GJR	0.30

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Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Invoice No: 3266371

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07/21/2023	GJR	0.60
07/21/2023	GJR	0.30
07/21/2023	GJR	2.20
07/24/2023	GJR	0.90
07/24/2023	GJR	0.40
07/24/2023	GJR	0.80
07/24/2023	GJR	2.30
07/24/2023	GJR	0.30
07/24/2023	GJR	0.90
07/24/2023	CC	0.80
07/24/2023	CC	0.50
07/24/2023	CC	3.50
07/25/2023	GJR	0.40
07/25/2023	GJR	0.50
07/25/2023	GJR	0.90
07/25/2023	GJR	6.60
07/25/2023	DAV	0.60
07/25/2023	CC	2.20
07/26/2023	GJR	0.90
07/26/2023	GJR	0.70

Haight Brown & Bonesteel LLP
213.542.8000

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

Invoice No: 3266371

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07/26/2023	GJR	0.80
07/26/2023	CC	1.50
07/26/2023	CC	0.20
07/27/2023	GJR	1.00
07/27/2023	GJR	0.50
07/27/2023	GJR	0.80
07/27/2023	GJR	0.90
07/28/2023	GJR	0.70
07/28/2023	GJR	0.60
07/28/2023	GJR	1.90
07/28/2023	GJR	0.50
07/31/2023	GJR	1.80
07/31/2023	GJR	0.90
07/31/2023	GJR	0.30
07/31/2023	GJR	0.30
07/31/2023	GJR	0.90
07/31/2023	GJR	0.30
07/31/2023	GJR	0.80

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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

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07/31/2023	GJR	0.70
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07/31/2023	GJR	0.80
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07/31/2023	CC	0.50
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Total Hours		151.80
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Total Fees This Invoice		\$46,903.00
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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

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Timekeeper	Hours	Rate	Amount
GREGORY J. ROLEN	83.20	\$400.00	33,280.00
DONALD A VELEZ JR	1.20	\$400.00	480.00
CHRISTINA ALLEN	3.10	\$195.00	604.50
CATHERINE CAWLEY	64.30	\$195.00	12,538.50
	<u>151.80</u>		<u>46,903.00</u>

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Invoice No: 3266371

Re: ORANGE COUNTY BOARD OF EDUCATION
OC18-0000004
General Counsel to the OCBE

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Mileage

07/06/2023	36.68
Total for Mileage	36.68

Online Research

07/31/2023	7.09
07/31/2023	358.16
Total for Online Research	365.25

Photocopying

07/11/2023	0.30
07/11/2023	0.15
Total for Photocopying	0.45

Parking Expense

07/06/2023	26.00
Total for Parking Expense	26.00

Total Costs Advanced This Invoice
Total Fees and Costs This Invoice

\$428.38
<hr/>
\$47,331.38



Haight Brown & Bonesteel LLP
LAWYERS

555 South Flower Street
Forty-Fifth Floor
Los Angeles, CA 90071

P.O. Box 17939
Los Angeles, CA 90017-0939

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accountsreceivable@hbblaw.com

Tax ID: 95-1605271

Nina Boyd, Associate Superintendent
ORANGE COUNTY BOARD OF EDUCATION
200 Kalmus Drive
Costa Mesa, CA 92626-5922

Remit To:

Haight Brown & Bonesteel LLP
P.O. Box 17939
Los Angeles, CA 90017-0939
Attn, Accounts Receivable

Invoice No.: 3266371
Client/Matter: OC18-0000004
Billing Atty: GREGORY J. ROLEN
August 14, 2023

PROFESSIONAL SERVICES RENDERED through July 31, 2023

Total Fees This Invoice	\$ 46,903.00
Total Costs Advanced This Invoice	\$ 428.38
Total Fees and Costs This Invoice	\$ <u>47,331.38</u>
Balance Forward	\$ 57,765.68
Total Due Upon Receipt	\$ <u><u>105,097.06</u></u>

PLEASE RETURN THIS PAGE WITH YOUR REMITTANCE



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Darou Sisavath, Recording Clerk
SUBJECT: Board Date Change

RECOMMENDATION:

Approve board date change from Wednesday, June 19, 2024 to Tuesday, June 18, 2024.



ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Tim Shaw, Board President
Lisa Sparks Ph.D., Board Vice President

SUBJECT: September 20th Special Meeting format and panelists

RECOMMENDATION:

Approve the format and panelists for the September 20th Special meeting.

Overview

How can we as educational leaders in our community make a difference for our students, parents, teachers, and staff as well as residents, businesses, and workers who are living with the impacts and fear of public safety in our schools every day? OCBE strives to shine and highlight crucial issues that our families deal with and often struggle with how to best approach in our schools. Public safety in our schools is of paramount importance not only for our students and their families, but also for our teachers and staff on the front lines every day. As students' safety and security needs are met, then learning can truly happen. No child should fear going to school at any time.

The purpose of this "Savvy Safety in Public Schools Forum" is to shed light on the major risks, signs, and symptoms of fentanyl exposure, use, and potential abuse; signs and symptoms of school-aged sexual assault, human trafficking and potential trafficking rings in our community, and increased understanding of potential surveillance, social media, and cyber safety measures in an effort to better inform parents on what to look for and what to potentially adopt in their own homes and school settings. The forum is geared towards students, parents, and community members interested in learning more about the extreme danger associated with fentanyl, sexual assault, human trafficking, and surveillance, social media, and cybersecurity issues putting our students at risk.

"The fentanyl crisis has contributed to hundreds of drug overdose-related deaths with the National Institute on Drug Abuse indicating an average of 128 people in the US dying every day from opioid overdose. Victims of sexual assault and human trafficking suffer unspeakable trauma while frequently being systematically and cruelly denied their most fundamental emotional and material needs. These crises affecting many of our students are often under the radar and underreported but happening every day in plain sight right under our noses. Savvy surveillance, Social Media, and Cybersecurity awareness can provide families additional tools to better understand the risks. We all have a shared interest in ensuring our school communities feel safe, and we are committed to collaborating with our law enforcement partners, school districts, and families to enhance public safety in our schools from every angle possible," says forum organizer, facilitator, and trustee Dr. Lisa Sparks.

A few ideas for consideration:

OCBE Front Line Program

In order for us to bring more awareness, we need to bring all Orange County Board of Education and Department of Education has to offer to schools and communities.

This requires training and understanding of:

- *Fentanyl: what it is, what it can do, how it is distributed, what can prevent death if taken.*
- *Sexual Assault: what it is, where and under what conditions can it occur, what can prevent it.*
- *Human Trafficking: what it is, where and under what conditions can it occur, what can prevent it.*

- *Surveillance and Social Media: what exists, how it can work for good outcomes, what can prevent bad outcomes.*
- *Cybersecurity: what it is, what it can do, what measures are easily implemented.*
- *OCBE/OCDE Resources: what we can offer to educate children, support families, drive, change, build advocates and expand our reach.*

Ambassador Program

The best educators to create awareness and build understanding with youth are other youth. An Ambassador Program would focus on enabling high school and college students to help bring awareness to their campuses:

- *Creating Awareness Opportunities (events, digital amplification and more)*
- *Sharing Impactful Stories of Families and Individuals*
- *Arming Students with the tools they need to be "Fentanyl Aware, Sexual Assault Aware, Human Trafficking Aware, Surveillance Aware, Social Media Aware, and Cybersecurity Aware."*

OC Angel Mom's Program

So many families have already lost children and family members to fentanyl, as well as been subject to assault and abuse issues. OCBE can provide a forum for these families to come together to share their experience, discuss their grief and find opportunities to help with their healing. OC Angel Moms can potentially provide:

- *Connection to other families experiencing loss*
- *Platforms for meetings and discussions (in-person/virtual)*
- *Discussion guides to help facilitate sharing.*

SAVVY SAFETY IN PUBLIC SCHOOLS FORUM

An Orange County Board of Education Forum shedding light on Fentanyl, Sexual Assault, Human Trafficking, Surveillance, Social Media, and Cyber Security Issues putting our students at risk

**Orange County Board of Education
200 Kalmus Dr., Costa Mesa, CA 92626**

**Wednesday, September 20, 2023
5:30 p.m. to 8:00 p.m.**

Program

- 5:30 p.m. Call to Order, Agenda Adoption, Invocation, Pledge of Allegiance
- 5:35 p.m. Board President Mr. Tim Shaw transfers meeting authority to Moderator
- 5:35 p.m. Moderator OCBE Vice President Dr. Lisa Sparks provides overview of the meeting and Expert Panel (8) Introductions
- 5:45 p.m. Expert Panel Presentations (8-10 minutes per panelist)
- 7:00 p.m. Board questions to panelists (up to 5 minutes per trustee)
- 7:25 p.m. Moderator Closing Remarks to Board President
- 7:30 p.m. Public Comments (30 Minutes)
- 8:00 p.m. Board President Closes the Meeting

SAVVY SAFETY IN PUBLIC SCHOOLS FORUM:

An Orange County Board of Education Forum shedding light on Fentanyl, Sexual Assault, Human Trafficking, Surveillance, Social Media, and Cyber Security Issues putting our students at risk

Panel speakers

Internet safety tips for parents: Prevention is key

*Tory Torres, Special Agent, Homeland Security Investigations
Orange County Child Exploitation Taskforce
Santa Ana, CA Office: 714-972-4178 Cell: 562-991-3956*

What parents need to know about the signs, symptoms, and dangers of Fentanyl

*Sgt. Brian Gunsolley, Orange County Sheriff's Department
Public Affairs & Community Engagement Div.
bdgunsolley@ocsheriff.gov D| (714) 647-4014 C| (714) 795-8932*

Human Trafficking, Virtual Kidnapping and Sextortion - Overview of current risks and immediate steps parents can take to keep their children safe

Digital Privacy and New Risk Factors - How can parents ensure they protect and safeguard the digital privacy of their children from current risks and exploitation techniques

*Matt Friedman, Avertere Co-founder & CEO
Jack Britton, Avertere Co-founder & CTO/CISO*

Sexual Assault and Human Trafficking Signs and Symptoms

Hon. Assemblyman, Bill Essayli

Fentanyl across Orange County: Strategies for keeping our schools safe. (tentative)

Supervisor Don Wagner, Orange County Supervisor (Area 3)

Corrupt National Suicide Hotlines

Brenda Lebsack, M. A., Former Orange Unified School Board Trustee and SAUSD Educator

The dangers of fentanyl, how trauma affects and leads people to substances, and how to help those struggling with SUD overcome it

Toni McKinley, Executive Director, Magdalene House, Austin, TX

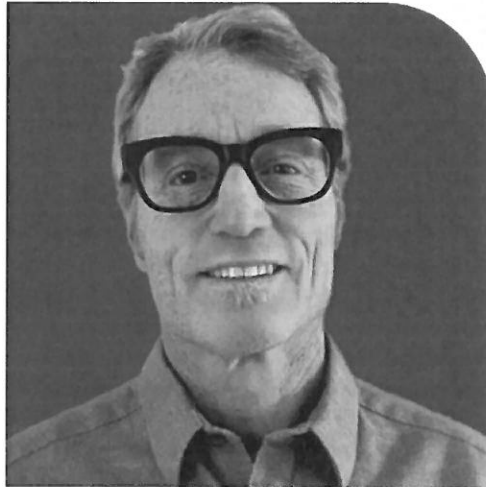
District Attorney's Perspectives on School Public Safety (tentative)

Todd Spitzer, Orange County District Attorney

BIO's

- **Matt Friedman**

- Averte Co-founder & CEO



-
- As a former Navy SEAL, High-risk Advanced Applied Explosives trainer, Entrepreneur, Construction Management Specialist, Stanford Business School LEAD Graduate and Harvard Certified Cyber Security Practitioner, Matt brings a wealth of knowledge and passion for protecting staff and students within the Educational System.
- Matt is uniquely qualified to provide unparalleled thought leadership and vision for creating next generation physical security offerings.

- **Jack Britton**

- Averte Co-founder & CTO/CISO



-
- Jack has over 15+ years of experience across various Cybersecurity domains. He has developed and maintained Virtual Security Operations Centers for Fortune 500 companies, with a proven record of increasing security insight and synergy across large organizations.
- As a Former member of the Military Intelligence community, adviser at the National Child Protection Task Force, and Master of Science Graduate in

Cybersecurity, Jack is passionate about creating safe and secure learning environments for our schools.

Brenda Lebsack

Brenda Lebsack has been a teacher for over 25 years. She has taught elementary school general education, secondary English, Special Education of all levels and she is currently a teacher in SAUSD for Adapted Physical Education. She was a board member in Orange Unified from 2016 - 2020. She is currently a state delegate for the Calif Teachers Association. She has an MA in Special Education from Chapman University. She and her husband have been in ministry for 30 years. She is founder of the Interfaith Statewide Coalition (www.Interfaith4Kids.com [interfaith4kids.com]). She has been published in Edsource, OC Register, Epoch Times, Daily Signal, Citizen Journal, Prager U, Liberty Sentinel, California Globe, Clear Politics, etc.. Brenda and her husband have been married 37 years, they have 2 grown children and 2 grandchildren.

Toni McKinley, L.P.C., Author

Toni is the Executive Director at Magdalene House Austin, TX. She previously served as the Director of Trauma Informed Care at the Texas Juvenile Justice Department and the Therapeutic Director of a Texas nonprofit organization that assist in providing long-term housing to minors of sex trafficking and serves on numerous advisory boards and task forces related to human trafficking prevention issues. She is the recipient of the Texas Governor's Human Trafficking Prevention Award and has been featured on TEDx.

Research Resources

Goodison, Sean E., Michael J.D. Vermeer, Jeremy D. Barnum, Dulani Woods, and Brian A. Jackson. Law Enforcement Efforts to Fight the Opioid Crisis: Convening Police Leaders, Multidisciplinary Partners, and Researchers to Identify Promising Practices and to Inform a Research Agenda. Arlington, VA: RAND Corporation, 2019. [https://www.rand.org/\[rand.org\] content/dam/rand/pubs/research_reports/RR3000/RR3064/RAND_RR3064.pdf](https://www.rand.org/[rand.org] content/dam/rand/pubs/research_reports/RR3000/RR3064/RAND_RR3064.pdf).

Police Executive Research Forum. The Unprecedented Opioid Epidemic: As Overdoses Become a Leading Cause of Death, Police, Sheriffs, and Health Agencies Must Step Up Their Response. Washington, DC: Police Executive Research Forum, 2017. <https://www.policeforum.org/assets/opioids2017.pdf> [policeforum.org].

Police Executive Research Forum. Building Successful Partnerships between Law Enforcement and Public Health Agencies to Address Opioid Use. COPS Office Emerging Issues Forums. Washington, DC: Office of Community Oriented Policing Services, 2016. <https://cops.usdoj.gov/RIC/ric.php?page=detail&id=COPS-P356> [cops.usdoj.gov].

Police Executive Research Forum. New Challenges for Police: A Heroin Epidemic and Changing Attitudes Toward Marijuana. Critical Issues in Policing Series. Washington, DC: Police Executive Research Forum, 2014. [https://www.policeforum.org/assets/\[policeforum.org\] docs/Critical_Issues_Series_2/a%20heroin%20epidemic%20and%20changing%20attitudes%20toward%20marijuana.pdf](https://www.policeforum.org/assets/[policeforum.org] docs/Critical_Issues_Series_2/a%20heroin%20epidemic%20and%20changing%20attitudes%20toward%20marijuana.pdf)

<https://ovc.ojp.gov/library/publications/when-your-child-missing-family-survival-guide-fifth-edition> [ovc.ojp.gov]

<https://ovc.ojp.gov/library/publications/2023-national-crime-victims-rights-week-ncvrw-resource-guide> [ovc.ojp.gov]

<https://ovc.ojp.gov/library/publications/victim-service-providers-us-counties-2017> [ovc.ojp.gov]

<https://ovc.ojp.gov/media/video/23616> [ovc.ojp.gov]

<https://ovc.ojp.gov/media/video/23621> [ovc.ojp.gov]

JB

ORANGE COUNTY DEPARTMENT OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Darou Sisavath, Board Recording Clerk
SUBJECT: Travel Reimbursements – September 20 Special Meeting

Permission is hereby requested for travel and hotel accommodations for the panelists traveling from outside of Orange County to attend the September 20, 2023 Special Meeting.

Panelist	Airfare, Taxi, Shuttle Parking, Mileage	\$600.00
(1 night per trip)	Lodging and Meals	<u>\$300.00</u>
	TOTAL	\$900.00

RECOMMENDATION:

Approve travel and hotel accommodations for the panelists presenting at the September 20, 2023 Special meeting.

All travel must be in accordance with OCDE's Policy and Procedures Manual, Business Services, Section III.

September 6, 2023

☒ Mailed ☐ Distributed at meeting

MB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023

TO: Nina Boyd, Deputy Superintendent

FROM: Ken L. Williams, D.O., Trustee Area 3

SUBJECT: HR 1146 Resolution

RECOMMENDATION:

Board action on Resolution regarding HR 1146.



By
Dr. Ken Williams
Member, Orange County Board of Education

Whereas, education without political indoctrination or influence is essential to the well-being of American democracy and public and private education institutions and organizations; and

Whereas, Confucius Institutes (CIs) are non-profit public educational organizations operating at colleges and universities around the world. They are funded jointly by the Chinese Government or Chinese Communist Party (CCP), and a host university. The institutes are operated by the Chinese Language Council International, an agency of the Chinese Ministry of Education¹; and

Whereas, according to the National Association of Scholars², Confucius Institutes (CIs) and an associated ancillary international and national model, called Confucius Classrooms (CCs), are directly tied into the Chinese Communist Party (CCP), and are negatively impacting K-12 curriculum and education, and higher education in universities and colleges in America; and

Whereas, Confucius Classrooms expand the purpose and intent CIs. Approximately 500 American K-12 schools have hosted CCs, which was earlier aided by but now formally terminated, by the Asia Society Chinese language network^{3,4}.

Whereas, Confucius Classrooms are CCP initiatives funded by the Propaganda Department and Chinese Ministry of Education through the Hanban network of the CCP⁵, and advances the “ideology work” of censorship in China and abroad through China’s United Front Work department⁶; and

¹ <https://www.natlawreview.com/article/us-government-investigates-us-universities-participating-confucius-institutes>

² <https://www.nas.org/reports/after-confucius-institutes/full-report>

³ <https://www.plu.edu/confucius-institute/past-programs/confucius-classrooms/>

⁴ <https://asiasociety.org/education/update-asia-societys-chinese-language-program>

⁵ <https://www.smschool.us/learning/the-confucius-classroom>

⁶ <https://www.newsweek.com/confucius-classroom-conundrum-opinion-1577492>

Whereas, Confucius Classrooms and CIs have rebranded or established “new” centers or entities that continue to exert CCP influence at higher education and in K-12 classrooms. These include but are not limited to Ministry of Education Center for Language Exchange and Cooperation (CLEC), and the Chinese International Education Foundation (CIEF)¹; and

Whereas, in 2019 FBI Director Christopher Wray in a US Senate hearing⁷ testified the CCP via Confucius Institutes are using education as a “soft power strategy” to influence American policies and restrict academic freedom and promote CCP propaganda⁸; and

Whereas, Confucius Classroom’s exist in numerous classrooms in the United States⁹; and

Whereas, Congresswomen Michelle Steel has introduced legislation for herself, Ms. Stefanik, and Mr. Crenshaw, in the first session of the 118th Congress, HR 1146¹⁰, “*Stop Higher Education Espionage and Theft Act of 2023*,” that addresses threats to education in the United States; and

Whereas, HR 1146, was introduced February 21, 2023, and referred to the Committee on the Judiciary, and in addition to the Committees on Education, Foreign Affairs, Workforce; and

Therefore, the Orange County Board of Education resolves the following:

1. Endorse and strongly support Congresswoman’s Steel Congressional bill-HR 1146.
2. Recommend a state Commission and study on Confucius Classrooms in K-12 education.
3. Recommend high education institutions, county departments of education, and K-12 school districts and scrutinize foreign funding of curricula and CCP influence.
4. Advance opportunities to study Chinese language and culture—through collaboration with organizations and entities not associated with the CCP.

⁷ <https://www.intelligence.senate.gov/hearings/open-hearing-worldwide-threats-0>

⁸ <https://www.politico.com/magazine/story/2018/01/16/how-china-infiltrated-us-classrooms-216327/>

⁹ <https://globalmaryland.umd.edu/offices/confucius-classrooms>

¹⁰ <https://www.congress.gov/bill/118th-congress/house-bill/1146/text?s=1&r=2>

118TH CONGRESS
1ST SESSION

H. R. 1146

To address foreign threats to higher education in the United States.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 21, 2023

Mrs. STEEL (for herself, Ms. STEFANIK, and Mr. CRENSHAW) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, and Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To address foreign threats to higher education in the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stop Higher Education
5 Espionage and Theft Act of 2023”.

1 **SEC. 2. DESIGNATION OF FOREIGN INTELLIGENCE**
 2 **THREATS TO HIGHER EDUCATION.**

3 (a) IN GENERAL.—Chapter 33 of title 28, United
 4 States Code, is amended by adding at the end the fol-
 5 lowing:

6 **“§ 540D. Designation of foreign intelligence threats to**
 7 **higher education**

8 “(a) DEFINITIONS.—In this section—

9 “(1) the term ‘classified information’ has the
 10 meaning given that term in section 1(a) of the Clas-
 11 sified Information Procedures Act (18 U.S.C. App.);

12 “(2) the term ‘Director’ means the Director of
 13 the Federal Bureau of Investigation, acting in con-
 14 sultation with the Attorney General, the Secretary of
 15 Education, and the Director of National Intelligence;

16 “(3) the term ‘foreign actor’ means—

17 “(A) a foreign government or its auxiliary
 18 territories, or any component thereof, whether
 19 or not recognized by the United States;

20 “(B) a foreign-based political organization,
 21 not substantially composed of United States
 22 persons;

23 “(C) a faction of a foreign nation or na-
 24 tions, not substantially composed of United
 25 States persons;

1 “(D) an entity that is openly acknowledged
2 by a foreign government or governments to be
3 directed and controlled by such foreign govern-
4 ment or governments;

5 “(E) any partnership, association, corpora-
6 tion, organization, or other combination of per-
7 sons who acts as an agent, representative, em-
8 ployee, or servant of, or whose activities are di-
9 rectly or indirectly supervised, directed, con-
10 trolled, financed, or subsidized in whole or in
11 major part by a government, organization, fac-
12 tion, or entity described in subparagraph (A)
13 (B), (C), or (D); or

14 “(F) any individual who acts as an agent,
15 representative, employee, or servant of, or
16 whose activities are directly or indirectly super-
17 vised, directed, controlled, financed, or sub-
18 sidized in whole or in major part by a govern-
19 ment, organization, faction, or entity described
20 in subparagraph (A), (B), (C), or (D), unless
21 such individual is a citizen of and domiciled
22 within the United States;

23 “(4) the term ‘institution’ means any institu-
24 tion of higher education, as defined under section
25 101 of the Higher Education Act (20 U.S.C. 1001);

1 “(5) the term ‘national security’ means the na-
2 tional defense, foreign relations, or economic inter-
3 ests of the United States;

4 “(6) the term ‘relevant committees of Congress’
5 means—

6 “(A) the Committee on the Judiciary, the
7 Select Committee on Intelligence, the Com-
8 mittee on Homeland Security and Government
9 Affairs, and the Committee on Health, Edu-
10 cation, Labor, and Pensions of the Senate; and

11 “(B) the Committee on the Judiciary, the
12 Permanent Select Committee on Intelligence,
13 the Committee on Homeland Security, and the
14 Committee on Education and the Workforce of
15 the House of Representatives; and

16 “(7) the term ‘United States person’ has the
17 meaning given that term in section 101 of the For-
18 eign Intelligence Surveillance Act of 1978 (50
19 U.S.C. 1801).

20 “(b) DESIGNATION.—

21 “(1) IN GENERAL.—The Director shall des-
22 ignate a foreign actor as a foreign intelligence threat
23 to higher education, in accordance with this sub-
24 section, if the Director finds that the foreign actor
25 has committed, attempted to commit, or conspired to

1 commit, in connection with an institution, one or
2 more of the following:

3 “(A) Smuggling goods from the United
4 States, in violation of section 554 of title 18.

5 “(B) Espionage, in violation of sections
6 791 through 799 of title 18.

7 “(C) Kidnapping, in violation of section
8 1201 of title 18.

9 “(D) Fraud or misuse of visas, permits, or
10 other documents, in violation of section 1546 of
11 title 18.

12 “(E) Aggravated identity theft, in violation
13 of section 1028A of title 18.

14 “(F) Fraud or related activity in connec-
15 tion with access devices, in violation of section
16 1029 of title 18.

17 “(G) Fraud or related activity in connec-
18 tion with computers, in violation of section
19 1030 of title 18.

20 “(H) Economic espionage, in violation of
21 section 1831 of title 18.

22 “(I) Theft of trade secrets, in violation of
23 section 1832 of title 18.

24 “(J) Terrorism, in violation of sections
25 2331 through 2339D of title 18.

1 “(K) Interception or disclosure of wire,
 2 oral, or electronic communications, in violation
 3 of section 2511 of title 18.

4 “(L) A violation of any control on the im-
 5 port or export of defense articles or defense
 6 services imposed under section 38 of the Arms
 7 Export Control Act (22 U.S.C. 2778).

8 “(M) A violation of any control on the ex-
 9 port, reexport, and in-country transfer of an
 10 item imposed under section 1753 of the Export
 11 Control Reform Act of 2018 (50 U.S.C. 4812).

12 “(N) An unlawful act described in section
 13 206(a) of the International Emergency Eco-
 14 nomic Powers Act (50 U.S.C. 1705(a)).

15 “(2) PROCEDURE.—

16 “(A) NOTICE BEFORE DESIGNATION.—

17 “(i) TO CONGRESSIONAL LEADERS.—

18 Not later than 7 days before making a des-
 19 ignation under paragraph (1), the Director
 20 shall submit to the Speaker and minority
 21 leader of the House of Representatives, the
 22 President pro tempore, majority leader,
 23 and minority leader of the Senate, and the
 24 members of the relevant committees of
 25 Congress—

1 “(I) written notice of the intent
2 of the Director to designate a foreign
3 actor under paragraph (1); and

4 “(II) the findings made under
5 paragraph (1) with respect to foreign
6 actor and the factual basis therefor.

7 “(ii) TO THE ATTORNEY GENERAL.—
8 Not later than 7 days before making a des-
9 ignation under paragraph (1), the Director
10 shall submit to the Attorney General, for
11 the Attorney General to determine whether
12 further investigation or prosecution is war-
13 ranted—

14 “(I) written notice of the intent
15 of the Director to designate a foreign
16 actor under paragraph (1); and

17 “(II) the findings made under
18 paragraph (1) with respect to the for-
19 eign actor and the factual basis there-
20 for.

21 “(iii) PROTECTION OF CLASSIFIED IN-
22 FORMATION.—The notice and findings sub-
23 mitted under clauses (i) and (ii) may be in
24 classified form.

1 “(B) PUBLICATION IN FEDERAL REG-
 2 ISTER.—If the Director makes a designation
 3 under paragraph (1), the Director shall publish
 4 the designation in the Federal Register on the
 5 date of the designation.

6 “(C) EFFECT OF DESIGNATION.—For pur-
 7 poses of section 117 of the Higher Education
 8 Act of 1965 (20 U.S.C. 1011f), a designation
 9 under paragraph (1) shall take effect upon pub-
 10 lication under subparagraph (B) of this para-
 11 graph.

12 “(D) EFFECT OF DESIGNATION ON LAW-
 13 FUL STATUS.—

14 “(i) REVOCATION OF NONIMMIGRANT
 15 VISA.—The Secretary of State shall revoke
 16 the nonimmigrant visa issued to any for-
 17 eign actor present in the United States im-
 18 mediately after such foreign actor has been
 19 designated under paragraph (1).

20 “(ii) REMOVAL.—The Secretary of
 21 Homeland Security shall initiate removal
 22 proceedings against any foreign actor de-
 23 scribed in clause (i) and expeditiously re-
 24 move such foreign actor from the United
 25 States.

“(iii) INELIGIBILITY.—Any foreign actor who has been designated under paragraph (1) shall be inadmissible to the United States and ineligible to receive a United States visa or be admitted to the United States.

“(iv) APPEAL.—If a foreign actor appeals a designation under paragraph (1), the consequences described in clauses (i) through (iii) shall be stayed until such appeal has been fully adjudicated.

“(3) RECORD.—

“(A) IN GENERAL.—In making a designation under paragraph (1), the Director shall create an administrative record.

“(B) CLASSIFIED INFORMATION.—The Director may consider classified information in making a designation under paragraph (1). Classified information shall not be subject to disclosure for such time as it remains classified, except that such information may be disclosed to a court ex parte and in camera for purposes of judicial review under subsection (d).

“(4) PERIOD OF DESIGNATION.—

1 “(A) IN GENERAL.—A designation under
2 paragraph (1) shall be effective for all purposes
3 until revoked under paragraph (5) or (6) or set
4 aside under subsection (d).

5 “(B) REVIEW OF DESIGNATION UPON PE-
6 TITION.—

7 “(i) IN GENERAL.—The Director shall
8 review the designation of a foreign actor as
9 a foreign intelligence threat to higher edu-
10 cation under the procedures set forth in
11 clauses (iii) and (iv) if the designated for-
12 eign actor files a petition for revocation
13 within the petition period described in
14 clause (ii).

15 “(ii) PETITION PERIOD.—For pur-
16 poses of clause (i)—

17 “(I) if the designated foreign
18 actor has not previously filed a peti-
19 tion for revocation under this sub-
20 paragraph, the petition period begins
21 2 years after the date on which the
22 designation was made; or

23 “(II) if the designated foreign
24 actor has previously filed a petition
25 for revocation under this subpara-

graph, the petition period begins 2 years after the date of the determination made under clause (iv) with respect to that petition.

“(iii) PROCEDURES.—Any foreign actor designated as a foreign intelligence threat to higher education that submits a petition for revocation under this subparagraph shall provide evidence in the petition that the relevant circumstances described in paragraph (1) are sufficiently different from the circumstances that were the basis for the designation such that a revocation with respect to the foreign actor is warranted.

“(iv) DETERMINATION.—

“(I) IN GENERAL.—Not later than 180 days after receiving a petition for revocation submitted under this subparagraph, the Director shall make a determination as to such revocation.

“(II) CLASSIFIED INFORMATION.—The Director may consider classified information in making a de-

1 termination in response to a petition
2 for revocation. Classified information
3 shall not be subject to disclosure for
4 such time as it remains classified, ex-
5 cept that such information may be
6 disclosed to a court ex parte and in
7 camera for purposes of judicial review
8 under subsection (d).

9 “(III) PUBLICATION OF DETER-
10 MINATION.—A determination made by
11 the Director under this clause shall be
12 published in the Federal Register.

13 “(IV) PROCEDURES.—Any rev-
14 ocation of a designation by the Direc-
15 tor shall be made in accordance with
16 paragraph (6).

17 “(C) OTHER REVIEW OF DESIGNATION.—

18 “(i) IN GENERAL.—If no review has
19 taken place under subparagraph (B) dur-
20 ing any 5-year period, the Director shall
21 review the designation of a foreign actor as
22 a foreign intelligence threat to higher edu-
23 cation under paragraph (1) in order to de-
24 termine whether such designation should
25 be revoked pursuant to paragraph (6).

1 “(ii) PROCEDURES.—If a review does
2 not take place pursuant to subparagraph
3 (B) in response to a petition for revocation
4 that is filed in accordance with that sub-
5 paragraph, the review shall be conducted
6 pursuant to procedures established by the
7 Director. The results of such review and
8 the applicable procedures shall not be re-
9 viewable in any court.

10 “(iii) PUBLICATION OF RESULTS OF
11 REVIEW.—The Director shall publish any
12 determination made under this subpara-
13 graph in the Federal Register.

14 “(5) REVOCATION BY ACT OF CONGRESS.—Con-
15 gress, by an Act of Congress, may block or revoke
16 a designation made under paragraph (1).

17 “(6) REVOCATION BASED ON CHANGE IN CIR-
18 CUMSTANCES.—

19 “(A) IN GENERAL.—The Director may re-
20 voke a designation made under paragraph (1)
21 at any time, and shall revoke a designation
22 upon completion of a review conducted pursu-
23 ant to subparagraphs (B) and (C) of paragraph
24 (4) if the Director finds that—

1 “(i) the circumstances that were the
2 basis for the designation have changed in
3 such a manner as to warrant revocation; or

4 “(ii) the national security of the
5 United States warrants a revocation.

6 “(B) PROCEDURE.—The procedural re-
7 quirements of paragraphs (2) and (3) shall
8 apply to a revocation under this paragraph. Any
9 revocation shall take effect on the date specified
10 in the revocation or upon publication in the
11 Federal Register if no effective date is specified.

12 “(7) EFFECT OF REVOCATION.—The revocation
13 of a designation under paragraph (5) or (6) shall
14 not affect any action or proceeding based on conduct
15 committed prior to the effective date of such revoca-
16 tion.

17 “(c) AMENDMENTS TO A DESIGNATION.—

18 “(1) IN GENERAL.—The Director may amend a
19 designation under subsection (b)(1) if the Director
20 finds that the foreign actor has changed its name,
21 adopted a new alias, dissolved and then reconsti-
22 tuted itself under a different name or names, or
23 merged with another foreign actor.

24 “(2) PROCEDURE.—Amendments made to a
25 designation in accordance with paragraph (1) shall

1 be effective upon publication in the Federal Register.
 2 Subparagraphs (B) and (C) of subsection (b)(2)
 3 shall apply to an amended designation upon such
 4 publication. Paragraphs (2)(A)(i), (4), (5), (6), (7),
 5 and (8) of subsection (b) shall also apply to an
 6 amended designation.

7 “(3) ADMINISTRATIVE RECORD.—The adminis-
 8 trative record shall be corrected to include the
 9 amendments as well as any additional relevant infor-
 10 mation that supports those amendments.

11 “(4) CLASSIFIED INFORMATION.—The Director
 12 may consider classified information in amending a
 13 designation in accordance with this subsection. Clas-
 14 sified information shall not be subject to disclosure
 15 for such time as it remains classified, except that
 16 such information may be disclosed to a court ex
 17 parte and in camera for purposes of judicial review
 18 under subsection (d).

19 “(d) JUDICIAL REVIEW OF DESIGNATION.—

20 “(1) IN GENERAL.—Not later than 30 days
 21 after publication in the Federal Register of a des-
 22 ignation, an amended designation, or a determina-
 23 tion in response to a petition for revocation, the for-
 24 eign actor designated as a foreign intelligence threat
 25 to higher education may seek judicial review in the

1 United States Court of Appeals for the District of
2 Columbia Circuit.

3 “(2) BASIS OF REVIEW.—Review under this
4 subsection shall be based solely upon the administra-
5 tive record, except that the Government may submit,
6 for ex parte and in camera review, classified infor-
7 mation used in making the designation, amended
8 designation, or determination in response to a peti-
9 tion for revocation, in a manner consistent with the
10 Classified Information Procedures Act (18 U.S.C.
11 App.).

12 “(3) SCOPE OF REVIEW.—The Court shall hold
13 unlawful and set aside a designation, amended des-
14 ignation, or determination in response to a petition
15 for revocation the court finds to be—

16 “(A) arbitrary, capricious, an abuse of dis-
17 cretion, or otherwise not in accordance with
18 law;

19 “(B) contrary to constitutional right,
20 power, privilege, or immunity;

21 “(C) in excess of statutory jurisdiction, au-
22 thority, or limitation, or short of statutory
23 right;

24 “(D) lacking substantial support in the ad-
25 ministrative record taken as a whole or in clas-

1 sified information submitted to the court under
2 paragraph (2); or

3 “(E) not in accord with the procedures re-
4 quired by law.

5 “(4) JUDICIAL REVIEW INVOKED.—The pend-
6 ency of an action for judicial review of a designation,
7 amended designation, or determination in response
8 to a petition for revocation shall not affect the appli-
9 cation of this section, unless the court issues a final
10 order setting aside the designation, amended des-
11 ignation, or determination in response to a petition
12 for revocation.

13 “(e) IMPOSITION OF SANCTIONS UNDER INTER-
14 NATIONAL EMERGENCY ECONOMIC POWERS ACT.—

15 “(1) IN GENERAL.—The President may, pursu-
16 ant to the International Emergency Economic Pow-
17 ers Act (50 U.S.C. 1701 et seq.)—

18 “(A) block and prohibit all transactions in
19 all property and interests in property of a for-
20 eign actor designated as a foreign intelligence
21 threat to higher education under subsection
22 (b)(1), if such property and interests in prop-
23 erty are in the United States, come within the
24 United States, or are or come within the pos-
25 session or control of a United States person; or

1 “(B)(i) prohibit any institution, and all
2 employees of an institution, from—

3 “(I) negotiating or entering into a
4 contract with such a foreign actor; or

5 “(II) transferring information devel-
6 oped through research to such a foreign
7 actor; and

8 “(ii) require any institution that has a con-
9 tract with such a foreign actor in effect as of
10 the date on which the foreign actor is des-
11 ignated as a foreign intelligence threat to high-
12 er education under subsection (b)(1) to termi-
13 nate that contract.

14 “(2) TRANSFER DEFINED.—For purposes of
15 paragraph (1)(B)(i)(II), the term ‘transfer’, with re-
16 spect to information, means—

17 “(A) an actual shipment or transmission of
18 the information out of the United States, in-
19 cluding the sending or taking of information
20 out of the United States, in any manner;

21 “(B) releasing or otherwise transferring
22 the information, including technical data, to a
23 foreign person in the United States (commonly
24 referred to as a ‘deemed export’);

1 “(C) visual or other inspection by a foreign
2 person of the information that reveals informa-
3 tion directly or indirectly related to critical
4 technologies; and

5 “(D) oral or written exchanges with a for-
6 eign person of information, whether or not in
7 the United States.

8 “(3) INAPPLICABILITY OF NATIONAL EMER-
9 GENCY REQUIREMENT.—The requirements of section
10 202 of the International Emergency Economic Pow-
11 ers Act (50 U.S.C. 1701) shall not apply for pur-
12 poses of this subsection.

13 “(4) IMPLEMENTATION.—The President may
14 exercise all authorities provided under sections 203
15 and 205 of the International Emergency Economic
16 Powers Act (50 U.S.C. 1702 and 1704) to carry out
17 this subsection.

18 “(5) PENALTIES.—A person that violates, at-
19 tempts to violate, conspires to violate, or causes a
20 violation of paragraph (1) or any regulation, license,
21 or order issued to carry out that paragraph shall be
22 subject to the penalties set forth in subsections (b)
23 and (c) of section 206 of the International Emer-
24 gency Economic Powers Act (50 U.S.C. 1705) to the

1 same extent as a person that commits an unlawful
 2 act described in subsection (a) of that section.

3 “(f) ACTIVITIES WITH NATIONAL SECURITY IMPLI-
 4 CATIONS.—

5 “(1) IN GENERAL.—The Director shall provide
 6 the Secretary of Homeland Security with informa-
 7 tion about any foreign actor who has not been des-
 8 ignated under subsection (b) if the foreign actor has
 9 engaged in any practice with national security impli-
 10 cations, including—

11 “(A) transferring uncontrolled, but sen-
 12 sitive technology acquired during the foreign ac-
 13 tor’s interactions with academic institutions;

14 “(B) significantly changing the nature or
 15 type of academic study initially reported by the
 16 foreign actor, such as changing his or her
 17 major from a nonsensitive field of study to a
 18 sensitive field of study;

19 “(C) significantly deviating from the terms
 20 of a nonimmigrant visa related to the study of
 21 technology deemed sensitive in nature; and

22 “(D) misrepresenting, omitting, or fal-
 23 sifying any information provided to the Depart-
 24 ment of State or the Department of Homeland

1 Security regarding the purpose of the foreign
2 actor's presence in the United States.

3 “(2) EFFECT OF REVOCATION OF VISA.—If the
4 Secretary of Homeland Security orders the revoca-
5 tion of a visa issued to a foreign actor described in
6 paragraph (1), the foreign actor—

7 “(A) shall be permitted to voluntarily de-
8 part the United States within 10 days; and

9 “(B) may be given the opportunity to re-
10 apply for a visa outside of the United States.

11 “(3) EFFECT OF FAILURE TO VOLUNTARILY
12 DEPART.—If a foreign actor described in paragraph
13 (2) chooses not to voluntarily depart the United
14 States, the Secretary of Homeland Security shall
15 provide for the expedited removal of the foreign
16 actor from the United States in accordance with sec-
17 tion 238(a)(3)(B) of the Immigration and Nation-
18 ality Act (8 U.S.C. 1228(a)(3)(B)).

19 “(g) REPORTS.—

20 “(1) IN GENERAL.—Not later than 180 days
21 after the date of enactment of this section, and every
22 year thereafter, the Director shall submit to the rel-
23 evant committees of Congress a detailed report con-
24 taining the following:

1 “(A) A description and assessment of for-
 2 eign actors who engage in activities listed in
 3 subsection (b)(1).

4 “(B) An assessment of the impact of for-
 5 eign actors who engage in activities listed in
 6 subsection (b)(1) on scholarship and research
 7 and development in connection with institu-
 8 tions.

9 “(C) An assessment of the implementation
 10 and operation of the designation process for
 11 foreign intelligence threats to higher education
 12 established under this section.

13 “(D) An assessment of the likely effects of
 14 the designation of foreign intelligence threats to
 15 higher education on activities listed in sub-
 16 section (b)(1) in connection with institutions.

17 “(2) FORM OF REPORTS.—The reports required
 18 under paragraph (1) shall be submitted in an un-
 19 classified form, but may contain a classified annex.”.

20 (b) DEPORTABILITY; EXPEDITED REMOVAL.—

21 (1) DEPORTABILITY.—Section 237(a)(2)(A) of
 22 the Immigration and Nationality Act (8 U.S.C.
 23 1227(a)(2)(A)) is amended—

24 (A) by redesignating clause (vi) as clause
 25 (vii); and

1 (B) by inserting after clause (v) the fol-
 2 lowing:

3 “(vi) FOREIGN INTELLIGENCE
 4 THREAT TO HIGHER EDUCATION.—Any
 5 alien who has been designated as a foreign
 6 intelligence threat to higher education
 7 under section 540D(b) of title 28, United
 8 States Code, is deportable.”.

9 (2) EXPEDITED REMOVAL.—Section 238(a)(3)
 10 of the Immigration and Nationality Act (8 U.S.C.
 11 1228(a)(3)) is amended—

12 (A) by redesignating subparagraph (B) as
 13 subparagraph (C); and

14 (B) by inserting after subparagraph (A)
 15 the following:

16 “(B) The Secretary of Homeland Security
 17 shall provide for the expedited removal of aliens
 18 who have been designated as a foreign intel-
 19 ligence threat to higher education under section
 20 540D(b) of title 28, United States Code, in the
 21 interest of national security.”.

22 (c) TECHNICAL AND CONFORMING AMENDMENT.—
 23 The table of sections for chapter 33 of title 28, United
 24 States Code, is amended by adding at the end the fol-
 25 lowing:

“540D. Designation of foreign intelligence threats to higher education.”.

1 **SEC. 3. DISCLOSURE OF FOREIGN GIFTS OR CONTRACTS.**

2 Section 117 of the Higher Education Act of 1965 (20
3 U.S.C. 1011f) is amended—

4 (1) by striking subsection (a) and inserting the
5 following:

6 “(a) DISCLOSURE REPORT.—

7 “(1) IN GENERAL.—An institution described in
8 paragraph (2) for a calendar year shall file a disclo-
9 sure report under subsection (b) with the Secretary
10 by January 31 or July 31, whichever is sooner.

11 “(2) TYPES OF INSTITUTIONS.—An institution
12 described in this paragraph is an institution that—

13 “(A) is owned or controlled by a foreign
14 source;

15 “(B) receives a gift from or enters into a
16 contract with a foreign source, the value of
17 which is \$5,000 or lower, considered alone or in
18 combination with all other gifts from or con-
19 tracts with that foreign source within a cal-
20 endar year; or

21 “(C) receives a gift from or enters into a
22 contract with a foreign intelligence threat to
23 higher education, or any agent thereof.”;

24 (2) in subsection (b)—

25 (A) by redesignating paragraphs (1)
26 through (3) as subparagraphs (A) through (C),

1 respectively, and adjusting the margins appro-
2 priately;

3 (B) by striking “REPORT.—Each” and in-
4 serting the following: “REPORT.—
5 “(1) IN GENERAL.—Each”;

6 (C) in subparagraph (A) (as so redesign-
7 ated), by inserting “, as measured by the fair
8 market value of such gifts and contracts” after
9 “particular country”;

10 (D) in subparagraph (B), as so redesign-
11 nated—

12 (i) by inserting “the identity of the
13 foreign government and, if applicable, the
14 foreign government agency, and” after
15 “with a foreign government,”; and

16 (ii) by inserting “, as measured by the
17 fair market value of such gifts and con-
18 tracts” before the period at the end; and

19 (E) by adding at the end the following:

20 “(2) REQUIREMENTS RELATING TO FOREIGN
21 INTELLIGENCE THREATS.—For any institution de-
22 scribed in subsection (a)(2)(C), the report required
23 under this section shall contain, in addition to any
24 applicable information required under paragraph
25 (1)—

1 “(A) the identity of the foreign intelligence
2 threat to higher education involved; and

3 “(B) the aggregate dollar amount of such
4 gifts and contracts attributable to the foreign
5 intelligence threat to higher education, as meas-
6 ured by the fair market value of such gifts and
7 contracts.”;

8 (3) in subsection (c), by adding at the end the
9 following:

10 “(3) For any such gift received from, or con-
11 tract entered into with, a foreign intelligence threat
12 to higher education, the fair market value of the gift
13 or contract, the date of the gift or contract, and a
14 description of any such conditions or restrictions on
15 the gift or contract.”;

16 (4) in subsection (e), by inserting “, and shall
17 also be accessible to the public through electronic
18 means” before the period at the end; and

19 (5) in subsection (h)—

20 (A) by redesignating paragraphs (2)
21 through (5) as paragraphs (3) through (6), re-
22 spectively;

23 (B) by inserting after paragraph (1) the
24 following:

1 “(2) the term ‘foreign intelligence threat to
2 higher education’ means any foreign source that is
3 designated as a foreign intelligence threat to higher
4 education in accordance with section 540D of title
5 28, United States Code;”;

6 (C) in paragraph (4) (as so redesignated),
7 by striking “or property” and inserting “, prop-
8 erty, services, or payment to the staff of an in-
9 stitution”;

10 (D) by striking paragraph (5) (as so redesi-
11 gnated) and inserting the following:

12 “(5) the term ‘institution’ means an institution
13 of higher education—

14 “(A) to which Federal financial assistance
15 is extended (directly or indirectly through an-
16 other entity or person); or

17 “(B) that receives support from the exten-
18 sion of Federal financial assistance to any of
19 the institution’s subunits”; and

20 (E) in paragraph (6)(B) (as so redesign-
21 ated), by inserting “institutes, instructional
22 programs,” before “research or lecture”.

○

MB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Executive Committee

SUBJECT: AB 764

RECOMMENDATION:

Board discussion and position on AB 764 that the Board took action on (Opposed) at the June 7, 2023 meeting.

4/25/2023 - ASSEMBLY Local Government (Based on text dated 4/11/2023)
SUPPORT

- American Federation of State, County and Municipal Employees
- Ella Baker Center for Human Rights
- League of Women Voters of California
- Silicon Valley Community Foundation
- Lawyers' Committee for Civil Rights of the San Francisco Bay Area
- Community Health Councils
- Central Coast Alliance United for a Sustainable Economy
- Asian Law Caucus
- Alliance San Diego
- Peninsula Family Service
- Voices for Progress
- Young Women's Freedom Center
- League of Women Voters California
- Initiate Justice
- Indivisible CA StateStrong
- Indivisible Marin
- San Francisco Rising
- The Resistance Northridge-Indivisible
- Common Cause - California
- Secure Justice
- Thrive, The Alliance Of Nonprofits For San Mateo County
- Courage California
- Communities United for Restorative Youth Justice (CURYJ)
- AAPIs for Civic Empowerment Education Fund
- Inland Equity Partnership
- ACLU California Action
- California Environmental Voters (formerly CLCV)
- The Santa Monica Democratic Club
- Initiate Justice Action
- Catalyst California
- OC Action
- Alameda County Coalition for Fair Redistricting
- Oakland Rising Action
- Communities for A New California (CNC)

OPPOSE

- California State Association of Counties
- Urban Counties of California (unless amended)
- Rural County Representatives of California (unless amended)

AB 764 - (A) How It Amends the Law

SECTION 1.

Section 35 of the Code of Civil Procedure, as amended by Section 1 of Chapter 745 of the Statutes of 2022, is amended to read:

35.

(a) Proceedings in cases involving the registration or denial of registration of voters, the certification or denial of certification of candidates, the certification or denial of certification of ballot measures, election contests, ~~and~~ actions under Section 20010 of the Elections *Code, and actions under Chapter 2 (commencing with Section 21100) of Division 21 of the Elections* Code shall be placed on the calendar in the order of their date of filing and shall be given precedence.

(b) This section shall remain in effect only until January 1, 2027, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2027, deletes or extends that date.

SEC. 2.

Section 35 of the Code of Civil Procedure, as amended by Section 2 of Chapter 745 of the Statutes of 2022, is amended to read:

35.

(a) Proceedings in cases involving the registration or denial of registration of voters, the certification or denial of certification of candidates, the certification or denial of certification of ballot measures, ~~and election contests~~ *election contests, and actions under Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code* shall be placed on the calendar in the order of their date of filing and shall be given precedence.

(b) This section shall become operative January 1, 2027.

SEC. 3.

Section 1002 of the Education Code is amended to read:

1002.

(a) Upon being so requested by the county board of education, the county committee on school district organization, by a two-thirds vote of the members, may either change the boundaries of any or all of the trustee areas of the ~~county~~ *county pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code*, or propose to increase or decrease the number of members of the county board of education, or both. ~~The trustee areas shall be as nearly equal in population as may be, except that in establishing or changing the boundaries of the trustee areas the county committee may give consideration to the following factors:~~

~~(1) Topography.~~

~~(2) Geography.~~

~~(3) Cohesiveness, contiguity, integrity, and compactness of territory.~~

~~(4) Community of interests of the trustee areas.~~

~~In any event, the county committee shall ensure that trustee areas are as nearly equal in population as practicable.~~

(b) Following each decennial federal census, ~~and using population figures validated by the Demographic Research Unit of the Department of Finance as a basis, the~~ the county committee shall adjust the boundaries of any or all of the trustee areas of the county board of education as necessary to meet the population criteria set forth in subdivision (a). *adopt trustee area boundaries pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code.*

(c) ~~Changes in~~ Except as to the redistricting deadline provided in Section 21140 of the Elections Code, *changes in* trustee area boundaries or a proposed reduction in the number of county board of education members shall be made in writing and filed with the county board of supervisors not later than the first day of March of any school year.

(d) ~~In those counties in which the election of members of county boards of education are required to be held on the same date as prescribed for the election of members of governing boards of school districts, as provided in Section 1007, the county committees on school district organization shall fix the boundaries of trustee areas, insofar as possible, to coincide with the boundaries of school districts. Whenever the boundaries of trustee areas are changed so as to be coterminous with those of supervisorial districts of the county, excluding any part of a trustee area that is outside of the county pursuant to Section 1001, the election for members of the county board of education shall be consolidated with the countywide election.~~

(e) Whenever the ~~boundaries of trustee areas are changed so as to~~ number of members of the county board of education elected by single-member trustee area is equal to the number of county supervisors elected by single-member supervisorial district, the trustee areas shall be coterminous with those of the supervisorial districts of the county. ~~the election for members~~ county and the county committee shall not redistrict the trustee areas, except that the county committee shall assign for voting purposes a trustee area to qualified electors residing outside of the county ~~board of education shall be consolidated with the countywide election.~~ as provided in Section 1001.

(f) (1) *Where the governing board of a county unified school district or a unified or elementary school district that includes all of the territory over which a county superintendent of schools has jurisdiction serves as the county board of education pursuant to subdivision (a) of Section 1000, and where the number of members of the governing board elected by single-member trustee area is equal to the number of county supervisors elected by single-member supervisorial district, notwithstanding any other law, trustee areas shall be established pursuant to subdivision (e).*

(2) *Where the governing board of a county unified school district or a unified or elementary school district that includes all of the territory over which a county superintendent of schools has jurisdiction serves as the county board of education pursuant to subdivision (a) of Section 1000, and where the number of members of the governing board elected by single-member trustee area is not equal to the number of county supervisors elected by single-member supervisorial district, trustee areas shall be established pursuant to Article 1 (commencing with Section 5000) of Chapter 1 of Part 4 and not pursuant to this article.*

SEC. 4.

Section 1005 of the Education Code is repealed.

~~1005.~~

~~The boundaries of any trustee area shall not at any time be changed so as to affect the term of office of any member of the county board of education who has been elected and whose term of office has not expired.~~

SEC. 5.

Section 1005 is added to the Education Code, to read:

1005.

(a) Notwithstanding subdivision (a) of Section 1000, the term of office of any member of a county board of education who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the area from which the member was elected and that member shall continue to represent the constituents residing in the area boundaries from which the member was elected for the duration of that term of office. This section does not prevent a board from assigning a trustee or county office of education official to provide constituent services to residents of an area that is temporarily not represented by a trustee due to redistricting.

(b) At the first election for a member of the county board of education following adoption of the boundaries of trustee areas, excluding a special election to fill a vacancy or a recall election, a member shall be elected for each area under the new trustee area plan that has the same district number as a trustee area whose incumbent's term is due to expire.

(c) For a county board of education employing both a primary and a general election, a change in the boundaries of a trustee area shall not be made between the direct primary election and the general election.

SEC. 6.

Section 5019 of the Education Code is amended to read:

5019.

(a) (1) In any school district or community college district, the county committee on school district organization may establish trustee areas, rearrange the boundaries of trustee areas, abolish trustee areas, and increase to seven from five, or decrease from seven to five, the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(2) For any school district whose average daily attendance during the preceding year was less than 300, the county committee on school district organization may decrease from five to three the number of members of the governing board, or adopt one of the alternative methods of electing governing board members specified in Section 5030.

(3) Notwithstanding paragraph (1), the county committee on school district organization shall not rearrange trustee area boundaries in a school district or community college district that has established a hybrid or independent redistricting commission for this purpose pursuant to Section 23003 of the Elections Code, the charter of a city or city and county, or a legal settlement.

(b) The county committee on school district organization may establish or abolish a common governing board for a high school district and an elementary school district within the boundaries of the high school district. The resolution of the county committee on school district organization approving the establishment or abolition of a common governing board shall be presented to the electors of the school districts as specified in Section 5020.

(c) (1) A proposal to make the changes described in subdivision (a) or (b) may be initiated by the county committee on school district organization or made to the county committee on school district organization either by a petition signed by 5 percent or 50, whichever is less, of the qualified registered voters residing in a district in which there are 2,500 or fewer qualified registered voters, by 3 percent or 100, whichever is less, of the qualified registered voters residing in a district in which there are 2,501 to 10,000 qualified registered voters, by 1 percent or 250, whichever is less, of the qualified registered voters residing in a district in which there are 10,001 to 50,000 qualified registered voters, by 500 or more of the qualified registered voters residing in a district in which there are 50,001 to 100,000 qualified registered voters, by 750 or more of the qualified registered voters residing in a district in which there are 100,001 to 250,000 qualified registered voters, or by 1,000 or more of the qualified registered voters residing in a district in which there are 250,001 or more qualified registered voters or by resolution of the governing board of the district. For this purpose, the necessary signatures for a petition shall be obtained within a period of 180 days before the submission of the petition to the county committee on school district organization, and the number of qualified registered voters in the district shall be determined pursuant to the most recent report submitted by the county elections official to the Secretary of State under Section 2187 of the Elections Code.

(2) When a proposal is made pursuant to paragraph (1), the county committee on school district organization shall call and conduct at least one hearing in the district on the matter. At the conclusion of the hearing, the county committee on school district organization shall approve or disapprove the proposal.

(d) If the county committee on school district organization approves pursuant to subdivision (a) the rearrangement of the boundaries of trustee areas for a particular district, then the rearrangement of the trustee areas shall be effectuated for the next district election occurring at least 125 days after its approval, unless at least 5 percent of the registered voters of the district sign a petition requesting an election on the proposed rearrangement of trustee area boundaries. The petition for an election shall be submitted to the county elections official within 60 days of the proposal's adoption by the county committee on school district organization. If the qualified registered voters approve pursuant to subdivision (b) or (c) the rearrangement of the boundaries to the trustee areas for a particular district, the rearrangement of the trustee areas shall be effective for the next district election occurring at least 125 days after its approval by the voters.

(e) Trustee areas shall comply with the requirements and criteria of Section 21130 of the Elections Code.

SEC. 7.

Section 5019.5 of the Education Code is amended to read:

5019.5.

(a) Following each decennial federal census, ~~and using population figures as validated by the Demographic Research Unit of the Department of Finance as a basis, the~~ *the* governing board of each school district or community college district in which trustee areas have been ~~established, and in which each trustee is elected by the residents of the area the trustee represents, shall adjust the boundaries of any or all of the trustee areas of the district so that one or both of the following conditions is satisfied:~~ *established shall adopt trustee area boundaries pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code.*

~~(1) (b) The~~ *Notwithstanding subdivision (a) of Section 21130 of the Elections Code, if a school district or community college district has one or more multiple-member trustee areas, the governing board shall adopt the boundaries of the areas of the district so that the* population of each area ~~is, as nearly as may be,~~ *is substantially* the same proportion of the total population of the district as the ratio that the number of governing board members elected from the area bears to the total number of members of the governing ~~board.~~ *board, as required by the United States Constitution. Substantial proportionality of*

population shall be based on the total population of residents as provided in paragraphs (1) and (2) of subdivision (a) of Section 21130 of the Elections Code.

~~(2) The population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas.~~

~~(b) The boundaries of the trustee areas shall be adjusted by the governing board of each school district or community college district, in accordance with subdivision (a), before the first day of March of the year following the year in which the results of each decennial census are released. If the governing board fails to adjust the boundaries before the first day of March of the year following the year in which the results of each decennial census are released, the county committee on school district organization shall do so before the 30th day of April of the same year.~~

~~The governing board of the school district or community college district shall reimburse all reasonable costs incurred by a county committee in adjusting the boundaries pursuant to this subdivision.~~

~~(c) Except to the extent that the adjustment of trustee area boundaries is necessary for the purposes set forth in this section,~~ *as provided in subdivision (a),* the authority to establish or abolish trustee areas, rearrange the boundaries of trustee areas, increase or decrease the number of members of the governing board, or adopt any method of electing governing board members may be exercised only as otherwise provided under this ~~article.~~ *article and Division 21 (commencing with Section 21000) of the Elections Code, as applicable.*

SEC. 8.

Section 5019.7 of the Education Code is repealed.

~~5019.7.~~

~~Section 5019.5 shall not apply to multiple-campus community college districts with campuses in more than one county.~~

SEC. 9.

Section 5020 of the Education Code is amended to read:

5020.

(a) (1) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(2) Notwithstanding paragraph (1), a county committee may, by resolution, approve a proposal to establish trustee areas and to elect governing board members using district-based elections, as defined in subdivision (b) of Section 14026 of the Elections Code, without being required to submit the resolution to the electors of the district for approval. A resolution adopted pursuant to this paragraph shall include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code). The resolution shall take effect upon adoption and shall govern all elections for governing board members occurring at least 125 days after the adoption of the resolution.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote if there is sufficient time to place the issue on the ballot. *The rearranged trustee areas shall comply with the criteria and requirements in Section 21130 of the Elections Code.*

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote if there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to vote if there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

"For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes" and "For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No."

"For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes" and "For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No."

"For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes" and "For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No."

"For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No."

"For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes" and "For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No."

"For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes" and "For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No."

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No.”

(f) If more than one proposal appears on the ballot, all must carry in order for any to become effective, except as follows:

(1) A proposal to adopt one of the methods of election of board members specified in Section 5030 that is approved by the voters shall become effective unless a proposal that is inconsistent with that proposal has been approved by a greater number of voters.

(2) An inconsistent proposal approved by a lesser number of voters than the number which have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

SEC. 10.

Section 5021 of the Education Code is amended to read:

5021.

(a) If a proposal for the establishment of trustee areas formulated under Sections 5019 and 5020 is approved by a majority of the voters voting at the election, or by the county committee on school district organization when no election is required, any affected incumbent board member shall serve out the board member's term of office and succeeding board members shall be nominated and elected in accordance with Section 5030. If two or more trustee areas are established at an election that are not represented in the membership of the governing board of the school ~~district~~, *district* or community college ~~district~~ *district*, the county committee shall determine by lot the trustee area from which the nomination and election for the next vacancy on the governing board shall be made.

(b) If a proposal for rearrangement of boundaries is approved by a majority of the voters voting on the measure, or by the county committee when no election is required, *or by the board*, and if the boundary changes affect the board membership, any affected incumbent board member shall serve out the board member's term of office and ~~succeeding~~ *that member shall continue to represent the constituents residing in the area boundaries from which the member was elected for the duration of that term of office. Succeeding* board members shall be nominated and elected in accordance with Section 5030. *This section does not prevent a board from assigning a trustee or school district or community college district official to provide constituent services to residents of an area that is temporarily not represented by a trustee due to redistricting.*

(c) If a proposal for abolishing trustee areas is approved by a majority of the voters voting at the election, the incumbent board members shall serve out their terms of office and succeeding board members shall be nominated and elected at large from the district.

SEC. 11.

Section 5023 of the Education Code is amended to read:

5023.

(a) Whenever an elementary, high ~~school~~ *school*, or unified school ~~district~~ *district*, or a portion of any such ~~district~~ *district*, is annexed to another school district in which trustee areas have been ~~established~~ *established*, the county committee on school district organization of the county having

jurisdiction over the annexing district shall study and make recommendations with respect to trustee areas of the annexing district as enlarged. *If the recommendations include moving territory from an existing trustee area in the annexing district to another trustee area of the annexing district, the recommendations shall comply with the criteria and requirements in Section 21130 of the Elections Code.* Procedures contained in Section 5019 shall be used for purposes of this section.

(b) Recommendations adopted under provisions of subdivision (a), if approved by the electors, shall become effective on the same date that the annexing district as enlarged becomes effective for all purposes.

SEC. 12.

Section 5027 of the Education Code is amended to read:

5027.

~~Whenever the~~ *Notwithstanding Section 5019, Section 5019.5, or Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code, whenever the* boundaries of a county high school district are coterminous with the boundaries of a county, the board shall consist of one member from each supervisorial district in the county elected at large from the ~~district.~~ *district, and the high school district shall not go through a redistricting process separate from the process for redistricting the county board of supervisors.*

SEC. 13.

Section 5028 of the Education Code is amended to read:

5028.

In every community college district ~~which~~ *that* was divided into five ~~wards~~ *trustee areas* on or before September 7, 1955, one member of the board shall be elected from each ~~ward~~ *trustee area* by the registered voters of the ~~ward.~~ *On or before January 1st of a fiscal year* ~~trustee area.~~ *Following each federal decennial census,* the governing board ~~of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or may abolish the wards.~~ *shall, by resolution, adopt boundaries for all of the trustee areas pursuant to Chapter 2 (commencing with Section 21100) of Division 21 of the Elections Code.*

SEC. 14.

Chapter 2 (commencing with Section 21100) is added to Division 21 of the Elections Code, to read:

CHAPTER 2. Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act of 2023

21100.

(a) This chapter shall be known and may be cited as the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act of 2023.

(b) In enacting this chapter, the Legislature finds and declares all of the following:

(1) The California Constitution guarantees to the people equal protection of the law and provides that the Legislature shall prohibit improper practices that affect elections.

(2) Ensuring the integrity, fairness, transparency, and accessibility of the local redistricting process is a matter of statewide interest and concern.

(3) Prohibiting discriminatory local redistricting practices is a matter of statewide interest and concern.

(4) Protecting the people from unrepresentative and delusive local electoral systems is a matter of statewide interest and concern.

(5) As a result of changes to state law governing the city and county redistricting process that were included in the FAIR MAPS Act (Chapter 557 of the Statutes of 2019), the adjustment of district boundaries in cities and counties during the 2020 redistricting cycle was more transparent, participatory, and representative than in prior years.

(6) Notwithstanding these improvements to the redistricting process, research evaluating the 2020 redistricting cycle demonstrates that improvements to the FAIR MAPS Act are necessary to address ambiguities, loopholes, and deficiencies in the legislation that prevented the law's important goals from being fully realized.

(7) This chapter addresses a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this chapter applies to all cities, including charter cities, except as specified.

(c) The purpose of this chapter is to do all of the following:

(1) Implement the guarantees of the California Constitution, including Sections 2, 3, and 7 of Article I and Sections 1, 2, 3, and 4 of Article II.

(2) Ensure the integrity, fairness, transparency, and accessibility of the local redistricting process, prohibit discriminatory local redistricting practices, and protect the people from unrepresentative and delusive local electoral systems.

(3) Establish requirements to ensure minimum standards of transparency and accessibility in the local redistricting process so that the public is able to provide information to assist their local governments in adopting fair and equitable district maps.

(4) Establish mandatory destructing and redistricting criteria to promote fair and effective representation for all people, neighborhoods, and communities, and particularly for disadvantaged, historically marginalized, under-resourced, low-income, and underrepresented neighborhoods and communities.

(5) Establish ranked criteria that prioritize keeping whole neighborhoods and communities of interest together, facilitate political organization and constituent representation, and prohibit gerrymandering, including incumbent-protection gerrymandering.

(6) Provide a means for residents to hold their local governments accountable for conducting a fair and transparent redistricting process and adopting district maps that comply with this chapter.

(d) This chapter shall be liberally construed to effectuate its purposes.

21110.

For purposes of this chapter, the following terms have the following meanings:

(a) "Adopt" or "adoption" in regard to election district boundaries means the passage of an ordinance or resolution specifying those boundaries.

(b) "Applicable language" means the following:

(1) For a county or county office of education that is not a small education district, any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(2) (A) For a city, any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined.

(B) To determine the applicable languages for each city, in 2030 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the database developed in accordance with subdivision (b) of Section 8253 of the Government Code, shall request a special tabulation from the United States Census Bureau of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies subparagraph (A). If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous 10 years.

(3) For a school district that is not a small education district, any language in which a school within the district is required to provide translated materials pursuant to Section 48985 of the Education Code.

(4) For a community college district that is not a small education district, any language that qualifies as an applicable language pursuant to paragraph (1) for a county in which the community college district is located.

(5) For a special district or a small education district, no applicable language shall be required under this chapter.

(c) "Election district" means an election district of the legislative body, including a county supervisorial district, county board of education trustee area, city council district, school district trustee area, community college district trustee area, or a special district governing board division.

(d) "Legislative body" means a county board of supervisors, a county board of education, a city council, a governing board of a school district, a governing board of a community college district, or a governing board of a special district.

(e) "Local jurisdiction" means a county, a county office of education, a general law city, a charter city, a school district, a community college district, or a special district.

(f) "Small education district" means any of the following:

(1) A county office of education in a county that has a total population of fewer than 250,000 residents, as of the most recent census.

(2) A school district serving an area that has a total population of fewer than 250,000 residents, as of the most recent census.

(3) A community college district serving an area that has a total population of fewer than 250,000 residents, as of the most recent census.

(g) "Member," unless otherwise specified, means a member of a legislative body elected by or from districts, including a county supervisor, county board of education member, city council member, school district trustee, community college district trustee, or special district governing board member.

(h) "Districting body" means the body that has the power to adopt a legislative body's election districts, and which may include an independent redistricting commission.

This chapter applies to a county, county office of education, general law city, charter city, school district, community college district, or special district whose legislative body is elected by districts or from districts.

21130.

(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.

(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.

(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, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division. This paragraph does not apply to a city.

(4) 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.

(5) 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) through (d), except as provided in subdivision (g).

(f) Within 21 days of adopting final election district boundaries, the districting body shall issue a report that explains the basis on which the districting body made its decisions in achieving compliance with the requirements and criteria described in this section, including, as to each neighborhood, community of interest, city, or census designated place that was split into two or more districts, the reason for that split. This paragraph does not apply to a special district or small education district. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission to recommend changes to the legislative body's district boundaries, the report required by this subdivision shall be issued by the districting body, and not by the commission.

(g) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter that includes a requirement to keep whole either communities of interest or neighborhoods. For purposes of this subdivision, "comprehensive or exclusive" means either that the city's charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city's charter provides two or more mandatory traditional redistricting criteria other than the requirement that districts be equal in population.

(h) If a local jurisdiction establishes an advisory or hybrid redistricting commission to recommend changes to the legislative body's district boundaries, any recommendation adopted by the commission shall comply with the requirements of subdivisions (a) through (e), inclusive, except as provided in subdivision (g).

(i) The criteria and requirements of this section apply to all election district boundaries adopted after January 1, 2024, including district boundaries adopted when a legislative body transitions from being elected at-large to elected by districts or from districts.

21140.

(a) For redistricting occurring in 2031 and thereafter, the boundaries of the election districts shall be adopted by the districting body not later than 204 days before the local jurisdiction's next regular election occurring after January 1 in each year ending in the number two.

(b) This section does not apply when a legislative body transitions from being elected at-large to elected by districts or from districts.

(c) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter, provided that, if the county conducts the city's elections, the county is able to administratively accommodate this later deadline. If the county cannot accommodate that deadline, the county shall provide the charter city with the latest deadline the county can reasonably accommodate,

which shall be used as the map-adoption deadline for purposes of Section 21180 and which the city shall post to the city's redistricting web page.

21150.

(a) Before a districting body adopts new election district boundaries, including when a local jurisdiction redistricts following the federal decennial census or between federal decennial censuses, but not including when a legislative body transitions from being elected at-large to elected by districts or from districts, the local jurisdiction shall hold at least one workshop and the districting body shall hold public hearings, as specified by this section, at which the public is invited to provide input regarding the composition of one or more neighborhoods, communities of interest, or election districts.

(b) For purposes of this chapter, a workshop is a standalone meeting which is conducted by either a local jurisdiction's staff, a consultant hired by the local jurisdiction, or by one or more members of the districting body but fewer than a majority of the members of the districting body. At least one workshop shall be held before the districting body draws a draft map or maps of the proposed election district boundaries. At each workshop, the local jurisdiction shall provide the public with information on the redistricting process, information on how the public may provide public comment, and instructions on how to use an online mapping tool to create draft maps or community of interest maps, if applicable. Local jurisdictions may, and are encouraged to, assist the public in drawing and submitting draft maps at the workshop. All submitted draft maps and an oral summary that characterizes the number and nature of the public comments received at the workshop concerning the proposed boundaries of a neighborhood, community of interest, or election district shall be presented to the districting body at the next public hearing.

(c) This subdivision applies to special districts and small education districts.

(1) After drawing a draft map or maps, the districting body shall hold at least two public hearings. This subdivision does not prevent a districting body from holding a public hearing before drawing a draft map or maps.

(d) This subdivision applies to counties and cities with a population of fewer than 250,000 residents as determined by the most recent census and to all school districts, community college districts, and county offices of education that are not a small education district.

(1) Before the districting body draws a draft map or maps of the proposed election district boundaries, the districting body shall hold at least one public hearing.

(2) After drawing a draft map or maps, the districting body shall hold at least four additional public hearings.

(e) This subdivision applies to counties and cities with a population of 250,000 or more, but fewer than 500,000, residents as determined by the most recent census.

(1) Before the districting body draws a draft map or maps of the proposed election district boundaries, the districting body shall hold at least two public hearings.

(2) After drawing a draft map or maps, the districting body shall hold at least five additional public hearings.

(f) This subdivision applies to counties and cities with a population of 500,000 or more residents as determined by the most recent census.

(1) Before the districting body draws a draft map or maps of the proposed election district boundaries, the districting body shall hold at least two public hearings.

(2) After drawing a draft map or maps, the districting body shall hold at least seven additional public hearings.

(g) (1) In lieu of the districting body, an advisory redistricting commission that complies with Section 23002 may hold the public hearings required by paragraph (1) of subdivision (d), paragraph (1) of

subdivision (e), and paragraph (1) of subdivision (f). An advisory redistricting commission may draw draft maps and hold public hearings to consider draft maps, but those public hearings shall not fulfill the districting body's responsibility to hold public hearings under paragraph (1) of subdivision (c), paragraph (2) of subdivision (d), paragraph (2) of subdivision (e), or paragraph (2) of subdivision (f).

(2) In lieu of the districting body, a hybrid redistricting commission, as defined in subdivision (c) of Section 23000, may hold the public hearings required by subdivisions (c) to (f), inclusive, of this section.

(3) A public hearing held by an advisory or hybrid redistricting commission pursuant to this subdivision shall comply with the requirements of this section that would apply to the hearing if the hearing were held by the districting body.

(h) At least two workshops or public hearings shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday.

(i) The building in which a workshop or public hearing is held shall be accessible to persons with disabilities.

(j) To promote the accessibility of the public hearings, the districting body shall permit the public to attend and provide live public comment at each public hearing both in-person and remotely, which should include providing an accessible and clearly audible call-in or internet-based service option. Notwithstanding any other law, the districting body shall not be required to provide a physical location from which the public may remotely provide public comment at a public hearing and the districting body shall not require that the public go to a physical location to remotely provide public comment.

(k) If a public hearing is consolidated with a regular or special meeting of the districting body that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the districting body may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.

(l) Consistent with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code), the districting body may reasonably limit an individual's speaking time at a public hearing. The total amount of time available for all public comment at a public hearing shall not be limited to less than two hours; however, the public comment period may end before two hours if every person desiring to provide public comment has done so.

(m) Subdivisions (h) to (j), inclusive, do not apply to special districts or small education districts.

21160.

(a) The local jurisdiction shall make a good faith effort to encourage residents, including those in underrepresented communities and non-English-speaking communities, to participate in the redistricting process.

(b) Prior to March 1, 2031, and prior to March 1 of every year ending in one thereafter, the legislative body or districting body shall adopt a redistricting public education and outreach plan to inform residents about the local jurisdiction's redistricting process and how to participate. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission to recommend changes to the legislative body's district boundaries, the public education and outreach plan required by this subdivision shall be adopted by the local jurisdiction, and not by the commission.

(1) A draft version of the plan shall be posted online for a 14-day review and comment period prior to being adopted. In developing the draft plan, the local jurisdiction shall consult with good government, civil rights, civic engagement, neighborhood, or community groups or organizations that are active in the local jurisdiction, including those active in language minority communities, and shall identify those consulted groups or organizations in the draft report.

(2) The plan shall include a description of all of the following:

(A) How the local jurisdiction will devote the necessary resources on education and outreach to ensure that residents, including residents speaking an applicable language, are informed about the local jurisdiction's redistricting process.

(B) Whether and how the local jurisdiction will use the media, including social media, newspapers, radio, and television, and including ethnic media and media that serve language minority communities. The plan shall identify which media the local jurisdiction anticipates using.

(C) Whether and how the local jurisdiction will use paid advertising, including in media publications, on billboards, and on public transportation.

(D) How the local jurisdiction will inform good government, civil rights, civic engagement, neighborhood, or community groups or organizations that are active in the local jurisdiction, including those active in language minority communities, about the local jurisdiction redistricting process and whether and how the local jurisdiction will partner with such groups to inform the public. The plan shall identify which groups or organizations the local jurisdiction anticipates informing or partnering with.

(E) Whether and how the local jurisdiction will have a community presence, including attending or hosting community events or public town halls.

(F) Whether and how the local jurisdiction will have direct contact with residents or registered voters, including through direct mail.

(G) Whether and how the local jurisdiction will coordinate its outreach and messaging with other local jurisdictions in the same county that are also redistricting.

(H) The number of workshops and public hearings the local jurisdiction intends to hold and their anticipated dates.

(c) Throughout the redistricting process, the local jurisdiction shall make a good faith effort to provide redistricting information to all of the following:

(1) Media organizations that provide local jurisdiction news coverage, including media organizations that serve language minority communities.

(2) Good government, civil rights, civic engagement, neighborhood, and community groups or organizations that are active in the local jurisdiction, including those active in language minority communities.

(3) Any person that has requested to be notified concerning the local jurisdiction's redistricting process. The local jurisdiction shall maintain a contact list for all such persons and provide them with regular updates throughout the redistricting process including, at minimum, notices of upcoming workshops or public hearings.

(d) The local jurisdiction shall arrange for the live translation in an applicable language of a workshop or public hearing held pursuant to this chapter if a request for translation is made at least 72 hours before the workshop or public hearing, unless less than five days' notice is provided for the workshop or public hearing, in which case the request shall be made at least 48 hours before the workshop or public hearing.

(e) Notwithstanding Section 54954.2 of the Government Code, the local jurisdiction shall publish the date, time, and location for any workshop or public hearing on the internet at least five days before the workshop or public hearing. However, if there are fewer than 28 days until the deadline to adopt boundaries, the local jurisdiction may publish the agenda on the internet for at least three days before the workshop or public hearing.

(f) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the districting body provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.

(2) Each draft map prepared by a member of an advisory or hybrid redistricting commission, a member of the districting body, or by employees or contractors of the local jurisdiction, or any draft map submitted by the public that a member of the advisory or hybrid redistricting commission or districting body asks be discussed or considered at a future public hearing, shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed election district, to the extent the local jurisdiction has that data.

(3) (A) An advisory or hybrid redistricting commission, the districting body, and employees or contractors of the local jurisdiction shall not release draft maps of election districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the commission or districting body from holding workshops or public hearings on the placement of election district boundaries before the earliest date that draft maps of election districts may be released.

(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, the waiting period described in subparagraph (A) is reduced to one week.

(C) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, the waiting period described in subparagraph (A) does not apply.

(g) The local jurisdiction shall either video or audio record or prepare a written summary of each oral public comment, and each deliberation by a districting body or an advisory or hybrid redistricting commission, made at every workshop or public hearing held pursuant to this chapter. The local jurisdiction shall make the recording or written summary of a workshop or public hearing available to the public on its redistricting web page no later than seven days after the workshop or public hearing or no later than at least 24 hours before the next workshop or public hearing, whichever deadline is earlier. Notwithstanding subdivision (i) of Section 23003, if a local jurisdiction establishes a hybrid redistricting commission, the local jurisdiction, not the hybrid redistricting commission, shall be responsible for meeting the requirements of this subdivision.

(h) (1) The districting body, or an advisory or hybrid redistricting commission, shall allow the public to submit written public comment or draft neighborhood, community of interest, or district maps both in a paper format and electronically.

(2) The local jurisdiction shall make any written public comments or draft maps available to the public on its redistricting web page no later than seven days after receiving the public comment or draft map or no later than at least 24 hours before the next workshop or public hearing, if the public comment or draft map is received at least two business days before that workshop or public hearing, whichever deadline is earlier.

(i) Prior to holding its first workshop or public hearing, the local jurisdiction shall establish, and maintain for at least 10 years after the adoption of new election district boundaries, an accessible internet web page dedicated to redistricting. The web page may be hosted on the local jurisdiction's existing internet website or another internet website maintained by the local jurisdiction. Prior to the first workshop or public hearing and until new district boundaries are adopted, the homepage of the local jurisdiction's internet website shall include a prominent link to the redistricting web page. The web page shall include, or link to, all of the following information:

(1) A general explanation of the redistricting process for the local jurisdiction. This explanation shall be provided in English and applicable languages.

(2) An explanation of the procedures for a member of the public to provide in-person or remote oral public comment during a public hearing or to submit written public comment or a draft map to the districting body, or an advisory or hybrid redistricting commission, either in a paper or electronic format, for consideration at a future public hearing. The explanation shall be provided in English and applicable languages.

- (3) A calendar of all workshop and public hearing dates. A calendar listing that includes the date, time, and location of the workshop or public hearing dates satisfies the notice required by subdivision (e).*
- (4) A notice of the applicable languages in which the local jurisdiction will provide live translation of a workshop or public hearing upon request and instructions for making such a request. This notice and these instructions shall be provided in English and applicable languages.*
- (5) Instructions and a method for a person to sign up to receive regular notices regarding redistricting, including notices of upcoming workshops or public hearings. These instructions shall be provided in English and applicable languages.*
- (6) The notice and agenda for each workshop and public hearing.*
- (7) The recording or written summary of each workshop and public hearing.*
- (8) Each draft map considered by the districting body or an advisory or hybrid redistricting commission at a public hearing.*
- (9) Each written public comment submitted to the local jurisdiction.*
- (10) The results of the local jurisdiction's analysis under paragraphs (1) and (2) of subdivision (b) of Section 21130.*
- (11) The existing map of election district boundaries prior to redistricting.*
- (12) The adopted final map of election district boundaries after redistricting, and where applicable, the report required pursuant to subdivision (f) of Section 21130.*
- (j) This section does not apply when a legislative body transitions from being elected at-large to elected by districts or from districts.*
- (k) Subdivisions (b) to (g), inclusive, paragraph (2) of subdivision (h), and paragraphs (4) to (10), inclusive, of subdivision (i) do not apply to special districts or small education districts. Subdivision (i) does not apply to special districts or small education districts that do not have a website for the jurisdiction and are not legally required to establish such a website.*

21170.

- (a) No later than December 15, 2030, and no later than December 15 in each year ending in the number zero thereafter, the Secretary of State shall publish in a conspicuous location on the Secretary of State's internet website all of the following documents:*
- (1) A template explaining the local jurisdiction redistricting process that meets the requirements of paragraph (1) of subdivision (i) of Section 21160.*
- (2) A template explaining the procedures for providing public comment in the local jurisdiction redistricting process that meets the requirements of paragraph (2) of subdivision (i) of Section 21160.*
- (3) A template of a notice explaining the languages in which a local jurisdiction is required to provide live translation upon request and how to make such a request that meets the requirements of paragraph (4) of subdivision (i) of Section 21160.*
- (4) A template of instructions for a member of the public to sign up for regular notices regarding redistricting that meets the requirements of paragraph (5) of subdivision (i) of Section 21160.*
- (5) A template form for a member of the public to describe and identify the boundaries of a neighborhood or community of interest.*
- (6) To assist local jurisdictions with complying with this chapter, a brief summary and checklist of all the requirements imposed on a local jurisdiction by this chapter.*

(b) No later than November 1, 2030, and no later than November 1 in each year ending in the number zero thereafter, the Secretary of State shall post online drafts of the documents described in subdivision (a) for at least a 30-day public comment period before finalizing any draft. Prior to posting these drafts, the Secretary of State shall solicit input from good government organizations, civil rights organizations, firms providing redistricting mapping services, and statewide associations representing affected local government agencies.

(c) No later than January 1, 2031, and no later than January 1 in every year ending in the number one thereafter, the Secretary of State shall publish the applicable languages for each city and county in a conspicuous location on the Secretary of State's internet website.

(d) No later than February 28, 2031, and no later than February 28 in each year ending in the number one thereafter, the Secretary of State shall translate the documents described in paragraphs (1) to (5), inclusive, of subdivision (a) in any applicable language required for any city or county and shall publish these documents on a conspicuous location on the Secretary of State's internet website.

(e) Prior to finalizing any translated documents pursuant to subdivision (d), the Secretary of State shall post online drafts of these documents for at least a 15-day public comment period before finalizing any draft. Prior to posting these drafts, the Secretary of State shall solicit input from the Language Accessibility Advisory Committee and organizations representing communities that speak each applicable language.

(f) To assist local jurisdictions with complying with this chapter, the Secretary of State shall provide a training to local jurisdictions subject to this chapter and associations representing such local jurisdictions that summarizes the requirements imposed on a local jurisdiction by this chapter. This training shall be video recorded and posted in a conspicuous location on the Secretary of State's internet website.

(g) (1) Within 30 days of the computerized database described in subdivision (b) of Section 8253 of the Government Code being made available to the public, the Secretary of State shall make available to the public a free electronic mapping tool, loaded with relevant population and demographic data for each county and city whose legislative body is elected by district, which tool can be used by the public to create neighborhood maps, community of interest maps, or draft district maps that can be submitted to the local jurisdiction's districting body or to an advisory or hybrid redistricting commission. The Secretary of State is authorized and encouraged to create a mapping tool for other local jurisdictions whose legislative bodies are elected by district.

(2) Implementation of this subdivision shall be contingent on an appropriation being made for this purpose in the annual Budget Act or another statute.

21180.

(a) If the districting body does not adopt election district boundaries by the deadlines set forth in subdivision (a) of Section 21140 or adopted pursuant to subdivision (c) of Section 21140, as applicable, the districting body shall immediately petition a superior court in a county in which the local jurisdiction is located for an order adopting election district boundaries. If the districting body does not petition the superior court within five days after the deadline, any interested person may file that petition and shall be entitled to recover reasonable attorney's fees and costs from the local jurisdiction for doing so.

(b) Upon granting a petition filed pursuant to subdivision (a), the superior court shall adopt election district boundaries in accordance with the requirements and criteria set forth in Section 21130, which shall be used in the local jurisdiction's next regular election. The superior court or a special master appointed by the superior court shall hold one or more public hearings before the superior court adopts the election district boundaries.

(c) The election district boundaries adopted by the superior court shall have the same force and effect as an enacted resolution or ordinance of the districting body, but shall not be subject to a referendum.

(d) The superior court may order the adjustment of electoral deadlines as necessary to implement the new election district boundaries in the next regular election.

(e) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.

21190.

(a) Any interested person may bring an action in the superior court of the county where a violation of this chapter is alleged to have occurred or is threatened to occur.

(b) Any interested person may commence an action by mandamus, injunction, or declaratory relief for the purpose of stopping ongoing violations or preventing future violations or threatened violations of this chapter or to determine the applicability of this chapter to ongoing actions or threatened future actions.

(c) An action for a violation of Section 21130 may be brought at any time prior to an election which shall be conducted using district boundaries adopted pursuant to that section.

(d) (1) Prior to bringing an action for a past violation of this chapter, other than a violation of Sections 21130, 21170, or 21180, an interested person shall make a written demand of the districting body or of the advisory or hybrid redistricting commission to cure or correct the alleged violation. The written demand shall be made within 30 days from the date the violation occurred or at any point for a continuing violation. Within 15 days of receipt of the demand, the local jurisdiction shall do either of the following:

(A) Cure or correct the alleged violation and inform the interested person in writing of its actions to cure or correct the alleged violation.

(B) Inform the interested person in writing of its decision not to cure or correct the alleged violation.

(2) If the local jurisdiction takes no action or does not cure or correct the violation within the 15-day period described in paragraph (1), the interested person shall have 15 days thereafter to bring an action. A court may award court costs and reasonable attorneys' fees to the plaintiff where it is found that a districting body or an advisory or hybrid redistricting commission violated this chapter and failed to correct the violation or unreasonably delayed correcting the violation after receiving the demand required by this subdivision.

(e) If a plaintiff proves a violation of this chapter is threatened, is occurring, or occurred, a court shall order appropriate remedies tailored to prevent or remedy the threatened violation or violation, which may include requiring that the local jurisdiction comply with the requirements of this chapter, requiring that the districting body or an advisory or hybrid redistricting commission hold an additional public hearing, voiding any action taken by the districting body or an advisory or hybrid redistricting commission in violation of this chapter, ordering the districting body to redraw an adopted map, changing an adopted map's district boundaries to bring the map into compliance with the requirements and criteria in Section 21130, or adopting a new map in compliance with the requirements and criteria in Section 21130 after the court or a special master holds a public hearing.

(f) (1) If, upon finding a violation of this chapter, a court is required to change or adopt new election district boundaries the court may appoint a special master to assist the court. The local jurisdiction shall pay the cost for the special master and associated costs.

(2) Subject to the approval of the court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the local jurisdiction in producing and using whatever data, computer models and programs, and technical assistance that was made available to the districting body or an advisory or hybrid redistricting commission and local jurisdiction personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to

the local jurisdiction of a request for local jurisdiction funding for the necessary expenses of the special master and the special master's staff.

(g) Consistent with Section 35 of the Code of Civil Procedure, a court shall give precedence to an action brought under this chapter.

(h) This chapter does not limit the discretionary remedial authority of any federal or state court.

SEC. 15.

Section 21500 of the Elections Code is amended to read:

21500.

~~(a) Following a county's decision to elect its board using district-based elections, or following each federal decennial census for a county whose board is already elected using district-based elections, the board shall, by ordinance or resolution, adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts shall be substantially equal in population as required by the United States Constitution, pursuant to Chapter 2 (commencing with Section 21100).~~

~~(1) Population equality shall be based on the total population of residents of the county 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 county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.~~

~~(b) The board shall adopt supervisorial 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.).~~

~~(c) The board shall adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:~~

~~(1) To the extent practicable, supervisorial 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 extent practicable, 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 supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.~~

~~(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.~~

~~(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial 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 board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.~~

~~(e) For purposes of this chapter, "adopt" or "adoption" in regard to supervisorial district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 16.

Section 21500.1 of the Elections Code is amended to read:

21500.1.

~~(a) -This chapter applies to a county that elects members of the county's board of supervisors by districts or from districts.~~

~~(b) This chapter shall not be interpreted to limit the discretionary remedial authority of any federal or state court.~~

SEC. 17.

Section 21501 of the Elections Code is repealed.

~~21501.~~

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring after January 1 in each year ending in the number two.~~

~~(2) For redistricting occurring before 2031 and where a county has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 174 days before that election. Notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu filing fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.~~

~~(3) For redistricting occurring before 2031 and where a county does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the supervisorial districts shall be adopted by the board not later than 205 days before the county's next regular election occurring on or after July 1, 2022.~~

~~(b) This section does not apply when a county transitions from at-large to district-based elections.~~

SEC. 18.

Section 21503 of the Elections Code is amended to read:

21503.

(a) After redistricting or ~~districting pursuant to Section 21500,~~ *districting*, a board shall not adopt new supervisorial district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the board to redistrict.

(2) The board is settling a legal claim that its supervisorial district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this chapter.

(3) The boundaries of the county change by the addition or subtraction of territory.

(4) The number of supervisors elected by districts or from districts is increased or decreased.

(5) An independent redistricting commission is established pursuant to Section 23003 to adopt new supervisorial districts between federal decennial censuses and the districts being replaced were adopted by the board of supervisors.

(b) This section does not prohibit a board from adopting supervisorial districts between federal decennial censuses if the board is adopting supervisorial districts for the first time, including when a board adopts supervisorial districts for the purpose of transitioning from electing its supervisors in at-large elections to elections by districts or from districts.

SEC. 19.

Section 21506 of the Elections Code is amended to read:

21506.

(a) The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the supervisor was ~~elected~~. *elected and that supervisor shall continue to represent the constituents residing in the district boundaries from which the supervisor was elected for the duration of that term of office. This section does not prevent a board from assigning a county elected official or county official to provide constituent services for residents of an area that is temporarily not represented by a supervisor due to redistricting.*

(b) At the first election for county supervisors in each county following adoption of the boundaries of supervisorial districts, excluding a special election to fill a vacancy or a recall election, a supervisor shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a county transitions from at-large to district-based elections.

(c) For a county employing both a primary and a general election, a change in the boundaries of a supervisorial district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a board of supervisors unless that person meets the requirements of Section 201 of the Elections Code and Section 24001 of the Government Code.

SEC. 20.

Section 21507 of the Elections Code is repealed.

~~21507.~~

~~Before adopting the boundaries of a district pursuant to Section 21501 or 21503, or for any other reason, the board shall hold public hearings on the proposal in accordance with Section 21507.1. This section does not apply when a county transitions from at-large to district-based elections.~~

SEC. 21.

Section 21507.1 of the Elections Code is repealed.

~~21507.1.~~

~~(a) Before adopting a final map, the board shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts.~~

~~(1) At least one public hearing shall be held before the board draws a draft map or maps of the proposed supervisorial district boundaries.~~

~~(2) At least two public hearings shall be held after the board has drawn a draft map or maps of the proposed supervisorial district boundaries.~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the board that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the board may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.~~

~~(e) The board may have county staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).~~

~~(f) The board may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).~~

SEC. 22.

Section 21508 of the Elections Code is repealed.

~~21508.~~

~~(a) The board shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide county news coverage, including media organizations that serve language minority communities.~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the county, including those active in language minority communities, and those that have requested to be notified concerning county redistricting.~~

~~(b) The board shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this chapter if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the board shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or~~

workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the board may publish the agenda on the internet for at least three days before the hearing or workshop.

~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the board provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the board or by employees or contractors of the county shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed supervisorial district, to the extent the county has that data.~~

~~(3) (A) The board and employees or contractors of the county shall not release draft maps of supervisorial districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the board from holding public hearings or workshops on the placement of supervisorial district boundaries before the earliest date that draft maps of supervisorial districts may be released.~~

~~(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 59 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.~~

~~(e) The board shall allow the public to submit testimony or draft maps in writing and electronically.~~

~~(f) The county shall either record or prepare a written summary of each public comment and board deliberation made at every public hearing or workshop held pursuant to this article. The county shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.~~

~~(g) The board shall establish, and maintain for at least 10 years after the adoption of new supervisorial district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the county's existing internet website or another internet website maintained by the county. The web page shall include, or link to, all of the following information:~~

~~(1) A general explanation of the redistricting process for the county, in English and applicable languages.~~

~~(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages.~~

~~(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).~~

~~(4) The notice and agenda for each public hearing and workshop.~~

~~(5) The recording or written summary of each public hearing and workshop.~~

~~(6) Each draft map considered by the board at a public hearing.~~

~~(7) The adopted final map of supervisorial district boundaries.~~

~~(h) For purposes of this section, "applicable language" means any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).~~

~~(i) This section does not apply when a county transitions from at-large to district-based elections.~~

~~(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the county redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State~~

~~shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503). The template shall be published in a conspicuous location on the Secretary of State's internet website.~~

SEC. 23.

Section 21509 of the Elections Code is repealed.

~~21509.~~

~~(a) If the board does not adopt supervisorial district boundaries by the deadlines set forth in Section 21501, the board shall immediately petition the superior court of the county for an order adopting supervisorial district boundaries. If the board does not petition the superior court within five days after the deadline, any resident of the county may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the county for doing so.~~

~~(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt supervisorial district boundaries in accordance with the criteria set forth in Section 21500, which shall be used in the county's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new supervisorial district boundaries in the next regular election.~~

~~(2) The superior court may appoint a special master to assist the court with adopting the supervisorial district boundaries. The county shall pay the cost for the special master and associated costs.~~

~~(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the supervisorial district boundaries.~~

~~(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the county in producing and using whatever data, computer models and programs, and technical assistance that was made available to the board and county personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the county of a request for county funding for the necessary expenses of the special master and the special master's staff.~~

~~(5) The supervisorial district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the board.~~

SEC. 24.

Section 21534 of the Elections Code is amended to read:

21534.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Los Angeles.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Los Angeles who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Los Angeles that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~, ~~21140~~. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ ~~(f)~~ of Section ~~21508~~, ~~21160~~.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 25.

Section 21544 of the Elections Code is amended to read:

21544.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the website of the County of Riverside.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Riverside who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the website of the County of Riverside that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21501~~. ~~21140~~. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ (f) of Section ~~21508~~. ~~21160~~.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 26.

Section 21552 of the Elections Code is amended to read:

21552.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or is allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where it does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) — The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of San Diego.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of San Diego who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of San Diego that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide for reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the Clerk of the Board of Supervisors by the map adoption deadline set forth in subdivision (a) of Section ~~21504~~, ~~21140~~. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(d)~~ ~~(f)~~ of Section ~~21508~~, ~~21160~~.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 27.

Section 21564 of the Elections Code is amended to read:

21564.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) ~~+~~ In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Fresno.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Fresno who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Fresno that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21501~~, ~~21140~~. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(e)~~ (f) of Section ~~21508~~, ~~21160~~.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 28.

Section 21574 of the Elections Code is amended to read:

21574.

(a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, 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.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Kern.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an "applicable language" means a language for which the number of residents of the County of Kern who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(6) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(A) Providing information through media, social media, and public service announcements.

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Kern that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(8) The board shall provide reasonable funding and staffing for the commission.

(9) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section ~~21501~~. ~~21140~~. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision ~~(e)~~ (f) of Section ~~21508~~. ~~21160~~.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

SEC. 29.

Section 21600 of the Elections Code is amended to read:

21600.

~~(a)~~ -This article applies to a general law city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

~~(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.~~

SEC. 30.

Section 21601 of the Elections Code is amended to read:

21601.

~~(a)~~ Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city ~~so that the council districts shall be substantially equal in population as required by the United States Constitution, pursuant to Chapter 2 (commencing with Section 21100).~~

~~(1) Population equality shall be based on the total population of residents of the city 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 city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, 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.~~

~~(b) The council shall adopt council 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.).~~

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

~~(1) To the extent practicable, council 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 extent practicable, 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 district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.~~

~~(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council 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 council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.~~

~~(e) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 31.

Section 21602 of the Elections Code is repealed.

21602.

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.~~

~~(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022, and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election.~~

~~(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.~~

~~(b) This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 32.

Section 21603 of the Elections Code is amended to read:

21603.

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district ~~under the circumstances described in subdivision (a)~~ *pursuant to Chapter 2 (commencing with Section 21100) if the boundaries of the city expand by the addition of new territory and* if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21601.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population, as determined by the most recent federal decennial census.

SEC. 33.

Section 21605 of the Elections Code is amended to read:

21605.

(a) After redistricting or ~~districting pursuant to Section 21601 or 21603,~~ *districting*, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21603 or by the subtraction of territory.

(4) The number of council members elected by districts or from districts is increased or decreased.

(5) An independent redistricting commission is established pursuant to Section 23003 to adopt new council districts between federal decennial censuses and the districts being replaced were adopted by the city council.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

SEC. 34.

Section 21606 of the Elections Code is amended to read:

21606.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was ~~elected.~~ *elected and that member shall continue to represent the constituents residing in the district boundaries from which the member was elected for the duration of that term of office. This section does not prevent a city council from assigning a city elected official or city official to provide constituent services to residents of an area that is temporarily not represented by a council member due to redistricting.*

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 35.

Section 21607 of the Elections Code is repealed.

~~21607.~~

~~Before adopting the boundaries of a council district pursuant to Section 21601 or 21603, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21607.1. This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 36.

Section 21607.1 of the Elections Code is repealed.

~~21607.1.~~

~~(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.~~

~~(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.~~

~~(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.~~

~~(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).~~

~~(f) The council may establish an advisory redistricting commission pursuant to Section 23002 to hold the public hearings required by paragraph (1) of subdivision (a).~~

SEC. 37.

Section 21608 of the Elections Code is repealed.

21608.

~~(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.~~

~~(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.~~

~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.~~

~~(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.~~

~~(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 50 days, the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.~~

~~(c) The council shall allow the public to submit testimony or draft maps in writing and electronically.~~

~~(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.~~

~~(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:~~

~~(1) A general explanation of the redistricting process for the city in English and applicable languages.~~

~~(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.~~

~~(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).~~

~~(4) The notice and agenda for each public hearing and workshop.~~

~~(5) The recording or written summary of each public hearing and workshop.~~

~~(6) Each draft map considered by the council at a public hearing.~~

~~(7) The adopted final map of council district boundaries.~~

~~(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.~~

~~(i) This section does not apply when a city transitions from at-large to district-based elections.~~

~~(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the~~

state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).

SEC. 38.

Section 21609 of the Elections Code is repealed.

~~21609.~~

~~(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21602, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.~~

~~(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21601, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.~~

~~(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.~~

~~(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.~~

~~(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.~~

~~(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.~~

SEC. 39.

Section 21620 of the Elections Code is amended to read:

21620.

~~(a) -~~ This article applies to a charter city that elects members of the city's legislative body by districts or from districts, as defined in Section 34871 of the Government Code.

~~(b) This article shall not be interpreted to limit the discretionary remedial authority of any federal or state court.~~

SEC. 40.

Section 21621 of the Elections Code is amended to read:

21621.

~~(a) -Following a city's decision to elect its council using district-based elections, or following each federal decennial census for a city whose council is already elected using district-based elections, the council shall, by ordinance or resolution, adopt boundaries for all of the council districts of the city so that the council districts shall be substantially equal in population as required by the United States Constitution, pursuant to Chapter 2 (commencing with Section 21100).~~

~~(1) Population equality shall be based on the total population of residents of the city 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 city's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the city, 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.~~

~~(b) The council shall adopt council 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.).~~

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

~~(1) To the extent practicable, council 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 extent practicable, 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 district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.~~

~~(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.~~

~~(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council 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 council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.~~

~~(e) Subdivision (c) does not apply to a charter city that has adopted comprehensive or exclusive redistricting criteria in its city charter. For purposes of this subdivision, "comprehensive or exclusive" means either that the city's charter excludes consideration of redistricting criteria other than those that are identified in the city charter or that the city's charter provides two or more traditional criteria for redistricting other than the requirement that districts be equal in population.~~

~~(f) For purposes of this article, "adopt" or "adoption" in regard to council district boundaries means the passage of an ordinance or resolution specifying those boundaries.~~

SEC. 41.

Section 21622 of the Elections Code is repealed.

~~21622.~~

~~(a) (1) For redistricting occurring in 2031 and thereafter, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring after January 1 in each year ending in the number two.~~

~~(2) For redistricting occurring before 2031 and where a city has a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 174 days before that election. For cities that charge candidates a filing fee, notwithstanding subdivision (b) of Section 8106, the forms required under that subdivision shall not be made available until at least 28 days after the adoption of a final map. The elections official shall reduce the required number of signatures for the in-lieu filing fee petition, as specified in subdivision (a) of Section 8106, by the same proportion as the reduction in time for the candidate to collect signatures.~~

~~(3) For redistricting occurring before 2031 and where a city does not have a regular election occurring after January 1, 2022 and before July 1, 2022, the boundaries of the council districts shall be adopted by the council not later than 205 days before the city's next regular election occurring on or after July 1, 2022.~~

~~(b) This section does not apply to a charter city that has adopted a different redistricting deadline by ordinance or in its city charter.~~

~~(c) This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 42.

Section 21623 of the Elections Code is amended to read:

21623.

(a) If the boundaries of a city expand by the addition of new territory, including through annexation of unincorporated territory or consolidation with another city, the council shall add that new territory to the nearest existing council district without changing the boundaries of other council district boundaries.

(b) Notwithstanding subdivision (a), the council may adopt new boundaries for each council district ~~under the circumstances described in subdivision (a)~~ *pursuant to Chapter 2 (commencing with Section 21100) if the boundaries of the city expand by the addition of new territory and* if both of the following conditions are met:

(1) There are more than four years until the council is next required to redistrict pursuant to Section 21621.

(2) The population of the new territory being annexed or consolidated is greater than 25 percent of the city's population as determined by the most recent federal decennial census.

(c) This section does not apply to a charter city that has adopted, by ordinance or in its city charter, a different standard for adding new territory to existing council districts.

SEC. 43.

Section 21625 of the Elections Code is amended to read:

21625.

(a) After redistricting or ~~districting pursuant to Section 21621 or 21623,~~ *districting*, a council shall not adopt new council district boundaries until after the next federal decennial census, except under the following circumstances:

(1) A court orders the council to redistrict.

(2) The council is settling a legal claim that its council district boundaries violate the United States Constitution, the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), or this article.

(3) The boundaries of the city change by the addition of territory pursuant to Section 21623 or by the subtraction of territory.

(4) The number of council members elected by districts or from districts is increased or decreased.

(5) An independent redistricting commission is established pursuant to Section 23003 to adopt new council districts between federal decennial censuses and the districts being replaced were adopted by the city council.

(b) This section does not prohibit a council from adopting council districts between federal decennial censuses if the council is adopting council districts for the first time, including when a city adopts council districts for the purpose of transitioning from electing its council members in at-large elections to elections by districts or from districts.

(c) This section does not apply to a charter city that has adopted different rules for mid-cycle redistricting in its city charter.

SEC. 44.

Section 21626 of the Elections Code is amended to read:

21626.

(a) The term of office of any council member who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which the council member was ~~elected.~~ *elected and that member shall continue to represent the constituents residing in the district boundaries from which the member was elected for the duration of that term of office. This section does not prevent a city council from assigning a city elected official or city official to provide constituent services to residents of an area that is temporarily not represented by a council member due to redistricting.*

(b) At the first election for council members in each city following adoption of the boundaries of council districts, excluding a special election to fill a vacancy or a recall election, a council member shall be elected for each district under the new district plan that has the same district number as a district whose incumbent's term is due to expire. This subdivision does not apply when a city transitions from at-large to district-based elections.

(c) For a city employing both a primary and a general election, a change in the boundaries of a council district shall not be made between the direct primary election and the general election.

(d) Except as provided in subdivision (a), a person is not eligible to hold office as a member of a city council unless that person meets the requirements of Section 201 of the Elections Code and Section 34882 of the Government Code.

SEC. 45.

Section 21627 of the Elections Code is repealed.

~~21627.~~

~~Before adopting the boundaries of a council district pursuant to Section 21621 or 21623, or for any other reason, the council shall hold public hearings on the proposal in accordance with Section 21627.1. This section does not apply when a city transitions from at-large to district-based elections.~~

SEC. 46.

Section 21627.1 of the Elections Code is repealed.

~~21627.1.~~

~~(a) Before adopting a final map, the council shall hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more council districts.~~

~~(1) At least one public hearing shall be held before the council draws a draft map or maps of the proposed council boundaries.~~

~~(2) At least two public hearings shall be held after the council has drawn a draft map or maps of the proposed council boundaries.~~

~~(b) At least one public hearing or public workshop shall be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday Monday through Friday.~~

~~(c) Public hearing buildings shall be accessible to persons with disabilities.~~

~~(d) If a public hearing is consolidated with a regular or special meeting of the council that includes other substantive agenda items, the public hearing shall begin at a fixed time regardless of its order on the agenda, except that the council may first conclude any item being discussed or acted upon, including any associated public comment, when that time occurs. The time of the public hearing shall be noticed to the public.~~

~~(e) The council may have city staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings required by paragraph (1) of subdivision (a).~~

~~(f) The council may establish an advisory redistricting commission to hold the public hearings required by paragraph (1) of subdivision (a).~~

SEC. 47.

Section 21628 of the Elections Code is repealed.

~~21628.~~

~~(a) The council shall take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process. These steps shall include a good faith effort to do all of the following:~~

~~(1) Providing information to media organizations that provide city news coverage, including media organizations that serve language minority communities.~~

~~(2) Providing information through good government, civil rights, civic engagement, and community groups or organizations that are active in the city, including those active in language minority communities, and those that have requested to be notified concerning city redistricting.~~

~~(b) The council shall arrange for the live translation in an applicable language of a public hearing or workshop held pursuant to this article if a request for translation is made at least 72 hours before the hearing or workshop, unless less than five days' notice are provided for the hearing or workshop, in which case the request shall be made at least 48 hours before the hearing or workshop.~~

~~(c) Notwithstanding Section 54954.2 of the Government Code, the council shall publish the date, time, and location for any public hearing or workshop on the internet at least five days before the hearing or workshop. However, if there are fewer than 28 days until the deadline to adopt boundaries, the council may publish the agenda on the internet for at least three days before the hearing or workshop.~~

~~(d) (1) A draft map shall be published on the internet for at least seven days before being adopted as a final map by the council provided that, if there are fewer than 28 days until the deadline to adopt boundaries, the draft map may instead be published on the internet for at least three days.~~

~~(2) Each draft map prepared by a member of the council or by employees or contractors of the city shall be accompanied by information on the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each proposed council district, to the extent the city has that data.~~

~~(3) (A) The council and employees or contractors of the city shall not release draft maps of council districts earlier than three weeks after the block-level redistricting database required by subdivision (b) of Section 8253 of the Government Code is first made publicly available. This subparagraph does not prohibit the council from holding public hearings or workshops on the placement of council district boundaries before the earliest date that draft maps of council districts may be released.~~

~~(B) If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 90 days and more than 50 days, then the waiting period required by subparagraph (A) is reduced to one week. If the period of time between the date that the redistricting database is made publicly available and the map adoption deadline is fewer than 60 days, then the waiting period required by subparagraph (A) is waived.~~

~~(e) The council shall allow the public to submit testimony or draft maps in writing and electronically.~~

~~(f) The city shall either record or prepare a written summary of each public comment and council deliberation made at every public hearing or workshop held pursuant to this article. The city shall make the recording or written summary available to the public within two weeks after the public hearing or workshop.~~

~~(g) The council shall establish, and maintain for at least 10 years after the adoption of new council district boundaries, an internet web page dedicated to redistricting. The web page may be hosted on the city's existing internet website or another internet website maintained by the city. The web page shall include, or link to, all of the following information:~~

~~(1) A general explanation of the redistricting process for the city in English and applicable languages.~~

~~(2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council in English and any applicable language.~~

~~(3) A calendar of all public hearing and workshop dates. A calendar listing that includes the time and location of the public hearing or workshop satisfies the notice required by subdivision (c).~~

~~(4) The notice and agenda for each public hearing and workshop.~~

~~(5) The recording or written summary of each public hearing and workshop.~~

~~(6) Each draft map considered by the council at a public hearing.~~

~~(7) The adopted final map of council district boundaries.~~

~~(h) For purposes of this section, "applicable language" means any language that is spoken by a group of city residents with limited English proficiency who constitute 3 percent or more of the city's total population over four years of age for whom language can be determined. Before January 1, 2021, and before January 1 in every year ending in the number one thereafter, the Secretary of State shall post the applicable languages for each city in a conspicuous location on the Secretary of State's internet website. To determine the applicable languages for each city, in 2020 and in each year ending in the number zero thereafter, the Secretary of State, in consultation with the Statewide Database, shall request a special tabulation from the United States Bureau of the Census of the most recent data on limited English proficiency from the bureau's American Community Survey that satisfies this subdivision. If the bureau is unable to produce that data, the Secretary of State shall base the Secretary of State's determination on the table from the American Community Survey enumerating the number of residents with limited English proficiency that has the largest number of languages included, that is publicly available, and that was produced within the previous ten years.~~

~~(i) This section does not apply when a city transitions from at-large to district-based elections.~~

~~(j) Before January 1, 2021, and before January in each year ending in the number one thereafter, the Secretary of State shall publish on the internet a template explaining the city redistricting process that meets the requirements of paragraphs (1) and (2), inclusive, of subdivision (g). The Secretary of State shall publish the template in all of the languages into which ballots are required to be translated in the state pursuant to subdivision (h). The template shall be published in the same conspicuous location on the Secretary of State's internet website that is described in subdivision (h).~~

SEC. 48.

Section 21629 of the Elections Code is repealed.

21629.

~~(a) If the council does not adopt council district boundaries by the deadlines set forth in Section 21622, the council shall immediately petition the superior court in the county in which the city is located for an order adopting council district boundaries. If the council does not petition the superior court within five days after the deadline, any resident of the city may file that petition and shall be entitled to recover the resident's reasonable attorney's fees and costs from the city for doing so.~~

~~(b) (1) Upon finding that a petition filed pursuant to subdivision (a) is valid, the superior court shall adopt council district boundaries in accordance with the criteria set forth in Section 21621, which shall be used in the city's next regular election. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new council district boundaries in the next regular election.~~

~~(2) The superior court may appoint a special master to assist the court with adopting the council district boundaries. The city shall pay the cost for the special master and associated costs.~~

~~(3) The superior court or the special master shall hold one or more public hearings before the superior court adopts the council district boundaries.~~

~~(4) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist them in their work. In addition, the special master may seek the full cooperation of the city in producing and using whatever data, computer models and programs, and technical assistance that was made available to the council and city personnel who are knowledgeable in the mechanics of drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for their work, and to prepare for the~~

~~prompt submission to the city of a request for city funding for the necessary expenses of the special master and the special master's staff.~~

~~(5) The council district boundaries adopted by the superior court shall be immediately effective in the same manner as if the court's order were an enacted resolution or ordinance of the city council.~~

~~(c) This section does not apply to a charter city that has adopted in its city charter a different method for adopting city council district boundaries when a redistricting deadline is missed.~~

SEC. 49.

Section 21630 of the Elections Code is amended to read:

21630.

If a council assigns the responsibility to recommend or to adopt new district boundaries to a hybrid or independent redistricting commission as defined in Section 23000, the charter city remains subject to the redistricting deadlines, requirements, and restrictions that apply to the council under this ~~article,~~ *article and Chapter 2 (commencing with Section 21100)*, unless otherwise exempted by law. A redistricting commission described in this section may perform the duties required of a city council under this article.

SEC. 50.

Section 22000 of the Elections Code is amended to read:

22000.

~~(a) Each district required by its authorizing act to adjust division boundaries pursuant to this section shall, by resolution, after- Following a special district's decision to elect its board of directors using district-based elections, or following~~ each federal decennial census, ~~and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended, to the extent those provisions apply. In adjusting the boundaries of the divisions, the board may give consideration to the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity, and compactness of territory, and (4) community of interests of the division. This section does not apply to divisions in which only landowners vote for directors or whose directors are all elected at large or appointed.~~ *census for a special district whose board of directors is already elected using district-based elections, the board of directors shall, by resolution, adopt boundaries for all of the divisions of the special district pursuant to Chapter 2 (commencing with Section 21100).*

(b) The resolution specified in subdivision (a) shall be adopted by a vote of not less than a majority of the directors.

(c) At the time of, or after, any annexation of territory to the district, the board of directors shall designate, by resolution, the division of which the annexed territory shall be a part.

(d) ~~No-~~ *Except as provided in Section 21140, no* change in division boundaries may be made within 180 days preceding the election of any director.

(e) (1) A change in division boundaries shall not affect the term of office of any director.

(2) If division boundaries are adjusted, the director of the division whose boundaries have been adjusted shall continue to be the director of the division bearing the number of ~~his or her-~~ *that* division as formerly comprised until the office becomes vacant by means of term expiration or otherwise, whether or not the

director is a resident within the boundaries of the division as adjusted. *The director shall continue to represent the constituents residing in the district boundaries from which the director was elected for the duration of that term of office. This section does not prevent a board from assigning a director or special district official to provide constituent services to residents of an area that is temporarily not represented by a director due to redistricting.*

(f) The successor to the office in a division whose boundaries have been adjusted shall be a resident and voter of that division.

(g) A district is not required to adjust the boundaries of any divisions pursuant to this section until after the 2000 federal decennial census.

(h) ~~Nothing in this~~ *This* section shall *not* be construed to prohibit or restrict a district from adjusting the boundaries of any divisions ~~whenever the governing body of~~ *pursuant to Chapter 2 (commencing with Section 21100) whenever the board of directors of* the district determines by a two-thirds vote of the ~~governing body board~~ that a sufficient change in population has occurred that makes it desirable in the opinion of the ~~governing body board~~ to adjust the boundaries of any divisions, or whenever any territory is added by or excluded from the district.

SEC. 51.

Section 22001 of the Elections Code is repealed.

22001.

~~Before adjusting the boundaries of a division pursuant to Section 22000 or for any other reason, the governing body of the district shall hold at least one public hearing on the proposal to adjust the boundaries of the division prior to the public hearing at which the governing body votes to approve or defeat the proposal.~~

SEC. 52.

Section 22001 is added to the Elections Code, to read:

22001.

This chapter and Chapter 2 (commencing with Section 21100) do not apply to special districts in which only landowners vote for directors or whose directors are all elected at large or appointed.

SEC. 53.

Section 22002 of the Elections Code is repealed.

22002.

~~For purposes of this chapter, the date of adoption of a resolution adjusting division boundaries is the date of passage of the resolution by the board.~~

SEC. 54.

Section 23002 of the Elections Code is amended to read:

23002.

(a) This section applies to advisory redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the ~~commission~~ *commission, provided that the commissioners are not appointed by the legislative body or an elected official of the local jurisdiction.*

(c) A person who is an elected official of the local jurisdiction, or a family member, staff member, or paid campaign staff of an elected official of the local jurisdiction, shall not be appointed to serve on the commission.

(d) A local jurisdiction may impose additional requirements or restrictions on the commission, members of the commission, or applicants to the commission in excess of those prescribed by this section.

(e) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

SEC. 55.

Section 23003 of the Elections Code is amended to read:

23003.

(a) This section applies to hybrid redistricting commissions and independent redistricting commissions.

(b) Notwithstanding any other law, the local jurisdiction may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not ~~directly~~ appointed by the legislative body or an elected official of the local jurisdiction.

(c) A person shall not be appointed to serve on the commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person's application.

(d) A person shall not be appointed to serve on the commission if either of the following applies:

(1) The person or the person's spouse has done any of the following in the eight years preceding the person's application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member or a consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(2) A family member of the person, other than the person's spouse, has done any of the following in the four years preceding the person's application:

(A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.

(B) Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee.

(C) Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of the local jurisdiction.

(D) Been registered to lobby the local jurisdiction.

(E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

(e) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction if any of the following is true:

(A) Less than five years has elapsed since the date of the member's appointment to the commission.

(B) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

(C) The election for that office will be conducted using district boundaries that were adopted by a legislative body pursuant to a recommendation by the commission on which the member served, and those district boundaries have not been subsequently readopted by a legislative body pursuant to a recommendation by a commission after the end of the member's term on the commission.

(3) For four years commencing with the date of the person's appointment to the commission:

(A) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the local jurisdiction.

(B) Receive a noncompetitively bid contract with the local jurisdiction.

(C) Register as a lobbyist for the local jurisdiction.

(4) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the local jurisdiction.

(f) The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

(g) Each member of the commission shall be a designated employee in the conflict of interest code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(h) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. A local jurisdiction may also impose additional requirements

and restrictions on the commission, on members of the commission, or on applicants to the commission in excess of those prescribed by this section.

(j) The commission shall publish a map of the proposed new district boundaries and make that map available to the public for at least seven days before that map may be adopted. The commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted.

(k) The commission shall not draw districts for the purpose of favoring or discriminating against a political party or an incumbent or political candidate.

(l) District boundaries adopted by an independent redistricting commission or adopted by a legislative body from recommendations provided by a hybrid redistricting commission, shall not be altered by the legislative body or the commission until after the next federal decennial census occurs, unless those boundaries have been invalidated by a final judgment or order of a court of competent jurisdiction.

(m) For the purposes of subdivisions (c) and (d), "local jurisdiction" does not include a local jurisdiction that contracts with a county independent redistricting commission pursuant to Section 23004.

SEC. 56.

Section 34874 of the Government Code is amended to read:

34874.

(a) An amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall not be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

(b) An amendatory ordinance altering the boundaries of legislative districts shall comply with the requirements and criteria of Section ~~21601 or 21621~~ 21130 of the Elections ~~Code, as applicable.~~ Code.

SEC. 57.

Section 34877.5 of the Government Code is amended to read:

34877.5.

(a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body shall comply with the requirements and criteria of Section ~~21601 or 21621~~ 21130 of the Elections ~~Code, as applicable,~~ Code and shall seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section ~~21607 or 21627~~ 21150 of the Elections ~~Code, as applicable.~~ Code.

SEC. 58.

Section 34884 of the Government Code is amended to read:

34884.

(a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be substantially equal in population as required by the United States Constitution. The districts shall comply with the requirements and criteria of Section ~~21601 or 21621~~ 21130 of the Elections ~~Code, as applicable.~~ Code.

(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

SEC. 59.

Section 34886 of the Government Code is amended to read:

34886.

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall comply with the requirements and criteria of Section ~~21601 or 21621~~ 21130 of the Elections ~~Code, as applicable.~~ Code and include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

SEC. 60.

Section 57301 of the Government Code is amended to read:

57301.

If at any time between each decennial federal census, a city annexes or detaches territory or consolidates with another city, the city council of the city annexing or detaching the territory or the city council of the successor city, ~~shall~~ *may* reexamine the boundaries of its council ~~districts, if any, after the~~

~~first census is taken or after the population estimates are obtained, following the annexation, detachment, or consolidation, districts pursuant to Section 21603 or 21623 of the Elections Code, as applicable.~~

~~If, upon reexamination, the city council finds that the population of any council districts have varied so that the districts no longer meet the criteria specified in Section 21601 of the Elections Code, the city council shall, within 60 days after the census is taken, or population estimate received, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts are as nearly equal in population as may be possible.~~

SEC. 61.

The district boundary criteria specified in this act apply to election district boundaries that are adopted or readopted on or after January 1, 2024. Election district boundaries adopted before January 1, 2024, shall comply with the applicable district boundary criteria in effect at the time of their adoption.

SEC. 62.

The Legislature finds and declares that, as to cities and counties, many of the provisions of Chapter 2 (commencing with 21100) of Division 21 of the Elections Code, as added by this act, do not constitute a change in, but are declaratory of, existing law, and that a court should not draw a contrary inference based on the language of this act in resolving an action brought under the prior rules for city and county redistricting.

SEC. 63.

The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 64.

If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

September 6, 2023

☒ Mailed ☐ Distributed at meeting

JB

ORANGE COUNTY BOARD OF EDUCATION

BOARD AGENDA ITEM

DATE: September 6, 2023
TO: Nina Boyd, Deputy Superintendent
FROM: Renee Hendrick, Associate Superintendent, Administrative Services
SUBJECT: Gann Limits – Resolution # 18-23

BACKGROUND:

A constitutional amendment, referred to as the Gann Amendment, requiring appropriations limits for state and local government units was passed on November 6, 1979.

Senate Bill 1352, Chapter 1205 of 1980, implements this amendment and requires public agencies to establish an appropriation limit each fiscal year beginning with 1981-82.

Documentation used to compute the actual appropriations limit for 2022-23 and the estimated appropriations limit for 2023-24 is on file in the Administrative Services Division of the County Superintendent of Schools.

RECOMMENDATION:

Adopt Resolution # 18-23 identifying the Gann actual appropriations limit for 2022-23 and the Gann estimated appropriations limit for 2023-24.

RH:sh

RESOLUTION FOR ADOPTING THE “GANN” LIMIT

WHEREAS, in November of 1979, the California electorate did adopt Proposition 4, commonly called the Gann Amendment, which added Article XIII-B to the California Constitution; and,

WHEREAS, the provisions of that Article establish maximum appropriation limitations, commonly called “Gann Limits,” for public agencies, including school districts; and,

WHEREAS, the District must establish a revised Gann limit for the 2022-23 fiscal year and a projected Gann Limit for the 2023-24 fiscal year in accordance with the provisions of Article XIII-B and applicable statutory law; and,

WHEREAS, Government Code Section 7902.1 provides that school districts may increase their Gann Limits under specified circumstances;

NOW, THEREFORE, BE IT RESOLVED that the Gann limit for 2022-23 is \$144,157,487 and the Gann limit for 2023-24 is \$150,330,436, made in accord with applicable constitutional and statutory law and as calculated by the attached documentation;

AND BE IT FURTHER RESOLVED that the Gann Limits for 2022-23 and 2023-24 fiscal years include an increase of \$6,172,955 to the 2022-23 Gann Limit pursuant to the provisions of Government Code Section 7902.1;

AND BE IT FURTHER RESOLVED that this Board does hereby declare that the appropriations in the Budget for the 2022-23 and 2023-24 fiscal years do not exceed the limitations imposed by Proposition 4;

AND BE IT FURTHER RESOLVED that the Superintendent provides copies of this resolution along with the appropriate attachments to interested citizens of this district.

PASSED AND ADOPTED by the Governing Board of the Orange County Department of Education, State of California, this 6th day of September 2023, by the following vote:

AYES: Members:

NOES: Members:

ABSENT: Members:

STATE OF CALIFORNIA
COUNTY OF ORANGE

I, Tim Shaw, President of the Board of Education in Orange County, California, hereby certify that the foregoing Resolution was duly and regularly adopted by the said Board at a regular meeting thereof held on the 6th day of September 2023.

IN WITNESS THEREOF, I have hereunto set my hand and seal this 6th day of September, 2023

Tim Shaw, President
Orange County Board of Education

	2022-23 Calculations			2023-24 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
A. PRIOR YEAR DATA (2021-22 Actual Appropriations Limit and Gann ADA are from COE's prior year Gann data reported to the CDE. LCFF data are from the 2021-22 Annual County LCFF Calculation funding exhibit.)						
PRIOR YEAR APPROPRIATIONS LIMIT						
1. Program Portion of Prior Year Appropriations Limit (A3 times [A6 divided by (A6 plus A7)], not to exceed A6) Excess is added to Other Services portion.	16,154,236.00		16,154,236.00			16,154,236.00
2. Other Services Portion of Prior Year Appropriations Limit (A3 minus A1)	109,815,143.72		109,815,143.72			128,003,244.63
3. TOTAL PRIOR YEAR APPROPRIATIONS LIMIT (Preload/Line D16, PY column)	125,969,379.72		125,969,379.72			144,157,480.63
PRIOR YEAR GANN ADA						
4. Program ADA (Preload/Line B3, PY column)	1,003.12		1,003.12			1,386.62
5. Other ADA (Preload/Line B4, PY column)	416,589.21		416,589.21			412,264.64
PRIOR YEAR LCFF						
6. LCFF Alternative Education Grant (Preload/Line A28, Alternative Education Grant, 2021-22 Annual County LCFF Calculation)						
7. LCFF Operations Grant, (Preload/Line A1, Operations Grant, 2021-22 Annual County LCFF Calculation)	16,154,236.00		16,154,236.00			16,154,236.00
ADJUSTMENTS TO PRIOR YEAR LIMIT AND ADA	26,849,624.00		26,849,624.00			26,849,624.00
ADJUSTMENTS TO PRIOR YEAR LIMIT						
8. Reorganizations and Other Transfers						
9. Temporary Voter Approved Increases						
10. Less: Lapses of Voter Approved Increases						
11. TOTAL ADJUSTMENTS TO PRIOR YEAR LIMIT (Lines A8 plus A9 minus A10)			0.00			0.00
12. Adjustments to Program Portion ([Lines A1 divided by A3] times Line A11)						
13. Adjustments to Other Services Portion (Lines A11 minus A12)	0.00		0.00	0.00		0.00
ADJUSTMENTS TO PRIOR YEAR ADA (Only for reorganizations and other transfers, and only if adjustments to the appropriations limit amounts are entered in Line A8 or A12 above)						
14. Adjustments to Program ADA						
15. Adjustments to Other ADA						
B. CURRENT YEAR GANN ADA						

	2022-23 Calculations			2023-24 Calculations		
	Extracted Data	Adjustments*	Entered Data/ Totals	Extracted Data	Adjustments*	Entered Data/ Totals
	2022-23 Annual Report			2023-24 Annual Estimate		
CURRENT YEAR PROGRAM ADA						
2022-23 data should tie to Principal Apportionment Data Collection attendance reports and include ADA for charter schools reporting with the COE						
1. Total County Program ADA (Form A, Line B1d)	1,282.67		1,282.67	1,282.67	(23.67)	1,259.00
2. Total Charter Schools ADA (Form A, Line C2d plus C6d)	103.95		103.95	110.00		110.00
3. Total Current Year ADA (Lines B1 through B2)	1,386.62	0.00	1,386.62	1,392.67	(23.67)	1,369.00
	2022-23 P2 Report			2023-24 P2 Estimate		
			412,264.64			412,239.39
	2022-23 Actual			2023-24 Budget		
CURRENT YEAR LOCAL PROCEEDS OF TAXES/STATE						
AID RECEIVED						
TAXES AND SUBVENTIONS (Funds 01, 08, and 62)						
1. Homeowners' Exemption (Object 8021)	513,134.61		513,134.61	504,852.00		504,852.00
2. Timber Yield Tax (Object 8022)	.10		.10	0.00		0.00
3. Other Subventions/In-Lieu Taxes (Object 8029)	0.00		0.00	0.00		0.00
4. Secured Roll Taxes (Object 8041)	115,479,517.91		115,479,517.91	121,596,144.00		121,596,144.00
5. Unsecured Roll Taxes (Object 8042)	3,395,049.47		3,395,049.47	3,678,763.00		3,678,763.00
6. Prior Years' Taxes (Object 8043)	1,960,767.04		1,960,767.04	2,312,637.00		2,312,637.00
7. Supplemental Taxes (Object 8044)	4,842,274.58		4,842,274.58	4,509,730.00		4,509,730.00
8. Ed. Rev. Augmentation Fund (ERAF) (Object 8045)	0.00		0.00	0.00		0.00
9. Penalties and Int. from Delinquent Taxes (Object 8048)	0.00		0.00	0.00		0.00
10. Receipts from County Bd. of Supervisors (Object 8070)	0.00		0.00	0.00		0.00
11. Other In-Lieu Taxes (Object 8082)	0.00		0.00	0.00		0.00
12. Comm. Redevelopment Funds (Objects 8047 & 8625)	14,553,025.66		14,553,025.66	17,597,998.00		17,597,998.00
13. Parcel Taxes (Object 8621)	0.00		0.00	0.00		0.00
14. Other Non-Ad Valorem Taxes (Object 8622) (Taxes only)	0.00		0.00	0.00		0.00
15. Penalties and Int. from Delinquent Non-LCFF Taxes (Object 8629) (Only those for the above taxes)	0.00		0.00	0.00		0.00
16. Transfers to Charter Schools In Lieu of Property Taxes (Object 8096)						
17. TOTAL TAXES AND SUBVENTIONS (Lines C1 through C16)	140,743,769.37	0.00	140,743,769.37	150,200,124.00	0.00	150,200,124.00

	2022-23 Calculations			2023-24 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
OTHER LOCAL REVENUES (Funds 01, 09, and 62)						
18. To General Fund from Bond Interest and Redemption Fund (Excess debt service taxes) (Object 8914)						
19. TOTAL LOCAL PROCEEDS OF TAXES (Lines C17 plus C18)	140,743,769.37	0.00	140,743,769.37	150,200,124.00	0.00	150,200,124.00
EXCLUDED APPROPRIATIONS						
20a. Medicare (Enter federally mandated amounts only from objs. 3301 and 3302; do not include negotiated amounts)			1,870,430.78			2,127,198.00
20b. Qualified Capital Outlay Projects						
OTHER EXCLUSIONS						
21. Americans with Disabilities Act						
22. Unreimbursed Court Mandated Desegregation Costs						
23. Other Unfunded Court-ordered or Federal Mandates						
24. TOTAL EXCLUSIONS (Lines C20 through C23)			1,870,430.78			2,127,198.00
STATE AID RECEIVED (Funds 01, 09, and 62)						
25. LCFF - CY (objects 8011 and 8012)	26,058,582.00		26,058,582.00	27,138,374.00		27,138,374.00
26. LCFF/Revenue Limit State Aid - Prior Years (Object 8019)	1,433,681.00		1,433,681.00	0.00		0.00
27. TOTAL STATE AID RECEIVED (Line C25 plus C26)	27,492,263.00	0.00	27,492,263.00	27,138,374.00	0.00	27,138,374.00
DATA FOR INTEREST CALCULATION						
28. Total Revenues (Funds 01, 09 & 62, objects 8000-8799)	352,363,074.44		352,363,074.44	335,628,414.00		335,628,414.00
29. Total Interest and Return on Investments (Funds 01, 09, and 62, objects 8660 and 8662)	12,576,541.85		12,576,541.85	12,576,541.85		12,576,541.85
D. APPROPRIATIONS LIMIT CALCULATIONS						
PRELIMINARY APPROPRIATIONS LIMIT						
1. Revised Prior Year Program Limit (Lines A1 plus A12)			16,154,236.00			16,154,236.00
2. Inflation Adjustment			1.0755			1.0444
3. Program Population Adjustment (Lines B3 divided by [A4 plus A14]) (Round to four decimal places)			1.3823			0.9873
4. PRELIMINARY PROGRAM LIMIT (Lines D1 times D2 times D3)			24,015,915.45			16,657,216.23
5. Revised Prior Year Other Services Limit (Lines A2 plus A13)			109,815,143.72			128,003,244.63

	2022-23 Calculations			2023-24 Calculations		
	Extracted Data	Adjustments*	Entered Data/Totals	Extracted Data	Adjustments*	Entered Data/Totals
6. Inflation Adjustment			1.0755			1.0444
7. Other Services Population Adj. (Lines B4 divided by [A5 plus A15]) (Round to four decimal places)			0.9896			0.9999
8. PRELIMINARY OTHER SERVICES LIMIT (Lines D5 times D6 times D7)			116,877,882.73			133,673,220.03
9. PRELIMINARY TOTAL APPROPRIATIONS LIMIT (Lines D4 plus D8)			140,893,798.18			150,330,436.26
APPROPRIATIONS SUBJECT TO THE LIMIT						
10. Local Revenues Excluding Interest (Line C19)			140,743,769.37			150,200,124.00
11. Preliminary State Aid Calculation						
a. Maximum State Aid in Local Limit (Lesser of Line C27 or (Lines D8 minus D10 plus C24); if negative, then zero)			2,020,459.59			2,257,510.26
12. Local Revenues in Proceeds of Taxes						
a. Interest Counting in Local Limit (Lines C29 divided by [C28 minus C29] times [D10 plus D11a])			5,284,142.04			5,935,238.22
b. Total Local Proceeds of Taxes (Lines D10 plus D12a)			146,027,911.41			156,135,362.22
13. State Aid in Proceeds of Taxes (lesser of Line D11a or [Lines D9 minus D12b plus C24]; if negative, then zero)			0.00			0.00
14. Total Appropriations Subject to the Limit						
a. Local Revenues (Line D12b)			146,027,911.41			
b. State Subventions (Line D13)			0.00			
c. Less: Excluded Appropriations (Line C24)			1,870,430.78			
d. TOTAL APPROPRIATIONS SUBJECT TO THE LIMIT (Lines D14a plus D14b minus D14c)			144,157,480.63			
15. Adjustments to the Limit Per Government Code Section 7902.1 (Line D14d minus D9)			3,263,682.45			
SUMMARY						
16. Adjusted Appropriations Limit (Lines D9 plus D15)			144,157,480.63			150,330,436.26
17. Appropriations Subject to the Limit (Line D14d)			144,157,480.63			

