CITY OF SAN JOSE
CAPITAL OF SILICON VALLEY

Memorandum

TO: REDISTRICTING ADVISORY COMMISSION

FROM: Richard Doyle, City Attorney

Joseph Horwedel, Director of Planning, Building and Code Enforcement

SUBJECT: **Division of Census Blocks by Council District Boundaries**

DATE: May 18, 2011

QUESTION

May the Commission divide census blocks in developing Council District boundaries?

SHORT ANSWER

While there is no legal barrier to the creation of Council District boundaries which "divide" or cut across census blocks, there are practical implications that may impact the City's ability to accurately assess demographic information in a final Council District map if the Commission decides to do so. This is particularly true if a Council District boundary splits inhabited territory within a census block. Depending on the particular census block, staff may recommend that the Commission not divide the block between two Districts.

BACKGROUND

As required by the United States Constitution, the Census counts every resident of the United States every 10 years. The decennial Census is not an audit, sampling, or estimate of population.

A census "block" is the smallest geographic unit used by the United States Census Bureau for tabulation of 100-percent data (data collected from all houses, rather than a sample of houses). Blocks are typically designed to be bounded by visible features such as streets, roads or creeks to assist census workers in data collection. Several blocks make up "block groups", which then make up census "tracts". Census tracts are generally designed to be homogeneous with respect to population characteristics, economic status, and living conditions.

In the 2001 redistricting process in San José, the Commission used census blocks as the primary geography for new Council District boundaries. There is little or no precedent for apportionment of census block data between two Council Districts.

ANALYSIS

As previously clarified, the Commission should only rely on Census 2010 data for the redistricting process. Thus, creation of Council District boundaries which divide census blocks, in theory, is legally permissible. This option works best for census blocks that can be divided between uninhabited and inhabited territory so that all of the population and its associated demographic information can be clearly assigned to a single Council District.

For example, one proposed Council District boundary divides a census block – the block containing Independence High School. This block straddles Districts 4 and 5. The boundary is drawn south of the school along Miguelita Creek with the school in District 4, and the remainder of the census block, which contains houses and population, in District 5. In this case, division of the census block is simple, since all the population counted in the block can be accurately assigned to one District, District 5.

Dividing inhabited areas of census blocks presents practical challenges and may affect the City's ability to accurately assess demographic information in a final Council District map. Census block-level data is the most fine-grained, actual person count available. There is no reliable method to split population numbers or attributes between two portions of a census block in order to assign them to two different Council Districts. Consequently, staff could only provide estimates, and not accurate reflections of the census data. In other words, it would not be possible to assign the accurate and correct block-level census data (population, race/ethnicity, type of housing units, population of voting age, etc.) to the two Council Districts. This vulnerability could impact the accuracy of the demographic information in the final Council District map, which would be particularly problematic if the final Council District map is challenged.

The challenges of splitting of inhabited census blocks become more pronounced as the Commission works towards a "10% Plan." Due to the inherent uncertainty of the correct distribution of population and other attributes, the Commission may unintentionally recommend a map that exceeds a 10% deviation due to a best estimate.

Finally, the Council District geography is used for a variety of purposes after the Council adopts a new map. For example, the new boundaries will be provided to the Santa Clara County Registrar of Voters for election administration purposes. In order to comply with State elections and federal voting rights laws, it is preferable that these District boundaries coincide with geographic boundaries recognized by the U.S. Census Bureau.

CONCLUSION

While there is no legal barrier to creating District boundary lines which divide census blocks, accurate calculation of the population data within the Council Districts will be more difficult and uncertain if the Commission chooses to do so.

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