



City of Long Beach

Working Together to Serve

Office of the City Attorney

Memorandum

DATE: October 1, 2021

To: Independent Redistricting Commission

FROM: Amy R. Webber, Deputy City Attorney
Taylor M. Anderson, Deputy City Attorney

SUBJECT: Memo Re Splitting Census Blocks

Please see attached memo regarding splitting census blocks from redistricting counsel, Olson Remcho.

Thank you.

ARW

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cc: Charles Parkin, City Attorney
Kevin Jackson, Deputy City Manager
Monique DeLaGarza, City Clerk

MEMORANDUM

VIA E-MAIL

TO: City of Long Beach Independent Redistricting Commission

FROM: Robin B. Johansen and Thomas A. Willis

DATE: September 30, 2021

RE: Splitting a Census Block

You have asked whether the Commission can draw district lines that split census blocks, which are the smallest unit of census geography. A census block generally has people living in it, and when that is the case, splitting a census block would leave you with no way to know how many people reside in each piece of that block. However, there are some census blocks in the City of Long Beach that are uninhabited, and we understand your question to refer only to uninhabited census blocks.

We have found no state or federal law that prohibits splitting census blocks. However, the City Charter explicitly provides that “[a]ll lines must correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries.” Charter, § 2506(b)(7).

Normally, the word “must” is mandatory, but the language of the Charter is not clear on this issue. That is because the prohibition against splitting census blocks is seventh on a list of criteria that “the Commission shall consider . . . in order of priority” and there are other criteria, like keeping together communities of interest, that appear above it. In addition, the Charter also provides that in its final report the Commission can include “a reasonable justification for any Council district boundary that does not comply with any redistricting criterion.”

On the other hand, Section 2506(b)(7) says that all lines “must” correspond to census blocks, while the other criteria that precede it all use the word “should.” A court could

interpret this change in language from “should” to “must” to mean that the Commission cannot split a census block for any reason, even if it is uninhabited.

If a voter were to file a lawsuit saying that splitting a census block violates the Charter, we cannot say how a court would rule. For that reason, the safest approach would be to avoid splitting any census blocks if you can. We understand, however, that some members of the public have urged you to draw district lines that could split uninhabited census blocks, such as the one that contains the airport.

If you wish to consider splitting an uninhabited census block, we recommend that you examine carefully the reasons proposed for doing it and whether it would interfere with any of the other criteria that the Charter instructs you to follow. For example, if you wish to consider splitting the airport census block, you should look at the reasons people have offered for doing that, because you will have to justify it in your final report.

We also recommend that you consider the issue carefully in light of all the other public testimony regarding the other Charter criteria. Would splitting a census block mean that you would not be able to keep a neighborhood or community of interest whole within a district? Would it require you to ignore a major topographic or geographic feature somewhere else in the City? If so, we recommend against doing it.

We stress that the Charter language appears to be mandatory and that the safest approach is to follow it. At a minimum, if you decide to split an unpopulated census block, it should only be one that can be split without violating any of the other Charter criteria, and you should be prepared to justify the split in your final report.