


MEMORANDUM

To: Board of Directors, North Marin Water District December 3, 2021

From: Morgan Biggerstaff, BPMNJ
Thomas A. Willis and Kristen Mah Rogers, Olson Remcho LLP
Drew McIntyre, General Manager 

Subject: 2020 Census Redistricting Process
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RECOMMENDED ACTION: Provide Direction to Staff and Legal Counsel

FINANCIAL IMPACT: None at this time

Background

On August 6, 2019, the Board of Directors adopted corrected Ordinance No. 38 to transition from an at-large to a division-based election system in conformance with the California Voting Rights Act of 2001 ("CVRA"). The director elections (for divisions 2, 3, and 4) in November 2020 were held under the new by-division election system.

Section 22000 of the Elections Code requires the Board of Directors to adjust the boundaries of its divisions following the federal census that occurs every ten years. In adjusting those boundaries, the Board is required to draw divisions that meet the following legal requirements:

- Each division shall contain nearly equal population, with any deviations justified by other traditional redistricting criteria.
- Each division shall be drawn in a manner that complies with the state and federal Constitutions, the Federal Voting Rights Act, and state law.
- Consistent with the principles established by the United States Supreme Court in *Shaw v. Reno*, 509 U.S. 630 (1993), divisions shall not be drawn with race as the predominant factor.
- Each division shall be contiguous, meaning that there are no islands or parts of the division that are not attached to the whole.

Elections Code Section 22000 provides that the Board of Directors may also take into consideration the following factors: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory, and (4) community of interests of the division. Essentially, these criteria mean that the Board may consider:

- Keeping communities of interest, such as neighborhoods, school district boundaries, etc., undivided by a division boundary, to the extent feasible.
- Respecting visible natural and man-made geographical and topographical features when drawing division boundaries, as much as possible.
- Having compactness of divisions, including their shape and appearance.
- Identifying changes to the housing stock, including areas of population growth, if any, since lines were drawn in 2019, keeping in mind, however, that divisions will have to contain nearly equal population based on the 2020 Census data.
- Including public facilities in each division, to the extent feasible.
- Including commercial interests in each division, to the extent feasible.

The additional criteria may or may not be applicable or appropriate in the District's service area. The community should be encouraged to provide input on some or all of these additional criteria and may also provide input on or suggest other criteria not mentioned above.

Procedural Requirements

The District's demographer, Redistricting Partners, has determined that the 2020 Census data did not reveal significant population shifts that require adjustments in division lines. In fact, the 2020 Census data show improved population equality among the District's five electoral divisions, meaning that the current districts as drafted comply with the constitutional requirement that the districts have equal population. The relevant standard is that a plan with total deviation of less than 10% among all districts is presumed constitutional. The current total deviation among all districts using 2020 census data is 7.7%, well within that standard.

Public Outreach

The redistricting process will be informed by public input. To support the public in providing input, a map of the current District divisions is incorporated in the PowerPoint presentation attached to this memorandum. District staff has developed a public outreach strategy to help inform the public on division-based elections and to encourage and obtain feedback and input, using the following methods:

- Establish a dedicated web page on the District's website to provide information regarding the 2021 redistricting process; and
- Create a tab on the District's website home page that promotes the meetings and links to the dedicated web page; and

- Post ongoing social media outreach to Facebook, Twitter, and Nextdoor; and
- Issue a press release to inform residents and businesses in the District's service areas about they can participate in the process; and
- Publish public notices in the Marin IJ and Point Reyes Light newspapers to inform residents and businesses in the District's service areas about how they can participate in the process.

Next Steps and Recommendations

The Board has three options:

1. If the Board would like to re-adopt its current plan, it may provide direction to staff and legal counsel to prepare materials for the current plan to be considered at a public hearing during its January 18, 2022 Board Meeting and invite the public to provide input on the proposal to re-adopt the current plan during that public hearing. The Board could then re-adopt that plan via resolution at a second public hearing to be held at its February 15, 2022 meeting, after inviting public input on the plan.
2. If the Board would like to make minor changes to the current plan, the Board may provide direction to staff regarding specific changes it would like to consider in new draft plans. Our Demographer, Redistricting Partners would then prepare draft maps to be published online and presented to the Board at the January 18, 2022 hearing. The public would be invited to provide input on those draft maps, and after public comment the Board could select one plan to advance to a second hearing. The Board could then adopt that new plan via resolution at a second public hearing to be held at its February 15, 2022 meeting, after inviting public input on the plan.
3. If the Board would like to make more extensive changes, the Board could discuss those changes with staff and legal counsel at the January 18, 2022 meeting, ask the demographer to propose two or more maps that incorporate those changes at its February 15, 2022 public hearing and invite the public to provide input on those draft maps. The Board could then select a final plan and take public comment, or if more changes are needed, schedule an additional public hearing/s. At the end of the public hearing/s, the Board can choose one map, publish it, and then adopt it at a subsequent public hearing.

The deadline for adjusting the boundaries is April 17, 2022. Staff recommends that the Board begin public outreach to engage the community in the redistricting process as quickly as possible and hold its first public hearing on January 18, 2022, with a final vote on the new division boundaries to be held at a second public hearing on February 15, 2022.

Attachments

PowerPoint Presentation



North Marin Water District

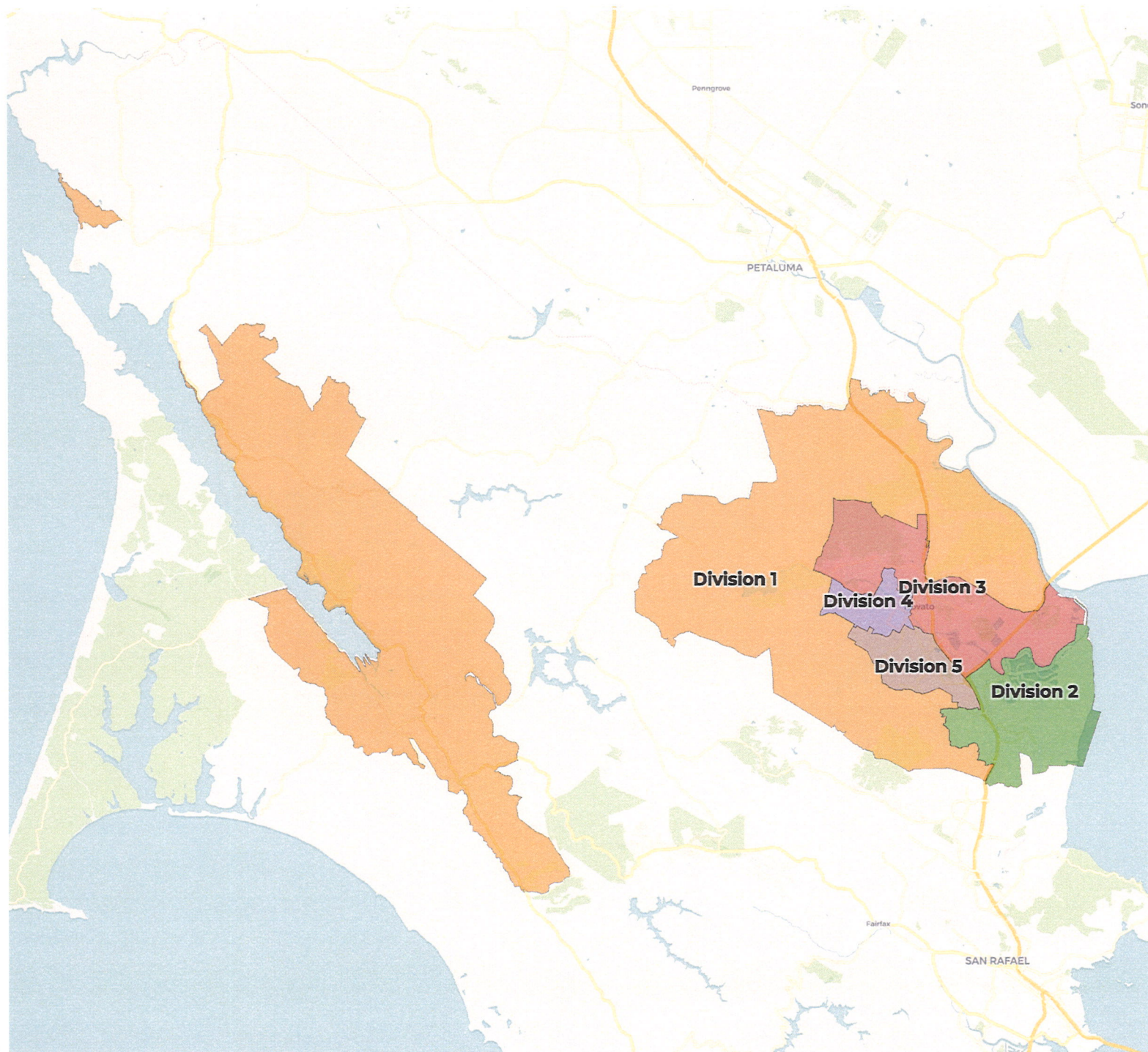
Redistricting 101

December 7, 2021

Overview

This presentation will cover a range of topics and expand on the technical aspects of the redistricting process.

- Current District Population
- What is Districting/Redistricting?
- Traditional Redistricting Principles
- Redistricting Process & Public Input



2010 Census

	Division 1	Division 2	Division 3	Division 4	Division 5
Population	12,890	12,300	12,451	12,158	11,739
Deviation	582	-8	143	-150	-569
Deviation %	4.7%	-0.1%	1.2%	-1.2%	-4.6%
Other	11,011	7,709	9,482	8,210	7,822
Other %	85.4%	62.7%	76.2%	67.5%	66.6%
Latino	1,250	7,287	1,055	2,888	2,722
Latino %					23.2%
Asian					830
Asian %	3.8%	6.9%	6.6%	5.9%	7.1%
Black	133	462	190	342	365
Black %	1.0%	3.8%	1.5%	2.8%	3.1%

Total Deviation of 9.3%

Citizen Voting Age Population (CVAP)

	Division 1	Division 2	Division 3	Division 4	Division 5
Total CVAP	9,292	7,531	8,508	7,975	7,737
Other CVAP	8,194	5,996	6,973	6,843	5,810
Other CVAP %	88.2%	79.6%	82.0%	85.8%	75.1%
Latino CVAP	633	738	790	438	1,165
Latino CVAP %	6.8%	9.8%	9.3%	5.5%	15.1%
Asian CVAP	333	613	622	438	504
Asian CVAP %	3.6%	8.1%	7.3%	5.5%	6.5%
Black CVAP	133	184	123	256	258
Black CVAP %	1.4%	2.4%	1.5%	3.2%	3.3%

2020 Census

	Division 1	Division 2	Division 3	Division 4	Division 5
Population	13,180	12,321	13,076	12,535	12,202
Deviation	517	-342	413	-128	-461
Deviation %	4.1%	-2.7%	3.3%	-1.0%	-3.6%
Other	10,722	7,201	9,384	7,754	7,479
Other %	81.4%	58.4%	71.8%	61.9%	61.3%
Latino	1,658	7,586	2,581	7,588	3,372
Latino %					27.6%
Asian					1,074
Asian %	4.7%	8.0%	6.7%	5.9%	8.8%
Black	157	433	220	342	277
Black %	1.2%	3.5%	1.7%	2.7%	2.3%

Total Deviation of 7.7%

Citizen Voting Age Population (CVAP)

	Division 1	Division 2	Division 3	Division 4	Division 5
Total CVAP	10,026	9,096	10,051	9,641	8,340
Other CVAP	8,754	6,800	8,219	7,985	6,636
Other CVAP %	87.3%	74.8%	81.8%	82.8%	79.6%
Latino CVAP	676	836	1,217	931	896
Latino CVAP %	6.7%	9.2%	12.1%	9.7%	10.7%
Asian CVAP	549	845	557	477	522
Asian CVAP %	5.5%	9.3%	5.5%	4.9%	6.3%
Black CVAP	47	616	59	249	285
Black CVAP %	0.5%	6.8%	0.6%	2.6%	3.4%

What is Redistricting?

Redistricting is the process of adjusting district lines every 10 years after the release of the U.S. Census. The well-known examples are Congress and the Legislature.

Within the U.S., redistricting has become an extremely politicized process and has been the subject of more high-profile Supreme Court decisions than any other part of our elections system.

What is Redistricting?

Redistricting is at its core the act of equalizing population among districts.

This is necessary in order to meet two requirements - one constitutional, one from Supreme Court precedent:

- *Equal Representation (14th Amendment)* - how effective any resident can be at advocating for themselves or being represented within a jurisdiction.
- *One Person One Vote* - equal ability to elect a candidate of choice.

Redistricting Principles

Federal law and the Elections Code § 22000 define criteria
Special Districts consider when redistricting:

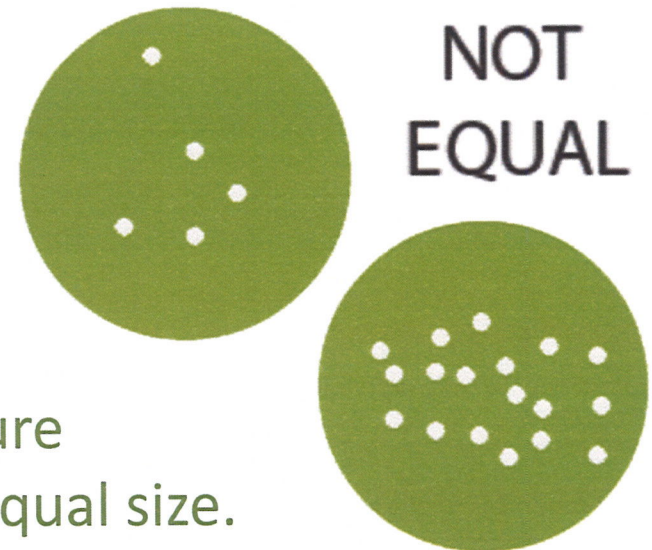
- Relatively equal population - people, not citizens
- Voting Rights Act
- *Shaw v. Reno*
- Topography
- Geography
- Cohesiveness, contiguity, integrity and compactness
- Community of interests

Equal Population

Utilizing the U.S. Census Decennial File

What is “equal” population has been a key subject in redistricting litigation.

- Population Equality is based on “People” not citizens or voters or other metrics.
- The metric used is called “deviation” which is a measure of how close a district is to equal size.



Voting Rights

Voting Rights Act (1965)

- Must draw districts to ensure minority groups' ability to elect candidates of choice
- Requires majority-minority districts

Shaw v. Reno (1993)

- Districts cannot be drawn with race as the predominant factor

Local Government Lines

The existing underlying governmental structure

Water Districts often have a geographic relationship with the cities and communities they serve.

- Underlying City Boundaries
- Unincorporated County areas, that are often rural and agricultural areas

Contiguity

Two definitions for what is contiguous

Contiguity should be thought of as
“literal” and “functional.”

1. An area that is one whole piece is “literally contiguous.”
2. An area that represents how the population or how people are connected is “functionally contiguous.”



Compactness

Determining what is “compact”

The measure of compactness can get complicated.

- Ratio of the circumference of a district and the area of a district.
- Measuring the number of distinct straight lines and the number of kinks and bends.
- Simply outlawing funny shapes.

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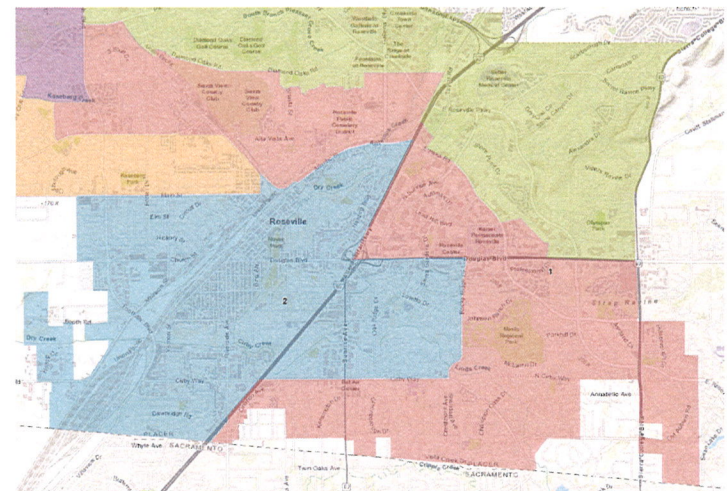
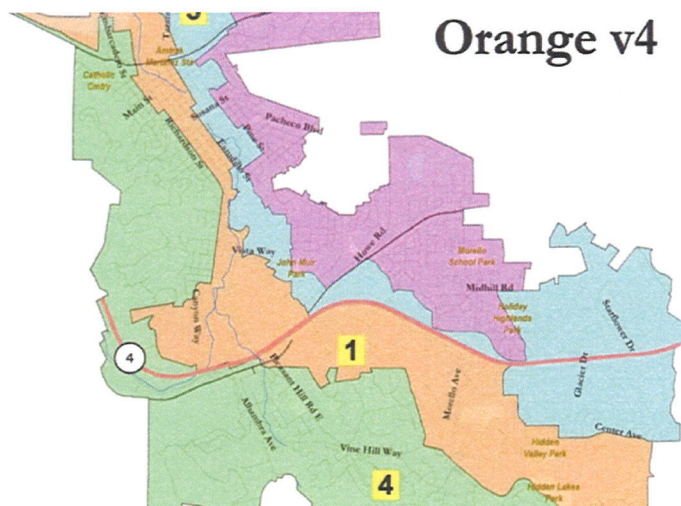


Compactness

Determining what is “compact”

California has a rather elegant/simple definition.

- Not bypassing nearby populated areas in favor of more distant populated areas



Communities of Interest

A community of interest is defined as:

“a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.” Cal. Const. art. XXI, § 2(d)(4).

- Examples:

- Senior Citizens or Students
- Downtown / Urban
- Rural or Agricultural
- Homeowners or Renters

Communities of Interest

Bringing like people together for representation

What are you looking for in trying to judge the applicability of a Community of Interest to the redistricting process?

- Group with shared culture / characteristics
- Geographic Nature / Density / Ability to be mapped
- Relationship to Agency / Policies

Additional Redistricting Rules

Optional, Additional Criteria

Water Districts often expand beyond these traditional principles. Examples can include:

- Taking into consideration future growth
- Balancing the rural / urban interface between districts

North Marin Water District Redistricting

Timeline for Upcoming Meetings

December 7 th	Redistricting 101 Presentation Consideration of Current Plan & 2020 Census
January 15 th	Hearing #1 Consideration of Draft Maps and Current Map Public Hearing to receive input
February 18 th	Hearing #2 Public Hearing to receive input Approval of Final Map

REDISTRICTING PARTNERS

