MEMORANDUM

To: Board of Directors, North Marin Water District

From: Drew McIntyre, General Manager
Morgan Biggerstaff, BPMNJ
Kristen Mah Rogers, Olson Remcho LLP

Subject: Redistricting Process Public Hearing No. 1 – Review and Receive Public Input on Current Electoral Divisions Map

January 14, 2022

RECOMMENDED ACTION: Solicit Public Input

FINANCIAL IMPACT: None at this time

Background

On August 6, 2019, the Board of Directors (Board) 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 (see the District’s Final Approved Division Map depicted on Attachment 1).

Pursuant to California Elections Code Section 22000 et seq., the Board must review its electoral division boundaries following the federal census that occurs every ten years, identify any significant demographic changes, and adjust the boundaries as necessary consistent with the US Constitution, Federal and State laws. 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.

On December 7, 2021, the Board received a report from staff and legal counsel regarding the 2020 Census data in which the District’s demographer (Redistricting Partners) indicated the 2020 Census data did not reveal significant population shifts that require adjustments in division lines. In fact, the 2020 Census data indicated improved population balance 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 the constitutional standard.

The Board directed staff and legal counsel to prepare materials and invite the public to provide input on the possibility of re-adopting the current electoral divisions map. Per the schedule shown below, the District is holding two (2) virtual public hearings where the Board will
receive and respond to public comments, and subsequently consider adoption of a final electoral divisions map.

Redistricting Process Timeline

<table>
<thead>
<tr>
<th>DATE</th>
<th>EVENT</th>
<th>COMMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tuesday, January 18, 2022</td>
<td>1st Public Hearing (Regular Meeting)</td>
<td>Show map, receive public comments.</td>
</tr>
<tr>
<td>Tuesday, February 15, 2022</td>
<td>2nd Public Hearing (Regular Meeting)</td>
<td>Respond to comments (if any); Board vote to adopt final map of Electoral Divisions.</td>
</tr>
</tbody>
</table>

Public Outreach

The redistricting process is informed by public input. To support the public in providing input, District staff 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:

- Established a dedicated web page on the District’s website to provide information regarding the 2021 redistricting process; and
- Posted ongoing social media outreach to Facebook, Twitter, and Nextdoor; and
- Issued a press release to both 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; and
- Published 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.

Recommendation

Staff recommends that the Board receive an updated presentation by Redistricting Partners and legal counsel, and subsequently solicit public input as part of the first public hearing. A final vote on the new division boundaries will be held at a second public hearing on February 15, 2022.

Attachments

- Attachment 1 – North Marin Water District’s Final Approved Division Map
- Attachment 2 – 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

<table>
<thead>
<tr>
<th></th>
<th>Division 1</th>
<th>Division 2</th>
<th>Division 3</th>
<th>Division 4</th>
<th>Division 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td>12,890</td>
<td>12,300</td>
<td>12,451</td>
<td>12,158</td>
<td>11,739</td>
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<tr>
<td>Deviation</td>
<td>582</td>
<td>-8</td>
<td>143</td>
<td>-150</td>
<td>-569</td>
</tr>
<tr>
<td>Deviation %</td>
<td>4.7%</td>
<td>-0.1%</td>
<td>1.2%</td>
<td>-1.2%</td>
<td>-4.6%</td>
</tr>
<tr>
<td>Other</td>
<td>11,011</td>
<td>7,709</td>
<td>9,482</td>
<td>8,210</td>
<td>7,822</td>
</tr>
<tr>
<td>Other %</td>
<td>85.4%</td>
<td>62.7%</td>
<td>76.2%</td>
<td>67.5%</td>
<td>66.6%</td>
</tr>
<tr>
<td>Latino</td>
<td>1,203</td>
<td>329</td>
<td>1,955</td>
<td>2,020</td>
<td>2,722</td>
</tr>
<tr>
<td>Latino %</td>
<td>9.9%</td>
<td>2.7%</td>
<td>1.6%</td>
<td>1.7%</td>
<td>2.3%</td>
</tr>
<tr>
<td>Asian</td>
<td>3,8%</td>
<td>6.9%</td>
<td>6.6%</td>
<td>5.9%</td>
<td>7.1%</td>
</tr>
<tr>
<td>Asian %</td>
<td>3.0%</td>
<td>4.6%</td>
<td>4.5%</td>
<td>4.1%</td>
<td>4.5%</td>
</tr>
<tr>
<td>Black</td>
<td>133</td>
<td>462</td>
<td>190</td>
<td>342</td>
<td>365</td>
</tr>
<tr>
<td>Black %</td>
<td>1.0%</td>
<td>3.6%</td>
<td>1.5%</td>
<td>2.8%</td>
<td>3.1%</td>
</tr>
</tbody>
</table>

## Total Deviation of 9.3%

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# Citizen Voting Age Population (CVAP)

<table>
<thead>
<tr>
<th></th>
<th>Division 1</th>
<th>Division 2</th>
<th>Division 3</th>
<th>Division 4</th>
<th>Division 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total CVAP</td>
<td>9,292</td>
<td>7,531</td>
<td>8,508</td>
<td>7,975</td>
<td>7,737</td>
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<tr>
<td>Other CVAP</td>
<td>8,194</td>
<td>5,996</td>
<td>6,973</td>
<td>6,843</td>
<td>5,810</td>
</tr>
<tr>
<td>Other CVAP %</td>
<td>88.2%</td>
<td>79.6%</td>
<td>82.0%</td>
<td>85.8%</td>
<td>75.1%</td>
</tr>
<tr>
<td>Latino CVAP</td>
<td>633</td>
<td>738</td>
<td>790</td>
<td>438</td>
<td>1,165</td>
</tr>
<tr>
<td>Latino CVAP %</td>
<td>6.8%</td>
<td>9.8%</td>
<td>9.3%</td>
<td>5.5%</td>
<td>15.1%</td>
</tr>
<tr>
<td>Asian CVAP</td>
<td>333</td>
<td>613</td>
<td>622</td>
<td>438</td>
<td>504</td>
</tr>
<tr>
<td>Asian CVAP %</td>
<td>3.6%</td>
<td>8.1%</td>
<td>7.3%</td>
<td>5.5%</td>
<td>6.5%</td>
</tr>
<tr>
<td>Black CVAP</td>
<td>133</td>
<td>184</td>
<td>123</td>
<td>256</td>
<td>256</td>
</tr>
<tr>
<td>Black CVAP %</td>
<td>1.4%</td>
<td>2.4%</td>
<td>1.5%</td>
<td>3.2%</td>
<td>3.3%</td>
</tr>
</tbody>
</table>
# North Marin Water District
## Current Lines

### 2020 Census

<table>
<thead>
<tr>
<th>Division</th>
<th>Population</th>
<th>Deviation</th>
<th>Deviation %</th>
<th>Other</th>
<th>Other %</th>
<th>Latino</th>
<th>Latino %</th>
<th>Asian</th>
<th>Asian %</th>
<th>Black</th>
<th>Black %</th>
<th>Total Deviation of 7.7%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division 1</td>
<td>13,180</td>
<td>517</td>
<td>4.1%</td>
<td>10,722</td>
<td>81.4%</td>
<td>1,466</td>
<td>10.8%</td>
<td>362</td>
<td>4.7%</td>
<td>157</td>
<td>1.2%</td>
<td>7.7%</td>
</tr>
<tr>
<td>Division 2</td>
<td>12,321</td>
<td>-342</td>
<td>-2.7%</td>
<td>7,201</td>
<td>58.4%</td>
<td>3,885</td>
<td>31.8%</td>
<td>926</td>
<td>7.9%</td>
<td>433</td>
<td>3.5%</td>
<td>-2.7%</td>
</tr>
<tr>
<td>Division 3</td>
<td>13,076</td>
<td>413</td>
<td>3.3%</td>
<td>9,384</td>
<td>71.8%</td>
<td>3,245</td>
<td>24.1%</td>
<td>836</td>
<td>6.7%</td>
<td>220</td>
<td>1.7%</td>
<td>-1.0%</td>
</tr>
<tr>
<td>Division 4</td>
<td>12,535</td>
<td>-128</td>
<td>-1.0%</td>
<td>7,754</td>
<td>61.9%</td>
<td>3,842</td>
<td>30.5%</td>
<td>836</td>
<td>5.9%</td>
<td>342</td>
<td>2.7%</td>
<td>-3.6%</td>
</tr>
<tr>
<td>Division 5</td>
<td>12,202</td>
<td>-461</td>
<td>-3.6%</td>
<td>7,479</td>
<td>61.3%</td>
<td>3,372</td>
<td>27.6%</td>
<td>1,074</td>
<td>8.8%</td>
<td>277</td>
<td>2.3%</td>
<td>-4.6%</td>
</tr>
</tbody>
</table>

### Citizen Voting Age Population (CVAP)

<table>
<thead>
<tr>
<th>Division</th>
<th>Total CVAP</th>
<th>Other CVAP</th>
<th>Other CVAP %</th>
<th>Latino CVAP</th>
<th>Latino CVAP %</th>
<th>Asian CVAP</th>
<th>Asian CVAP %</th>
<th>Black CVAP</th>
<th>Black CVAP %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division 1</td>
<td>10,026</td>
<td>8,754</td>
<td>87.3%</td>
<td>676</td>
<td>6.7%</td>
<td>549</td>
<td>5.5%</td>
<td>47</td>
<td>0.5%</td>
</tr>
<tr>
<td>Division 2</td>
<td>9,096</td>
<td>6,800</td>
<td>74.8%</td>
<td>836</td>
<td>9.2%</td>
<td>845</td>
<td>9.3%</td>
<td>616</td>
<td>6.8%</td>
</tr>
<tr>
<td>Division 3</td>
<td>10,051</td>
<td>8,219</td>
<td>81.8%</td>
<td>1,217</td>
<td>12.1%</td>
<td>557</td>
<td>5.5%</td>
<td>59</td>
<td>0.6%</td>
</tr>
<tr>
<td>Division 4</td>
<td>9,641</td>
<td>7,985</td>
<td>82.8%</td>
<td>931</td>
<td>9.7%</td>
<td>477</td>
<td>4.9%</td>
<td>249</td>
<td>2.6%</td>
</tr>
<tr>
<td>Division 5</td>
<td>8,340</td>
<td>6,636</td>
<td>79.6%</td>
<td>896</td>
<td>10.7%</td>
<td>522</td>
<td>6.3%</td>
<td>285</td>
<td>3.4%</td>
</tr>
</tbody>
</table>
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.
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 7th
- Redistricting 101 Presentation
- Consideration of Current Plan & 2020 Census

January 15th
- Hearing #1
- Consideration of Draft Maps and Current Map
- Public Hearing to receive input

February 18th
- Hearing #2
- Public Hearing to receive input
- Approval of Final Map