



December 14, 2021

Matthew H. Hymel
COUNTY ADMINISTRATOR

Daniel Eilerman
ASSISTANT COUNTY
ADMINISTRATOR

Angela Nicholson
ASSISTANT COUNTY
ADMINISTRATOR

Marin County Civic Center
3501 Civic Center Drive
Suite 325
San Rafael, CA 94903
415 473 6358 T
415 473 4104 F
CRS Dial 711
www.marincounty.org/cao

Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

SUBJECT: Adoption of ordinance setting actual boundaries in connection with the redistricting of supervisorial boundaries per the Final NDC Canal Map.

Dear Board Members:

RECOMMENDATION: Adopt ordinance setting the Final NDC Canal Map as actual boundaries, including delegation to the County Administrator to make any technical adjustments as necessary to facilitate implementation that do not substantively affect populations in the districts, eligibility of candidates, or residence of elected officials within any district.

SUMMARY

On December 7, your Board conducted the fourth and final public hearing regarding the decennial supervisorial redistricting process as required by the FAIR MAPS Act ([Elections Code sections 21500-21509](#)). After receiving all testimony, your Board selected NDC Canal Map A among three final presented options. These four formal hearings were in addition to several public workshops or public meetings in May, June and August 2021, as well as nine months of extensive bilingual outreach culminating in over 1,000 subscribers to our online updates available at www.redistrictmarin.org.

Last Tuesday's meeting was another opportunity to solicit feedback regarding the current district boundaries and considerations to take into account in redrawing supervisorial district lines. This process assures equal representation in compliance with the constitutional "one person, one-vote" principle and the Voting Rights Act by ensuring each supervisorial district is "substantially equal" in the number of residents.

It is important to note that your Board's legal deadline for adoption of a final map is December 15, 2021. While we outline the increased complexity and time constraints of the 2021 supervisorial redistricting process for all California counties later in this staff report, we are presenting today the Final NDC Canal Map and ordinance for your Board's adoption. On December 7, your Board directed staff to return today with two minor technical changes before adopting the final ordinance.

Hamilton Community Technical Change

First, your Board directed staff to make a technical modification to correct an error regarding Census Block No. 060411050022020, which was inadvertently included in San-Rafael based District 1 rather than its long-standing inclusion in Novato based District 5. There was no intent to change a small portion of the Hamilton Community of Novato. The error would likely have been identified and resolved by the Registrar of Voters consistent with delegated authority included in the

adopting ordinance, which allows staff to resolve technical corrections that do not result in any substantive change to public consideration of the approved plan.

Kent Woodlands Area Technical Change

Second, your Board directed staff to change two small areas in the Kent Woodlands area of Supervisorial District 2 to maintain their inclusion in District 2 despite initial recommendations to resolve minor census block changes that have occurred since 2010, which would otherwise relocate the areas to District 4.

The following census blocks are adjusted in the Final NDC Canal Map to be split to follow pre-existing current boundaries to maintain their previous tie to District 2: Census Blocks 060411311001035, 060411191005013, and 60411191005012. Similarly, these minor modifications affect few residents.

The Final NDC Canal Map presented herein is available for review at www.redistrictmarin.org, and the recommended adoption of the attached ordinance approving the Final NDC Canal Map as the actual boundaries includes the adjustments outlined above to the District 5 Hamilton Area (Census Block No. 060411050022020 from District 1 to its longstanding location in District 5), and the District 2 Kent Woodlands area (Blocks 060411311001035, 060411191005013, and 60411191005012 from District 4 to remain in District 2).

Today is the final opportunity for your Board to adopt the amended ordinance setting actual boundaries consistent with the legal deadline to adopt a final map by December 15, 2021. The County's demographer consultant, National Demographics Corporation (NDC), has taken into consideration all the public and Board feedback received throughout this year's redistricting process, while also prioritizing [the criteria](#) set forth in the FAIR MAPS Act, to arrive at today's options for review and your Board's final consideration.

Recent Law Changes, Late Census Data Complicate Process

As outlined during previous public sessions, recent legislation mandating more public hearings and specific, more extensive outreach strategies (see [AB 849 \(2019\)](#) and [AB 1276 \(2020\)](#)) increased the complexity of the 2021 supervisorial redistricting process for all California counties.

In addition, 2020 Census data were not released until August 12, 2021 - six months later than in prior redistricting efforts - due largely to extended Census response deadlines resulting from the COVID-19 pandemic. Pursuant to AB 849, the County was also required to wait for the state to adjust the Census Bureau figures to reallocate incarcerated felons from their place of incarceration back to their last known place of pre-incarceration residence; this affected Marin due to prisoners housed at San Quentin State Prison. The state released the adjusted data on September 21, 2021 with corrections September 27, 2021. Despite the significant delays in receiving the redistricting data, and the new procedural requirements of AB 849 and AB 1276, a final map is still required to be approved by your Board no later than December 15, 2021.

Current Districts are Population Balanced

The official adjusted 2020 population of Marin County is 258,553. Recall that the County's demographic consultants, NDC, analyzed the adjusted population data and found that the current supervisorial districts are population balanced with a

total deviation of 9.18 percent. Primarily due to the exclusion of the San Quentin population, current District 4 is significantly underpopulated (-6.63 percent) relative to the remaining districts, while District 1 (2.49 percent) and District 2 (2.55 percent) are the most overpopulated. Total deviations up to 10 percent are considered legally permissible provided the districts comply with the other criteria set forth in the FAIR MAPS Act.

Testimony Received to Date

After nine months of extensive bilingual outreach, public testimony received throughout the process included consistent interest in consideration of Spanish-speaking residents as a community of interest, especially in the Canal area of San Rafael and similar Spanish-speaking communities with more multi-family renter households, higher levels of immigrants, and lower household incomes. Written community input is available for review at www.redistrictmarin.org/draft-maps.

At recent public hearings, several residents spoke in support of initial map efforts to expand District 4 into the Lincoln Avenue Corridor of District 1 and portions of the Bret Harte and California Park neighborhoods of District 2 (see “[NDC Canal Map](#)”). This initial NDC Canal Map acknowledged the City of San Rafael’s 2018 at-large to district-based election efforts, in which the City adopted a new Canal Area District 1 to represent the Canal community of interest within the City.

Adoption of the Final NDC Canal Map is consistent with Board direction throughout the process to:

- Consider Spanish-speaking residents as a community of interest where feasible, especially in the Canal area of San Rafael and similar Spanish-speaking communities with more multi-family renter households, higher levels of immigrants, and lower household incomes;
- Consider options to reduce the maximum deviation from its current 9.18 percent, if possible, while also incorporating public testimony and complying with all of the criteria included in the FAIR MAPS Act; and
- Minimize the volume or extent of change to the extent feasible to avoid confusion to residents.

Final NDC Canal Map (including December 7 Board modifications)

The Final NDC Canal Map presents a total 2.94% deviation. In 2018 the City of San Rafael transitioned from at-large to district-based elections. During the process of establishing district boundaries, the City identified a community of interest surrounding the Canal neighborhood based on shared language, culture, income levels, multifamily housing, etc., which led to the City creating District 1 covering the Canal neighborhood, East San Rafael, and the “spine” of Lincoln Avenue (see Attachment 3 for reference).

The Final NDC Canal Map expands Supervisorial District 4 by following similar district boundaries as the City of San Rafael’s 2018 District 1, incorporating the Lincoln Avenue corridor from Supervisorial District 1 and also portions of the Bret Harte and California Park neighborhoods from Supervisorial District 2. This modification better unifies the Canal community of interest and aligns the County’s supervisorial district lines with San Rafael’s recently adopted (2018) council district for the Canal area. NDC was the City of San Rafael’s demographer in 2018 and is very familiar with the Canal area community of interest.

The Final NDC Canal Map is an attempt to mirror the City’s 2018 District 1 Canal District lines in Supervisorial District 4. Of note, the City of San Rafael has also submitted public correspondence highlighting its 2018 Canal District 1 process, specifically recommending the inclusion of the Lincoln Avenue corridor in Supervisorial District 4. While the Final NDC Canal Map is less compact due to the addition of the Lincoln Avenue “spine,” it complies with the FAIR MAPS Act which prioritizes community of interest considerations over compactness.

The Final NDC Canal Map, inclusive of the technical modifications affecting the Hamilton Community of Novato District 5 and small portions of the Kent Woodlands area of District 2, is recommended for your Board’s adoption this evening as it best reflects public testimony and addresses your Board’s overall direction by:

- Incorporating Spanish-speaking residents as a community of interest in the Canal area of San Rafael, mirroring San Rafael’s own District 1 established 3 years ago;
- Incorporating the most consistent public testimony received throughout the 2021 redistricting effort;
- Significantly reducing total population deviation from 9.18 percent to 2.94 percent;
- Complying with all of the criteria included in the FAIR MAPS Act; and
- Minimizing the volume or extent of changes to avoid confusion to residents.

The table below compares current supervisorial district population deviations with the Final NDC Canal Map:

	District 1	District 2	District 3	District 4	District 5	Total
Current Districts	2.49%	2.55%	1.14%	-6.63%	0.44%	9.18%
Final NDC Canal Map (As Adjusted Dec. 7)*	-1.80%	-0.53%	1.14%	0.46%	0.74%	2.94%

**Deviations among Districts 2 and 4 may change as technical adjustments of population are allocated among split census blocks in the Kent Woodlands area.*

RECOMMENDATION:

Staff recommends that your Board adopt the attached ordinance setting the Final NDC Canal Map as the actual boundaries. Your Board’s legal deadline for adoption of a final map in this year’s constrained decennial supervisorial redistricting process is December 15, 2021.

The ordinance includes delegation to the County Administrator or designee, in consultation with County Counsel, to make any technical adjustments as necessary to facilitate implementation that do not substantively affect populations in the districts, eligibility of candidates, or residence of elected officials within any district, in the event any census block errors are identified, or any tax rate areas are inadvertently split.

EQUITY IMPACT:

Redistricting is based on the idea of fair representation and the redistricting process allows the public to influence how communities are grouped together for the purposes of electing County Supervisors. Marin has historically been a slow-growth county with relatively small population changes. Preliminary review with our experts indicates that current boundaries meet all requirements that protect minority voting rights. Despite compliance with legal deviation standards, staff led a robust outreach effort to receive public feedback. NDC has considered all public input in the proposed adjusted supervisorial maps for your Board's consideration.

The Final NDC Canal Map incorporates testimony throughout the County's 2021 supervisorial redistricting process, and also testimony incorporated by the City of San Rafael three years ago regarding an identified community of interest surrounding the Canal neighborhood based on shared language, culture, income levels, multifamily housing, etc.

With equity as a principal focus of this year's process, inclusion of residents from the Lincoln Avenue corridor and portions of the Bret Harte and California Park neighborhoods into the exiting Canal area of District 4 is expected to enhance representation of those in the Canal area as a community of interest while adhering to all requirements of the FAIR MAPS Act and all other legal requirements.

FISCAL IMPACT:

There is no fiscal impact associated with this informational report and adoption of a final map option.

Submitted by:



Anna Guiles,
Strategic Projects Manager

Reviewed by:



Daniel Eilerman,
Assistant County Administrator

Attachments: Ordinance, including Exhibits A (Final NDC Canal Map) and B (List of Census Block Assignments)