



October 12, 2021

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SUBJECT: Public hearing to solicit testimony on current supervisorial districts, communities of interest, and other considerations to be taken into account in connection with the redistricting of supervisorial boundaries pursuant to the 2020 Census

Dear Board Members:

RECOMMENDATION: Conduct a public hearing and provide staff and consultant direction.

Introduction

At your Board meeting of May 25, staff and consultants introduced the 2021 supervisorial redistricting process for the County of Marin. At your Board meeting of June 15, the County's consultants provided an informational presentation regarding (1) the legal and policy criteria governing redistricting, and (2) the demographics of existing supervisorial districts based on the most recent estimates by the County's demographic consultant. Finally, at an informal Saturday workshop on August 21, staff and consultants provided further information regarding these topics to the public, answered questions, gave a tutorial on how to use the online mapping tools available on the County's redistricting website, www.redistrictmarin.org, and sought input from the public on communities of interest and other considerations related to the redistricting process. We invite the public to visit www.redistrictmarin.org for a wealth of information regarding the process, a calendar of events through December, links to online mapping tools, and more.

Today is the first of four public hearings on redistricting required by the FAIR MAPS Act (Elections Code sections 21500-21509). Pursuant to the Act, this first hearing is required to be conducted before the Board and its staff/consultants release any draft map or maps of the proposed supervisorial district boundary alterations. The purpose, accordingly, is to receive input from the public regarding the current district boundaries and considerations that should be taken into account in redrawing the lines, in particular the identification of communities of interest and neighborhoods in Marin County that should be included within a single supervisorial district for purposes of its effective and fair representation.

Background

The United States Constitution requires a count every 10 years of everyone residing in the country. Information from the Census helps determine where to locate schools, roads, hospitals, and other facilities; to make decisions regarding business growth and housing needs; and for geographically defining state legislative districts, which initiates a "redistricting" process that begins in the year following a Census.

Under state law, the release of the Census data also triggers the need for county officials to realign supervisorial districts, taking into account shifts in population growth since the last Census. Redrawing district lines 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.

Recent Law Changes, Late Census Data Complicate Process

As we outlined on May 25 and June 15, recent legislation mandating more public hearings and specific, more extensive outreach strategies (see [AB 849 \(2019\)](#) and [AB 1276 \(2020\)](#)) has 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. (The statutory deadline set by Congress is April 1, but the data for California have historically been released earlier.) This delay was due largely to extended Census response deadlines resulting from the COVID-19 pandemic. Moreover, pursuant to AB 849, the County was required to wait for the California Statewide Database at UC Berkeley 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 significantly affects Marin due to the prisoners housed at San Quentin State Prison. The state released the adjusted data on September 21, 2021.

Despite these 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.

Preliminary Demographics

The County’s demographic consultants, National Demographics Corporation (NDC), are processing the adjusted data released on September 20. NDC anticipates providing a final demographic analysis of the current districts at the second public hearing on October 26. Preliminary analysis based on the August 12 release by the Census Bureau indicates that the population “deviation” between the largest and smallest of the current districts may be less than the maximum 10 percent deviation permitted under federal and state law, but it is close enough that the final adjusted data may alter that conclusion. Primarily due to the exclusion of the San Quentin population, current District 4 is significantly underpopulated relative to the remaining districts, while Districts 1 and 2 are the most overpopulated.

Purpose of the Public Hearing

Regardless of whether the current map exceeds the 10 percent threshold, due to the adoption of new statutory redistricting criteria, the County must ensure that the district map that is used in 2022 and thereafter adhere to the following guidelines, in order of priority:

1. To the extent practicable, supervisorial districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
2. To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes

its division. A “community of interest” is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

3. To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.
4. Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.
5. To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Elections Code Section 21500(c)

AB 849 requires this first public hearing to be conducted prior to the publication of any proposed new maps; the chief focus of the hearing is to get feedback from the Board and the public regarding the current districts and any changes that would be appropriate to meet the criteria listed above. In particular, given the significance of communities of interest, staff and the consultants seek input from the public and the Board regarding what communities of interest should be unified in the supervisorial districts. In identifying any such communities of interest we are focused on areas whose residents:

- Have a common social or economic interest
- That has a connection to County policy
- Can be geographically described
- And that benefit from being in a single district

Public Outreach and Identifying Communities of Interest

Throughout the summer, staff has conducted outreach to raise awareness and encourage participation in the redistricting process. Outreach materials are designed in English, Spanish, and Vietnamese and are shared on the County’s social media pages. Email updates are sent regularly to community organizations that were previously engaged in the Census count efforts, as well as over 875 individual subscribers to the Redistrict Marin subscription list.

In addition to attending one of the four public hearings to provide comments, the public can also help the County identify communities of interest by providing written comments by e-mail, or by using the online mapping tools available on the County’s redistricting website, www.redistrictmarin.org. All public comments and draft maps received are posted on the Redistrict Marin website. Translation services for public hearings will be provided in Spanish and Vietnamese if requested by a member of the public at least 72 hours in advance of the meeting.

Equity Impact

Marin has historically been a slow-growth county with relatively small population changes. A preliminary review with our experts indicates that current boundaries are likely to meet all requirements that protect minority voting rights.

To support the public process, we have formed a diverse ad hoc working group to help ensure a thorough process, in concert with County staff and contracted legal and demographic expertise, to assure equal representation in compliance with the constitutional "one person, one-vote" principle and the Voting Rights Act. The members of this working group are tasked with:

- Serving as a policy sounding board to project staff and consultants;
- Reviewing potential map alternatives (when they become available);
- Providing feedback regarding outreach efforts; and
- Serving as a community champion to raise awareness of the County's redistricting initiative.

Fiscal Impact

There is no fiscal impact associated with this informational report. Staff will continue to report back to your Board as the 2021 redistricting process takes shape in the coming weeks at key intervals.

Submitted by:



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Reviewed by:



Daniel Eilerman
Assistant County Administrator

Attachments: Attachment A – Presentation