

December 7, 2021

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Honorable Board of Supervisors  
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**SUBJECT:** Public Hearing to present consultant's final draft plans, receive final input and testimony regarding supervisorial districts and communities of interest in connection with the redistricting of supervisorial boundaries, including three map options (NDC Canal Map A, A1 and A2) for final consideration, and adopt ordinance setting actual boundaries.

Dear Board Members:

**RECOMMENDATION:** Conduct public hearing, and adopt ordinance setting recommended NDC Canal Map A as the actual boundaries.

#### **SUMMARY**

On November 9, your Board conducted the third public hearing in a series of four for the decennial supervisorial redistricting process as required by the FAIR MAPS Act ([Elections Code sections 21500-21509](#)). The November 9 hearing was another opportunity to solicit feedback regarding the current district boundaries and considerations that should be taken 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.

The proposed maps presented at this evening's fourth public hearing, as well as all of the public testimony received to date, are available for review at [www.redistrictmarin.org](http://www.redistrictmarin.org). After three formal hearings and several additional public meetings, today's hearing is an opportunity for your Board to adopt an ordinance setting actual boundaries. 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.

**Due to legal noticing provisions required in the FAIR MAPS Act, we are recommending that your Board choose among the three options presented this evening.** The FAIR MAPS Act requires that any map option be posted publicly at least three (3) days in advance. While it is feasible to consider additional map revisions this evening to accommodate a potential fifth public hearing December 14, we are not recommending this path due to timeframe and resource constraints. Recall your Board's legal deadline for adoption of a final map is December 15, 2021. The increased complexity of the 2021 supervisorial redistricting process for all California counties is briefly reprised below.

**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. This delay was 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 the prisoners housed at San Quentin State Prison. The state released the adjusted data on September 21, 2021 and 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. Please refer to the table below for data on current supervisorial districts:

District	1	2	3	4	5	Total
<b>Total Population</b>	53,001	53,029	52,300	48,283	51,940	258,553
Deviation from ideal	1,290	1,318	589	-3,428	229	4,746
% Deviation	2.49%	2.55%	1.14%	-6.63%	0.44%	<b>9.18%</b>
% Hispanic	18.6%	13%	7%	31%	26%	19%
% NH White	65%	75%	76%	58%	58%	67%
% NH Black	2%	2%	3%	2%	3%	2%
% Asian-American	10%	7%	10%	7%	9%	9%

**Testimony Received to Date**

Public testimony received throughout the process has 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 received as

of November 30 is included in Attachment 1. At a summary level, input has largely focused on the following areas:

- Consider moving San Rafael's District 2 portion into District 1, resulting in San Rafael being represented by either District 1 or District 4;
- Consider adjusting the district lines around central San Rafael so that one district includes the Canal neighborhood and surrounding area which has a concentration of Spanish-speaking communities;
- Consider moving West Novato into District 5 and the Indian Valley neighborhood into District 4;
- Consider moving the Homestead Valley area and surrounding unincorporated areas around Mill Valley into District 3;
- Consider West Marin as a distinct area separate from the more populated, less rural, and less agricultural areas to its east; and
- Consider the benefits of District 2's representation of smaller towns or areas in a single district in the Ross Valley area;

Several members of the public have more specifically requested ensuring that parts of some neighborhoods in or around San Rafael be incorporated into one district to enhance the representation of Spanish-speaking residents in the Canal area. These suggested neighborhoods of San Rafael include:

- The Lincoln Avenue corridor or "spine" along Highway 101;
- Portions of the Bret Harte and California Park neighborhoods; and
- The Montecito/Happy Valley area.

At the November 9 hearing, 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. On November 9, some residents called for the County to expand these efforts by also including the Montecito/Happy Valley area of current Supervisorial District 1 into the County's Supervisorial District 4 for similar reasons (though San Rafael did not do so in 2018).

### **Board Direction**

Thus far in the process, and in response to public testimony, Board direction to staff and consultants has focused on the following:

- 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.

### **Adjusted Maps for Consideration**

Based on public testimony and Board feedback received to date, and following the criteria of the FAIR MAPS Act, NDC has prepared three map options for consideration by your Board (please see Attachment 2). In addition to the changes outlined below, each of the maps presented for consideration includes minor technical revisions to align census blocks that changed since the 2010 Census.

#### **Map A: NDC Canal Map (Recommended Option)**

Map A is the same "[NDC Canal Map A](#)" presented November 9 with a 2.65 percent total 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).

Recommended Map A 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 so is very familiar with the Canal area community of interest.

Recommended Map A 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 Map A 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.

Map A 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 just 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 2.65 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.

#### **Map A1: Adds the Montecito/Happy Valley Neighborhood to Map A**

[Map A1](#) supplements Map A above to cumulatively add the Montecito/Happy Valley area around San Rafael High School to the changes included in Map A. Doing so results in a Map A1 total deviation of 8.97 percent with an underpopulation of D1 (-4.88 percent) and an overpopulation of D4 (4.09 percent).

In short, Map A1 cumulatively adds more population to the underpopulated D4 but, in doing so, under populates D1 relative to the other four districts.

Public Map [73599](#), submitted on behalf of the Canal Alliance, also proposes the addition of the Montecito/Happy Valley neighborhood to the Canal area. While requested by some members of the community in public testimony, both Map A1 and Public Map [73599](#) depart from the City of San Rafael’s 2018 at-large to district-based elections effort in which the City created a new District 1 to represent the Canal. The City of San Rafael’s 2018 D1 does not include the Montecito/Happy Valley neighborhood in its Canal district (D1). Map [73599](#) includes other adjustments not included in the City’s 2018 definition of its D1 and more closely aligns with [Area 5](#) of the [San Rafael School Trustee Area map](#).

Demographically, it would also appear that the Montecito/Happy Valley area is not generally consistent with the Canal area. Please see a brief comparison below prepared by NDC utilizing the City of San Rafael's boundaries for the Montecito/Happy Valley area and the NDC Canal Map's Canal area as delineated within D4:

	Canal	Montecito/Happy Valley
2020 Total Pop	16,277	2,744
Total Pop % Hisp.	76%	28%
CVAP % Hisp.	34%	12%
Immigrants	46%	18%
Speak Spanish at Home	57%	21%
Income 0-75k	61%	54%
Income 75k-plus	39%	46%
Total population data from the California adjustment to the 2020 Decennial Census. Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2015-2019 American Community Survey and Special Tabulation 5-year data.		

**Map A2: Adds the Homestead Valley Area to Map A (in-lieu of Map A1)**

Finally, some members of the community have requested that the Homestead Valley area of District 4 be united with the City of Mill Valley into District 3. This option has also been described as an attempt to consolidate Zip Code 94941 into a single district (D3) as its own community of interest.

[Map A2](#), in-lieu of the adjustments proposed in Map A1 above, instead adds to Map A the Homestead Valley area of current D4 to D3, resulting in a total deviation of 7.64 percent. While Map A2 actually reduces population in an already underpopulated District 4, we present Map A2 to illustrate its effects as an additional option for your Board’s consideration. Map A2 results in a relatively overpopulated District 3, at 4.78 percent deviation, leaving District 4 the most underpopulated at -2.87 percent.

On the following page is a comparison of each NDC proposed map, comparing the total population deviations of recommended Map A to Map options A1 and A2 (with current district deviations included in red for reference):

	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%
Map A Recommended	-1.51%	-0.79%	1.14%	0.71%	0.44%	2.65%
Map A1 Option	-4.88%	-0.79%	1.14%	4.09%	0.44%	8.97%
Map A2 Option	0.25%	-0.79%	4.78%	-2.87%	-1.37%	7.64%

Additional Considerations

As the County’s population is already relatively balanced, significant changes are not legally required. However, Board direction November 9 resulted in removing a “no changes” map from consideration – leaving Map options A, A1 and A2 for final consideration this evening.

Additional public testimony included other proposals that, while considered, were not recommended to proceed. For example:

- Testimony suggesting that West Marin be recognized as its own community of interest or district is likely not feasible for its relative lack of population in a large geographical, rural and agricultural area (approximately 16,000 residents relative to the ideal population of 51,711).
- Options to incorporate the Indian Valley area of Novato District 5 into District 4 are eliminated as not being necessary in the context of remaining options, as well as to align with Board direction to minimize the scope of changes where possible to avoid confusion for residents.
- Public feedback about consolidating the number of supervisors representing the City of San Rafael is also likely not feasible due to the city’s large population.
- NDC also reviewed the possibility of incorporating both Maps A1 and A2 cumulatively to Map A above, however this option required extensive additional adjustments to achieve relative population equality (i.e., total deviation less than 10 percent). In short, the Canal Area adjustments in Map A, while largely retained, had to be apportioned to San Rafael District 1 (instead of expanding into District 4); Larkspur and Kentfield had to be moved to District 4; and Tiburon had to be split – all to accomplish a total deviation less than 10 percent. This map was not seriously considered by staff for its general departure from overall Board direction, particularly with respect to minimizing the volume of change to the extent feasible to avoid confusion to residents.

**RECOMMENDATION:**

Staff recommends that your Board consider the three alternatives presented this evening, and adopt an ordinance setting actual boundaries from one of the three map options presented (Map A, A1 or A2). **While each of the presented maps would be legally compliant, Map A is recommended by staff as best meeting your Board’s overall direction, while adhering to the FAIR MAPS Act and all other legal requirements, and also best incorporates testimony received from the public throughout the process.**

The FAIR MAPS Act requires that any map option be posted publicly at least three (3) days in advance. While it may be feasible to consider additional map revisions or options this evening to accommodate an additional public hearing December 14, this is not recommended by staff due to timeframe and resource constraints. Should your Board wish to adopt Map A1 or A2 this evening, staff

would need to return December 14 for a final hearing to adopt the appropriate ordinance and exhibits. Your Board’s legal deadline for adoption of a final map is December 15, 2021.

**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.

Recommended Map A 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.

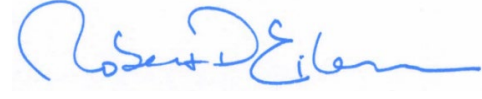
**FISCAL IMPACT:**

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

Submitted by:

  
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Reviewed by:

  
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- Attachments: Ordinance  
Attachment 1 – Written Community Input  
Attachment 2 – Final Adjusted Maps – Maps A, A1, A2  
Attachment 3 – City of San Rafael 2018 Districting Map Canal 3B